

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

H.B. No. 5489



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Introduced by HON. RODRIGO A. ABELLANOSA

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**EXPLANATORY NOTE**

Despite the passage of Republic Act No. 9003 or the "Ecological Solid Waste Management Act of 2000," a 2015 report on plastic pollution entitled, "Stemming the Tide: Land-based strategies for a plastic-free ocean" by the Ocean Conservancy charity and the McKinsey Centre for Business and Environment still identified the Philippines as the third among five countries that contribute more than half of the world's land-based plastic-waste leakage, trailing behind only China and Indonesia. With 2.7 million metric tons of plastic waste generated by the Philippines every year, almost half a million tons of plastic are carried into our oceans annually.<sup>1</sup>

Even the National Solid Waste Management Status Report of CY 2008-2018 issued by the Environmental Management Bureau indicates that 10.55% of the total weight of solid wastes in the country come from plastic waste.<sup>2</sup>

These statistics pose quite a cause for concern and are compounded by a fact that we are all aware of: that plastic materials take up to thousands of years to finally decompose. This bill, therefore, seeks to prohibit the production, importation, sale, provision, and use of single-use plastics to address this growing problem of plastic waste proliferation, pursuant the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

There is no better time for all of us to look after our environment than right now. Let us take that first step and ban single-use plastics.

In view of the foregoing, passage of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read "Rodrigo A. Abellanos".

**RODRIGO A. ABELLANOSA**

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<sup>1</sup> <https://oceanconservancy.org/wp-content/uploads/2017/04/full-report-stemming-the.pdf>

<sup>2</sup> <https://emb.gov.ph/wp-content/uploads/2019/08/National-Solid-Waste-Management-Status-Report-2008-2018.pdf>

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AN ACT  
PROHIBITING THE PRODUCTION, IMPORTATION, SALE, PROVISION,  
AND USE OF SINGLE-USE PLASTICS AND FOR OTHER PURPOSES

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. *Short title.*** – This Act shall be known as the “*Ban on Single-Use Plastics Act.*”

**SEC. 2. *Declaration of policy.*** – It is the declared policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

**SEC. 3. *Definition of terms.*** – For purposes of this Act:

- (a) *Single-Use Plastics* refer to disposable plastics, which are used only once before they are thrown away or recycled. The term includes, but shall not be limited to, disposable plastic bags, straws, coffee stirrers, soda and water bottles and food and non-food plastic packaging materials.
- (b) *Covered establishment* refers to:
  - i. an establishment or cluster of establishments engaged in the production, manufacturing and importation of single-use plastic materials; or
  - ii. an establishment or cluster of establishments engaged in the commerce or sales of goods or services including, but not limited to, market stores, shopping mall outlets, supermarkets, department stores, groceries, convenience stores, food chains, restaurants, cafes, bars and sari-sari stores.
- (c) *Department* refers to the Department of Environment and Natural Resources (DENR).
- (d) *Operator* refers to a person or group of persons in control of the ownership and daily operation of a covered establishment and which may include, but not limited to, the owner thereof.

**SEC. 4. *Ban on single-use plastics.*** – Within a period of three (3) years from the effectivity of this Act, single-use plastics shall be gradually phased out. Thereafter, production, importation, sale, distribution, provision or use of such plastic materials shall be prohibited and shall subject the person(s) or the covered establishment(s), as well as its operator, concerned to penalties.



**SEC. 5. *Interim charge for the purchase and use of single-use plastics in covered establishments.*** During the interim period of three (3) years, wherein the gradual phase-out of single-use plastics shall take effect, covered establishments shall charge customers in the amount of:

- a) P20 for those who want to buy and use single-use plastic bags;
- b) P10 for the purchase and use of single-use plastic food and non-food packaging materials or containers, soda and water bottles; and
- c) P5 for the purchase and use of single-use plastic utensils, such as straws, coffee stirrers, spoon and fork.

The implementing rules and regulations shall specify further the charge to be imposed, during the interim period, for the purchase and use of single-use plastic items and materials which are not mentioned in this Act.

Non-enforcement of these charges for the purchase and use of single-use plastics in covered establishments shall be meted with penalties to be imposed against the responsible person(s) and covered establishment(s), including its operator.

**SEC. 6. *Lead agency.*** – The Department, unless otherwise provided herein, shall be the primary government agency that will be responsible for the implementation and enforcement of this Act.

**SEC. 7. *Linkage mechanism.*** – The Department, in coordination with the Department of Trade and Industry (DTI) and the National Solid Waste Management Commission (NSWMC), shall consult, and enter into an agreement with concerned government agencies, local government units, non-governmental organizations (NGOs), people's organizations (POs) and/or private enterprises in furtherance of the objectives of this Act.

**SEC. 8. *Role of Local Government Units (LGUs).*** – In the effort to ensure strict enforcement of this Act, the LGUs shall have the primary responsibility to implement its provisions within their respective territorial jurisdictions.

In connection with this duty, the LGUs may enjoin the participation of other concerned government agencies, private organizations and industries.

The Department of Science and Technology (DOST), in coordination with the National Ecology Center (NEC), shall provide the LGUs with technical assistance, trainings and continuing capability-building programs to attain the objectives of this Act.

**SEC. 9. *Penalty for violation of Section 4.*** – The violation of Section 4 of this Act shall be penalized in the following manner:

- (a) A fine not exceeding One hundred thousand pesos (P100,000.00) for the first offense;
- (b) A fine of more than One hundred thousand pesos (P100,000.00) but not exceeding Two hundred fifty thousand pesos (P250,000.00) for the second offense;
- (c) A fine of more than Two hundred fifty thousand pesos (P250,000.00) but not exceeding Five hundred thousand pesos (P500,000.00) for the third offense; and
- (d) A fine of more than five hundred thousand pesos (P500,000.00) but not exceeding seven hundred fifty thousand pesos (P750,000.00) and automatic revocation of its business permit for the fourth offense.

Fines shall be imposed based on the capitalization of covered establishments. For this purpose, the Department shall establish such classification of covered establishments.

For purposes of the imposition of appropriate fines hereof, the Department shall establish classification of covered establishments based on their capitalization. Any fine collected pursuant to this section shall be allocated as follows:



- a) 80% to the barangay where the establishment is located, in order to augment its waste management capability; and
- b) 20% to the national government.

**SEC. 10. *Penalty for violation of Section 5.*** – The violation of Section 5 of this Act shall be penalized in the following manner:

- (a) A fine not exceeding one hundred thousand pesos (P100,000.00) for the first offense;
- (b) A fine of more than one hundred thousand pesos (P100,000.00) but not exceeding one hundred fifty thousand pesos (P150,000.00) for the second offense;
- (c) A fine of more than one hundred fifty thousand pesos (P150,000.00) but not exceeding three hundred thousand pesos (P300,000.00) for the third offense; and
- (d) A fine of more than three hundred thousand pesos (P300,000.00) but not exceeding five hundred thousand pesos (P500,000.00) and automatic revocation of its business permit for the fourth offense.

Fines shall be imposed based on the capitalization of covered establishments. For this purpose, the Department shall establish such classification of covered establishments.

For purposes of the imposition of appropriate fines hereof, the Department shall establish classification of covered establishments based on their capitalization. Any fine collected pursuant to this section shall be allocated as follows:

- a) 80% to the barangay where the establishment is located, in order to augment its waste management capability; and
- b) 20% to the national government.

**SEC. 11. *Administrative action.*** – Without prejudice to the right of any person to file an administrative action, the Department shall, on its own instance or upon verified complaint by any person, institute administrative proceedings in the proper forum against any natural or juridical person who violates this Act with respect to:

- (a) Standards and limitations provided by this Act; or
- (b) Such order, rule or regulation issued by the Department with respect to such standard or limitation.

**SEC. 12. *Independence of action.*** – The filing of an administrative suit against such person or entity does not preclude the right of any other person to file any criminal or civil action.

**SEC. 13. *Enforcement.*** – The enforcement of penal provisions of this Act shall be made through the Department, in coordination with the Office of the Mayor of the LGU concerned.

**SEC. 14. *Joint congressional oversight committee.*** – The Joint Congressional Oversight Committee created under Section 60 of Republic Act No. 9003, otherwise known as the “Ecological Solid Waste Management Act of 2000,” shall likewise monitor the implementation of this Act and review the implementing rules and regulations promulgated by the Department.

**SEC. 15. *Implementing rules and regulations.*** – The DENR, in coordination with the DTI, the NSWMC, other relevant government agencies and concerned non-governmental organizations (NGOs) or people’s organizations (POs) or private enterprises, shall within three (3) months from the effectivity of this Act, promulgate the implementing rules and regulations (IRR) governing this Act.

**SEC. 16. *Appropriations.*** – The amount necessary to carry out the provisions of this Act shall be charged against the current year’s appropriations of the concerned agencies. Thereafter, such sums as may be necessary for the operation and maintenance of this Act shall be included in the General Appropriations Act.

**SEC. 17. *Separability clause.*** – If, for any reason, any provision of this Act or part thereof is declared unconstitutional, the other provisions or parts hereof not affected shall remain in full force and effect.

**SEC. 18. *Repealing clause.*** – All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

**SEC. 19. *Effectivity clause.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

*Approved,*