



Eighteenth Congress
First Regular Session

HOUSE BILL NO. 635



Introduced by
REPRESENTATIVE LOREN B. LEGARDA

AN ACT
REGULATING THE MANUFACTURING, IMPORTATION AND USE OF SINGLE-USE PLASTIC PRODUCTS, AND PROVIDING PENALTIES, LEVIES AND INCENTIVES SYSTEM FOR INDUSTRIES, BUSINESS ENTERPRISES AND CONSUMERS THEREOF

EXPLANATORY NOTE

Plastic bags are ubiquitous components of the world's consumer culture. Single-use plastics symbolize the throwaway culture which the Philippines, along with many other countries, have developed. According to the Journal Science of the American Association for the Advancement of Science, the Philippines ranked third among the countries with the highest source of plastic ocean pollution, generating 1.88 million metric tons of mismanaged plastic garbage per year, with the threats of microplastic pollution also compounding the negative impacts to humans and marine environment.

Plastic ocean pollution primarily composes of single-use plastics, which according to reports include cigarette butts, plastic drinking plastic bottles, bottle caps, food wrappers, plastic grocery bags, plastic lids, straws and stirrers, other types of plastic bags, and foam take-away containers. As they are oftentimes immediately discarded, single-use plastic bags are commonly found in landfills and have become

a significant cause of water pollution. In the cities, plastics commonly cause blockages in the sewerage and drainage systems, leading to flooding and aggravating the impacts of severe rainfall and typhoons. It is also well-recognized that the burning of plastic bags has adverse impacts to the environment and to human health, given the level of toxic chemical content in emissions.

The magnitude of the effects in the Philippines are likewise increased, as there remains gaps in the implementation of Republic Act No. 9003 or the Ecological Solid Waste Management Act, which include among others, the establishment of Local Solid Waste Management (SWM) Boards, submission of SWM plans, establishment of Materials Recovery Facilities (MRFs) at the barangay level, and closure of all open and controlled dumpsites.

Plastic ocean pollution likewise threatens food security of the country, given the dependence of the farming and fishing communities on the oceans. Plastic ocean pollution will also adversely affect the health of communities, with the microplastics getting in our food chains.

Countries like Rwanda, Kenya, Ireland, and Austria, and cities such as New York in the United States, have already implemented laws banning the use of certain single-use plastics and adopted regulatory mechanisms such as levies, penalties and fees on both the retailer and consumer side. In the Asian region, China and Thailand have initiated their own policy initiatives at the national level.

The bill being proposed provides for an ambitious yet comprehensive approach to solving the single-use plastics problem, which involves actions from national and local governments, industries, business enterprises and consumers for the manufacturing, selling, use, recycling and disposal of all single-use plastics in the Philippines. The bill includes provisions for research and technology development for the emergence of new industries and business enterprises for alternatives to single-use plastics, strengthening of recycling and disposal centers to support the

implementation of the Republic Act No. 9003, collection of fees and creation of incentives mechanisms, and establishment of a Fund. The bill outlines provisions that have strong considerations for relevant sectors transitioning towards a "minimal-to-no single-use plastics", or a circular economy.

The Bill will be strongly consistent with the priorities of the Philippines to achieve the Sustainable Development Goals (SDGs), the commitments under the Paris Agreement for climate change adaptation and mitigation and with the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 2001 Stockholm Convention on Persistent Organic Pollutants and 2013 Minamata Convention on Mercury. The Bill likewise supports the implementation of the G20 Action Plan on Marine Litter, as well as the commitments in the Association of Southeast Asian Nations (ASEAN) Conference on Reducing Marine Debris in the ASEAN Region.

For these compelling reasons, the immediate approval of this bill is urgently sought.



LOREN LEGARDA



Eighteenth Congress
First Regular Session

HOUSE BILL NO. 635

Introduced by:
REPRESENTATIVE LOREN B. LEGARDA

**AN ACT
REGULATING THE MANUFACTURING, IMPORTATION AND USE OF SINGLE-
USE PLASTIC PRODUCTS, AND PROVIDING PENALTIES, LEVIES AND
INCENTIVES SYSTEM FOR INDUSTRIES, BUSINESS ENTERPRISES AND
CONSUMERS THEREOF**

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

1 SECTION 1. *Title.* - This Act shall be known as the "*Single-Use Plastics Regulation*
2 *and Management Act of 2019.*"

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

6 In this light, the State recognizes the importance of achieving the United
7 Nations (UN) Sustainable Development Goal (SDG) number 3 to ensure healthy lives
8 and promote well-being for all at ages, SDG 9 to build resilient infrastructure, promote
9 inclusive and sustainable industrialization and foster innovation, SDG 11 to build
10 sustainable cities and communities, SDG 12 to promote responsible consumption and
11 production, and SDG 14 to reduce marine pollution of all kinds. The State, being a

1 party to the Paris Agreement which was adopted in 2015, recognizes the importance
2 of adopting sustainable lifestyles and patterns of consumption and production in
3 addressing climate change.

4 The Philippine Development Plan 2017-2022 further outlines policies and
5 programs to achieve the SDGs, which is embodied under Chapter 20 -- Ensuring
6 Ecological Integrity, Clean and Healthy Environment, that aims to promote
7 sustainable consumption and production (SCP) through the development and
8 implementation of appropriate policies such as the formulation of a polluter pays
9 policy, establishment of an accessible market for recyclables and recycled products,
10 strengthening of the certification and establishment of information systems for green
11 products and services, and strengthening promotion, development, transfer, and
12 adoption of eco-friendly technologies, systems, and practices in the public and private
13 sectors by increasing access to incentives and facilitating ease of doing business and
14 other related transactions.

15 The State, in the enforcement of Republic Act (RA) No. 9003 or the Ecological
16 Solid Waste Management Act, further acknowledges the need to advance policies that
17 will not only address waste treatment and disposal, but also source reduction.

18 The State likewise recognizes the indispensable role of the private sector,
19 encourages private enterprise and provides incentives to needed investments, while
20 at the same time, acknowledging the need to develop a self-reliant and independent
21 national economy effectively controlled by Filipinos.

22 SEC. 3. *Definition of Terms.* - As used in this Act:

23 a. *Business enterprises* refers to establishments engaged in the production,
24 manufacturing, processing, repacking, assembly, or sale of goods and/or
25 services, including service-oriented enterprises. It shall include retailers, self-
26 employed or own-account workers, micro, small, and medium enterprises
27 (MSMEs) and community-based business enterprises;

- 1 b. *Climate change* refers to a change in climate that can be identified by
2 changes in the mean or variability of its properties and that persists for an
3 extended period typically decades or longer, whether due to natural
4 variability or as a result of human activity;
- 5 c. *Consumer* refers to a person who is a purchaser, lessee, recipient or
6 prospective purchaser, lessor or recipient of consumer products, services or
7 credit;
- 8 d. *Disposal* refers to the discharge, deposit, dumping, spilling, leaking or placing
9 of any waste into or on land;
- 10 e. *Incentives* refers to incentives provided for under RA No. 9520 otherwise
11 known as the Philippine Cooperative Code of 2008, RA No. 9178 otherwise
12 known as the Barangay Micro-Business Enterprise Act of 2002, RA No. 9501
13 otherwise known as the Magna Carta for Micro, Small, and Medium
14 Enterprises, Executive Order no. 226 otherwise known as the Omnibus
15 Investment Code of 1987, RA No. 10771 otherwise known as the Green Jobs
16 Act of 2016 or incentives as defined by the local government unit through an
17 ordinance specifically for this purpose, where applicable;
- 18 f. *Life Cycle Assessment* refers to the process of evaluating the effects that a
19 product has on the environment over the entire period of its life cycle, which
20 covers all the processes required: extraction and processing; manufacture,
21 transport and distribution; use, reuse and maintenance; recycling; and final
22 disposal
- 23 g. *Microplastics* refer to small pieces of plastic found in the ocean, commonly
24 defined as < 5mm in diameter, including particles as small as 10 nanometers;
- 25 h. *Plastic* refers to a lightweight, hygienic and resistant material which can be
26 molded in a variety of ways and utilized in a wide range of applications;

- 1 i. *Recyclable material* refers to any waste material retrieved from the waste
2 stream and free from contamination that can still be converted into suitable
3 beneficial use or for other purposes, including, but not limited to, newspaper,
4 ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard,
5 aluminum, glass, office paper, tin cans and other materials as may be
6 determined by the National Solid Waste Management Commission
7 (NSWMC);
- 8 j. *Recycled material* refers to post-consumer material that has been recycled
9 and returned to the economy;
- 10 k. *Recycling* shall refer to the treating of used or waste materials through a
11 process of making them suitable for beneficial use and for other purposes,
12 and includes any process by which solid waste materials are transformed
13 into new products in such a manner that the original product may lose their
14 identity, and which may be used as raw materials for the production of other
15 goods or services;
- 16 l. *Retailer* refers to a person engaged in the business of selling consumer
17 products directly to consumers;
- 18 m. *Re-use* refers to the process of recovering materials intended for the same
19 or different purpose without the alteration of physical and chemical
20 characteristics;
- 21 n. *Reusable material/plastics/packaging* shall refer to any material specifically
22 designed and manufactured for multiple re-use and extended life. These
23 shall meet the following requirements/considerations:
- 24 i. May be capable of composting and is biodegradable;
- 25 ii. Is accepted for recycling;
- 26 iii. Does not contain any toxic or harmful substance or chemical such as
27 but not limited to lead, cadmium, or any other heavy metal as provided

for by existing rules and regulations of the Department of Environment
and Natural Resources (DENR).

o. *Single-use plastics*, for the purpose of this Act, refers to disposable plastics which are commonly used for plastic packaging and include items intended to be used only once before they are thrown away or recycled. These include, but are not limited to, items such as grocery bags, food packaging films and bags, manufacturing water bottles, straws, stirrers, containers, styrofoam/styros, cups, sachets and plastic cutlery;

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

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

SEC. 5. *Prohibition and phase-out of single-use plastics; Levy for the use in the interim period and discounts for consumers*. - The phase-out of single-use plastics by all business enterprises to consumers shall be in full force and effect one (1) year from the effectivity of the Act.

In the interim period (within 1 year), the following shall be enforced:

a. The provision of single-use plastics by food establishments, markets and retailers shall be strictly prohibited;

b. Consumers shall be encouraged/diverted to use re-usable materials in substitution for single-use plastics;

c. Single-use plastics already manufactured and in circulation in the general market shall be collected, recycled, and properly disposed of by the manufacturers pursuant to the provisions of this Act;

d. For single-use plastic materials which cannot be avoided, business enterprises must ensure that these are recycled in accordance with Section 7 of this Act;

e. For each piece of single-use plastics already manufactured and in circulation at the time, the retailers shall charge the consumer a minimum levy of five pesos (Php 5.00);

f. The amount collected in subparagraph (e) of this Section by the retailers shall be reflected in the official receipt. Twenty (20%) of the said amount shall be kept by the business enterprise to cover the cost of the said bags, while eighty (80%) shall be remitted monthly, quarterly, or semi-annually to the Special Plastic Fund created under this Act.

At the end of one (1) period, and upon full effectivity of this Act, the further and continued provision by all business enterprises and use by consumers of single use plastics shall be strictly prohibited.

For take-outs and selling of food and beverages, a discount of five pesos (Php5.00) shall be given to the consumer for bringing their own re-usable/recyclable containers.

SEC 6. Prohibition on the importation of single-use plastics. - One (1) year from the effectivity of this Act, the Department of Finance (DOF), through the Bureau of Customs (BOC), in coordination with relevant agencies such as DENR, Department of Trade and Industry (DTI), Department of Health (DOH) and the Climate Change Commission (CCC), shall ensure that no single-use plastics, including waste products from the same, will be imported to the country. Tariffs shall be correspondingly imposed by the Tariff Commission and collected by the BOC, which shall be further specified in the Implementing Rules and Regulations of this Act.

SEC 7. Recycling of used single-use plastics. - Used single-use plastics, when allowed by this Act or those manufactured or used before this Act's effectivity, shall be

1 recycled. It shall be the duty of the plastic manufacturers to recycle the said single-use
2 plastics in a manner consistent with existing laws, rules, and regulations, and ensuring
3 that no harmful chemicals or substances are released to the environment.

4 The establishment of Materials Recovery Facility (MRFs), which shall be
5 obligatory upon the business enterprises, shall serve as the collection points for used
6 single-use plastics. LGUs, plastic manufacturers and business enterprises shall put
7 systems and procedures in place for the proper collection of the used single-use
8 plastics and its delivery to the recycling centers.

9 It shall be the responsibility of the manufacturers that these plastics are properly
10 collected, recycled, and disposed of, in accordance with this Act.

11 Manufacturers shall also maintain records describing the recovery, collection,
12 transport, recycling of plastic bags collected annually and shall make the records
13 available to the National Solid Waste Management Commission (NSWNC) and/or the
14 local government unit concerned, upon request, to demonstrate compliance with this
15 Act.

16 SEC. 8. *Proper disposal and management of plastic wastes.* - The disposal
17 and management of plastic waste shall be done in accordance with the provisions of
18 Republic Act No. 9003.

19 The DENR, in coordination with the DOST, shall develop the appropriate
20 standards for the disposal of plastic wastes, ensuring that zero emissions are achieved
21 and no harmful chemicals are released to the environment in the process.

22 SEC. 9. *Research and Development (R&D) for Single-use Plastic Packaging*
23 *Alternatives.* — The Department of Science and Technology and NSWMC shall
24 include in their respective programs and R&D Agenda, and consequently, fund
25 research on single-use plastic packaging. Alternatives may include, but shall not be
26 limited to, the following:

27 1. Natural Polymers

2. Biomass-based compostable bio-polymers (i.e. starch, non-starch thermoplastic bio-composite, synthetic biomass-based polymers)
3. Upcycling
4. Fiber production
5. Life Cycle Assessments
6. Feasibility studies (i.e. willingness to pay, levies, tax, discount, dis/incentives, recommended rates)

The NSWMC and DOST and shall also provide assistance to DENR and the manufacturers for the implementation of this Act, particularly as regards the proper recycling and disposal of used single-use plastics, and developing more environmentally-friendly types of plastics used as primary packaging materials, among others.

The DTI, Technical Education and Skills Development Authority (TESDA), Department of Labor and Employment (DOLE) and the Presidential Communications Operations Office (PCOO), in coordination with plastic manufacturers/industries, non-government and civil society organizations, and other concerned stakeholders, shall studies within six (6) months upon the effectivity of this Act to determine the impact of this Act on affected plastic industry employees and workers. They shall likewise, together with DOST and the National Ecology Center (NEC), develop a capacity-building program for alternative livelihood opportunities for the affected employees and workers in areas such as recycling of used plastic products and cottage industries, among others.

SEC. 10. Program for affected employees and workers of the plastic industry. -

Within six (6) months from the effectivity of this Act, massive research and technology development initiatives, pilot-testing of innovations and technologies resulting from these studies, and capacity-building activities shall be undertaken with plastic-

1 manufacturing industries and business enterprises for them to adopt these
2 technologies.

3 DOST, NEC, DTI, DOLE and TESDA shall implement the capacity-building
4 program to relevant stakeholders. DOST, in coordination with the NEC, shall provide
5 the LGUs with technical assistance, trainings, and continuing capability-building
6 programs to attain the objectives of this Act.

7 SEC. 11. *Inclusion in the Philippine National Standards (PNS).* - The NSWMC,
8 DOST, and DTI, through the Bureau of Product Standards (BPS), shall develop the
9 standards and include in the Philippine National Standards (PNS) the products, items
10 or technologies from studies which were pilot-tested. It shall include the specifications
11 of the said products, taking into consideration existing and available best technologies
12 and internationally mandated and accepted standards, and in accordance with the
13 provisions, mandates and standards of this Act.

14 SEC. 12. *Incentives for the plastic industries shifting to alternatives.* – The
15 manufacture of alternatives to single-use plastics under Section 9 of this Act shall be
16 supported and encouraged.

17 Business enterprises, individuals, cooperatives, partnerships, and corporations
18 which engage in the manufacture of identified alternatives to single-use plastics shall
19 be given incentives provided for under the Philippine Cooperative Code of 2008, the
20 Barangay Micro-Business Enterprise Act of 2002, the Magna Carta for Micro, Small,
21 and Medium Enterprises, the Omnibus Investment Code of 1987 or the Green Jobs
22 Act of 2016, where applicable. The DENR and DTI, in coordination with the
23 Department of Finance (DOF), shall provide technical and financial assistance to these
24 manufacturers.

25 LGUs are encouraged and shall be allowed to provide additional benefits and
26 incentives to these manufacturers within their jurisdiction, consistent with existing

1 laws, rules and regulations, which shall be in addition to the benefits and incentives
2 provided for in the previous paragraph.

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

6 SEC. 13. *Monitoring and market inspection.* - The NSWMC and DTI, in
7 coordination with the LGUs, and local law enforcement agencies, shall conduct regular
8 inspection and monitoring of business enterprises and facilities of manufacturers to
9 determine compliance with this Act. Inspection and monitoring shall include the
10 following:

- 11 a. Enter of access to the premises of operation and business, including storage
12 rooms and stockrooms; and,
- 13 b. Inspect off-site storage facilities, distribution centers
14 and
15 transshipment points.

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

20 The LGU certification shall be a requirement for the renewal of any local
21 permits, in addition to the DILG-DTI-DICT Joint Memorandum Circular No. 1, s. 2016,
22 after the effectivity of this Act.

23 SEC. 15. *NSWNC as the lead implementing agency and other functions.* - The
24 NSWMC pursuant to Section 4 of RA 9003 shall be the lead implementing agency for
25 this Act. It shall aid and assist other agencies involved in the implementation and
26 enforcement of this Act. It shall perform the following functions:

- 27 1. Prepare the national strategic single-use plastic roadmap;

- 1 2. Lead the R&D agenda preparation, conduct of researches and pilot-testing
2 of identified alternatives, with DOST;
- 3 3. Lead in the development of standards for inclusion in the Philippine National
4 Standards (PNS) of the products, items or technologies resulting from
5 studies which were pilot-tested, in coordination with DTI and DOST;
- 6 4. Review and monitor the implementation of the Act; which includes:
 - 7 a. Monitoring local-level enforcement through the compilation of local-level
8 ordinances on single-use plastics;
 - 9 b. Conducting regular and routine inspections and monitoring of business
10 enterprises and facilities of manufacturers as prescribed under Section
11 12 of this Act;
- 12 5. Adopt a program to provide technical and other capability building assistance
13 and support to local government units, business enterprises, concerned
14 citizen groups and other relevant stakeholders in the implementation and
15 enforcement of this Act;
- 16 6. Manage the Special Plastics Fund established under Section 21 of this Act;
17 and,
- 18 7. Develop safety nets and alternative livelihood programs for business
19 enterprises, plastic manufacturers, small recyclers and other sectors that
20 will be affected as a result of the single-use phase out.

21 SEC. 16. *Role of Local Government Units, and other stakeholders.* – LGUs
22 shall have the primary responsibility in the effort to decrease the percentage of plastic
23 bag waste produced within their respective jurisdictions. They shall also be primarily
24 responsible for the enforcement of the prohibitions of this Act and the monitoring of
25 the collection of recyclable used plastic bags by manufacturers.

26 Other stakeholders such as business groups, consumer groups and civil society
27 organizations are encouraged to support the implementation of this Act.

1 *SEC. 17. Effect on LGU ordinances effective before or after effectivity of this*
2 *Act.* - LGU ordinances imposing bans and prohibitions on the use of plastic bags,
3 promulgated and enforced prior to the effectivity of this Act, shall be considered as
4 automatically amended to be consistent with the provisions and mandates of this Act.

5 LGUs that do not have ordinances enacted upon the effectivity of this Act are
6 also encouraged to enact their respective ordinances in line with the provisions and
7 mandates of this Act.

8 The provisions, mandates, and directives of this Act shall serve as minimum
9 standards and stipulations for LGU ordinances. Nothing in this Act shall be construed
10 as limiting the authority of LGUs to enact ordinances which provide for stricter
11 measures and standards than those provided for in this Act.

12 *SEC. 18. Public information and education campaign.* - The DENR, in
13 coordination with the LGUs, DILG, DepEd, Commission on Higher Education (CHED),
14 Presidential Communications Operations Office (PCOO), and Philippine Information
15 Agency (PIA), shall conduct a continuing information and campaign on the proper
16 regulation of single-use plastics in the country.

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

19 *SEC. 19. Penalties and sanctions.* - Violations of this Act, starting the first from
20 the effectivity and as fully provided for under Section 3 of this Act, shall be imposed
21 the following penalties:

22 a. For Business Enterprises, Micro, Small and Medium Enterprises as defined
23 in RA 6977, as amended, Barangay Micro Business Enterprises under RA
24 9178, and all other enterprises and establishments not otherwise value-
25 added tax (VAT) registered, the following penalties shall be imposed:

26 i. First offense - A fine of five thousand pesos (Php 5,000.00);

1 ii. Second offense - A fine of fifty thousand pesos (Php 25,000.00) and
2 suspension of its business permit for three (3) months;
3 iii. Third offense – A fine of fifty thousand pesos (Php 50,000.00) and
4 suspension of its business permit for one (1) year; and,
5 iv. Fourth offense - A fine of one hundred thousand pesos (Php 100,000.00)
6 and permanent suspension of its business permit. The said business
7 permit shall not be eligible for renewed application for a period of 5 years.
8 Thereafter, the LGU concerned may grant the said store with a business
9 permit, provided its operator can show steps and measures will be put
10 in place to comply with this Act. A further violation after the issuance of
11 a new business permit shall perpetually bar the said from conducting its
12 business in the LGU concerned.

13 b. For VAT registered stores, establishments, and enterprises, and for all plastic
14 manufacturers found violating this Act the following penalties shaft be
15 imposed:

16 i. First offense – A fine of fifty thousand pesos (Php 50,000.00);
17 ii. Second offense - A fine of one hundred thousand pesos (Php 100,000.00)
18 and suspension of its business permit for three (3) months:
19 iii. Third offense - A fine of two hundred fifty thousand pesos (Php
20 250,000.00) and suspension of its business permit for one (1) year; and,
21 iv. Fourth offense - A fine of five hundred thousand pesos (Php 500,000.00)
22 and permanent suspension for its business permit. The said business
23 permit shaft not be eligible for renewed application for a period of 5
24 years. Thereafter, the LGU concerned may grant the said store with a
25 business permit, provided its operator can show steps and measures will
26 be put in place to comply with this Act. A further violation after the

1 issuance of a new business permit shall perpetually bar the said operator
2 from conducting its business in the LGU concerned.

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

8 SEC. 20. *Administrative sanctions.* - Local government officials and officials of
9 government agencies who fail to comply with and enforce this Act shall be
10 administratively charged in accordance with RA 7160 and other existing laws, rules
11 and regulations.

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

16 The Fund shall be used to support the strict implementation and enforcement
17 of this Act such as, but not limited to, the following:

- 18 a. Strengthen the operations of the NSWMC relative to the implementation and
19 enforcement of this Act;
- 20 b. Improve the capacity of LGUs, and local law enforcement agencies for the
21 implementation of this Act;
- 22 c. Establish recycling centers or re-modelled business enterprise that exhibit
23 best practices (as no single-use zones) in each region or province;
- 24 d. Conduct of impact evaluation studies relevant to the implementation of the
25 Act, especially on areas of economic contributions, environmental and
26 public health (through the Department of Health);

- 1 e. Conduct of information and education campaigns on single-use plastics
2 regulation and related environmental awareness measures;
- 3 f. Assistance and provision of incentives for manufacturers and community-
4 based incentives for the production of single-use plastics, as well as for non-
5 government and civil society organizations promoting proper solid waste
6 management; and,
- 7 g. Additional provisions for the Solid Waste Management Fund under RA 9003.

8 The Fund may be augmented by donations, endowments, grants and
9 contributions, which shall be exempt from donor's tax and be considered as allowable
10 deductions from the gross income of the donor, in accordance with the provisions of
11 the National Internal Revenue Code of 1997, as amended.

12 SEC. 22. *Access to information/public disclosure requirements, public access*
13 *to records, reports or notification.* - The public shall have access to records, reports,
14 or information concerning the implementation and mandates of this Act.

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

22 SEC. 23. *Citizens suit.* - For the purposes of enforcing the provisions of this Act
23 or its implementing rules and regulations, any citizen may file an appropriate civil,
24 criminal, or administrative action in the proper courts/bodies against:

- 25 a. Any person who violates or fails to comply with the provisions of this Act and
26 its implementing rules and regulations; or,

- 1 b. The department or other implementing agencies with respect to orders, and
2 regulations issued inconsistent with this Act; and/or,
3 c. Any public officer who willfully or grossly neglects the performance of an act
4 specifically enjoined as a duty by this act or its implementing rules and
5 regulations; or abuses his authority in the performance of his duty; or, in any
6 manner improperly performs his duties under this act or its implementing
7 rules and regulations; Provided, however, that no suit can be filed until after
8 a thirty (30) day notice has been given to the public officer and the alleged
9 violation concerned and no appropriate action has been taken thereon.

10 The court shall exempt such action from the payment of filing fees and
11 statements likewise, upon *prima facie* showing of the non-enforcement or violation
12 complained of, exempt the plaintiff from the filing of an injunction bond for the issuance
13 of preliminary injunction.

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

16 SEC. 24. *Suite and strategic legal action against public participation (SLAPP).*

17 - Where a suit is brought against a person who filed an action as provided in Section
18 22 of this Act, or against any person, institution or government agency that implements
19 this Act or any other consumer-related laws, rules, and regulations, it shall be the duty
20 of the investigating prosecutor or the court, as the case may be, to immediately make
21 a determination within not exceeding thirty (30) days whether said legal action has
22 been filed to harass, vex, exert undue pressure or stifle such legal recourses of the
23 person complaining or enforce the provisions of this Act. Upon determination thereof,
24 evidence warranting the same, the court shall dismiss the case and award the
25 attorney's fees and double damages.

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

4 SEC. 25. *Appropriations.* - Such amount as may be necessary to implement the
5 provisions of this Act is hereby included in the annual appropriations of the DENR and
6 other implementing agencies under the General Appropriations Act (GAA).

7 SEC. 26. *Congressional Oversight Committee.* - The Joint Congressional
8 Oversight Committee created under Section 60 of RA No. 9003 shall also have the
9 authority to monitor and evaluate the implementation of this Act.

10 SEC. 27. *Implementing Rules and Regulations.* - The NSWMC, DENR, in
11 coordination with the DTI, DILG, CCC and the concerned government agencies and
12 representatives of LGU organizations, shall issue the Implementing Rules and
13 Regulations within one hundred (100) days after the effectivity of this Act. The said
14 IRR shall specify and provide detailed provisions of this Act that needs further clarity
15 in terms of scope, coverage, definitions, functions and prohibitions.

16 SEC. 28. *Construction.* - The best interests of the consumer and the right to a
17 healthful and balanced ecology shall be considered in the construction and
18 interpretation of this Act and its IRR.

19 SEC. 29. *Separability Clause.* - If any part or provision of this Act is held invalid
20 or unconstitutional, other provisions not affected thereby shall remain in force and
21 effect.

22 SEC. 30. *Repealing Clause.* - The provisions of any law, whether general or
23 special, rules and regulations and other issuances or parts thereof which are
24 inconsistent with this Act are hereby repealed, amended or modified accordingly.

25 SEC. 32. *Effectivity.* - This Act shall take effect within fifteen (15) days after its
26 publication in at least two (2) newspapers of general circulation.

1 Approved.