

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

H.B. No. 2396



Introduced by HON. LORD ALLAN JAY Q. VELASCO

EXPLANATORY NOTE

This measure seeks to impose a ban on the production, importation, sale, provision and use of single-use plastics in order to curb the growing problem of plastic pollution in the country.

Under Article II, Section 16 of the 1987 Philippine Constitution, "[t]he 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."

Pursuant to this well-enshrined constitutional right, one of the declared policies under Republic Act No. 9003 or the "Ecological Solid Waste Management Act of 2000" is that the State shall adopt a systematic, comprehensive and ecological solid waste management program which will "[u]tilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resource conservation and recovery."

Today, one of the environmental issues around the globe is the problem of plastic wastes. The Asia-Pacific region accounts for 60% of improperly disposed plastic wastes, or mismanaged wastes, according to data from nonprofit research organization Our World in Data. This type of waste has a high possibility of entering the ocean through rivers or other waterways.¹ In a report of the Ellen MacArthur Foundation in partnership with the World Economic Forum, it was predicted that, by 2050, the plastics in the ocean could weigh more than fish. This is aggravated by the fact that single-use plastics are often used for a matter of minutes, sometimes seconds, and yet they could take hundreds of years to decompose. The Philippines is one of the world's top five countries that contribute to plastic wastes causing marine pollution.² Thus, it behooves our country to start prohibiting the use and spread of plastics in order to preserve the environment for future generations.

There is also concern that failure to address pollution – plastic or otherwise – could discourage foreign investors, who increasingly examine environmental, social and

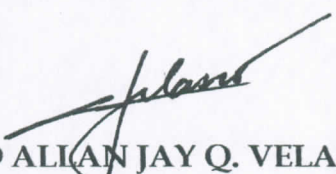
¹ Jun Suzuki and Marimi Kishimoto, *Southeast Asia starts to dump single-use plastics*, 01 July 2019 at <https://asia.nikkei.com/Spotlight/Environment/Southeast-Asia-starts-to-dump-single-use-Plastics> (last accessed 08 July 2019).

² Aya Tantiangco/LA, *PHL 1 of 5 countries that produce half of world's plastic waste – UN report*, 05 June 2018 at <https://www.gmanetwork.com/news/lifestyle/healthandwellness/655744/phl-1-of-5-countries-that-produce-half-of-world-s-plastic-waste-un-report/story> (last accessed 17 July 2019).

governance criteria, known as ESG, before investing money.³ As part of the movement for sustainable economic development, more and more cities in the modern world are adopting new laws prohibiting the use, sale and importation of plastics.

Here in the Philippines, some local government units, such as Makati City and Los Baños, Laguna, have already issued ordinances banning single-use plastics. In order to make it more effective, a nationwide ban must be implemented. This would help the country prevent more environmental damage coming from plastic wastes. Hence, the time is ripe for the Philippines to enact a national legislation that will institutionalize the prohibition on the production, importation, sale, provision and use of single-use plastics.

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



LORD ALIAN JAY Q. VELASCO

³ Jun Suzuki and Marimi Kishimoto, *at* 1.

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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:

1 **SECTION 1. *Short title.*** – This Act shall be known as the “*Ban on Single-Use Plastics Act.*”
2

3 **SEC. 2. *Declaration of policy.*** – It is the declared policy of the State to protect and
4 advance the right of the people to a balanced and healthful ecology in accord with the
5 rhythm and harmony of nature.
6

7 **SEC. 3. *Definition of terms.*** – For purposes of this Act:
8

9 (a) *Single-Use Plastics* refer to disposable plastics, which are used only once before
10 they are thrown away or recycled. The term includes, but shall not be limited to,
11 disposable plastic bags, straws, coffee stirrers, soda and water bottles and food
12 and non-food plastic packaging materials.
13

14 (b) *Covered establishment* refers to:

- 15 i. an establishment or cluster of establishments engaged in the
16 production, manufacturing and importation of single-use plastic
17 materials; or
18 ii. an establishment or cluster of establishments engaged in the
19 commerce or sales of goods or services including, but not limited to,
20 market stores, shopping mall outlets, supermarkets, department
21 stores, groceries, convenience stores, food chains, restaurants, cafes,
22 bars and sari-sari stores.
23

24 (c) *Department* refers to the Department of Environment and Natural Resources
25 (DENR).
26

27 (d) *Operator* refers to a person or group of persons in control of the ownership and
28 daily operation of a covered establishment and which may include, but not
29 limited to, the owner thereof.
30

31 **SEC. 4. *Ban on single-use plastics.*** – Within a period of three (3) years from the effectivity
32 of this Act, single-use plastics shall be gradually phased out. Thereafter, production,
33 importation, sale, distribution, provision or use of such plastic materials shall be

1 prohibited and shall subject the person(s) or the covered establishment(s), as well as its
2 operator, concerned to penalties.

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

- 8 a) P20 for those who want to buy and use single-use plastic bags;
9 b) P10 for the purchase and use of single-use plastic food and non-food packaging
10 materials or containers, soda and water bottles; and
11 c) P5 for the purchase and use of single-use plastic utensils, such as straws, coffee
12 stirrers, spoon and fork
13

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

17
18 Non-enforcement of these charges for the purchase and use of single-use plastics in
19 covered establishments shall be meted with penalties to be imposed against the
20 responsible person(s) and covered establishment(s), including its operator.

21
22 **SEC. 6. *Lead agency.*** – The Department, unless otherwise provided herein, shall be the
23 primary government agency that will be responsible for the implementation and
24 enforcement of this Act.

25
26 **SEC. 7. *Linkage mechanism.*** – The Department, in coordination with the Department of
27 Trade and Industry (DTI) and the National Solid Waste Management Commission
28 (NSWMC), shall consult, and enter into an agreement with concerned government
29 agencies, local government units, non-governmental organizations (NGOs), people's
30 organizations (POs) and/or private enterprises in furtherance of the objectives of this Act.

31
32 **SEC. 8. *Role of Local Government Units (LGUs).*** – In the effort to ensure strict
33 enforcement of this Act, the LGUs shall have the primary responsibility to implement its
34 provisions within their respective territorial jurisdictions.

35
36 In connection with this duty, the LGUs may enjoin the participation of other concerned
37 government agencies, private organizations and industries.

38
39 The Department of Science and Technology (DOST), in coordination with the National
40 Ecology Center (NEC), shall provide the LGUs with technical assistance, trainings and
41 continuing capability-building programs to attain the objectives of this Act.

42
43 **SEC. 9. *Penalty for violation of Section 4.*** – The violation of Section 4 of this Act shall be
44 penalized in the following manner:

- 45 (a) A fine not exceeding One hundred thousand pesos (P100,000.00) for the first
46 offense;
47 (b) A fine of more than One hundred thousand pesos (P100,000.00) but not
48 exceeding Two hundred fifty thousand pesos (P250,000.00) for the second
49 offense;
50 (c) A fine of more than Two hundred fifty thousand pesos (P250,000.00) but not
51 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.

1 **SEC. 14. *Joint congressional oversight committee.*** – The Joint Congressional Oversight
2 Committee created under Section 60 of Republic Act No. 9003, otherwise known as the
3 “Ecological Solid Waste Management Act of 2000,” shall likewise monitor the
4 implementation of this Act and review the implementing rules and regulations
5 promulgated by the Department.
6

7 **SEC. 15. *Implementing rules and regulations.*** – The DENR, in coordination with the DTI,
8 the NSWMC, other relevant government agencies and concerned non-governmental
9 organizations (NGOs) or people’s organizations (POs) or private enterprises, shall within
10 three (3) months from the effectivity of this Act, promulgate the implementing rules and
11 regulations (IRR) governing this Act.
12

13 **SEC. 16. *Appropriations.*** – The amount necessary to carry out the provisions of this Act
14 shall be charged against the current year’s appropriations of the concerned agencies.
15 Thereafter, such sums as may be necessary for the operation and maintenance of this Act
16 shall be included in the General Appropriations Act.
17

18 **SEC. 17. *Separability clause.*** – If, for any reason, any provision of this Act or part thereof
19 is declared unconstitutional, the other provisions or parts hereof not affected shall remain
20 in full force and effect.
21

22 **SEC. 18. *Repealing clause.*** – All laws, presidential decrees, executive orders, rules and
23 regulations and other issuances, or any part thereof, which are inconsistent with the
24 provisions of this Act are hereby repealed or amended accordingly.
25

26 **SEC. 19. *Effectivity clause.*** – This Act shall take effect fifteen (15) days after its
27 publication in the *Official Gazette* or in two (2) newspapers of general circulation.
28

29 *Approved,*