



HOUSE OF REPRESENTATIVES

H. No. 9147

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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 stores,

1 convenience stores, food chains, restaurants, cafes, bars, sari-sari stores, ambulant vendors,
2 with or without stalls, and the like;

3 (b) *Compostable plastic product* refers to a plastic product that is suitable for home
4 composting that undergoes degradation by biological processes during composting to
5 yield carbon dioxide, water, inorganic compounds, and biomass, at a rate consistent
6 with other known compostable materials, and leaves no visible, distinguishable, or
7 environmentally harmful residue;

8 (c) *High in replaceability* refers to a condition wherein a plastic product is deemed
9 non-acceptable, unnecessary, or can be replaced by a more efficient and eco-friendly
10 alternatives;

11 (d) *Importer* refers to any entity that imports or distributes single-use plastic
12 products, or goods utilizing single-use plastic products, to any commercial establishment
13 in the Philippines;

14 (e) *Low in recyclability* refers to a condition wherein the value for recovery and
15 reprocessing of a plastic product is low, or nonexistent, due to its design, composition, content,
16 and density, among other things;

17 (f) *Low in retrievability* refers to a situation wherein after use of the plastic products,
18 a significant volume cannot be recovered, properly recycled, processed or disposed of,
19 on account of inefficient recovery schemes, or low value for recovery, recycling or
20 reprocessing;

21 (g) *Plastic footprint* refers to the total amount of plastic or composite materials used
22 in the production, distribution, promotion, and sale of single-use plastic products or services;

23 (h) *Plastic products* refer to bags, containers, food service necessities, packaging,
24 and promotional materials, or any other non-healthcare products using synthetic polymers
25 as a major component, or as one of the layers thereof, designed to be utilized, to carry
26 or protect goods for transportation, distribution, and sale, or to promote these products
27 or services;

28 (i) *Producer* refers to any entity that manufactures or distributes single-use plastic
29 products or goods utilizing single-use plastic products, to any commercial establishment
30 in the Philippines; and

31 (j) *Single-use plastic products* refer to plastic products designed to be disposed,
32 destroyed, or recycled, after only one use.

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

36 (a) Plates and saucers;

37 (b) Cups, bowls, and lids;

38 (c) Cutlery like spoons, forks, knives, and chopsticks;

39 (d) Food and beverage containers made of expanded polystyrene;

40 (e) Oxo-degradable plastics;

- 1 (f) Film wrap, packaging, or bags of less than 50 microns in thickness; and
- 2 (g) Sachets and pouches that are multilayered with other materials.

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

- 5 (a) Drinking straws;
- 6 (b) Stirrers;
- 7 (c) Sticks for candy, balloon, and cotton bud;
- 8 (d) Buntings;
- 9 (e) Confetti; and
- 10 (f) Packaging or bags of less than 10 microns in thickness.

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

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

16 *SEC. 4. Phase Out of Other Single-Use Plastic Products.* – Two (2) years after the
17 effectivity of this Act, and every two (2) years thereafter, the Department of Environment
18 and Natural Resources (DENR), in coordination with the Department of Trade and
19 Industry (DTI), the Department of Science and Technology (DOST), and the National
20 Solid Waste Management Commission (NSWMC), shall regularly determine whether plastic
21 bottles, packaging, or products that are multilayered with other materials, multilayered
22 tetra packs, election or advertising paraphernalia, streamers, and other non-compostable
23 single-use plastic products not listed under Section 3 of this Act are deemed either high
24 in replaceability, low in recyclability, or low in retrievability. Upon determination by the
25 DENR, these products shall be phased out within a period of two (2) years.

26 Products are low in recyclability or retrievability when these are not properly recovered or
27 offset, in compliance with the provisions or standards established pursuant to Section 7 of this
28 Act.

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

34 (a) *Consumption, Reduction, and Recovery Program.* – The DTI, in cooperation with
35 the DENR, the DOST, and the Food and Drug Administration (FDA) of the Department
36 of Health (DOH), and in consultation with stakeholders, shall formulate a Consumption,
37 Reduction, and Recovery Program, to achieve a significant reduction in consumption and
38 increased recovery for recycling and treatment, or proper disposal of single-use plastic
39 products, within the phase out period prescribed by this Act. Such measures shall include

1 national consumption reduction, waste recovery targets, and other measures ensuring that
2 reusable and compostable alternatives to single-use plastic products are made available, and
3 that the said products are not free of charge at the point-of-sale to the final consumer;

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

8 (c) Reusable and Compostable Alternatives to Single-Use Plastic Products. –
9 Appropriate strategies to implement the requirements provided under Sections 6 and 14 of
10 this Act shall be formulated to assist local manufacturers in developing or acquiring the
11 appropriate technology and sustainable materials for the production of reusable or compostable
12 alternatives to single-use plastic products, which shall also be highly recoverable and highly
13 recyclable;

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

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

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

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

36 SEC. 7. *Responsibility of Producers and Importers.* – Within two (2) years following
37 the effectivity of this Act, producers and importers of single-use plastic products, regardless
38 of whether compostable or recyclable, shall establish and start phasing in the extended

1 producers' responsibility programs, aimed at effectively preventing plastic wastes from leaking
2 to the environment. To achieve the purposes of this section, the producers and importers shall
3 incorporate themselves in accordance with Republic Act No. 11232, otherwise known as
4 the "Revised Corporation Code of the Philippines," to implement the extended producers'
5 responsibility programs that may include the following activities:

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

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

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

11 (d) Establishment of recycling, composting, thermal treatment, and other wastes
12 diversion or disposal facilities of commercial or industrial scale for plastic products,
13 when investment therein is viable.

14 For this purpose, each producer or importer shall recover or offset and divert
15 into value chains and value-adding useful products, whenever possible, at least fifty
16 percent (50%) of their single-use plastic product footprint, three (3) years after the
17 effectivity of this Act: *Provided*, That the DENR, upon the review and recommendation
18 of the NSWMC, shall gradually increase the percentage until a one hundred percent (100%)
19 recovery or offsetting of their single-use plastic product footprint is achieved five (5)
20 years following the effectivity of this Act. The producer or importer shall submit to the
21 DENR a verifiable notarized documentation of its single-use plastic product footprint.
22 An independent third party auditor shall be engaged by both the DENR and the
23 producer or importer to verify the authenticity of the plastic product footprint report and
24 its recovery or offsetting report.

25 Expenses relevant to the abovementioned activities, and the recovery and diversion of
26 their plastic product footprint, are considered part of necessary expense, and shall be allowed as
27 deduction from the taxable income of the producers and importers, under Section 34(A) of the
28 National Internal Revenue Code, as amended, for a period of five (5) years from the effectivity
29 of this Act.

30 If a producer or importer fails to meet the recovery or offsetting of plastic product
31 footprint target set pursuant to the preceding paragraph, the producer or importer shall be
32 required to pay the equivalent amount of five percent (5%) of the cost of the single-use
33 product set in the market to the producers and importers' responsibility corporation created
34 pursuant to Section 7 hereof, net of whatever amount already spent for recovery for the
35 period. The producers' and importers' responsibility corporation may increase the rate or
36 amount three (3) years after the effectivity of this Act.

37 Producers and importers shall provide appropriate labelling for their packaging and
38 products, providing information on specific plastic types and packaging structure, and other

1 information important in the proper recovery and diversion of their wastes after use.
2 For this purpose, the DTI in coordination with the recycling and waste processing industry
3 is mandated to formulate the guidelines for proper labelling of packaging and plastic products.

4 Implementing rules and regulations (IRR) for this section shall include, but not be
5 limited to, multi-sectoral compliance monitoring schemes, accountability mechanism,
6 transparency, and data reporting on recovery plan.

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

9 (a) Promote the use of highly reusable, recyclable, and retrievable products in their
10 establishments, or make available for sale locally made products such as bayong, buli, and
11 other reusable containers and bags that are made of abaca, water lily, and other organic
12 or compostable materials or reusable or recyclable containers that promote circular economy;

13 (b) Charge their customers a minimum fee of Five pesos (P5.00) for every single-use
14 plastic bag: *Provided*, That the imposition of the minimum fee shall not preclude the LGUs
15 from imposing other fees and charges on the use of plastic bags;

16 (c) Charge take-out food or delivery services a minimum fee of Five pesos (P5.00) for
17 every single-use plastic product provided, regardless of whether it is a disposable or
18 compostable alternative; and

19 (d) Establish an effective in-store recovery program that will facilitate and
20 encourage customer return of their used plastic products to the commercial establishment, and
21 implement the recovery scheme established pursuant to Section 7 of this Act.

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

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

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

1 (a) Entry or access to the premises of operation and business, including storage rooms
2 and stockrooms;

3 (b) Inspection of off-site storage facilities, distribution centers, and trans-shipment
4 points; and

5 (c) Inspection of the recovery, recycling, treatment, and disposal facilities, to determine
6 if residual plastic products are being properly diverted and disposed of.

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

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

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

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

23 SEC. 13. *Linkage Mechanism.* – The DENR and the NSWMC, in coordination with
24 the DTI, may consult, and enter into an agreement with other government agencies, LGUs,
25 or with concerned nongovernmental organizations (NGOs) or people’s organizations (POs),
26 or private enterprises in the furtherance of the objectives of this Act.

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

35 SEC. 15. *Production and Importation Control.* – The DTI shall, in cooperation with the
36 DA, DOST, DENR, and NSWMC, develop a framework plan that will ensure that the
37 single-use plastic products being produced or imported in the country will maximize its

1 purpose, minimize its waste footprint, and increase its recoverability and recyclability. For this
2 purpose, standards shall be established for the dimensions, thickness, labelling, structures,
3 capacity, color-coding, materials and other relevant parameters of a particular single-use
4 plastic product.

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

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

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

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

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

23 SEC. 18. *Fines and Penalties.* – Deliberate violations of Sections 3, 4, 6, 7, 8, 14 and
24 15 of this Act, and the falsification of documents required pursuant to this Act, or
25 misrepresentation of persons producing, importing, or distributing single-use plastic
26 products, and commercial establishments shall be penalized in the following manner:

27 (a) Large, Medium and Small Enterprises:

28
29 (1) A fine of not less than Two hundred fifty thousand pesos (P250,000.00) but not
30 exceeding Five hundred thousand pesos (P500,000.00) for the first offense;

31 (2) A fine of not less than Five hundred thousand pesos (P500,000.00) but not exceeding
32 Seven hundred fifty thousand pesos (P750,000.00) for the second offense; and

33 (3) A fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but not
34 exceeding One million pesos (P1,000,000.00) and automatic revocation of its business permit
35 for the third offense.

36 (b) Micro Enterprises, and Other Smaller Businesses:

1 (1) A fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One
2 hundred thousand pesos (P100,000.00) for the first offense;

3 (2) A fine of not less than One hundred thousand pesos (P100,000.00) but not exceeding
4 Three hundred thousand pesos (P300,000.00) for the second offense; and

5 (3) A fine of not less than Three hundred thousand pesos (P300,000.00) but not
6 exceeding Five hundred thousand pesos (P500,000.00) and automatic revocation of its
7 business permit for the third offense.

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

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

15 SEC. 19. *Administrative Action.* – Without prejudice to the right of any person to
16 file an administrative action, the DENR shall, on its own instance or upon verified
17 complaint by any person, institute administrative proceedings in the proper forum against
18 any natural or juridical person who violates any of the provisions of this Act with respect
19 to standards and limitations provided by this Act, or such order, rule, or regulation issued
20 by the DENR pursuant thereto.

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

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

29 SEC. 22. *Citizen's Suit.* – Any citizen can file an appropriate civil, criminal, or
30 administrative action in the proper courts or bodies against: any person who violates or
31 fails to comply with the provisions of this Act and its IRR; the department or other
32 implementing agencies with respect to orders, regulations, and issuances inconsistent with
33 this Act; and any public officer who willfully or grossly neglects the performance of an
34 act specifically enjoined as a duty by this Act or its IRR, or abuses the authority vested
35 upon him in the performance of duty, or in any manner improperly performs the duties
36 assigned under this Act or its IRR: *Provided, however,* That no suit can be filed until after a
37 thirty (30)-day notice has been given to the public officer and the alleged violator concerned

1 and no appropriate action has been taken thereon. With this, free and accessible legal help
2 should be given to individual persons who shall file a lawsuit under this Act.

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

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

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

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

Approved,