



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Eighteenth Congress
First Regular Session

HOUSE BILL NO. 4644

**Introduced by Representatives Ria Christina G. Fariñas
and Rudys Caesar G. Fariñas I**

EXPLANATORY NOTE

Plastic has been the number one environmental issue that all countries worldwide have been continuously and aggressively attempting to address due to the alarming destruction it causes to animals and the environment. It has been reported by the International Group of Ocean Conservancy and McKinsey Center for Business and Environment in 2015 that the Philippines ranks third (3rd) in the world, as the biggest source of marine plastic pollution.¹ Unfortunately, given the minimal cost and convenience of single-use plastic, it makes for an easier option for manufacturers and business enterprises to manufacture, produce and distribute. Likewise, the Philippines also has the highest trash collection rate in Southeast Asia.²

Single-use plastic is defined as “disposal plastic” which can only be usually used once.³ This includes plastic bags, straws, polyethylene terephthalate (PET) bottles and food packaging, among others, which are heavily used in the Philippines. It is said that there are six (6) multinational brands in the Philippines that contribute to plastic pollution and manufacture, produce and distribute single-use plastic items.

¹ <https://www.philstar.com/headlines/2018/06/15/1824813/philippines-3rd-largest-contributor-ocean-plastic>

² <https://www.rappler.com/science-nature/environment/108276-philippines-plastic-pollution-ocean-conservancy-study>

³ <http://www.plasticfreechallenge.org/what-is-single-use-plastic>

The Global Alliance for Incinerator Alternatives recently reported that the Philippines uses nearly 60 billion sachets of single-use plastics yearly, 48 million shopping bags daily and 16.5 billion “labo” bags or transparent plastic bags yearly; with sachets being the number one non-recyclable product due to its aluminum lining and other materials manufactured in it. These sachets are used by almost all manufacturers – shampoo, coffee, detergent brands and snacks, among others, especially since a big percentage of Filipinos prefer purchasing products in sachets due to lower price value and convenience. Specifically, 79% of these are mostly used for food packaging, 12% for household products and 8% for personal care products.

According to the Plastic Free Challenge – a social media event that focuses on solutions to the plastic pollution problem in the United States, the components of plastics when broken down in landfills or in water will eventually find its way into our bodies and damage our Endocrine System.⁴ In a study conducted by the National Institute of Environmental Health Sciences of the United States, plastic bottles are considered as ‘Endocrine disruptors’ which are chemicals that may interfere with the Endocrine System. Exposure to Endocrine disruptors may result to lowered fertility, and may cause endometriosis and cancer⁵.

However, even with local ordinances regulating the use of single-use plastic, there is still the need for a nationwide implementation and widespread campaign to raise awareness regarding the harmful effects of single-use plastic and eliminate the use of the same.

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



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⁴ <http://www.plasticfreechallenge.org/what-is-single-use-plastic>

⁵ <https://www.niehs.nih.gov/health/topics/agents/endocrine/index.cfm>



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**Introduced by Representatives Ria Christina G. Fariñas
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AN ACT

**REGULATING THE USE, MANUFACTURE, IMPORTATION AND
DISPOSAL OF SINGLE-USE PLASTICS, AND PROVIDING
PENALTIES, INCENTIVES AND LEVIES THEREFOR**

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

SECTION 1. Title. – This Act shall be known as the “*Single-Use
Plastics Regulation Act.*”

SEC. 2. Declaration of Policy. – It is 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. The State
recognizes the importance of ensuring the health and well-being of all, of
building resilient infrastructure, of promoting inclusive and sustainable
industrialization, and of fostering innovation. The State shall build
sustainable cities and communities and promote responsible consumption
and production toward significant reduction of all kinds of pollution.

1 In the enforcement of Republic Act No. 9003, otherwise known as
2 the "*Ecological Solid Waste Management Act*," the State further
3 acknowledges the need to advance policies that will not only address
4 waste treatment and disposal, but also source reduction.

5 The State likewise recognizes the indispensable role of the private
6 sector in developing a self-reliant and independent national economy
7 effectively controlled by Filipinos by providing incentives to needed
8 investments.

9 **SEC. 3. *Definition of Terms.*** – As used in this Act:

10 a) *Business enterprises* refer to establishments engaged in the
11 production, manufacturing, processing, repacking, assembly or sale
12 of goods and services. It shall include service oriented enterprises,
13 retailers, self-employed or own-account workers, micro, small and
14 medium enterprises (MSMEs) and community-based business
15 enterprises;

16 b) *Consumer* refers to a person who is a purchaser, lessee, recipient
17 or prospective purchaser, lessor or recipient of consumer products,
18 services or credit;

19 c) *Plastic* refers to any lightweight, hygienic and resistant material
20 including organic synthetic or processed materials that are mostly
21 thermoplastic or thermosetting polymers of high molecular weight

1 which can be molded in a variety of ways and utilized in a range of
2 applications. Plastic does not biodegrade, but instead
3 photodegrades or slowly breaks down into smaller fragments of
4 microplastics over a period of five to over a thousand years,
5 depending on the material of the plastic.

6 d) *Single-use plastics* refer to disposable and non-biodegradable
7 plastics which are commonly used for plastic packaging and
8 include items intended to be used only once before they are thrown
9 away or recycled or whose quality makes them suitable for single
10 use only. These include items such as grocery bags, food
11 packaging films and bags, manufacturing water bottles, straws,
12 stirrers, containers, styrofoams, cups, sachets and plastic cutlery.
13 The Bureau of Product Standards (BPS) shall prescribe quality
14 standards for reusable plastic products that may be allowed in the
15 market.

16 e) *Retailer* refers to a person engaged in the business of selling
17 consumer products directly to consumers and in the process uses
18 single-use plastics for packaging and other purposes necessary for
19 their business; and

1 f) *Source reduction* refers to the reduction of solid waste before it
2 enters the solid waste stream by methods such as product design,
3 materials substitution, materials re-use and packaging restrictions.

4 **SEC. 4. *Scope.*** – This Act shall apply to the manufacture,
5 importation, use, recycling and disposal of all single-use plastics used in
6 trade or commerce in business enterprises, as well as by retailers and
7 consumers, wherever located in the Philippines, as defined under Section
8 3 of this Act.

9 **SEC. 5. *Phase-out of Single-use Plastics.*** – Within one (1) year
10 from the effectivity of this Act, single-use plastics shall be prohibited.
11 After one (1) year, no business enterprise, retailer or consumer may use
12 single-use plastic except when otherwise allowed under this Act.

13 In the interim period mentioned in this Section, the following shall
14 be enforced:

- 15 a) The use of single-use plastics by food establishments, stores,
16 markets and retailers shall be limited by the appropriate authorities;
- 17 b) Consumers shall be encouraged to divert to re-usable materials in
18 substitution for single-use plastics;
- 19 c) Collect, dispose of and recycle already manufactured single-use
20 plastics and in circulation in the general market;

1 d) Business enterprises for which the use of single-use plastics is
2 indispensable shall recycle these single-use plastics in accordance
3 with Section 7 of this Act;

4 e) In the case of single-use plastics already manufactured and in
5 circulation at the time, the retailers shall charge the consumer a
6 minimum levy of five pesos (Php 5.00): *Provided*, That the amount
7 collected by the retailers under this subparagraph shall be reflected
8 in the official receipt. Twenty percent (20%) of the said amount
9 shall be kept by the business enterprise to cover the cost of the said
10 bags, while (80%) shall be remitted monthly, quarterly or semi-
11 annually to the Special Plastic Fund created under this Act.

12 f) Food establishments, stores and markets shall give a discount of
13 five pesos (Php 5.00) to consumers who will bring their own
14 containers for their purchases including take-out of food and
15 beverage where the consumer brings re-usable containers;

16 At the end of one (1) year from the effectivity of this Act, continued
17 use by all business enterprises and use by consumers of single-use
18 plastics shall be strictly prohibited.

19 **SEC. 6. *Prohibition on the Importation of Single-use Plastics.* –**

20 One (1) year from the effectivity of this Act, the Bureau of Customs
21 (BOC), in coordination with relevant agencies such as the National Solid

1 Waste Management Commission (NSWMC) of the DENR, the
2 Department of Trade and Industry (DTI), Department of Health (DOH),
3 and the Climate Change Commission (CCC) shall ensure that no single-
4 use plastics, including waste products from the same will be imported to
5 the country, except those that may be allowed under this Act. Tariffs shall
6 be correspondingly imposed by the Tariff Commission and collected by
7 the BOC, which shall be further specified in the implementing rules and
8 regulations of this Act.

9 **SEC. 7. *Recycling of Single-use Plastics.*** – Single-use plastics shall
10 be recycled. It shall be the duty of the plastic manufacturers to collect,
11 dispose of and recycle single-use plastics in a manner consistent with
12 existing laws, rules and regulations, and to ensure that no harmful
13 chemicals or substances are released to the environment.

14 The establishment of materials recovery facilities (MRFs) shall be
15 obligatory upon business enterprises. It shall serve as the collection points
16 for single-use plastics for disposal. Local government units, plastic
17 manufacturers and business enterprises shall put in place systems and
18 procedures for the proper collection of single-use plastics for disposal and
19 their delivery to the recycling centers.

20 Manufacturers shall also maintain records describing the recovery,
21 collection, transport and recycling of plastic bags collected annually and

1 shall make the records available to the NSWMC and the local
2 government unit concerned, upon request, to demonstrate compliance
3 with this Act.

4 Notwithstanding the prohibition on use, importation and production
5 of single-use plastics, local industries and businesses for which single-use
6 plastics are indispensable as may be determined by the NSWMC shall be
7 allowed to continue using and importing these plastic products. Local
8 manufacturers supplying plastic products to these industries may also
9 continue producing single-use plastics subject to compliance with the
10 appropriate rules and regulations of the NSWMC in accordance with this
11 Act. Allowable plastic products under this Act must be disposed of and
12 managed by the business enterprise in accordance with this Act and its
13 implementing rules and regulations.

14 **SEC. 8. *Proper Disposal and Management of Plastic Wastes.*** – The
15 disposal and management of plastic wastes shall be done in accordance
16 with the provisions of Republic Act (RA) No. 9003.

17 In coordination with the DOST, the NSWMC shall develop the
18 appropriate standards for the disposal of plastic wastes, ensuring that zero
19 emission is achieved and that no harmful chemicals are released to the
20 environment in the process.

1 **SEC. 9. *Research and Development (R&D) for Single-use Plastic***

2 ***Packaging Alternatives.*** – The Department of Science and Technology
3 (DOST) and NSWMC shall include in their respective programs and
4 R&D agenda, and consequently, fund research on single-use plastic
5 packaging alternatives. Alternatives may include the following:

6 a) Natural polymers;

7 b) Biomass-based compostable bio-polymers such as starch, non-
8 starch thermoplastic bio-composite, synthetic biomass-based
9 polymers;

10 c) Upcycling;

11 d) Fiber production;

12 e) Life cycle assessment; and

13 f) Feasibility studies on willingness to pay, levies, tax, discount,
14 incentives, disincentives and recommended rates.

15 The NSWMC and DOST shall also provide assistance to the DENR
16 and the manufacturers as regards the proper recycling and waste
17 management of single-use plastics, and in developing more
18 environmentally-friendly types of plastics used as primary packaging
19 materials.

20 Within six (6) months from the effectivity of this Act, the DTI,
21 Technical Education and Skills Development Authority (TESDA),

1 Department of Labor and Employment (DOLE) and the Presidential
2 Communications Operations Office (PCOO), shall jointly conduct
3 comprehensive studies on the impact of this Act to affected plastic
4 industry employees and workers. They shall coordinate with plastic
5 industry groups and manufacturers, non-government and civil society
6 organizations and other concerned stakeholders for this purpose. In
7 partnership with the DOST and the National Ecology Center (NEC),
8 these agencies shall likewise develop a capacity-building program for
9 alternative livelihood opportunities for affected employees and workers in
10 areas such as recycling of plastic products and related cottage industries.

11 **SEC. 10. *Program for Affected Employees and Workers of the***
12 ***Plastic Industry.*** – Within six (6) months from the effectivity of this Act,
13 the DOST, NEC, DTI, DOLE and TESDA shall undertake research and
14 technology development initiatives, pilot-testing of innovations and
15 technologies resulting from these studies, and capacity-building activities
16 with plastic-manufacturing industries and business enterprises for them to
17 adopt these technologies.

18 In coordination with the NEC, the DOST shall provide LGUs with
19 technical assistance, trainings and continuing capacity-building programs
20 to attain the objectives of this Act.

1 **SEC. 11. *Inclusion in the Philippine National Standards (PNS).*** –

2 The NSWMC, DOST and DTI through the BPS shall develop the
3 standards and include in the Philippine National Standards (PNS) the
4 single-use plastics, items or technologies resulting from studies which
5 were pilot-tested. It shall include the specifications of the single-use
6 plastics, items or technologies, taking into consideration existing and
7 available best technologies and internationally mandated and accepted
8 standards and in accordance with the provisions, mandates and standards
9 of this Act.

10 **SEC. 12. *Incentives for the Plastic Industries Shifting to***

11 ***Alternatives.*** – Business enterprises, individuals, cooperatives,
12 partnerships and corporations that engage in the manufacture of identified
13 alternatives to single-use plastics shall be given incentives provided for
14 under RA 9520, otherwise known as the “*Philippine Cooperative Code of*
15 *2008*,” RA 9178, otherwise known as the “*Barangay Micro-Business*
16 *Enterprise Act of 2002*,” RA 9501, otherwise known as the “*Magna*
17 *Carta for Micro, Small, and Medium Enterprises*,” Executive Order No.
18 226, as amended, otherwise known as the “*Omnibus Investment Code of*
19 *1987*” and RA 10771, otherwise known as the “*Green Jobs Act of 2016*.”
20 In coordination with the Department of Finance (DOF), the DENR and

DTI shall provide technical and financial assistance to these manufacturers.

Consistent with existing laws, rules and regulations, LGUs are encouraged and are given authority to provide additional benefits and incentives to these manufacturers within their jurisdiction in addition to the benefits and incentives provided for in the immediately preceding paragraph.

SEC. 13. *Monitoring and Market Inspection.* – In coordination with LGUs and local law enforcement agencies, the NSWMC and DTI shall conduct regular inspection and monitoring of business enterprises and facilities of manufacturers to determine compliance with this Act. Monitoring and inspection shall include the following:

- a) Entry or access to the premises of operation and business, including storage rooms and stockrooms; and
- b) Inspection of offsite storage facilities, distribution centers and transshipment points.

SEC. 14. *Certification.* – After the conduct of a thorough examination and inspection, the LGUs concerned shall issue the necessary certificate to show whether or not business enterprises or manufacturers in their jurisdiction are compliant with the mandates and directives of this Act.

1 In addition to other requirements by any existing law, government
2 rules and regulations, the certificate of compliance from the LGU shall be
3 a requirement for the renewal of any local permits.

4 **SEC. 15. *NSWMC as the Lead Implementing Agency.*** – The
5 NSWMC shall be the lead implementing agency for this Act. As such, it
6 shall perform the following functions:

- 7 a) Prepare the national strategic single-use plastic roadmap;
- 8 b) Lead the R&D agenda preparation, conduct of researches and
9 pilot-testing of identified alternatives;
- 10 c) Lead the development of standards for inclusion in the
11 Philippine National Standards (PNS) of the single-use
12 plastics, items or technologies resulting from studies which
13 were pilot-tested;
- 14 d) Review and monitor the implementation of the Act by:
 - 15 i. Monitoring local-level enforcement through the
16 compilation of local-level ordinances on single-use
17 plastics;
 - 18 ii. Conducting regular and routine inspections and
19 monitoring of business enterprises and facilities of
20 manufacturers as prescribed under Section 12 of this
21 Act; and

1 **SEC. 17. *Minimum standards for local ordinances.*** – Pursuant to
2 this Act, local government units must pass an ordinance to implement this
3 Act within their respective jurisdiction.

4 The provisions of this Act shall serve as minimum standards for
5 subsequent local ordinances. Nothing in this Act shall be construed as
6 limiting the authority of LGUs to enact ordinances which provide for
7 stricter measures and standards than those provided for in this Act.

8 **SEC. 18. *Public Information and Education Campaign.*** – In
9 coordination with the DILG, DepEd, Commission on Higher Education
10 (CHED), PCOO, Philippine Information Agency (PIA) and the LGUs, the
11 DENR and NSWMC, shall conduct continuing information and education
12 campaign on the proper regulation of single-use plastics in the country.

13 Such campaign shall be incorporated in and shall be in addition to
14 the public information and education campaign under Section 55 of RA
15 No. 9003.

16 **SEC. 19. *Penalties and Sanctions.*** – Any person who violates this
17 Act shall suffer corresponding penalties and sanctions as provided in this
18 Section.

19 a) For business enterprises, micro, small and medium
20 enterprises, and all other enterprises and establishments not

1 otherwise value-added tax (VAT) registered, the following
2 penalties shall be imposed:

- 3 i. First offense – A fine of five thousand pesos (Php
4 5,000.00);
- 5 ii. Second offense – A fine of twenty-five thousand pesos
6 (Php 25,000.00) and suspension of its business permit
7 for three (3) months;
- 8 iii. Third offense – A fine of fifty thousand pesos (Php
9 50,000.00) and suspension of its business permit for
10 one (1) year; and
- 11 iv. Fourth offense – A fine of one hundred thousand
12 pesos (Php 100,000.00) and cancellation of its
13 business permit. The said business permit shall not be
14 eligible for renewal for a period of five (5) years.
15 Thereafter, the LGU concerned may grant the said
16 store a business permit, provided its operator can
17 show steps and measures have been put in place to
18 comply with this Act. Any subsequent violation after
19 the issuance of a new business permit shall perpetually
20 bar the said operator from conducting its business in
21 the LGU concerned.

1 b) For VAT-registered stores, establishments and enterprises,
2 and for all plastic manufacturers found violating this Act the
3 following penalties shall be imposed:

4 i. First offense – A fine of fifty thousand pesos (Php
5 50,000.00);

6 ii. Second offense – A fine of one hundred thousand
7 pesos (Php 100,000.00) and suspension of its business
8 permit for three (3) months;

9 iii. Third offense – A fine of two hundred fifty thousand
10 pesos (Php 250,000.00) and suspension of its business
11 permit for one (1) year; and

12 iv. Fourth offense – A fine of five hundred thousand
13 pesos (Php 500,000.00) and permanent suspension for
14 its business permit. The said business permit shall not
15 be eligible for renewal for a period of five (5) years.

16 Thereafter, the LGU concerned may grant the said
17 store with a business permit, provided its operator can
18 show that steps and measures have been put in place to
19 comply with this Act. A further violation after the
20 issuance of a new business permit shall perpetually bar

1 the said operator from conducting its business in the
2 LGUs concerned.

3 If the offenders in (a) or (b) above is a corporation, trust or firm,
4 partnership, association or any other entity, the penalty shall be imposed
5 on the entity's responsible officers including the president, chief
6 executive officer, general manager, managing director or partner directly
7 responsible thereof.

8 **SEC. 20. *Administrative Sanctions.*** – Local government officials
9 who fail to comply with and enforce this Act shall be administratively
10 charged in accordance with RA 7160, otherwise known as the "*Local*
11 *Government Code of 1991*" and other existing laws, rules and regulations.

12 **SEC. 21. *Special Fund for Single-use Plastics Regulation.*** – A
13 Special Fund for Single-use Plastics Regulation (herein referred to as the
14 "Fund") is hereby created. It shall be composed of tariffs, levies, fees and
15 fines collected pursuant to the implementation and enforcement of this
16 Act. The Fund shall be administered by the NSWMC.

17 The Fund shall be used to support the strict implementation and
18 enforcement of this Act as follows:

19 a) Strengthen the operations of the NSWMC relative to the
20 implementation of this Act;

- 1 b) Improve the capacity of LGUs and local law enforcement
2 agencies for the implementation of this Act;
- 3 c) Establish recycling centers or re-modelled business enterprise
4 that exhibit best practices as no single-use plastic zones in
5 each region or province;
- 6 d) Conduct impact evaluation studies relevant to the
7 implementation of this Act, especially on areas of economic
8 contributions, environmental and public health through the
9 Department of Health;
- 10 e) Conduct of information and education campaigns on single-
11 use plastics regulation and related environmental awareness
12 measures;
- 13 f) Continuous development and performance of basic and
14 applied research in relation to regulation and utilization of
15 single-use plastics;
- 16 g) Assistance and provision of incentives for manufacturers and
17 community-based initiatives on source reduction of single-use
18 plastics, as well as for nongovernment and civil society
19 organizations promoting proper solid waste management; and
- 20 h) Additional provisions for the Solid Waste Management Fund
21 under RA 9003.

1 The Fund may be augmented by donations, endowments, grants and
2 contributions which shall be exempt from donor's tax and may be
3 claimed as allowable deductions from the gross income of the donor, in
4 accordance with the provisions of the National Internal Revenue Code of
5 1997, as amended.

6 **SEC. 22. *Access to Information.*** – The public shall have access to
7 records, reports or information concerning the implementation of this
8 Act.

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

17 **SECTION 23. *Citizens' Suit.*** – For purposes of enforcing the
18 provisions of this Act or its implementing rules and regulations, any
19 citizen may file an appropriate civil, criminal or administrative action in
20 the proper courts or administrative bodies against:

- 1 a) Any person who violates or fails to comply with the
2 provisions of this Act and its implementing rules and
3 regulations;
- 4 b) A department or government agency with respect to orders,
5 rules and regulations issued inconsistent with this Act; and
- 6 c) Any public officer who willfully or grossly neglects the
7 performance of an act specifically enjoined as a duty by this
8 Act or its implementing rules and regulations; or abuses
9 authority in the performance of duty; or in any manner
10 improperly performs duties under this Act or its implementing
11 rules and regulations: *Provided*, That no suit can be filed
12 unless a 30-day prior notice has been given to the public
13 officer or the alleged violator concerned and no appropriate
14 action has been taken thereon.

15 **SEC. 24. *Suits and Strategic Legal Action Against Public***
16 ***Participation.*** – Where a suit is brought against a person who filed an
17 action as provided in Section 23 of this Act, or against any person,
18 institution or government agency that implements this Act or any other
19 consumer related laws, rules and regulations, it shall be the duty of the
20 investigating prosecutor or the court, as the case may be, to immediately
21 make a determination within a period not exceeding thirty (30) days

1 whether said legal action has been filed to harass, vex, exert undue
2 pressure or stifle such legal recourses of the person complaining or
3 enforce the provisions of this Act.

4 This provision shall also apply to public officers who are sued for
5 acts committed in their official capacity, there being no grave abuse of
6 authority in the course of enforcing this Act, its rules, regulations and
7 guidelines.

8 **SEC. 25. *Appropriations.*** – The amount necessary for the
9 implementation of the provisions of this Act shall be included in the
10 annual appropriations of the DENR and other implementing agencies
11 under the General Appropriations Act (GAA).

12 **SEC. 26. *Congressional Oversight Committee.*** – The Joint
13 Congressional Oversight Committee created under Section 60 of RA
14 9003 shall also have the power to monitor and evaluate the
15 implementation of this Act.

16 **SEC. 27. *Implementing Rules and Regulations.*** – In coordination
17 with the DTI, DILG, CCC and concerned government agencies and
18 representatives of LGU organizations, the NSWMC shall promulgate the
19 necessary implementing rules and regulations for this Act within one
20 hundred (100) days from the effectivity of this Act.

1 **SEC. 28. *Separability Clause.*** – If any provision of this Act is
2 declared invalid or unconstitutional, the other provisions not affected by
3 such declaration shall remain in full force and effect.

4 **SEC. 29. *Repealing Clause.*** – All laws, executive orders,
5 administrative orders and rules and regulations inconsistent with this Act
6 are hereby repealed or amended accordingly.

7 **SEC. 30. *Effectivity Clause.*** – This Act shall take effect fifteen (15)
8 days after its publication in the Official Gazette or in a newspaper of
9 general circulation.

10 Approved,