

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4339



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

EXPLANATORY NOTE

This proposed measure seeks to gradually phaseout single-use plastics in the Philippines by regulating the production, importation, sale, and use of single-use plastics. Thereafter, the production, sale, distribution, provision or use of single-use plastics shall be prohibited. This bill is filed as a response to our worsening plastic waste problem.

A Global Alliance for Incinerator Alternatives (GAIA) report revealed that Filipinos use more than 163 million plastic sachet packets, 48 million shopping bags, and 45 million thin film bags daily. These plastic products designed to be used only once end up in landfills, dumps, or in the environment—only 9% of the plastic wastes are recycled. In fact, single-use plastics have become a major contributor to ocean pollution that endangers marine life and resources.

The Philippines has become the world's third-largest ocean polluter despite the 18-year existence of the Solid Waste Management Act. While improper disposal and implementation of the said Act is partly to be blamed, irresponsible individual behavior also plays a critical role to our worsening plastic waste problem.

The proper disposal and implementation of the Solid Waste Management Act could not solely address the plastic waste problem as we can no longer cope with the increasing production and consumption of single-use plastics. Thus, in line with 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, there is a need to regulate and eventually prohibit the production, importation, distribution, sale, and use of single-use plastics to drastically reduce not only the volume of plastic wastes, but also people's reliance on plastic products, particularly single-use plastics.

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


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**AN ACT REGULATING THE PRODUCTION, IMPORTATION,
SALE, AND USE OF SINGLE-USE PLASTICS, PROVIDING FUNDS
THEREFOR, 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 “*Single-Use
Plastic Regulation Act*”

SECTION 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. Toward this end, the State shall institute mechanisms to prevent pollution and promote a healthier environment through appropriate policies, such as reduction of waste materials at source, encouraging the use of sustainable products that will help curb plastic pollution, and proper waste management.

SECTION 3. Coverage. – This Act shall apply to the production, importation, use, disposal, and sale of all single-use plastics in trade or commerce, in business enterprises, as well as by retailers and consumers, in the Philippines.

SECTION 4. Definition of Terms. – The terms used in this Act are defined as follows:

- a. *Business enterprise* – refers to establishments engaged in the production, manufacturing, processing, repacking, assembly, or sale of goods and/or services, including service-oriented enterprises. It shall include retailers, self-employed or own-account workers, micro, small, and medium enterprises, and community-based business enterprises;
- b. *Consumer* – refers to a person who is a purchaser, lessee, recipient, or prospective purchaser, lessor, or receipt of consumer products, services, or credit;
- c. *Container* – shall refer to the material which contains and is in direct contact with the product especially in the cases of liquid products, wet

goods, food and beverages, e.g. bottles, trays, plastic or paper wraps, and laminated cartons.

- d. *Disposal* – refers to the discharge, deposit, dumping, spilling, leaking, or placing of waste into or on land or bodies of water;
- e. *Incentives* – refers to incentives provided for and as defined in Republic Act No. 9178, otherwise known as the Barangay Micro-Business Enterprise Act of 2002, Republic Act No. 9501, otherwise known as the Magna Carta for Micro, Small, and Medium Enterprises, Republic Act No. 10771, otherwise known as the Green Jobs Act of 2016, Executive Order No. 226, otherwise known as the Omnibus Investment Code of 1987, or as defined by concerned local government units through legislation specifically for this purpose, where applicable;
- f. *Packaging material* – shall refer to any material which may contain but not necessarily in direct contact with the product especially for purposes of protection, preservation, handling, transport, and marketability, e.g. cartons, carrier bag, packaging films, protective foams for electronic products; it shall also refer to any material which acts as a secondary container to a product, i.e. for purposes of containment but not in direct contact with the product, i.e. the box which contains a bottle filled with liquid perfume;
- g. *Plastic* – refers to lightweight, resistant, and synthetic material made from wide range of organic polymers which can be molded into a variety of forms depending on purpose or utility;
- h. *Recycling* – shall refer to the treatment of used or waste materials through a process of making them reusable or transforming them into new products or raw materials for the production of other goods and/or service;
- i. *Retailer* – refers to a person engaged in the business of selling products directly to consumers;
- j. *Reusable material* – refers to any material specifically designed or manufactured for multiple usages and shall meet the following conditions:
 - i. Capable of composting and is biodegradable;
 - ii. Recyclable; and
 - iii. Does not contain any toxic or harmful substance or chemical such as but not limited to lead, cadmium, or any other substance or chemical as provided by existing rules and regulations of the Department of Environment and Natural Resources (DENR).
- k. *Single-use plastic* – refers to disposable plastic products which are commonly used for packaging and include items intended to be used

only once before they are thrown away or recycled. This includes, but are not limited to items such as grocery bags, food packaging films, containers and bags, water bottles, straws, stirrers, Styrofoam, cups, sachets, and plastic cutlery;

SECTION 5. *Prohibition of Single-Use Plastics and Levy for the Use in the Interim Period.* – Single-use plastics shall be gradually phased out within the period of three (3) years from the effectivity of this Act. Thereafter, the production, sale, distribution, provision or use of single-use plastics shall be prohibited. Any person or business enterprise shall be subject to penalties as provided under this Act.

In the interim period, the following shall be enforced:

- a. Prohibition on the production or manufacturing of single-use plastics for circulation in the general market;
- b. Prohibition on the issuance of single-use plastics by food establishment, stores, markets, and retailers;
- c. Diversion of consumers to usage of reusable materials in substitution of single-use plastics;
- d. Grant of discounts and/or freebies by business enterprises to consumers using reusable bags in substitution of single-use plastics and/or returning used single-use plastics to concerned retailers for collection, recycling, and/or disposal;
- e. Collection, recycling, and disposal by manufacturers of single-use plastics manufactured and/or in circulation in the general market;
- f. Recycling of unavoidable single-use plastics by manufacturers;
- g. For each piece of single-use plastics already manufactured, in circulation, and for use in any transaction, retailers shall charge the consumer a minimum levy of five pesos (PhP5.00);
- h. The amount collected in subparagraph (g) of this Section by retailers shall be reflected in the official receipt. Twenty percent (20%) of the said amount shall be kept by the business enterprise to cover the cost of the single-use plastics, while eighty percent (80%) shall be remitted quarterly to the Special Fund created under this Act;

SECTION 6. *Prohibition on the Importation of Single-Use Plastics.* – Importation of single-use plastics shall be prohibited upon effectivity of this Act.

SECTION 7. *Recycling of Single-Use Plastics.* All used single-use plastics as allowed by this Act shall be recycled. It shall be the duty of

single-use plastic manufacturers to collect, recycle, and properly dispose said single-use plastics in a manner consistent with Republic Act No. 9003 and existing laws, rules and regulations. The minimization or absence of negative externalities in the process shall likewise be ensured by the manufacturers.

SECTION 8. *Program for Affected Employees and Workers.* – Upon effectivity of this Act, research and technology development initiatives, pilot-testing of innovations and technologies resulting from the studies with the assistance of the Department of Science and Technology (DOST), and capacity building activities shall be undertaken with plastic-manufacturing industries and business enterprises for them to adopt these technologies.

The DOST, the Department of Labor and Employment (DOLE), and the Technical Education and Skills Development Authority (TESDA), with the help of Local Government Units (LGUs) shall provide capacity building programs, technical assistance, and trainings to relevant stakeholders.

SECTION 9. *Shifting to Alternatives* – The DOST is tasked to assist local manufacturers in developing or acquiring the appropriate technology for the production or manufacture of reusable materials or alternatives.

SECTION 10. *Incentives for Shifting to Alternatives.* – Business enterprises, individuals, cooperatives, partnerships, and corporations engaged in the manufacture of identified alternatives to single-use plastics shall be given incentives provided for under Republic Act No. 9178, otherwise known as the Barangay Micro-Business Enterprise Act of 2002, Republic Act No. 9501, otherwise known as the Magna Carta for Micro, Small, and Medium Enterprises, Republic Act No. 10771, otherwise known as the Green Jobs Act of 2016, and Executive Order No. 226, otherwise known as the Omnibus Investment Code of 1987.

SECTION 11. *Certification, Monitoring, and Inspection.* – The Department of Trade and Industry (DTI), in coordination with the LGUs and local law enforcement agencies shall conduct regular inspection and monitoring business enterprises and facilities of manufacturers to determine compliance with this Act.

The LGUs concerned, after the conduct of a thorough inspection, shall issue a certificate indicating whether or not business enterprises in their jurisdiction are compliant to this Act. The certification shall be a requirement for the renewal of local permits.

SECTION 12. *Information and Education Campaign.* – The DENR, in coordination with LGUs, the Department of Education (DepEd), the Commission on Higher Education (CHED), and the Philippine Information Agency (PIA), shall conduct public information and education campaign on the proper regulation of single-use plastics in the country.

SECTION 13. *Penalties and Sanctions.* – The following penalties shall be imposed for any violation of this Act:

- 1) For Business Enterprises and Micro, Small, and Medium Enterprises as defined in Republic Act No. 6977, as amended, Barangay Micro Business Enterprises under Republic Act No. 9178, and all other enterprises and establishments not otherwise Value Added Tax (VAT)-registered:

- a) First Offense – A fine of ten thousand pesos (PhP10,000.00);
- b) Second Offense – A fine of fifty thousand pesos (PhP50,000.00) and suspension of business permit for one (1) year; and
- c) Third Offense – A fine of one hundred (PhP100,000.00), revocation of business permit, and ineligibility for application of business permit for a period of five (5) years.

Any further violation of this Act shall perpetually bar the operator from conducting its business in the LGU concerned.

- 2) For VAT-registered enterprises, establishments, and store, and for all plastic manufacturers found violating this Act, the following penalties shall be imposed.

- a) First Offense – A fine of one hundred thousand pesos (PhP100,000.00);
- b) Second Offense – A fine of five hundred thousand pesos (PhP500,000.00) and suspension of its business permit for one (1) year; and
- c) Third Offense – A fine of one million pesos (PhP1,000,000.00), revocation of business permit, and ineligibility for application of business permit for a period of five (5) years.

Any further violation of this Act shall perpetually bar the operator from conducting its business in the LGU concerned.

Local government officials and officials of government agencies who fail to comply with and enforce this Act shall be administratively charged in accordance with Republic Act No. 7160 and other existing laws, rules, and regulations.

SECTION 14. *Special Fund.* – A special fund for single-use plastic regulation, hereinafter referred to as the Fund, to be administered by the DENR, is hereby created to be composed of levies, fees and fines collected pursuant to this Act.

The fund shall be used exclusively for the following:

- a) Capacity-building of LGUs and local law enforcement agencies for the purposes of this Act;

- b) Establishment of recycling centers;
- c) Establishment of treatment facilities;
- d) Information and education campaigns relative to Section 11 of this Act;
- e) Assistance and incentives for manufacturers and community-based initiatives for the reduction of single-use plastics, as well as for non-government and civil society organizations promoting proper solid waste management;
- f) Capacity-building programs, technical assistance, and trainings to relevant stakeholders, relative to Section 8 of this Act; and
- g) Additional provisions for the Solid Waste Management Fund under Republic Act No. 9003.

The fund may be augmented by donations, endowments, grants and contributions which shall be subject to the provisions of the National Internal Revenue Code of 1997, amended.

SECTION 15. *Access to Information and Public Disclosure.* – The public shall have access to records, reports or information concerning the implementation and mandates of this Act, provided that the DENR or concerned LGU may consider a record, report, or information or portions thereof confidential when such would be of adverse effect to the competitive position of a manufacturer, seller, or distributor.

SECTION 16. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the annual general appropriations of the DENR and other implementing agencies under the General Appropriations Act.

SECTION 17. *Congressional Oversight Committee.* – The joint Congressional Oversight Committee created under Section 60 of Republic Act No. 9003 shall also have the power to monitor and evaluate the implementation of this Act.

SECTION 18. *Implementing Rules and Regulations.* The DENR, in coordination with the DTI, DILG, Climate Change Commission (CCC), and other concerned government agencies and representatives of LGUs, shall issue the necessary Implementing Rules and Regulations within one hundred and twenty (120) days after the effectivity of this Act.

SECTION 19. *Separability Clause.* – If any provision of this Act is declared invalid, the remainder or any provisions thereof not affected thereby shall remain in force and effect.

SECTION 20. *Repealing Clause.* – All acts and decrees, executive orders, implementing rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 21. *Effectivity Clause.* – This Act shall take effect upon its publication in two (2) newspapers of general circulation.

Approved,