

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

19<sup>th</sup> Congress  
First Regular Session

House Bill No. **7365**



Introduced by Representative **DANTE S. GARCIA**

**EXPLANATORY NOTE**

Though R.A. No. 11898, otherwise known as Extended Producer's Responsibility Act of 2022 (EPRA), was legislated in order to thwart plastic wastes from being leaked to the environment by requiring the producers of plastic products to recover their wastes, many environmentalists practicing here and abroad believe that the law is not adequate. The recovery component of EPRA covers only the downstream approach. It is believed that the upstream solution must be thoroughly introduced and implemented in order to address significantly the problem on plastic wastes.

The proposed bill seeks to offer the upstream approach to efficiently prevent plastic wastes from finding their ways to our canals, esteros, lakes, oceans and other water bodies, by directing (a) the phase out of highly unnecessary plastic products, and (b) the use of compostable plastics, and (c) engagement of commercial establishments in providing their customers non-free plastic carry-out bags or take-out packaging.


This is the opportune time to salvage the Philippines from its bad reputation of being one of the largest contributors to plastic wastes worldwide. Just recently, on February 23, 2023, the Visual Capitalist published online an alarming article stating that the Philippines is the Highest Ocean Plastic Waste Polluter. It reported the following data, to wit:

Rank	Country	Annual Ocean Plastic Waste (Metric tons)
#1	Philippines	356,371
#2	India	126,513
#3	Malaysia	73,098
#4	China	70,707
#5	Indonesia	56,333
#6	Myanmar	40,000

Rank	Country	Annual Ocean Plastic Waste (Metric tons)
#7	Brazil	37,799
#8	Vietnam	28,221
#9	Bangladesh	24,640
#10	Thailand	22,806
	Rest of the World	176,012
	<b>Total</b>	<b>1,012,500</b>

Precisely on this point, in combination of downstream approach or the recovery schemes being espoused by R.A. No. 11898, this proposed legislative measure offers an upstream approach to extensively provide a solution to the problem.

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

  
**DANTES S. GARCIA**  
Representative  
2<sup>nd</sup> District of La Union

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Philippines

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 7365

*Introduced by Representative DANTE S. GARCIA*

AN ACT  
REGULATING THE PRODUCTION, IMPORTATION, SALE, DISTRIBUTION,  
PROVISION, USE, RECOVERY, COLLECTION, RECYCLING, AND DISPOSAL OF  
SINGLE-USE PLASTIC PRODUCTS

*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 “Single-Use Plastic Products  
2 Regulation Act”.

3       **SEC. 2.** *Definition of Terms.*– As used in this Act:

- 4       a) *Commercial establishment* refers to an establishment or cluster of establishments  
5 engaged in commerce or sales of goods or services including market stores, shopping  
6 mall outlets, supermarkets, department stores, online stores, grocery stores, drug  
7 stores, convenience stores, food chains, restaurants, cafes, bars, sari-sari stores,  
8 ambulant vendors, with or without stalls, and the like;
- 9       b) *Compostable plastic product* refers to a plastic product that is suitable for home  
10 composting that undergoes degradation by biological processes during composting to  
11 yield carbon dioxide, water, inorganic compounds, and biomass, at a rate consistent  
12 with other known compostable materials, and leaves no visible, distinguishable, or  
13 environmentally-harmful residue;
- 14       c) *High in replaceability* refers to a condition wherein a plastic product is deemed non-  
15 acceptable, unnecessary, or can be replaced by a more efficient and eco-friendly  
16 alternative;
- 17       d) *Importer* refers to any entity that imports or distributes single-use plastic products, or  
18 goods utilizing single-use plastic products, to any commercial establishment in the  
19 Philippines;

- 1 e) *Low in recyclability* refers to a condition wherein the value for recovery and  
2 reprocessing of a plastic product is low, or non-existent, due to its design,  
3 composition, content, and density, among other things;
- 4 f) *Low in retrievability* refers to a situation wherein after use of the plastic products, a  
5 significant volume cannot be recovered, properly recycled, processed or disposed of,  
6 on account of inefficient recovery schemes, or low value for recovery, recycling or  
7 reprocessing;
- 8 g) *Plastic footprint* refers to the total amount of plastic or composite materials used in  
9 the production, distribution, promotion, and sale of single-use plastic products or  
10 services;
- 11 h) *Plastic products* refer to bags, containers, food service necessities, packaging, and  
12 promotional materials, or any other non-healthcare products using synthetic polymers  
13 as a major component, or as one of the layers thereof, designed to be utilized, to carry  
14 or protect goods for transportation, distribution, and sale, or to promote these products  
15 or services;
- 16 i) *Producer* refers to any entity that manufactures or distributes single-use plastic  
17 products or goods utilizing single-use plastic products, to any commercial  
18 establishment in the Philippines; and,
- 19 j) *Single-use plastic products* refer to plastic products designed to be disposed,  
20 destroyed, or recycled, after only one use.

21 **SEC. 3. Phase Out Of Single-Use Plastic Products.** – The following non-compostable  
22 single-use plastic products shall be phased out within a period of four (4) years from the effectivity  
23 of this Act:

- 24 a) Plates and saucers;  
25 b) Cups, bowls, and lids;  
26 c) Cutlery like spoons, forks, knives, chopsticks;  
27 d) Food and beverage containers made of expanded polystyrene;  
28 e) Oxo-degradable plastics;  
29 f) Film wrap, packaging, or bags of less than 50 microns in thickness; and  
30 g) Sachets and pouches that are multilayered with other materials.

31 The following products shall be phased out within a period of one (1) year from the  
32 effectivity of this Act:

- 33 a) Drinking straws;  
34 b) Stirrers;  
35 c) Sticks for candy, balloon, and cotton bud;  
36 d) Buntings;  
37 e) Confetti; and

1 f) Packaging or bags of less than 10 microns in thickness.

2 Thereafter, the production, importation, sale, distribution, provision or use of the said plastic  
3 products shall be prohibited.

4 Properly labelled flexible disposable plastic drinking straws for persons with special medical  
5 conditions shall be allowed, when no suitable reusable or compostable alternatives are available.

6 **SEC. 4. Phase-out of Other Single-Use Plastic Products.** – Two (2) years after the  
7 effectivity of this Act, and every two (2) years thereafter, the Department of Environment and  
8 Natural Resources (DENR), in coordination with the Department of Trade and Industry (DTI),  
9 the Department of Science and Technology (DOST), and the National Solid Waste Management  
10 Commission (NSWMC), shall regularly determine whether plastic bottles, flexible or rigid  
11 plastic packaging products, whether single layer or multi-layered with plastic or other materials,  
12 election or advertising paraphernalia, streamers, and other non-compostable single-use plastic  
13 products not listed under Section 3 of this Act, are deemed either high in replaceability, low in  
14 recyclability, or low in retrievability. Upon determination by the DENR, these products shall be  
15 phased out within a period of two (2) years.

16 Products are low in recyclability or retrievability when these are not properly recovered or  
17 offset, in compliance with the provisions or standards established pursuant to Sec. 7 of this Act.

18 **SEC. 5. Phase-out Plan for Single-Use Plastic Products.** – A Phase Out Plan, hereinafter  
19 referred to as the Plan, shall be formulated by the DENR, in coordination with the NSWMC, and  
20 in consultation with relevant departments or agencies of the government and stakeholders, within  
21 six (6) months upon the effectivity of this Act. The Plan shall include the following components:

22 a) **Consumption, Reduction, and Recovery Program.** – The DTI, in cooperation with the  
23 DENR, the DOST, and the Food and Drug Administration (FDA) of the Department  
24 of Health (DOH), and in consultation with stakeholders, shall formulate a  
25 Consumption, Reduction, and Recovery Program, to achieve a significant reduction  
26 in consumption and increased recovery for recycling and treatment, or proper disposal  
27 of single-use plastic products, within the phase out period prescribed by this Act. Such  
28 measures shall include national consumption reduction, waste recovery targets, and  
29 other measures ensuring that reusable and compostable alternatives to single-use  
30 plastic products are made available, and that the said products are not free of charge  
31 at the point-of-sale to the final consumer;

32 b) **Producer Responsibility Schemes.** – Producer responsibility schemes shall be  
33 formulated to carry out the objectives of Section 7 of this Act, and as part of interim  
34 measures, to cushion the impact of single-use plastic products on the environment  
35 within the phase-out periods;

36 c) **Reusable and Compostable Alternatives to Single-Use Plastic Products.** –  
37 Appropriate strategies to implement the requirements provided under Sections 6  
38 and 14 of this Act shall be formulated to assist local manufacturers in developing

1 or acquiring the appropriate technology and sustainable materials for the production  
2 of reusable or compostable alternatives to single-use plastic products, which shall  
3 also be highly recoverable and highly recyclable;

4 d) Awareness-Raising Measures. – As part of the Information and Education  
5 Campaign (IEC) under Section 11 of this Act, the DENR shall, together with the  
6 Department of Education (DepEd) and Department of Interior and Local  
7 Government (DILG), formulate an information dissemination plan to inform  
8 consumers of (i) the impact of use and improper disposal of single-use plastic  
9 products on the environment; (ii) waste reduction, reuse, recycling and recovery  
10 systems; and (iii) other best practices in waste management; and

11 e) Fiscal and Non-Fiscal Rewards and Incentives. – The Department of Finance (DOF),  
12 the DILG, and the DTI, shall establish mechanisms that will provide fiscal or non-  
13 fiscal rewards and incentives allowed under existing laws, to encourage  
14 manufacturers, importers, sellers, and end-users to participate in the programs geared  
15 towards achieving the objectives of the Plan.  
16

17 **SEC. 6. Compostable Plastic.** – Producers, importers, and commercial establishments may  
18 provide compostable plastic products to their consumers. The plastic product shall have a visible  
19 logo identifying that it is compostable. The manufacturing date and name of manufacturer,  
20 importer, and distributor shall be labelled as well.

21 The DTI, in coordination with the DENR, DOST, leagues of local government units  
22 (LGUs), NSWMC, and other government and private agencies and organizations concerned, shall  
23 promulgate the appropriate Philippine National Standard (PNS) for compostable plastic products,  
24 within six (6) months from the effectivity of this Act. Recoverability, recycling, or reprocessing  
25 value of these products into other useful materials or commodities shall likewise be explored by  
26 the DTI.

27 **SEC. 7. Responsibility of Producers and Importers.** – Within two (2) years following the  
28 effectivity of this Act, producers and importers of single-use plastic products, regardless of  
29 whether compostable or recyclable, shall establish and start phasing in the extended producers'  
30 responsibility programs, aimed at effectively preventing plastic wastes from leaking to the  
31 environment. To achieve the purposes of this section, the producers, not referred to as "obliged  
32 enterprises" under R.A. No. 11898, otherwise known as the Extended Producers Responsibility  
33 Act of 2022, shall nevertheless implement the programs that may include the following activities:

34 a) Recovery schemes for plastic wastes through redemption, buy-back, offsetting, or any  
35 model or strategies that will efficiently effect high retrievability and recyclability;

36 b) Transportation of recovered plastic wastes to the appropriate composting, recycling,  
37 and other diversion or disposal sites in the country;

38 c) Cleanup of plastic wastes leaked to coastal areas, public roads, and other sites; and

- 1 d) Establishment of recycling, composting, thermal treatment, and other wastes  
2 diversion or disposal facilities of commercial or industrial scale for plastic products,  
3 when investment therein is viable.

4 For this purpose, the producer or importer shall recover or offset and divert into value chains  
5 and value-adding useful products as may be directed by the DENR. The producer or importer  
6 shall submit to the DENR a verifiable notarized documentation of its single-use plastic product  
7 footprint. An independent third party auditor shall be engaged by both the DENR and the producer  
8 or importer to verify the authenticity of the plastic product footprint report and its recovery or  
9 offsetting report.

10 Expenses relevant to the abovementioned activities, and the recovery and diversion of their  
11 plastic product footprint, are considered part of necessary expense, and shall be allowed as  
12 deduction from the taxable income of the producers and importers, under Section 34(A) of the  
13 National Internal Revenue Code, as amended.

14 If a producer or importer fails to meet the recovery or off-setting of plastic product footprint  
15 target set pursuant to the preceding paragraph, the producer or importer shall be required to pay  
16 the equivalent amount of five percent (5%) of the cost of the single-use product set in the market  
17 to the producers and importers' responsibility corporation created pursuant to Section 7 hereof,  
18 net of whatever amount already spent for recovery for the period. The producers and importers'  
19 responsibility corporation may increase the rate or amount three (3) years after the effectivity of  
20 this Act.

21 Producers and importers shall provide appropriate labelling for their packaging and  
22 products, providing information on specific plastic types and packaging structure, and other  
23 information important in the proper recovery and diversion of their wastes after use. For this  
24 purpose, the DTI in coordination with the recycling and waste processing industry is mandated to  
25 formulate the guidelines for proper labelling of packaging and plastic products.

26 Implementing Rules and Regulations (IRR) for this section shall include, but not be limited,  
27 to multi-sectoral compliance monitoring schemes, accountability mechanism, transparency, and  
28 data reporting on recovery plan.

29 **SEC. 8.** *Responsibility of Commercial Establishments.* – Sixty (60) days after the  
30 effectivity of this Act, commercial establishments shall undertake the following activities:

- 31 a) Promote the use of highly reusable, recyclable, and retrievable products in their  
32 establishments, or make available for sale locally-made products such as bayong, buli,  
33 and other reusable containers and bags that are made of abaca, water lily, and other  
34 organic or compostable materials or reusable or recyclable containers that promote  
35 circular economy;
- 36 b) Charge their customers a minimum fee of PHP 5.00 for every single use plastic bag:  
37 *Provided*, That the imposition of the minimum fee shall not preclude the LGUs from  
38 imposing other fees and charges on the use of plastic bags;

- 1 c) Charge take-out food or delivery services a minimum fee of Five pesos (P 5.00) for  
2 every single-use plastic product provided, regardless of whether it is a disposable or  
3 compostable alternative; and
- 4 d) Establish an effective in-store recovery program that will facilitate and encourage  
5 customer return of their used plastic products to the commercial establishment, and  
6 implement the recovery scheme established pursuant to Section 7 of this Act.

7 The fees collected pursuant to paragraphs (b) and (c) shall be reflected in the receipts. The  
8 DOF shall prescribe the rules and regulations to be issued to implement this section with respect  
9 to the collection, recording, and remittance of fees: *Provided*, That fifty percent (50%) of the  
10 said fees shall be remitted to the National Government and deposited to the National Solid  
11 Waste Management Fund pursuant to Section 46 of Republic Act No. 9003, while the other  
12 fifty percent (50%) shall be remitted to the barangay where the fee was collected, to finance  
13 exclusively their solid waste management programs.

14 **SEC. 9. Lead Agency.** – The DENR, in coordination with the NSWMC, unless otherwise  
15 provided herein, shall be the primary government agency responsible for the implementation and  
16 enforcement of this Act.

17 **SEC. 10. Monitoring and Market Inspections.** – The DENR and the DTI shall, in  
18 coordination with the LGUs and local law enforcement agencies, instigate the regular and routine  
19 inspection and monitoring of the point-of-sale stores and the facilities of commercial  
20 establishments, producers, and importers, to determine compliance with this Act. Inspection and  
21 monitoring shall include the following:

- 22 a) Entry or access to the premises of operation and business, including storage rooms  
23 and stockrooms;
- 24 b) Inspection of off-site storage facilities, distribution centers, and trans-shipment  
25 points; and
- 26 c) Inspection of the recovery, recycling, treatment, and disposal facilities, to determine  
27 if residual plastic products are being properly diverted and disposed of.

28 **SEC. 11. Public Access to Information.** – The public shall have access to records, reports,  
29 or information concerning the implementation and mandates of this Act.

30 The said documents shall be made available for inspection or reproduction during normal  
31 business hours: *Provided*, That the DENR, the DTI or concerned LGU may consider confidential  
32 a record, report, or information, or particular portions thereof, and shall therefore not be made  
33 public when such would divulge trade secrets, production or sales figures, or methods, production,  
34 or processes unique to the manufacturer, seller, or distributor, or would otherwise tend to  
35 adversely affect the competitive position of such manufacturer.

1       **SEC. 12. *Information and Education Campaign.*** – The DENR, in coordination with the  
2 LGUs, the DILG, the DTI, the DepEd, the Commission on Higher Education (CHED), Philippine  
3 Information Agency (PIA), and other private or nongovernment organizations and concerned  
4 agencies, shall conduct a continuing IEC on the proper implementation of this Act, including the  
5 necessity to regulate plastic products in the country, in relation to our environment.

6       The said IEC shall be incorporated in the public IEC under Section 55 of Republic Act No.  
7 9003 otherwise known as the “Ecological Solid Waste Management Act of 2000”.

8       **SEC. 13. *Linkage Mechanism.*** – The DENR and the NSWMC, in coordination with the  
9 DTI, may consult, and enter into an agreement with other government agencies, LGUs, or with  
10 concerned non-governmental organizations (NGOs) or people’s organizations (POs), or private  
11 enterprises in the furtherance of the objectives of this Act.

12       **SEC. 14. *Shift to Alternatives.*** – The DOST, in cooperation with the Department of  
13 Agriculture (DA), the DTI, the DENR, and the NSWMC, shall develop and implement a program  
14 that will assist local manufacturers in developing or acquiring sustainable sources of raw  
15 materials, appropriate technology for the production of highly reusable, recoverable, recyclable,  
16 or compostable materials, as an alternative to plastic products and provide applicable incentives  
17 therefor. Consistent with the program, the DTI, through the Bureau of Philippine Standards  
18 (BPS), shall take the lead in developing the appropriate standards for alternatives.

19       **SEC. 15. *Production and Importation Control.*** – The DTI shall, in cooperation with the  
20 DA, DOST, DENR, and NSWMC, develop a framework plan that will ensure that the single-use  
21 plastic products being produced or imported in the country will maximize its purpose, minimize  
22 its waste footprint, and increase its recoverability and recyclability. For this purpose, standards  
23 shall be established for the dimensions, thickness, labelling, structures, capacity, color-coding,  
24 materials and other relevant parameters of a particular single-use plastic product.

25       **SEC. 16. *Role of the National Solid Waste Management Commission.*** – The NSWMC,  
26 created pursuant to Section 4 of Republic Act No. 9003 shall, in addition to its functions under  
27 the said law, aid and assist in the implementation and enforcement of this Act.

28       The NSWMC shall, in partnership with research institutions and academic communities,  
29 conduct relevant studies to realize the harmonious implementation of this Act with Republic Act  
30 No. 9003. It shall also ensure that the provisions of this Act are made part of the programs being  
31 implemented under Republic Act No. 9512, otherwise known as the “National Environmental  
32 Awareness and Education Act of 2008”.

33       The DENR shall provide the necessary financial and manpower resources to enable the  
34 NSWMC to perform its additional functions under this Act.

35       **SEC. 17. *Role of LGUs.*** – The LGUs shall be primarily responsible for the  
36 implementation and/or monitoring of compliance with wastes segregation, collection, recovery,  
37 transport, recycling, and disposal of plastic products. The LGUs may enjoin the participation  
38 of other concerned government agencies, private entities, and industries for this purpose.

1 The DENR shall, in coordination with the NSWMC and the DOST, provide the LGUs with  
2 technical assistance, trainings, and continuing capability-building programs to attain the  
3 objectives of this Act.

4 **SEC. 18. *Fines and Penalties.*** – Deliberate violations of Sections 3, 4, 6, 7, 8, 14 and 15 of  
5 this Act, and the falsification of documents required pursuant to this Act, or misrepresentation of  
6 persons producing, importing, or distributing single-use plastic products, and commercial  
7 establishments shall be penalized in the following manner:

8 a) Large, Medium and Small Enterprises:  
9

- 10 1. A fine of not less than Two hundred fifty thousand pesos (P 250,000.00) but not  
11 exceeding Five hundred thousand pesos (P 500,000.00) for the first offense;  
12 2. A fine of not less than Five hundred thousand pesos (P 500,000.00) but not  
13 exceeding Seven hundred fifty thousand pesos (P 750,000.00) for the second  
14 offense; and  
15 3. A fine of not less than Seven hundred fifty thousand pesos (P 750,000.00) but not  
16 exceeding One million pesos (P 1,000,000.00) and automatic revocation of its  
17 business permit for the third offense.

18 b) Micro Enterprises, and Other Smaller Businesses:  
19

- 20 1. A fine of not less than Fifty thousand pesos (P 50,000.00) but not exceeding One  
21 hundred thousand pesos (P 100,000.00) for the first offense;  
22 2. A fine of not less than One hundred thousand pesos (P 100,000.00) but not  
23 exceeding Three hundred thousand pesos (P 300,000.00) for the second offense;  
24 and  
25 3. A fine of not less than Three hundred thousand pesos (P 300,000.00) but not  
26 exceeding Five hundred thousand pesos (P 500,000.00) and automatic revocation of  
27 its business permit for the third offense.

28 The Pollution Adjudication Board of the DENR shall hear and adjudicate cases of  
29 violations or offenses in this section, and impose appropriate fines therefor. For purposes of the  
30 imposition of appropriate fines hereof, the DTI shall establish the classification of commercial  
31 establishments based on their capitalization.

32 Forty percent (40%) of the fines collected under this Act shall be allocated to or retained  
33 by the barangay where the fined prohibited acts are committed in order to finance the solid waste  
34 management of said unit.  
35

36 **SEC. 19. *Administrative Action.*** – Without prejudice to the right of any person to file an  
37 administrative action, the DENR shall, on its own instance or upon verified complaint by any

1 person, institute administrative proceedings in the proper forum against any natural or juridical  
2 person who violates any of the provisions of this Act with respect to standards and limitations  
3 provided by this Act, or such order, rule, or regulation issued by the DENR pursuant thereto.

4 **SEC. 20. Independence of Action.** – The filing of an administrative suit against any person  
5 or entity does not preclude the right of any other person to file any criminal or civil action.

6 **SEC. 21. Joint Congressional Oversight Committee.** – The Joint Congressional Oversight  
7 Committee created under Section 60 of Republic Act No. 9003, shall likewise monitor the  
8 implementation of this Act and review the rules and regulations promulgated by the DENR to  
9 implement this Act. The Joint Committee shall be cochaired by the Chairpersons of the House  
10 Committee on Ecology and the Senate Committee on Environment.

11 **SEC. 22. Citizen's Suit.** - Any citizen can file an appropriate civil, criminal, or  
12 administrative action in the proper courts or bodies against: any person who violates or fails to  
13 comply with the provisions of this Act and its IRR; the department or other implementing  
14 agencies with respect to orders, regulations, and issuances inconsistent with this Act; and any  
15 public officer who willfully or grossly neglects the performance of an act specifically enjoined  
16 as a duty by this Act or its IRR, or abuses the authority vested upon him in the performance of  
17 duty, or in any manner improperly performs the duties assigned under this Act or its IRR;  
18 *Provided, however,* That no suit can be filed until after a thirty (30)-day notice has been given to  
19 the public officer and the alleged violator concerned and no appropriate action has been taken  
20 thereon. With this, free and accessible legal help should be given to individual persons who shall  
21 file a lawsuit under this Act.

22 **SEC. 23. Implementing Rules and Regulations.** – The DENR, in coordination with the  
23 NSWMC, DTI, DOST, and other relevant government agencies and organizations, shall  
24 promulgate the IRR governing this Act, within six (6) months from its effectivity.

25 **SEC. 24. Separability Clause.** – If, for any reason, any provision of this Act or part thereof  
26 is declared unconstitutional or invalid by a court of competent jurisdiction, the other provisions  
27 or parts hereof not affected shall remain in full force and effect.

28 **SEC. 25. Repealing Clause.** – All laws, decrees, orders, issuances, ordinances, rules and  
29 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or  
30 modified accordingly.

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

Approved,