

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2655

HOUSE OF REPRESENTATIVES	
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Introduced by Honorable Luis Jose Angel N. Campos, Jr.

EXPLANATORY NOTE

As expressly provided for under Section 16, Article II of the Constitution, it is declared state policy that "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

The use of plastic bags is known to be a cause for clogging drains thereby causing floods, increasing amounts of litter on the streets, irreversible damage to our natural environment, death of animals, and the seeping of harmful chemicals into our soil thereby adversely affecting crops and other plants.

The foregoing disastrous effects are only increasing as our consumption and spending increases since plastic bags are used in the daily buying and selling of products.

Several local government units have taken recognition of the harmful effects of plastic bags on the environment and have passed local ordinances to regulate the use of plastic bags within their jurisdiction.

However, the entire country must act for only a collective national effort can prevent our increasing use of plastic bags which in turn results in higher flood levels, more trash on landfills, a suffering biological system and further climate change.

This bill seeks to control the use of plastic bags and mandates the use of more environmentally friendly bags that are also non-toxic in order to prevent further decay of the environment and an impending hazard to the health of the country's inhabitants.

In order to prevent further damage to our environment and further irreversible damage on the earth's ecological and biological systems the passage of this bill is earnestly sought.



LUIS JOSE ANGEL N. CAMPOS, JR.

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House Bill No. 2655

Introduced by Honorable Luis Jose Angel N. Campos, Jr.

AN ACT TO REGULATE THE PRODUCTION, IMPORTATION, SALE, USE, RECYCLING, AND DISPOSITION OF PLASTIC BAGS, PROMOTING THE USE OF NATIVE REUSABLE BAGS, PROVIDING A MECHANISM FOR THE RECOVERY AND COLLECTION OF PLASTIC BAGS, AND APPROPRIATING FUNDS THEREFOR.

Be it enacted by the Senate and the House of Representative of the Republic of the Philippine in Congress assembled:

1 **SECTION 1.** Short Title. - This Act shall be known as the "PLASTIC
2 BAGS REGULATION ACT OF 2016".
3

4 **SECTION 2.** Declaration of Policy. - It is hereby declared the policy of
5 the state to protect and promote the right of the people to a balanced and
6 healthful ecology, the right to health, and to protect consumers from
7 substandard or hazardous products. It is also hereby declared the policy of
8 the State to protect the physical, moral and social well-being of its citizen by
9 ensuring the use of non-toxic and non-hazardous materials in commerce
10 and trade. Towards this end, the State shall regulate the manufacture, use,
11 recycling, and disposition of plastic bags.
12

13 **SECTION 3.** Definition of Terms. - For the purpose of this Act, the
14 following terms shall be defined as follows:
15

16 a) *Biodegradable plastic bag* refers to a plastic bag that is made of
17 compostable material and biodegrades through the action of naturally
18 occurring microorganisms such as bacteria, fungi, and algae. Such
19 plastic bags shall, have a ninety percent (90%) biodegradation in less
20 than 6 months where organic carbon is converted to carbon dioxide
21 without leaving significant harmful residue.
22

23 This definition shall not include degradable bags (such as
24 oxo-bio) which, only breakdown into smaller pieces of plastic. Such

1 degradable bags shall be considered as plastic bags as defined under
2 this Act.

3

4 b) *Consumer* refers to any person or group of persons who makes a
5 purchase or completes a transaction in any point-of-sale store or
6 establishment.

7

8 c) *Department* refers to the Department of Environment and Natural
9 Resources (DENR), unless specified otherwise.

10

11 d) *Manufacturer* refers to a duly accredited person, company, or
12 association of companies in control of, or habitually engaged in the
13 business or related business of manufacturing, producing,
14 distributing, or redistribution of plastic bags, as defined in the Act. In
15 case of imported plastic bags, the manufacturer's representative or, in
16 his absence, the importer shall be deemed the manufacturer for
17 purposes of implementing this Act.

18

19 e) *Operator* refers to a person or group of persons in control of, or
20 having daily responsibility for the operations of the point-of-sale
21 store.

22

23 f) *Philippine National Standards (PNS)*, refers to the national
24 standard approved by the Technical Committee under the Bureau of
25 Products Standard of the Department of Trade and Industry (DTI).

26

27 g) *Plastic bag* refers to a polymer bag or a bag made in whole or in
28 part of polyethylene, polypropylene, and polycarbon, among others,
29 and designed to be provided or utilized at the point of sale store for
30 carrying or transporting goods or items. This definition includes
31 single-use carry-out bags.

32

33 h) *Point-of-sale store* refers to any store, retail/wholesale
34 establishment, kiosk, market stall, supermarket, side-walk or
35 ambulant vendor stalls, and other similar and analogous businesses
36 that trade or sell goods, items, and merchandise, whether consumable
37 or non-consumable.

38

39 i) *Recyclable paper carry-out bag* refers to a paper bag that meets all
40 of the following requirements:

- 41
- 42 i. Contains no old growth fiber;
- 43 ii. One hundred percent (100%) recyclable overall and contains a
44 minimum of forty percent (40%) postconsumer recycled
45 material without lamination or wax;

- 1 iii. Capable of composting and is biodegradable;
- 2 iv. Accepted for recycling;
- 3 v. Has printed on the bag the name of the manufacturer, the
- 4 location where the bag was manufactured, and the percentage
- 5 of postconsumer recycled material used; and,
- 6 vi. Displays the words "Please Recycle" in a highly visible manner
- 7 on the outside of the bag.

8
9 j) *Reusable bag* refers to any shopping bag used for carrying or
10 transporting goods or items, which can be used several times. This
11 shall include those made of materials such as *cloth, cotton, pandan,*
12 *cheese cloth, coco cloth, abaca, buri, water lily*, and the like, and those
13 made with recycled materials.

14
15 Such reusable bag shall also be specifically designed and
16 manufactured for multiple re-use and meets all of the following
17 requirements:

- 19 i. Has a minimum lifetime of 125 uses, which for purposes of this
20 subsection, means the capability of carrying a minimum of 10
21 kilograms 125 times over a distance of at least 50 meters;
- 22 ii. Has a minimum volume of 15 liters;
- 23 iii. Machine washable or capable of being cleaned and disinfected;
24 and,
- 25 iv. Does not contain any toxic or harmful substance or chemical
26 such as but not limited to lead, cadmium, or any other heavy
27 metal as provided for by existing rules and regulations by the
28 Department.

29
30 **SECTION 4.** Scope. - This Act shall apply to the manufacture, use,
31 recycling, and disposition of all plastic bags used in trade or commerce, in
32 all establishments, stores, outlets, point-of-sale areas, as well as cafeterias,
33 canteens, and other food establishments wherever located in the
34 Philippines.

35
36 **SECTION 5.** Prohibition on the Use of Plastic Bags. - A point-of-sale
37 store shall be prohibited from providing the consumer with plastic bags for
38 the purpose of carrying or transporting items or products purchased by the
39 said consumer.

40
41 **SECTION 6.** Exceptions. — Plastic bags solely used to contain the
42 following are exempted from the above prohibition: i) fresh fish and fresh
43 fish products; ii) fresh meat or fresh meat products; and, iii) fresh poultry
44 and fresh poultry products.

1 Provided, that each plastic bag shall be subject to the levy as
2 prescribed by Section 8.

3
4 Provided further, that the products above are not otherwise contained
5 in primary plastic packaging and where such plastic bags, with a minimum
6 thickness of 100 microns, is capable of being re-used for other useful
7 purposes.

8
9 This exemption shall apply only for a period of (1) year from the
10 effectivity of this Act.

11
12 For the purposes of implementation of this Act, primary plastic
13 packaging such as those used to pre-pack food items above, and primary
14 packaging used in the manufacturing of finished products for sale in the
15 general market shall be excluded from the prohibitions of this Act.

16
17 **SECTION 7.** Phase-out of Plastic Bags. - The prohibition in Section 5
18 on the use of plastic bags shall be in full force and effect within one (1) year
19 from the effectivity of the Act.

20
21 **SECTION 8.** Levy for the Use in the Interim Period. - In the interim
22 period, the following shall be implemented and enforced:

- 24 a) Within six (6) months from the effectivity of this Act, only
25 reusable bags, recyclable paper carry-out bags, and/or
26 biodegradable plastic bags shall be given by point-of-sale stores
27 for purchases made by consumers. The use of plastic bags as
28 defined in this Act shall be strictly prohibited.
- 30 b) Biodegradable plastic bags allowed under this Act shall have
31 printed on the bag the name of the manufacturer, the location
32 where the bag was manufactured, and shall have the following
33 clearly and legibly printed: "PLEASE RETURN TO ANY
34 DISTRIBUTING STORE AND RECYCLING CENTERS", or
35 translated in the applicable regional language, as the case may
36 be.
- 38 c) Plastic bags already manufactured and in circulation in the
39 general market shall be collected, recycled, and properly
40 disposed of by the manufacturers pursuant to the provisions of
41 this Act.
- 43 d) For each piece of biodegradable plastic bag or recyclable paper
44 carry-out bag used and given in (a) above, the point-of-sale
45 store shall charge to the consumer a minimum levy of five pesos

1 (Php.5.00).

- 2
- 3 e) The amount collected in (d) above by the point-of-sale store
4 shall be reflected in the official receipt of the consumer 50% of
5 the amount shall be kept by the point-of-sale store to cover the
6 cost of the reusable bags, while 50% shall be remitted to the
7 LGU with jurisdiction over the store to be used as a Special
8 Environment Fund created under this Act.
- 9

10 At the end of the six (6) month period in (a) above and upon full
11 effectivity of this Act, the further and continued use of biodegradable
12 plastic bags shall be strictly prohibited, and only reusable bags and/or
13 recyclable paper carry-out bags shall be used at all point-of-sale stores and
14 other covered establishments. Point-of-sale stores and plastic
15 manufacturers shall ensure that biodegradable plastic bags in the general
16 market are properly collected and disposed of.

17

18 **SECTION 9. Recycling of Used Plastic Bags.** - Used plastic bags, when
19 allowed by this Act or those manufactured or used before the Act's
20 effectivity, shall be recycled. It shall be the duty of the plastic manufacturers
21 to recycle the said plastic bags in a manner consistent with existing laws,
22 rules, and regulations, and ensuring that no harmful chemicals or
23 substances are released to the environment.

24

25 Point-of-sale stores shall serve as the collection points for used plastic
26 bags. LGUs and plastic manufacturers shall put systems and procedures in
27 place for the proper collection of the used plastic bags and its delivery to the
28 recycling centers.

29

30 It shall be the responsibility of the manufacturers that plastic bags
31 which they manufactured are properly collected, recycled, and disposed of
32 as the case may be.

33

34 Manufacturers shall also maintain records describing the recovery,
35 collection, transport, recycling of plastic bags collected annually and shall
36 make the records available to the Department and/or the local government
37 unit concerned, upon request, to demonstrate compliance with this Act.

38

39 **SECTION 10. Proper Disposal and Management of Plastic Wastes. —**
40 The disposal and management of plastic wastes shall be done in accordance
41 and pursuant to the provisions of R.A. 9003.

42

43 The Department, in coordination with the Department of Science and
44 Technology (DOST), shall develop the appropriate standards for the
45 disposal of plastic wastes, ensuring that zero emissions are achieved and no

1 harmful chemicals are released to the environment in the process.

2

3 **SECTION 11.** Promoting the Use of Native Reusable Bags and Those
4 Made with Recycled Materials. - The use of native reusable bags made of
5 organic materials such as cloth, cotton, pandan, cheese cloth, coco cloth,
6 abaca, buri, water lily, and the like, those made with recycled materials, and
7 reusable containers made of glass or non-toxic and hazardous materials,
8 shall be promoted and encouraged.

9

10 Point-of-sale stores shall be required to promote the use of reusable
11 bags. Advertisements and signages regarding the said promotion shall be
12 placed in conspicuous places within the premises of their store.

13

14 Point-of-sale stores shall also be mandated to provide for free and/or
15 to offer for sale at a reasonable price reusable bags as defined in this Act.

16

17 **SECTION 12.** Incentives for the Manufacture of Reusable Bags. –
18 The manufacture of reusable bags shall be supported and encouraged.

19

20 Individuals, cooperatives, partnerships, and corporations which
21 engage in the manufacture of reusable bags shall be given incentives
22 provided for under the Philippine Cooperative Code of 2008, The Barangay
23 Micro-Business Enterprise Act of 2002, The Magna Carta for Micro, Small,
24 and Medium Enterprises, or the Omnibus Investment Code of 1987, where
25 applicable. The DENR and DTI, in coordination with the Department of
26 Finance, shall provide technical and financial assistance to these
27 manufacturers.

28

29 LGUs are encouraged and shall be allowed to provide additional
30 benefits and incentives to manufacturer of reusable bags within their
31 jurisdiction, which shall be in addition to the benefits and incentives
32 provided for in the previous paragraph.

33

34 Nothing in this Act shall prohibit or limit the right of the said
35 manufacturers to be entitled to additional benefits and incentives which
36 may be given by new laws, rules, and regulations in the future.

37

38 **SECTION 13.** Program for Affected Employees and Workers of the
39 Plastic Industry. – The DTI, the Technical Education and Skills
40 Development Authority (TESDA), and the Department of Labor and
41 Employment (DOLE), in coordination with plastics manufacturers,
42 non-government and civil society organizations, and other concerned
43 stakeholders, shall conduct studies to determine the impact of this Act on
44 affected plastic industry employees and workers.

1 They shall develop a program for alternative livelihood opportunities
2 for the affected employees and workers, in areas such as recycling of used
3 plastic products and cottage industries for the manufacture of reusable
4 bags, among others.

5
6 **SECTION 14.** Use of Reusable Bags and Paper Bags in lieu of Plastic
7 Bags. - Upon the full implementation of this Act, point-of-sale stores shall be
8 allowed to provide consumers and customers with reusable bags as
9 provided for in Section 11 of this Act, and paper bags for purchased goods
10 and items, provided that the paper bag is a recyclable paper carry-out bag
11 as defined in this Act.

12
13 A minimum levy of four pesos (Php. 4.00) per paper bag used shall be
14 charged to the consumer by the point-of-sale store.

15
16 **SECTION 15.** Lead Implementing Agency. - The Department shall be
17 the lead implementing agency for this Act. The Department shall closely
18 coordinate with other government agencies such as but not limited to the
19 DTI, the Department of Health (DOH), the Department of the Interior and
20 Local Government (DILG), the Department of Public Works and Highways
21 (DPWH), the Department of Education (DepEd), DOLE, and TESDA,
22 among others.

23
24 **SECTION 16.** Role of the National Solid Waste Management
25 Commission (NSWMC). -The NSWMC created pursuant to Section 4 of R.A.
26 9003 shall, in addition to its functions under the said law, aid and assist in
27 the implementation and enforcement of its Act.

28
29 The NSWMC is hereby mandated to conduct studies to ensure the
30 harmonious implementation of this Act with R.A. 9003.

31
32 The concerned departments and agencies are hereby mandated and
33 directed to provide the necessary financial and manpower resources to
34 enable the NSWMC to perform its additional functions under this Act.

35
36 **SECTION 17.** Role of the Department of Science and Technology
37 (DOST). - The DOST shall conduct studies to determine the proper and
38 environmentally acceptable kinds of biodegradable plastic and paper bags.
39 It shall include in the PNS the specifications of the said products, taking into
40 consideration existing and available best technologies and internationally
41 mandated and accepted standards, and in accordance with the provisions,
42 mandates, and standards of this Act.

43
44 The DOST, in coordination with the National Ecology Center, shall
45 provide the LGUs with technical assistance, trainings, and continuing

1 capability-building programs to attain the objectives of this Act.
2

3 The DOST shall also provide assistance to the Department and the
4 manufacturers for the implementation of this Act, particularly as regards
5 the proper recycling and disposition of used plastic bags, and developing
6 more environmentally friendly types of plastic used as primary packaging
7 materials, among others .
8

9 **SECTION 18.** Role of LGUs and Other Stakeholders. - LGUs shall
10 have the primary responsibility in the effort to decrease the percentage of
11 plastic bag waste produced within their respective jurisdictions. They shall
12 also be primarily responsible for the enforcement of the prohibitions of this
13 Act and the monitoring of the collection of recyclable used plastic- bags by
14 manufacturers.
15

16 Other stakeholders, such as but not limited to business groups,
17 consumers groups, and non-government organizations are encouraged to
18 support the implementation of this Act.
19

20 The composition of the NSWMC under R.A. 9003 is hereby expanded
21 to include, as a member from the private sector, a representative from the
22 cottage industry and manufacturers of reusable and recyclable bags.
23

24 **SECTION 19.** Effect on LGU Ordinances Effective Before or After
25 Effectivity of this Act. — LGU ordinances in relation to this Act, such as
26 bans and prohibitions on the use of plastic bags, promulgated and enforced
27 prior to the effectivity of this Act shall remain valid and subsisting. The said
28 LGUs are encouraged to amend their respective ordinances to be in line
29 with the provisions and mandates of this Act.
30

31 LGUs that do not have ordinances enacted upon the effectivity of this
32 Act are also encouraged to enact their respective ordinances to complement
33 and implement the provisions and implementation of this Act.
34

35 The provisions, mandates, and directives of this Act shall serve as
36 minimum standards and stipulations for LGU ordinances. Nothing in this
37 Act shall be construed as limiting the authority of LGUs to enact ordinances
38 which provide for stricter measures and standards than those provided for
39 in this Act.
40

41 **SECTION 20.** Compliance with Philippine National Standards (PNS).
42 - Products and items referred to in this act, such as plastic bags, reusable
43 bags, and paper bags, shall comply with the rules and processes of the
44 Bureau of Product Standards of the DTI in collaboration with the other
45 relevant government agencies such as the DOH and DENR to

1 harmonize/upgrade with existing standards, where applicable.

2

3 **SECTION 21.** Labeling Requirements. - Plastic and paper products as
4 defined and used under this Act shall be appropriately and properly
5 labeled to be biodegradable, non-biodegradable, or recyclable, as the case
6 may be. Labels shall also include the name of the manufacturer, the location
7 where the bag was manufactured, the percentage of postconsumer recycled
8 material used, and an indication of the materials, chemicals, and substances
9 used to manufacture the said product. Said products shall also comply with
10 any rules or regulations on product labeling as required by R.A. 7894, or the
11 Consumer Act of the Philippines.

12

13 The Department, in coordination with the DTI, shall determine the
14 proper manner of labeling, and shall periodically review the same. In
15 addition, the DTI shall certify as true and correct the labels used by
16 manufacturers, and only those products with the proper certification shall
17 be allowed into the market.

18

19 Violators of this section shall be meted the same penalties as those
20 provided for mislabeled or improperly labeled products in R.A. 7394, and
21 as the case may be, under R.A. 3740, or An Act to Penalize Fraudulent
22 Advertising, Mislabeling, or Misbranding of Any Products. Bonds, Stocks,
23 etc. In addition, products not properly labeled shall not be allowed into the
24 market and shall be confiscated by the authorities concerned.

25

26 **SECTION 22.** Monitoring and Market Inspection. The Department
27 and DTI, in coordination with the LGUs and local law enforcement
28 agencies, shall cause the regular and routine inspection and monitoring of
29 point-of-sale stores and facilities of plastic manufacturers to determine
30 compliance with this Act. Inspection and monitoring shall include the
31 following:

- 32
- 33 a) Enter or access to the premises of operation and business,
34 including storage rooms and stockrooms;
- 35 b) Inspect off-site storage facilities, distribution centers, and
36 transshipment points; and,
- 37 c) Inspect sanitary landfills to determine if only residual plastic
38 products are being disposed of.

39

40 **SECTION 23.** Certification. – The LGUs concerned, after the conduct
41 of a thorough examination and inspection, shall issue the necessary
42 certificate to show whether or not the point-of-sale store and the plastic
43 manufacturer are compliant with the mandates and directives of this Act.

1 The said LGU Certification shall be a requirement for the renewal of
2 any local permits after the effectivity of this Act.
3

4 **SECTION 24.** Information and Education Campaign. The
5 Department, in coordination with the LGUs, the DILG, the DepEd, the
6 Commission on Higher Education (CHED), and the Public Information
7 Agency (PIA), shall conduct a continuing information and education
8 campaign on the proper regulation of plastic bags in the country.
9

10 Such campaign shall be incorporated in and shall be in addition to the
11 public information and education campaign under Section 55 of R.A. No.
12 9003.
13

14 **SECTION 25.** Penalties and Sanctions. - Violations of this Act shall be
15 imposed the following penalties:
16

17 a) For Micro, Small and Medium Enterprises as defined in R.A.
18 6977, as amended, Barangay Micro Business Enterprises under R.A. 9178,
19 and all other enterprises and establishments not otherwise value-added tax
20 (VAT) registered, the following penalties shall be imposed:
21

- 22 i. *First Offense* - A fine of five thousand pesos (Php. 5,000.00);
23 ii. *Second Offense* - A fine of twenty five thousand pesos (Php.
24 25,000.00) and suspension of its business permit for three (3)
25 months;
26 iii. *Third Offense* - A fine of fifty thousand pesos (Php. 50,000.00)
27 and suspension of its business permit for one (1) year; and,
28 iv. *Fourth Offense* – A fine of one hundred thousand pesos (Php.
29 100,000.00) and permanent suspension of its business permit.
30 The said business permit shall not be eligible for renewed
31 application for a period of five (5) years. Thereafter, the LGU
32 concerned may grant the said store with a business permit,
33 provided, its operator can show steps and measures will be put
34 in place to comply with this Act. A further violation after the
35 issuance of a new business permit shall perpetually bar the said
36 operator from conducting its business in the LGU concerned.
37

38 b) For VAT registered stores, establishments, and enterprises, and
39 for all plastic manufacturers found violating this Act the following penalties
40 shall be imposed:
41

- 42 i. *First Offense* - A fine of fifty thousand pesos (Php. 50,000.00);
43 ii. *Second Offense* - A fine of one hundred thousand pesos (Php.
44 100,000.00) and suspension of its business permit for three (3)
45 months;

- 1 iii. *Third Offense* - A fine of two hundred fifty thousand pesos (Php.
2 250,000.00) and suspension of its business permit for one (1)
3 year; and,
4 iv. *Fourth Offense* - A fine of five hundred thousand pesos (Php.
5 500,000.00) and permanent suspension of its business permit.
6 The said business permit shall not be eligible for renewed
7 application for a period of 5 years. Thereafter, the LGU
8 concerned may grant the said store with a business permit,
9 provided its operator can show steps and measures will be put
10 in place to comply with this Act. A further violation after the
11 issuance of a new business permit shall perpetually bar the said
12 operator from conducting its business in the LGU concerned.
13

14 If the offender in (a) or (b) above is a corporation, trust or firm,
15 partnership, association or any other entity, the penalty shall be imposed on
16 the entity's responsible officers including, but not limited to, the president,
17 chief executive officer, general manager, managing director or partner
18 directly responsible thereof.

19 In addition, if the offender in (a) or (b) above is a foreigner or a foreign
20 juridical entity, he/she shall, after payment of the fine, be summarily
21 deported and forever banned from entering the country.

22 **SECTION 26.** Administrative Sanctions. - Local government officials
23 and officials of government agencies concerned who fail to comply with
24 and enforce this Act shall be administratively charged in accordance with
25 R.A. 7160 and other existing laws, rules, and regulations.

26 **SECTION 27.** LGU Special Environmental Fund for Plastic Bag
27 Regulation. - A Special Environmental Fund for Plastic Bag Regulation
28 (hereinafter referred to as the Fund) is hereby created, to be composed of
29 levies, fees, and fines collected pursuant to the implementation and
30 enforcement of this Act. The Fund shall be exclusively used for the
31 following:

- 32 a) Improve the capacity of LGUs, and local law enforcement
33 agencies for the implementation of this Act;
34 b) Conduct of information and education campaigns on plastic
35 bags regulation and related environmental awareness measures;
36 c) Assistance and provision of incentives for manufacturers and
37 community-based initiatives for the production of native
38 reusable bags, as well as for non-government and civil society
39 organizations promoting proper solid waste management; and,
40 d) Additional provisions for the Solid Waste Management Fund
41 under R.A. 9003.

1 **SECTION 28.** Appropriations. - Such amount as may be necessary to
2 implement the provisions of this Act is hereby included in the annual
3 appropriations of the DENR and other implementing agencies under the
4 General Appropriations Act (GAA).

5
6 **SECTION 29.** Access to Information/Public Disclosure
7 Requirements. - The public shall have access to records, reports, or
8 information concerning the implementation and mandates of this Act.
9

10 Such documents shall be available for inspection or reproduction
11 during normal business hours; Provided, that the DENR or the concerned
12 LGU may consider a record, report or information or particular portions
13 thereof confidential and may not be made public when such would divulge
14 trade secrets, production or sales figures or methods, production or
15 processes unique to such manufacturer, seller, or distributor, or would
16 otherwise tend to affect adversely the competitive position of such
17 manufacturer, seller or distributor.
18

19 **SECTION 30.** Citizens Suit. - For the purposes of enforcing the
20 provisions of this Act or its implementing rules and regulations, any citizen
21 may file an appropriate civil, criminal, or administrative action in the
22 proper courts/bodies against:

- 23
- 24 a) Any person who violates or fails to comply with the provisions
25 of this act and its implementing rules and regulations;
 - 26
 - 27 b) The department or other implementing agencies with respect to
28 orders, rules and regulations issued inconsistent with this act;
 - 29
 - 30 c) Any public officer who willfully or grossly neglects the
31 performance of an act specifically enjoined as a duty by this act
32 or its implementing rules and regulations; or abuses his
33 authority in the performance of his duty; or, in any manner
34 improperly performs his duties under this act or its
35 implementing rules and regulations; Provided, however, that no
36 suit can be filed until after a thirty day (30) notice has been given
37 to the public officer and the alleged violator concerned and no
38 appropriate action has been taken thereon.

39

40 The court shall exempt such action from the payment of filing fees
41 and statements likewise, upon prima facie showing of the non-enforcement
42 or violation complained of, exempt the plaintiff from the filing of an
43 injunction bond for the issuance of preliminary injunction.
44

1 In the event that the citizen should prevail, the court shall award
2 reasonable attorney's fees, moral damages and litigation costs as
3 appropriate.

4

5 **SECTION 31.** Suits and Strategic Legal Action against Public
6 Participation (SLAPP). - Where a suit is brought against a person who filed
7 an action as provided in Section 28 of this Act, or against any person,
8 institution or government agency that implements this act or any other
9 consumer related laws, rules, and regulations, it shall be the duty of the
10 investigating prosecutor or the court, as the case may be, to immediately
11 make a determination within not exceeding thirty (30) days whether said
12 legal action has been filed to harass, vex, exert undue pressure or stifle such
13 legal recourses of the person complaining or enforcing the provisions of this
14 act. Upon determination thereof, evidence warranting the same, the court
15 shall dismiss the case and award the attorney's fees and double damages.

16

17 This provision shall also apply and benefit public officers who are
18 sued for acts committed in their official capacity, there being no grave abuse
19 of authority, and done in the course of enforcing this Act, its rules,
20 regulations, and guidelines.

21

22 **SECTION 32.** Congressional Oversight Committee. - The Joint
23 Congressional Oversight Committee created under Section 60 of R.A. No.
24 9003 shall also have the power to monitor and evaluate the implementation
25 of this Act.

26

27 **SECTION 33.** Implementing Rules. - The Department, in coordination
28 with the DTI, DILG, and the concerned government agencies and
29 representatives of LGU organizations shall issue the Implementing Rules
30 and Regulations within sixty (60) days after the effectivity of this Act.

31

32 **SECTION 34.** Construction. - The best interests of the consumer and
33 the right to a healthful and balanced ecology shall be considered in the
34 construction and interpretation of this act and it's implementing rules and
35 regulations (IRR).

36

37 **SECTION 35.** Separability Clause. - If, for any reason, a provision or
38 part hereof is declared invalid or unconstitutional, the other provisions not
39 affected thereby shall remain in full force and effect.

40

41 **SECTION 36.** Repealing Clause. - All laws, decrees, executive
42 issuances, rules and regulations or parts thereof inconsistent with the
43 provisions of this Act are hereby repealed, amended, or modified
44 accordingly.

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2 **SECTION 37.** Effectivity Clause. - This Act shall take effect fifteen (15)
3 days after its publication in any newspaper of general circulation.
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5 Approved,