

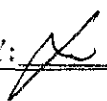
FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

'11 MAR 29 P2:31

SENATE
S.B. No. 2759

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

The unrelenting and neglectful use of plastic bags is a worldwide phenomenon. Data released by the United States Environmental Protection Agency in 2003 shows that somewhere between 500 billion and a trillion plastic bags are consumed worldwide each year. These bags end up as litter as it makes its way to landfills, drainages and bodies of water, taking decades to decompose and damaging marine life when dumped in the sea. According to the World Wildlife Fund Report in 2005, nearly 200 different species of sea life including whales, dolphins, seals, and turtles die due to ingestion and choking from plastic bags.

The Philippines faces a similar, if not worse, pollution problem. Esteros, drainage systems and waterways are clogged with garbage, majority of which are composed of non-biodegradable plastic bags. Landfills are also packed with plastic bags that do not decompose, toxic chemicals from which seep into the soil. This issue of pollution is further exacerbated by natural disasters, which have become erratic and unpredictable due to climate change. The Typhoon Ondoy in 2009n clearly showed that plastic bags severely worsened the flooding in Metro Manila and made post-cleanup very difficult.

As the problems of pollution, environmental degradation and severe weather shifts escalate, all sectors of society must act with dispatch. Individuals must make conscious efforts to change our daily routine and practices to produce a positive impact on our environment. Companies must change their economic mindset, wasteful production processes and packaging methods - from the use of seemingly cost-effective plastic bags into investing in long-term reusable and recyclable bags which are more sustainable in the long run.

As such, this bill seeks to implement a total plastic ban throughout the country. The use of plastic bags in all establishments is to be prohibited, with corresponding penalties for its violation, with the objective of curbing pollution and helping the country manage its ecological assets more judiciously.

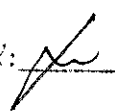
In view of the foregoing considerations, approval of this bill is earnestly sought.


LOREN LEGARDA
Senator



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AN ACT
PROHIBITING THE USE OF PLASTIC BAGS IN GROCERIES, RESTAURANTS,
AND OTHER ESTABLISHMENTS, AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF

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

Section 1. Title. - This Act shall be known as the "Total Plastic Bag Ban Act of 2011."

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

Sec. 3. Prohibition. - Groceries, supermarkets, public markets, restaurants, fast food chains, department stores, retail stores and other similar establishments are hereby prohibited from using non-biodegradable plastic bags.

All aforementioned establishments shall only provide recyclable paper bags and/or biodegradable plastic bags to its customers.

Sec. 4. Penalties. - Establishments caught using non-biodegradable plastic bags shall be penalized as follows:

First Offense	:	A fine of ten thousand pesos (P10,000)
Second Offense	:	A fine of fifty thousand pesos (P50,000)
Third Offense	:	A fine of two hundred thousand pesos (P200,000) and the suspension of their Business Permit for a period of one year.

The penalty herein provided shall be imposed: upon the owner, manager, administrator, or proprietor, for individual proprietorships; upon all partners for general partnerships and the general partner/s for limited partnerships; upon the branch manager of a particular offending business establishment; and solidarily upon the president, vice-president, corporate officers as well as the chief operating officer for incorporated businesses; and all such persons, not falling within any of the descriptions/titles abovementioned, being in charge of the particular offending

business establishment, and failing to follow the prohibitions herein defined. This is without prejudice to the right of the person paying the appropriate fine to seek reimbursement of the amount paid from the owner of the enterprise or establishment.

Sec. 5. - The Market Supervisors are hereby deputized to implement the provisions of this Act in the public markets under their jurisdiction.

Sec. 6. Implementing Rules. - The Department of Environment and Natural Resources, Department of Interior and Local Government, and the Department of Trade and Industry shall promulgate the implementing rules and regulations of this Act after consultation with consumer groups, plastic producers and other affected groups.

Sec. 7. - The Department of Science and Technology is hereby tasked with assisting plastic manufacturers in acquiring the appropriate technology required in the manufacture of recyclable paper bags, biodegradable and/or reusable plastic bags.

Sec. 8. Separability Clause. - If any part or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

Sec. 9. Repealing Clause. - The provisions of any law, whether general or special, rules and regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Sec. 10. Effectivity. - This Act shall take effect within fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,