



HOUSE OF REPRESENTATIVES

H. No. 4840

BY REPRESENTATIVES MALAPITAN, GONZALES (A.), BICHARA, ANGARA, RODRIGUEZ (R.), RODRIGUEZ (M.), MENDOZA (R.), MERCADO-REVILLA, LAZATIN, CAGAS, SAMBAR, CO, ZAMORA-APSAY, GOLEZ (A.), CALIMBAS-VILLAROSA, SARMIENTO (M.), BATOCABE, CASTELO, HERRERA-DY MIRAFLORES, GARBIN, TEODORO, CASTRO, SARMIENTO (C.), VILLARICA, FERNANDEZ, CAJAYON, ALCALA, ARAGO, LAGDAMEO (A.), VERGARA, ROBES, SUAREZ, MARIANO, BAGATSING, MENDOZA (J.) AND LOPEZ (C.J.), PER COMMITTEE REPORT NO. 1216

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
2 Bag Regulation Act of 2011”.

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

4 (a) *Biodegradable plastic bag* refers to a plastic bag that degrades into
5 fine wettable fragments through oxidation processes and thereafter attain
6 molecular structure suited for biodegradation that results from the action of
7 naturally occurring microorganisms such as bacteria, fungi and algae. Such
8 plastic bags shall, within twenty-four (24) months after its use, have a sixty

1 percent (60%) biodegradation where organic carbon is converted to carbon
2 dioxide without leaving significant harmful residues.

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

8 (c) *Department* refers to the Department of Environment and Natural
9 Resources (DENR).

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

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

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

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

25 For this purpose, the Department of Trade and Industry (DTI), in
26 coordination with the Department, leagues of local government units (LGUs),
27 National Solid Waste Management Commission (NSWMC), and other
28 government and private agencies and organizations concerned shall, within six

1 (6) months from the effectivity of this Act, promulgate the appropriate
2 Philippine National Standard (PNS) for biodegradable plastic bags: *Provided,*
3 That the DTI shall consider in the PNS the recyclability of biodegradable
4 plastic bags.

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

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

13 (a) A plastic bag shall have printed or displayed on it in a manner
14 visible to the consumer, a logo and/or words showing that it is a biodegradable
15 plastic bag;

16 (b) A plastic bag printed with the name or logo of the establishment
17 shall have printed or displayed on it the words “PLEASE RETURN TO ANY
18 STORE FOR RECYCLING”, in addition to the requirement of the
19 immediately preceding paragraph;

20 (c) A plastic bag recovery bin shall be placed at each store or cluster of
21 stores and shall be visible, easily accessible to the costumer, and clearly
22 marked that the recovery bin is available for the purpose of collecting,
23 recycling and disposal of plastic bags;

24 (d) All plastic bags recovered by the store shall be collected,
25 transported, and, whenever practicable, recycled and disposed by the LGUs
26 pursuant to Section 8 of this Act.

27 (e) The commercial establishment shall maintain records describing the
28 recovery, collection, transport, and whenever applicable, recycling and

1 disposal of plastic bags collected for a minimum of three (3) years, and every
2 year thereafter. It shall make the records available to the Department and/or
3 LGU, upon request, to demonstrate compliance with this Act. The LGU
4 concerned shall likewise maintain records it has recovered, collected and
5 transported for recycling or disposal, and shall make the records available to
6 the Department;

7 (f) The commercial establishment shall require their customers to
8 surrender an equivalent or practically equivalent plastic bag for the provision
9 of a new plastic bag. Otherwise, the customer or consumer will be charged a
10 fixed fee of P1.00 per plastic bag, which fee shall be reflected in their receipts;
11 and

12 (g) The commercial establishment shall make local reusable bags
13 available to consumers within the establishment, which shall be purchased in
14 lieu of surrendering an old plastic bag or purchasing a new plastic bag.

15 *SEC. 5. Phaseout of Nonbiodegradable Plastic Bags.* –
16 Notwithstanding the provision of Section 4 of this Act, nonbiodegradable
17 plastic bags shall be gradually phased out within a period of three (3) years
18 from the effectivity of this Act. Thereafter, production, importation, sale,
19 distribution, provision or use of said bags shall be prohibited.

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

23 *SEC. 7. Linkage Mechanism.* – The Department, in coordination with
24 the DTI and the NSWMC, shall consult, and enter into an agreement with other
25 government agencies or LGUs, or with concerned nongovernmental
26 organizations (NGOs) or people's organizations (POs), or private enterprises
27 in the furtherance of the objectives of this Act.

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

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

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

12 SEC. 9. *Fines and Penalties.* – Violations of Sections 3, 4 and 5 of
13 this Act shall be penalized in the following manner:

14 (a) A fine of not exceeding One hundred thousand pesos (P100,000.00)
15 for the first offense;

16 (b) A fine of not exceeding Two hundred fifty thousand pesos
17 (P250,000.00) for the second offense;

18 (c) A fine of not exceeding Five hundred thousand pesos
19 (P500,000.00) for the third offense; and

20 (d) A fine of not exceeding Seven hundred fifty thousand pesos
21 (P750,000.00) and automatic revocation of its business permit for the fourth
22 offense.

23 Fines shall be imposed based on the capitalization of commercial
24 establishments. For this purpose, the Department shall establish such
25 classification of commercial establishments.

26 For purposes of the imposition of appropriate fines hereof, the
27 Department shall establish classification of commercial establishments based
28 on their capitalization.

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

4 SEC. 10. *Administrative Action.* – Without prejudice to the right of
5 any person to file an administrative action, the Department shall, on its own
6 instance or upon verified complaint by any person, institute administrative
7 proceedings in the proper forum against any natural or juridical person who
8 violates any of the provisions of this Act with respect to:

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

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

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

15 SEC. 12. *Enforcement.* – The enforcement of the penal provision of
16 this Act shall be made through the Department, in coordination with the Office
17 of the Mayor of the LGU concerned.

18 SEC. 13. *Joint Congressional Oversight Committee.* – The Joint
19 Congressional Oversight Committee created under Section 60 of Republic Act
20 No. 9003, otherwise known as the “Ecological Solid Waste Management Act
21 of 2000”, shall likewise monitor the implementation of this Act and review the
22 implementing rules and regulations promulgated by the Department.

23 SEC. 14. *Implementing Rules and Regulations.* – The Department, in
24 coordination with the DTI, the NSWMC and other relevant government
25 agencies and organizations shall, within six (6) months from the effectivity of
26 this Act, promulgate the implementing rules and regulations (IRR) governing
27 this Act.

1 SEC. 15. *Appropriations.* – The amount necessary to carry out the
2 provisions of this Act shall be charged against the current year's appropriations
3 of the concerned agencies. Thereafter, such sums as may be necessary for the
4 operation and maintenance of this Act shall be included in the General
5 Appropriations Act.

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

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

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

Approved,

○