

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



Senate  
Office of the Secretary

'22 JUL 11 P3:50

SENATE  
S. No. 246

RECEIVED BY:

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Introduced by Senator Loren B. Legarda

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**AN ACT  
REGULATING THE MANUFACTURING, IMPORTATION, AND USE OF  
SINGLE-USE PLASTIC PRODUCTS, AND PROVIDING PENALTIES, LEVIES,  
AND INCENTIVES SYSTEM FOR INDUSTRIES, BUSINESS ENTERPRISES,  
AND CONSUMERS THEREOF**

EXPLANATORY NOTE

Plastic bags are ubiquitous components of the world's consumer culture. Single-use plastics symbolize the throwaway culture that the Philippines, along with many other countries, have developed.

According to the Journal Science of the American Association for the Advancement of Science, the Philippines ranked third among the countries with the highest source of plastic ocean pollution, generating 1.88 million metric tons of mismanaged plastic garbage per year, with the threats of microplastic pollution also compounding the negative impacts to humans and marine environment.

Plastic ocean pollution is primarily composed of single-use plastics, which according to reports include cigarette butts, plastic drinking plastic bottles, bottle caps, food wrappers, plastic grocery bags, plastic lids, straws and stirrers, foam take-away containers, and other types of plastic bags. As they are oftentimes immediately discarded, single-use plastic bags are commonly found in landfills and have become a significant cause of water pollution.

In the cities, plastics commonly cause blockages in the sewerage and drainage systems, leading to flooding and aggravating the impacts of severe rainfall and typhoons. It is also well-recognized that the burning of plastic bags has adverse impacts on the environment and human health, given the level of toxic chemical content in emissions.

The magnitude of the effects in the Philippines is likewise increased, as there remain gaps in the implementation of Republic Act No. 9003 or the Ecological Solid Waste Management Act, which include among others, the establishment of Local Solid Waste Management (SWM) Boards, submission of SWM plans, establishment of Materials Recovery Facilities (MRFs) at the barangay level, and closure of all open and controlled dumpsites.

Plastic ocean pollution likewise threatens the food security of the country, given the dependence of the farming and fishing communities on the oceans. Plastic ocean pollution will also adversely affect the health of communities, with the microplastics getting into our food chains.

Countries like Rwanda, Kenya, Ireland, and Austria, and cities such as New York in the United States, have already implemented laws banning the use of certain single-use plastics and adopted regulatory mechanisms such as levies, penalties, and fees on both the retailer and consumer side. In the Asian region, China and Thailand have initiated their policy initiatives at the national level.

The bill provides an ambitious yet comprehensive approach to solving the single-use plastics problem, which involves actions from national and local governments, industries, business enterprises, and consumers for the manufacturing, selling, use, recycling, and disposal of all single-use plastics in the Philippines.

The proposed measure includes provisions for research and technology development for the emergence of new industries and business enterprises for alternatives to single-use plastics, strengthening of recycling and disposal centers to

support the implementation of the Republic Act No. 9003, collection of fees and creation of incentives mechanisms, and establishment of a fund. Strong considerations for relevant sectors transitioning towards a “minimal-to-no single-use plastics”, or a circular economy, are also outlined in the bill.

The bill will be strongly consistent with the priorities of the Philippines to achieve the Sustainable Development Goals (SDGs), the commitments under the Paris Agreement for climate change adaptation and mitigation, the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, and their Disposal, 2001 Stockholm Convention on Persistent Organic Pollutants, and 2013 Minamata Convention on Mercury.

The implementation of the G20 Action Plan on Marine Litter, as well as the commitments in the Association of Southeast Asian Nations (ASEAN) Conference on Reducing Marine Debris in the ASEAN Region, are also supported in the proposed measure.

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




LOREN LEGARDA

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

1 Section 1. *Title.* - This Act shall be known as the "*Single-Use Plastics Regulation*  
2 *and Management Act of 2022.*"

3 Sec. 2. *Declaration of Policy.* - It is the policy of the State to protect and advance  
4 the right of the people to a balanced healthful ecology in accord with the rhythm and  
5 harmony of nature.

6 In this light, the State recognizes the importance of achieving the United  
7 Nations (UN) Sustainable Development Goal (SDG) number 3 to ensure healthy lives  
8 and promote well-being for all ages, SDG 9 to build resilient infrastructure, promote  
9 inclusive and sustainable industrialization, and foster innovation, SDG 11 to build  
10 sustainable cities and communities, SDG 12 to promote responsible consumption and  
11 production, and SDG 14 to reduce marine pollution of all kinds. The State, being a  
12 party to the Paris Agreement which was adopted in 2015, recognizes the importance  
13 of adopting sustainable lifestyles and patterns of consumption and production in  
14 addressing climate change.

15 The Philippine Development Plan 2017-2022 further outlines policies and  
16 programs to achieve the SDGs, which are embodied under Chapter 20—Ensuring

1 Ecological Integrity, Clean and Healthy Environment, which aims to promote  
2 Sustainable Consumption and Production (SCP) through the development and  
3 implementation of appropriate policies such as the formulation of a polluter pays  
4 policy, the establishment of an accessible market for recyclables and recycled  
5 products, strengthening of the certification and establishment of information systems  
6 for green products and services, and strengthening promotion, development, transfer,  
7 and adoption of eco-friendly technologies, systems, and practices in the public and  
8 private sectors by increasing access to incentives and facilitating ease of doing  
9 business and other related transactions.

10 The State, in the enforcement of Republic Act (RA) No. 9003 or the Ecological  
11 Solid Waste Management Act, further acknowledges the need to advance policies that  
12 will not only address waste treatment and disposal, but also source reduction.

13 The State likewise recognizes the indispensable role of the private sector, encourages  
14 private enterprise, and provides incentives to needed investments, while at the same  
15 time, acknowledging the need to develop a self-reliant and independent national  
16 economy effectively controlled by Filipinos.

17 *Sec. 3. Definition of Terms. - As used in this Act:*

18 a. *Business enterprises* refer to establishments engaged in the production,  
19 manufacturing, processing, repacking, assembly, or sale of goods and/or  
20 services, including service-oriented enterprises. They shall include retailers,  
21 self-employed or own-account workers, micro, small, and medium  
22 enterprises (MSMEs), and community-based business enterprises;

23 b. *Climate change* refers to a change in climate that can be identified by changes  
24 in the mean or variability of its properties and that persists for an extended  
25 period typically decades or longer, whether due to natural variability or as a  
26 result of human activity;

27 c. *Consumer* refers to a person who is a purchaser, lessee, recipient or  
28 prospective purchaser, lessor or recipient of consumer products, services, or  
29 credit;

30 d. *Disposal* refers to the discharge, deposit, dumping, spilling, leaking, or  
31 placing of any waste into or on land;

- 1 e. *Incentives* refers to incentives provided for under RA No. 9520 otherwise  
2 known as the Philippine Cooperative Code of 2008, RA No. 9178 otherwise  
3 known as the Barangay Micro-Business Enterprise Act of 2002, RA No. 9501  
4 otherwise known as the Magna Carta for Micro, Small, and Medium  
5 Enterprises, Executive Order no. 226 otherwise known as the Omnibus  
6 Investment Code of 1987, RA No. 10771 otherwise known as the Green Jobs  
7 Act of 2016 or incentives as defined by the local government unit through an  
8 ordinance specifically for this purpose, where applicable;
- 9 f. *Life Cycle Assessment* refers to the process of evaluating the effects that a  
10 product has on the environment over the entire period of its life cycle, which  
11 covers all the processes required: extraction and processing; manufacture,  
12 transport, and distribution; use, reuse, and maintenance; recycling; and final  
13 disposal
- 14 g. *Microplastics* refer to small pieces of plastic found in the ocean, commonly  
15 defined as < 5mm in diameter, including particles as small as 10 nanometers;
- 16 h. *Plastic* refers to a lightweight, hygienic, and resistant material that can be  
17 molded in a variety of ways and utilized in a wide range of applications;
- 18 i. *Recyclable material* refers to any waste material retrieved from the waste  
19 stream and free from contamination that can still be converted into suitable  
20 beneficial use or for other purposes, including, but not limited to, newspaper,  
21 ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard,  
22 aluminum, glass, office paper, tin cans and other materials as may be  
23 determined by the National Solid Waste Management Commission (NSWMC);
- 24 j. *Recycled material* refers to post-consumer material that has been recycled and  
25 returned to the economy;
- 26 k. *Recycling* refers to the treating of used or waste materials through a process  
27 of making them suitable for beneficial use and other purposes, and includes  
28 any process by which solid waste materials are transformed into new  
29 products in such a manner that the original product may lose their identity,  
30 and which may be used as raw materials for the production of other goods  
31 or services;

- 1 l. *Retailer* refers to a person engaged in the business of selling consumer  
2 products directly to consumers;
- 3 m. *Re-use* refers to the process of recovering materials intended for the same or  
4 different purpose without the alteration of physical and chemical  
5 characteristics;
- 6 n. *Reusable material/plastics/packaging* shall refer to any material specifically  
7 designed and manufactured for multiple re-use and extended life. These  
8 shall meet the following requirements/considerations:
- 9 i. May be capable of composting and is biodegradable;
- 10 ii. Is accepted for recycling;
- 11 iii. Does not contain any toxic or harmful substance or chemical such as  
12 but not limited to lead, cadmium, or any other heavy metal as  
13 provided for by existing rules and regulations of the Department of  
14 Environment and Natural Resources (DENR).
- 15 o. *Single-use plastics*, for the purpose of this Act, refer to disposable plastics  
16 which are commonly used for plastic packaging and include items intended  
17 to be used only once before they are thrown away or recycled. These include,  
18 but are not limited to, items such as grocery bags, food packaging films and  
19 bags, manufacturing water bottles, straws, stirrers, containers,  
20 styrofoam/styros, cups, sachets, and plastic cutlery;
- 21 p. *Source reduction* refers to the reduction of solid waste before it enters the solid  
22 waste stream by methods such as product design, materials substitution,  
23 materials re-use, and packaging restrictions.

24 Sec. 4. *Scope*. - This Act shall apply to the manufacture, importation, use,  
25 recycling, and disposal of all single-use plastics used in trade or commerce in business  
26 enterprises, as well as by retailers and consumers, wherever located in the Philippines,  
27 as defined under Section 3 of this Act.

28 Sec. 5. *Prohibition and phase-out of single-use plastics; Levy for the use in the interim  
29 period and discounts for consumers*. - The phase-out of single-use plastics by all business  
30 enterprises to consumers shall be in full force and effect one (1) year from the  
31 effectivity of the Act.

32 In the interim period (within 1 year), the following shall be enforced:

- 1 a. The provision of single-use plastics by food establishments, markets, and  
2 retailers shall be strictly prohibited;
- 3 b. Consumers shall be encouraged/diverted to use re-usable materials in  
4 substitution for single-use plastics;
- 5 c. Single-use plastics already manufactured and in circulation in the general  
6 market shall be collected, recycled, and properly disposed of by the  
7 manufacturers under the provisions of this Act;
- 8 d. For single-use plastic materials which cannot be avoided, business  
9 enterprises must ensure that these are recycled in accordance with Section  
10 7 of this Act;
- 11 e. For each piece of single-use plastics already manufactured and in circulation  
12 at the time, the retailers shall charge the consumer a minimum levy of Five  
13 Pesos (Php 5.00);
- 14 f. The amount collected in subparagraph (e) of this Section by the retailers shall  
15 be reflected in the official receipt. Twenty percent (20%) of the said amount  
16 shall be kept by the business enterprise to cover the cost of the said bags,  
17 while eighty percent (80%) shall be remitted monthly, quarterly, or semi-  
18 annually to the Special Plastic Fund created under this Act.

19 At the end of one (1) period, and upon full effectivity of this Act, the further  
20 and continued provision by all business enterprises and use by consumers of single-  
21 use plastics shall be strictly prohibited.

22 For take-outs and selling of food and beverages, a discount of Five Pesos (Php 5.00)  
23 shall be given to the consumer for bringing their own reusable/recyclable containers.

24 *Sec. 6. Prohibition on the importation of single-use plastics.* - One (1) year from the  
25 effectivity of this Act, the Department of Finance (DOF), through the Bureau of  
26 Customs (BOC), in coordination with relevant agencies such as DENR, Department of  
27 Trade and Industry (DTI), Department of Health (DOH) and the Climate Change  
28 Commission (CCC), shall ensure that no single-use plastics, including waste products  
29 from the same, will be imported to the country. Tariffs shall be correspondingly  
30 imposed by the Tariff Commission and collected by the BOC, which shall be further  
31 specified in the Implementing Rules and Regulations of this Act.



1           Sec. 7. *Recycling of used single-use plastics.* - Used single-use plastics, when  
2 allowed by this Act or those manufactured or used before this Act's effectivity, shall  
3 be recycled. It shall be the duty of the plastic manufacturers to recycle the said single-  
4 use plastics in a manner consistent with existing laws, rules, and regulations, and to  
5 ensure that no harmful chemicals or substances are released into the environment.

6           The establishment of Materials Recovery Facility (MRFs), which shall be  
7 obligatory upon the business enterprises, shall serve as the collection points for used  
8 single-use plastics. LGUs, plastic manufacturers, and business enterprises shall put  
9 systems and procedures in place for the proper collection of the used single-use  
10 plastics and their delivery to the recycling centers.

11           It shall be the responsibility of the manufacturers that these plastics are  
12 properly collected, recycled, and disposed of, in accordance with this Act.

13           Manufacturers shall also maintain records describing the recovery, collection,  
14 transport, and recycling of plastic bags collected annually, which records shall be  
15 made available to the National Solid Waste Management Commission (NSWMC)  
16 and/or the local government unit concerned, upon request, to demonstrate  
17 compliance with this Act.

18           Sec. 8. *Proper disposal and management of plastic wastes.* - The disposal and  
19 management of plastic waste shall be done in accordance with the provisions of  
20 Republic Act No. 9003.

21           The DENR, in coordination with the DOST, shall develop the appropriate standards  
22 for the disposal of plastic wastes, ensuring that zero emissions are achieved and no  
23 harmful chemicals are released into the environment in the process.

24           Sec. 9. *Research and Development (R&D) for Single-use Plastic Packaging*  
25 *Alternatives.* - The Department of Science and Technology and NSWMC shall  
26 include in their respective programs and R&D Agenda, and consequently fund,  
27 research on single-use plastic packaging. Alternatives may include, but shall not be  
28 limited to, the following:

- 29           1. Natural Polymers
- 30           2. Biomass-based compostable biopolymers (i.e. starch, non-starch  
31           thermoplastic bio-composite, synthetic biomass-based polymers)
- 32           3. Upcycling

1 4. Fiber production

2 5. Life Cycle Assessments

3 6. Feasibility studies (i.e. willingness to pay, levies, tax, discount,  
4 dis/incentives, recommended rates)

5 The NSWMC and DOST shall also provide assistance to DENR and the  
6 manufacturers for the implementation of this Act, particularly regarding the proper  
7 recycling and disposal of used single-use plastics, and the development of more  
8 environmentally-friendly types of plastics used as primary packaging materials,  
9 among others.

10 Within six (6) months upon the effectivity of this Act, the DTI, Technical  
11 Education and Skills Development Authority (TESDA), Department of Labor and  
12 Employment (DOLE), and the Presidential Communications Operations Office  
13 (PCOO), in coordination with plastic manufacturers/industries, non-government and  
14 civil society organizations, and other concerned stakeholders shall determine the  
15 impact of this Act on affected plastic industry employees and workers.

16 They shall likewise, together with DOST and the National Ecology Center (NEC),  
17 develop a capacity-building program for alternative livelihood opportunities for the  
18 affected employees and workers in areas such as recycling of used plastic products  
19 and cottage industries, among others.

20 *Sec. 10. Program for affected employees and workers of the plastic industry.* - Within  
21 six (6) months from the effectivity of this Act, massive research and technology  
22 development initiatives, pilot-testing of innovations and technologies resulting from  
23 these studies, and capacity-building activities shall be undertaken with plastic-  
24 manufacturing industries and business enterprises for them to adopt these  
25 technologies.

26 DOST, NEC, DTI, DOLE, and TESDA shall implement the capacity-building  
27 program for relevant stakeholders. DOST, in coordination with the NEC, shall provide  
28 the LGUs with technical assistance, training, and continuing capability-building  
29 programs to attain the objectives of this Act.

30 *Sec. 11. Inclusion in the Philippine National Standards (PNS).* - The NSWMC,  
31 DOST, and DTI, through the Bureau of Product Standards (BPS), shall develop the  
32 standards and include in the Philippine National Standards (PNS) the products, items,

1 or technologies from studies that were pilot-tested. It shall include the specifications  
2 of the said products, taking into consideration existing and available best technologies  
3 and internationally mandated and accepted standards, and in accordance with the  
4 provisions, mandates, and standards of this Act.

5       Sec. 12. *Incentives for the plastic industries shifting to alternatives.* - The  
6 manufacture of alternatives to single-use plastics under Section 9 of this Act shall be  
7 supported and encouraged.

8       Business enterprises, individuals, cooperatives, partnerships, and corporations  
9 that engage in the manufacture of identified alternatives to single-use plastics shall be  
10 given incentives provided for under the Philippine Cooperative Code of 2008, the  
11 Barangay Micro-Business Enterprise Act of 2002, the Magna Carta for Micro, Small,  
12 and Medium Enterprises, the Omnibus Investment Code of 1987 or the Green Jobs Act  
13 of 2016, where applicable. The DENR and DTI, in coordination with the Department  
14 of Finance (DOF), shall provide technical and financial assistance to these  
15 manufacturers.

16       LGUs are encouraged and shall be allowed to provide additional benefits and  
17 incentives to these manufacturers within their jurisdiction, consistent with existing  
18 laws, rules, and regulations, which shall be in addition to the benefits and incentives  
19 provided for in the previous paragraph.

20 Nothing in this Act shall prohibit or limit the right of the said manufacturers to be  
21 entitled to additional benefits and incentives which may be given by new laws, rules,  
22 and regulations in the future.

23       Sec. 13. *Monitoring and market inspection.* - The NSWMC and DTI, in  
24 coordination with the LGUs, and local law enforcement agencies, shall conduct  
25 regular inspection and monitoring of business enterprises and facilities of  
26 manufacturers to determine compliance with this Act. Inspection and monitoring  
27 shall include the following:

- 28       a. Entry or access to the premises of operation and business, including storage  
29       rooms and stockrooms; and,
- 30       b. Inspection of off-site storage facilities, distribution centers and  
31       transshipment points.

1           Sec. 14. *Certification.* - The LGUs concerned, after the conduct of a thorough  
2 examination and inspection, shall issue the necessary certificate to show whether or  
3 not business enterprises or manufacturers in their jurisdiction are compliant with the  
4 mandates and directives of this Act.

5 The LGU certification shall be a requirement for the renewal of any local permits, in  
6 addition to the DILG-DTI-DICT Joint Memorandum Circular No. 1, s. 2016, after the  
7 effectivity of this Act.

8           Sec. 15. *NSWMC as the lead implementing agency and other functions.* - The  
9 NSWMC pursuant to Section 4 of RA 9003 shall be the lead implementing agency for  
10 this Act. It shall aid and assist other agencies involved in the implementation and  
11 enforcement of this Act. It shall perform the following functions:

- 12           1. Prepare the national strategic single-use plastic roadmap;
- 13           2. Lead the R&D agenda preparation and conduct research and pilot-testing of  
14           identified alternatives with DOST;
- 15           3. Lead in the development of standards for inclusion in the Philippine  
16           National Standards (PNS) of the products, items, or technologies resulting  
17           from studies that were pilot-tested in coordination with DTI and DOST;
- 18           4. Review and monitor the implementation of the Act, which includes:
  - 19           a. Monitoring local-level enforcement through the compilation of local-  
20           level ordinances on single-use plastics;
  - 21           b. Conducting regular and routine inspections and monitoring of  
22           business enterprises and facilities of manufacturers as prescribed under  
23           Section 12 of this Act;
- 24           5. Adopt a program to provide technical and other capacity-building assistance  
25           and support to local government units, business enterprises, concerned  
26           citizen groups, and other relevant stakeholders in the implementation and  
27           enforcement of this Act;
- 28           6. Manage the Special Plastics Fund established under Section 21 of this Act;  
29           and,
- 30           7. Develop safety nets and alternative livelihood programs for business  
31           enterprises, plastic manufacturers, small recyclers, and other sectors that  
32           will be affected as a result of the single-use phase-out.

1           Sec. 16. *Role of Local Government Units, and other stakeholders.* – LGUs shall have  
2 the primary responsibility in the effort to decrease the percentage of plastic bag waste  
3 produced within their respective jurisdictions. They shall also be primarily  
4 responsible for the enforcement of the prohibitions of this Act and the monitoring of  
5 the collection of recyclable used plastic bags by manufacturers.

6           Other stakeholders such as business groups, consumer groups, and civil society  
7 organizations are encouraged to support the implementation of this Act.

8           Sec. 17. *Effect on LGU ordinances effective before or after the effectivity of this Act.* -  
9 LGU ordinances imposing bans and prohibitions on the use of plastic bags,  
10 promulgated and enforced prior to the effectivity of this Act, shall be considered as  
11 automatically amended to be consistent with the provisions and mandates of this Act.  
12 LGUs that do not have ordinances enacted upon the effectivity of this Act are also  
13 encouraged to enact their respective ordinances in line with the provisions and  
14 mandates of this Act.

15           The provisions, mandates, and directives of this Act shall serve as minimum  
16 standards and stipulations for LGU ordinances. Nothing in this Act shall be construed  
17 as limiting the authority of LGUs to enact ordinances that provide for stricter  
18 measures and standards than those provided for in this Act.

19           Sec. 18. *Public information and education campaign.* - The DENR, in coordination  
20 with the LGUs, DILG, DepEd, Commission on Higher Education (CHED),  
21 Presidential Communications Operations Office (PCOO), and Philippine Information  
22 Agency (PIA), shall conduct a continuing information campaign on the proper  
23 regulation of single-use plastics in the country.

24           Such campaign shall be incorporated in and shall be in addition to the public  
25 information and education campaign under Section 55 of RA No. 9003.

26           Sec. 19. *Penalties and sanctions.* - Violations of this Act, starting the first from the  
27 effectivity and as fully provided for under Section 3 of this Act, shall be imposed the  
28 following penalties:

- 29           a. For Business Enterprises, Micro, Small and Medium Enterprises as defined  
30           in RA 6977, as amended, Barangay Micro Business Enterprises under RA  
31           9178, and all other enterprises and establishments not otherwise value-  
32           added tax (VAT) registered, the following penalties shall be imposed:

- 1 i. First offense - A fine of Five Thousand Pesos (Php 5,000.00);
- 2 ii. Second offense - A fine of Twenty-Five Thousand Pesos (Php 25,000.00)
- 3 and suspension of its business permit for three (3) months;
- 4 iii. Third offense - A fine of Fifty Thousand Pesos (Php 50,000.00) and
- 5 suspension of its business permit for one (1) year; and,
- 6 iv. Fourth offense - A fine of One Hundred Thousand Pesos (Php 100,000.00)
- 7 and permanent suspension of its business permit. The said business
- 8 permit shall not be eligible for renewed application for a period of 5
- 9 years. Thereafter, the LGU concerned may grant the said store a business
- 10 permit, provided its operator can show steps and measures will be put
- 11 in place to comply with this Act. A further violation after the issuance of
- 12 a new business permit shall perpetually bar the said from conducting
- 13 its business in the LGU concerned.

14 b. For VAT registered stores, establishments, and enterprises, and for all plastic,  
15 manufacturers found violating this Act the following penalties shaft be  
16 imposed:

- 17 i. First offense - A fine of Fifty Thousand Pesos (Php 50,000.00);
- 18 ii. Second offense - A fine of One Hundred Thousand Pesos (Php 100,000.00)
- 19 and suspension of its business permit for three (3) months:
- 20 iii. Third offense - A fine of Two Hundred Fifty Thousand Pesos (Php
- 21 250,000.00) and suspension of its business permit for one (1) year; and,
- 22 iv. Fourth offense - A fine of Five Hundred Thousand Pesos (Php 500,000.00)
- 23 and permanent suspension for its business permit. The said business
- 24 permit shall not be eligible for renewed application for a period of 5
- 25 years. Thereafter, the LGU concerned may grant the said store a business
- 26 permit, provided its operator can show steps and measures will be put
- 27 in place to comply with this Act. A further violation after the issuance of
- 28 a new business permit shall perpetually bar the said operator from
- 29 conducting its business in the LGU concerned.

30 If the offender in (a) or (b) above is a corporation, trust or firm, partnership,  
31 association, or any other entity, the penalty shall be imposed on the entity's  
32 responsible officers including, but not limited to, the president, chief executive

1 officer, general manager, managing director, or partner directly responsible  
2 thereof.

3 Sec. 20. *Administrative sanctions.* - Local government officials and officials of  
4 government agencies who fail to comply with and enforce this Act shall be  
5 administratively charged in accordance with RA 7160 and other existing laws, rules,  
6 and regulations.

7 Sec. 21. *Special Fund for Single-use Plastics Regulation.* - A Special Fund for Single-  
8 Use Plastics Regulation, hereinafter referred to as the "Fund", to be administered by  
9 the NSWMC, is hereby created.

10 The Fund shall be composed of tariffs, levies, and fees collected pursuant to the  
11 implementation and enforcement of this Act. It shall be used to support the strict  
12 implementation and enforcement of this Act such as, but not limited to, the following:

- 13 a. Strengthening the operations of the NSWMC relative to the implementation  
14 and enforcement of this Act;
- 15 b. Improving the capacity of LGUs, and local law enforcement agencies for the  
16 implementation of this Act;
- 17 c. Establishing recycling centers or remodeled business enterprises that exhibit  
18 best practices (as no single-use zones) in each region or province;
- 19 d. Conducting impact evaluation studies relevant to the implementation of the  
20 Act, especially in areas of economic contributions, environmental, and  
21 public health (through the Department of Health);
- 22 e. Conducting information and education campaigns on single-use plastics  
23 regulation and related environmental awareness measures;
- 24 f. Providing assistance and provision of incentives for manufacturers and  
25 community-based incentives for the production of single-use plastics, as  
26 well as for non-government and civil society organizations promoting  
27 proper solid waste management; and,
- 28 g. Allocating additional provisions for the Solid Waste Management Fund  
29 under RA 9003.

30 The Fund may be augmented by donations, endowments, grants, and  
31 contributions, which shall be exempt from donor's tax and be considered as allowable

1 deductions from the gross income of the donor, in accordance with the provisions of  
2 the National Internal Revenue Code of 1997, as amended.

3       Sec. 22. *Access to information/public disclosure requirements, public access to records,*  
4 *reports, or notifications.* - The public shall have access to records, reports, or information  
5 concerning the implementation and mandates of this Act.

6       Such documents shall be available for inspection or reproduction during  
7 regular business hours, provided that the DENR or concerned LGU may consider a  
8 record, report, or information or particular portions thereof confidential and not for  
9 public release when such would divulge trade secrets, production, or sales figures or  
10 methods, production or processes unique to such manufacturer, seller, or distributor,  
11 or would otherwise tend to affect adversely the competitive position of such  
12 manufacturer, seller, or distributor.

13       Sec. 23. *Citizen Suit.* - For the purpose of enforcing the provisions of this Act or  
14 its implementing rules and regulations, any citizen may file an appropriate civil,  
15 criminal, or administrative action in the proper courts/bodies against:

- 16       a. Any person who violates or fails to comply with the provisions of this Act  
17       and its implementing rules and regulations; or,  
18       b. The department or other implementing agencies concerning orders, and  
19       regulations issued inconsistent with this Act; and/or,  
20       c. Any public officer who willfully or grossly neglects the performance of an  
21       act specifically enjoined as a duty by this Act or its implementing rules and  
22       regulations; or who abuses his or her authority in the performance of his or  
23       her duty; or who, in any manner, improperly performs his or her duties  
24       under this Act or its implementing rules and regulations; Provided,  
25       however, that no suit can be filed until after a thirty (30) day notice has been  
26       given to the public officer and the alleged violator concerned and no  
27       appropriate action has been taken thereon.

28       The court shall exempt such action from the payment of filing fees and  
29 statements likewise, upon *prima facie* showing of the non-enforcement or violation  
30 complained of, exempt the plaintiff from the filing of an injunction bond for the  
31 issuance of a preliminary injunction.



1 If the citizen should prevail, the court shall award reasonable attorney's fees, moral  
2 damages, and litigation costs as appropriate.

3       Sec. 24. *Suits and Strategic Legal Action against Public Participation (SLAPP)*. -

4 Where a suit is brought against a person who filed an action as provided in Section 23  
5 of this Act, or against any person, institution, or government agency that implements  
6 this Act or any other consumer-related laws, rules, and regulations, it shall be the duty  
7 of the investigating prosecutor or the court, as the case may be, to immediately  
8 determine within not exceeding thirty (30) days from the filing of the suit whether  
9 said legal action has been filed to harass, vex, exert undue pressure, or stifle such legal  
10 recourses of the person complaining or enforcing the provisions of this Act. Upon  
11 determination thereof, evidence warranting the same, the court shall dismiss the case  
12 and award the attorney's fees and double damages.

13       This provision shall also apply and benefit public officers who are sued for acts  
14 committed in their official capacity, there being no grave abuse of authority and done  
15 in the course of enforcing this Act, its rules, regulations, and guidelines.

16       Sec. 25. *Appropriations*. - Such amount as may be necessary to implement the  
17 provisions of this Act is hereby included in the annual appropriations of the DENR  
18 and other implementing agencies under the General Appropriations Act (GAA).

19       Sec. 26. *Congressional Oversight Committee*. - The Joint Congressional Oversight  
20 Committee created under Section 60 of RA No. 9003 shall also have the authority to  
21 monitor and evaluate the implementation of this Act.

22       Sec. 27. *Implementing Rules and Regulations*. - The NSWMC, DENR, in  
23 coordination with the DTI, DILG, CCC, and the concerned government agencies and  
24 representatives of LGU organizations, shall issue the Implementing Rules and  
25 Regulations within one hundred (100) days after the effectivity of this Act. The said  
26 IRR shall specify and provide detailed provisions of this Act that needs further clarity  
27 in terms of scope, coverage, definitions, functions, and prohibitions.

28       Sec. 28. *Construction*. - The best interests of the consumer and the right to a  
29 healthful and balanced ecology shall be considered in the construction and  
30 interpretation of this Act and its IRR.

1           Sec. 29. *Separability Clause.* - If any part or provision of this Act is held invalid  
2 or unconstitutional, other provisions not affected thereby shall remain in force and  
3 effect.

4           Sec. 30. *Repealing Clause.* - The provisions of any law, whether general or special,  
5 rules and regulations and other issuances or parts thereof which are inconsistent with  
6 this Act are hereby repealed, amended, or modified accordingly.

7           Sec. 31. *Effectivity.* - This Act shall take effect within fifteen (15) days after its  
8 publication in at least two (2) newspapers of general circulation.

Approved,