

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 983

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>04 JUL 2016</u>
TIME:	<u>6:04pm</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by **Rep. LAWRENCE LEMUEL H. FORTUN**

EXPLANATORY NOTE

The use by every retailer and consumer of plastic bags is a fact of life in our daily existence and millions of plastic bags have been used and continue to be used each year. The unrelenting use of plastic bags has been a major cause not only of litter, waste and pollution, but also of floods, especially in urban areas that have injured many and destroyed properties. Plastic bags clog our canals, drainages and other waterways. The waste and pollution caused by plastic bags have caused destruction to marine life and disruption of our ecosystem.

A number of local government units have already passed and implemented ordinances banning the use of plastic bags. Towards this direction, the proposed bill seeks to regulate the production, use, recycling and disposal of plastic bags in the whole country. It provides for the transition in the usage of ordinary polymer plastic bags to biodegradable plastic bags in every commercial establishment, encouragement in the use of reusable bags and the provision of recovery programs in returning used plastic bags. A version of this measure had had its success in the legislative mill of the previous congresses short of a passage into a law. It is prayed that in the 17th Congress, this measure is finally passed and approved into a law.

In view of the foregoing consideration, approval of this bill is earnestly sought.


LAWRENCE LEMUEL H. FORTUN
1st District Agusan del Norte

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House Bill No. 983

Introduced by **Rep. LAWRENCE LEMUEL H. FORTUN**

AN ACT
REGULATING THE PRODUCTION, IMPORTATION, SALE, PROVISION, USE,
RECOVERY, COLLECTION, RECYCLING AND DISPOSAL OF PLASTIC BAGS

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Plastic Bag Regulation
2 Act”.

3
4 **SEC. 2. Definition of Terms.** – For the purpose of this Act:

5 (a) **Biodegradable plastic bag** refers to a plastic bag that degrades and attain molecular
6 structure suited for biodegradation that results from the action of naturally occurring
7 microorganisms within the parameters established pursuant to this Act: Provided, that the
8 materials therefor shall not significantly affect food security programs of the government.

9 (b) **Commercial establishment** refers to an establishment or cluster of establishments
10 engaged in commerce or sales of goods or services including, but not limited to, market
11 stores, shopping mall outlets, supermarkets, department stores, groceries, convenience stores,
12 food chains, restaurants, cafes, bars, sari-sari stores, vendors and the like.

13 (d) **Operator** refers to a person or group of persons in control of, or having daily
14 responsibility for, the daily operation of a store which may include, but not limited to, the
15 owner of the store.

16 (e) **Plastic bag** refers to a polymer bag designed to be provided or utilized at the point
17 of sale for carrying and transporting goods.

(f) *Reusable bag* refers to a washable fabric bag, a *bayong* or any shopping bag used for carrying and transporting goods, which bags are made of organic or nonorganic materials and can be used several times.

SEC. 3. Biodegradable Plastic Bags. – Six (6) months after the effectivity of this Act, commercial establishments shall provide biodegradable plastic bags to their consumers: *Provided*, That they shall promote and/or make available for sale locally-made *bayong*, *buli* and other reusable bags that are made of *abaca*, water lily and other organic or compostable materials: *Provided, further*, That establishments may still provide other plastic bags as sanctioned under Section 5 of this Act.

A biodegradable plastic bag shall have printed or displayed on it in a manner visible to the consumer, a logo showing that it is a biodegradable plastic bag as well as the manufacturing date and name of manufacturer and distributor: *Provided*, That a plastic bag printed with the name or logo of the establishment shall have printed or displayed on it the words “RETURN FOR RECYCLING”.

The Department of Trade and Industry (DTI), in coordination with the Department of Environment and Natural Resources (DENR), leagues of local government units (LGUs), National Solid Waste Management Commission (NSWMC), and other government and private agencies and organizations concerned shall, within six (6) months from the effectivity of this Act, promulgate the appropriate Philippine National Standard (PNS) for biodegradable plastic bags: *Provided*, That the DTI shall consider in the PNS the effective reusability and recyclability of biodegradable plastic bags.

SEC. 4. In-Store Recovery Program. – Within sixty (60) days after the effectivity of this Act, the operator or cluster of operators of commercial establishments that provide plastic bags to consumers as part of a purchase at retail, shall establish an in-store recovery program that will give their customers an opportunity to return their used plastic bags to the commercial establishments from which the plastic bags originated.

An in-store recovery program provided by the operator of said commercial establishment shall include the following:

(a) A plastic bag recovery bin shall be placed at each store or cluster of stores and shall be visible, easily accessible to the customer, and clearly marked that the recovery bin is available for the purpose of collecting recyclable plastic bags;

51 (b) All plastic bags recovered by the store shall be collected, transported, and, whenever
52 practicable, recycled by the LGUs pursuant to Section 8 of this Act.

53 (c) The commercial establishment shall maintain records describing the recovery,
54 collection, transport, and whenever applicable, recycling and disposal of plastic bags
55 collected for a minimum of three (3) years, and every year thereafter. It shall make the
56 records available to the DTI and/or LGU, upon request, to demonstrate compliance with this
57 Act. The LGU concerned shall likewise maintain records it has recovered, collected and
58 transported for recycling or disposal, and shall make the records available to the DTI;

59 (d) The commercial establishment shall require their customers to surrender an
60 equivalent or practically equivalent plastic bag for the provision of a new plastic bag.
61 Otherwise, the customer or consumer will be charged a fixed fee of P1.00 per plastic bag,
62 which fee shall be reflected in their receipts; and

63 (e) The commercial establishment or a cluster of establishments shall make local
64 reusable bags available, whether for sale or free, to consumers within the establishment.

65 Manufacturers, distributors and exporters of the biodegradable plastic bags shall
66 participate in this program as part of their extended producers responsibility initiatives.

67
68 **SEC. 5. *Phase Out of Non-biodegradable Plastic Bags.*** – Notwithstanding the
69 provision of Section 4 of this Act, non-biodegradable plastic bags shall be gradually phased
70 out within a period of three (3) years from the effectivity of this Act. Thereafter, production,
71 importation, sale, distribution, provision or use of said bags shall be prohibited.

72
73 **SEC. 6. *Lead Agency.*** – The DTI, unless otherwise provided herein, shall be the
74 primary government agency responsible for the implementation and enforcement of this Act.

75
76 **SEC. 7. *Linkage Mechanism.*** – The DTI, in coordination with the DENR and the
77 NSWMC, shall consult, and enter into an agreement with other government agencies or
78 LGUs, or with concerned nongovernmental organizations (NGOs) or people's organizations
79 (POs), or private enterprises in the furtherance of the objectives of this Act.

80
81 **SEC. 8. *Role of Local Government Units (LGUs).*** – The LGUs shall have the
82 primary responsibility in the effort to decrease the percentage of plastic bag waste produced
83 within their respective territorial jurisdictions.

84 For this purpose, they shall be primarily responsible for the collection, transportation,
85 recycling and disposal of plastic bags recovered pursuant to this Act. The LGUs may enjoin
86 the participation of other concerned government agencies, private entities and industries.

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

90
91 **SEC. 9. *Fines and Penalties.*** – Violations of Sections 3, 4 and 5 of this Act, and the
92 deliberate misrepresentation of the vendor, distributor or manufacturer shall be penalized in
93 the following manner:

94 (a) A fine of not less Ten thousand pesos (Php10,000.00) but not exceeding One
95 hundred thousand pesos (Php100,000.00) for the first offense;

96 (b) A fine of not less than One hundred thousand pesos (P100,000.00) but not
97 exceeding Two hundred fifty thousand pesos (P250,000.00) for the second offense;

98 (c) A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not
99 exceeding Five hundred thousand pesos (P500,000.00) for the third offense; and

100 (d) A fine of not less than Five hundred thousand pesos (P500,000.00) but not
101 exceeding Seven hundred fifty thousand pesos (P750,000.00) and automatic revocation of its
102 business permit for the fourth offense.

103 For purposes of the imposition of appropriate fines hereof, the DTI shall establish
104 classification of commercial establishments based on their capitalization.

105 Any fine collected pursuant to this section shall be retained by the barangay unit where
106 the store is located in order to augment its waste management capability.

107
108 **SEC. 10. *Administrative Action.*** – Without prejudice to the right of any person to file
109 an administrative action, the DTI shall, on its own instance or upon verified complaint by
110 any person, institute administrative proceedings in the proper forum against any natural or
111 juridical person who violates any of the provisions of this Act with respect to:

112 (a) Standards and limitations provided by this Act; or

113 (b) Such order, rule or regulation issued by the DTI with respect to such standard or
114 limitation.

115 **SEC. 11. *Independence of Action.*** – The filing of an administrative suit against such
116 person or entity does not preclude the right of any other person to file any criminal or civil
117 action.

118 **SEC. 12. *Enforcement.*** – The enforcement of the penal provision of this Act shall be
119 made through the DTI, in coordination with the Office of the Mayor of the LGU concerned.

120
121 **SEC. 13. *Joint Congressional Oversight Committee.*** – The Joint Congressional
122 Oversight Committee created under Section 60 of Republic Act No. 9003, otherwise known
123 as the “Ecological Solid Waste Management Act of 2000”, shall likewise monitor the
124 implementation of this Act and review the implementing rules and regulations promulgated
125 by the DTI.

126
127 **SEC. 14. *Implementing Rules and Regulations.*** – The DTI, in coordination with the
128 DENR, the NSWMC and other relevant government agencies and organizations shall, within
129 six (6) months from the effectivity of this Act, promulgate the implementing rules and
130 regulations (IRR) governing this Act.

131
132 **SEC. 15. *Appropriations.*** – The amount necessary to carry out the provisions of this
133 Act shall be charged against the current year’s appropriations of the concerned agencies.
134 Thereafter, such sums as may be necessary for the operation and maintenance of this Act
135 shall be included in the General Appropriations Act.

136
137 **SEC. 16. *Separability Clause.*** – If, for any reason, any provision of this Act or part
138 thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the other
139 provisions or parts hereof not affected shall remain in full force and effect.

140
141 **SEC. 17. *Repealing Clause.*** – All laws, decrees, orders, issuances, ordinances, rules and
142 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or
143 modified accordingly.

144
145 **SEC. 18. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
146 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,