



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 2170



INTRODUCED BY REP. JOSE “BONG” J. TEVES, JR.

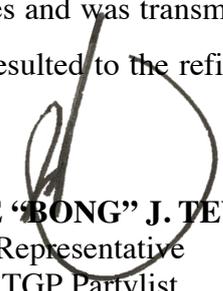
EXPLANATORY NOTE

According to Ocean Conservancy and McKinsey Center for Environment and Business, the Philippines is the third largest contributor of plastic in the ocean and one of the highest in South East Asia in terms of garbage collection. It is so massive that it is not only an environmental concern but also a health issue. Piles of uncollected or unsegregated waste scattered along the road and water ways become source of various diseases. Also, plastic wastes are also one of the main contributors in several parts of the country as it clogs the drainages and water ways.

Plastic wastes, proven by research and time, take hundreds of years to decompose. Before its decomposition, it has already created a substantial amount of damage to our environment and health due to its improper usage and disposal. Despite of the enactment of several environmental laws, this representation sees that additional measures are needed to further curb the garbage problem in our country.

Under the Constitution, it is our duty as legislators to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Consistent with such Constitutional duty, and to address the pervasive waste problem and its negative impact to our health and environment, this representation seeks the urgent approval of this measure.

During the 18th Congress, this representation was among who principally sponsored this measure through House Bill No. 4435 substituted by House Bill No. 9147. The said measure passed the third and final reading in the House of Representatives and was transmitted to the Senate. However, the Senate failed to act on the matter which resulted to the refiling of this bill.



HON. JOSE ‘BONG’ J. TEVES, JR.
Representative
TGP Partylist



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AN ACT
REGULATING AND FURTHER PROHIBITING THE USAGE OF SINGLE-USE
PLASTIC PRODUCTS, PROVIDING PENALTIES, LEVIES AND INCENTIVES FOR
INDUSTRIES, BUSINESS ENTITIES AND CONSUMERS THEREOF, AND FOR
OTHER PURPOSES

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

SECTION 1. Short Title. — This law shall be known as the “Single-Use Plastic Products Prohibition and Regulation Act of 2022”.

SEC. 2. Declaration of Policy. — It is the policy of the state in accordance with the Constitution, to protect and advance the right of the people to a balanced and healthful ecology in accordance with rhythm and harmony of nation.

In light with the enforcement of Republic Act No, 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, the state acknowledges the role of business entities and consumers as key partners in attaining the ultimate purpose of prohibiting and regulating the single-use plastic usage.

SEC. 3. Definition of Terms. — As used in this Act, the following terms are defined:

- (a) Business Entities refers to entities engaged in the manufacture, production, processing, repacking, including service-oriented entities. The term shall include retailers, self-employed, micro, small, and medium enterprises, and community based business entities.
- (b) Consumer refers to purchaser and user of plastics whether intended for single or multiple use.
- (c) Disposal refers to the act of dumping or placing of waste, whether intentional or otherwise, into land or bodies of water.
- (d) Incentives refers to incentives provided under Section 10 of this Act.
- (e) Plastic refers to a lightweight, resistant, and synthetic material made from a wide range of polymers whether organic or otherwise, which can be molded into a variety of forms depending on purpose or utility.
- (f) Recycling refers to a process whereby used or waste materials are treated for purposes of reusing them or transforming them to new products or raw materials.
- (g) Retailers refers to a person engaged in the business of selling products directly to consumers.
- (h) Reusable Material refers to any material designed for multiple use. Provided the reusable material is biodegradable or compostable and recyclable. Provided further, that the reusable material does not contain harmful chemicals such as but not limited to cadmium, lead, and other chemicals as provided by the existing rules and regulations of the Department of Environment and Natural Resources.
- (i) Single-Use Plastic refers to disposable plastics which are intended to be used only once before they are disposed or recycled. The term includes but

is not limited to plastic sachets, styrofoam, food packaging plastics, plastic bags, cups, straws, and utensils.

SEC. 4. Scope. — This Act shall apply to the importation, manufacture, use, disposal, and recycling of single-use plastic products by business entities or consumers within the Philippines.

SEC. 5. Prohibition of Single-Use Plastics and Levy for the Use in the Interim Period. — The prohibition of single-use plastics by all business entities as defined in this Act shall be in full force and effect one (1) year after the effectivity of this Act. During the interim period of one (1) year, the following shall be implemented:

- a) The issuance of single-use plastics as defined in this Act by food establishments, stores, markets, retailers, and grocery stores shall be strictly banned;
- b) Diversion in the usage of reusable materials such as but not limited to eco-bags and woven-bags by the consumers in lieu of single-use plastics shall be highly encouraged;
- c) Single-use plastics already in circulation in the general market and the utilization of single-use plastics cannot be avoided shall be collected, disposed, and recycled in accordance with the provisions of Republic Act No. 9003;
- d) For each single piece of single-use plastic already manufactured and in circulation, business entities shall charge every consumer a minimum levy of eight pesos (Php. 8.00);
- e) The amount collected in the preceding paragraph shall be remitted to the Solid Waste Management Fund under Republic Act No. 9003;

Upon the effectivity of this Act and after the one (1) year interim period provided in this Section, the usage of single-use plastics by business entities and consumers shall be strictly prohibited.

SEC. 6. Prohibition of Importation of Single-Use Plastics. - One (1) year after the effectivity of this Act, the importation of single-use plastics shall be strictly prohibited. Further, within one (1) year after the effectivity of this Act, the Tariff Commission in coordination with the Bureau of Customs shall collect the corresponding tariff specified in the Implementing Rules and Regulations of this Act. The tariff collected under this provision shall be remitted to the Solid Waste Management Fund as provided under Republic Act No. 9003.

SEC. 7. Recycling of Used Single-Use Plastics. — It shall be the duty of the appropriate government agency or local government unit to collect, recover and recycle used single-use plastics in accordance with the provisions of Republic Act No. 9003.

The National Solid Management Waste Commission shall ensure the compliance of the appropriate government agency or local government unit to this provision.

SEC. 8. Research and Development for Alternatives to Single-Use Plastics — The Department of Science and Technology (DOST) in coordination with the National Solid Management Waste Commission shall conduct research and development and as a result thereof, innovate an alternative to single-use plastics.

SEC. 9. Program for Affected Employees of the Plastic Industry — After the effectivity of this Act, the Department of Trade and Industry (DTI), Department of Labor and Employment (DOLE), and Technical Education and Skills Development Authority (TESDA) shall implement capacity building programs for the affected employees of the plastic industry and provide necessary skills training in consonance with the innovation by the DOST of the alternative to single-use plastics.

SEC. 10. Incentives to Business Entities Shifting to Alternatives. — Incentives provided under the following laws, where applicable, shall be given to business entities that shifted from single-use plastics to alternatives:

- a) Barangay Micro Business Enterprise Act of 2002;
- b) Magna Carta for Micro, Small, and Medium Enterprises:
- c) Green Jobs Act of 2016:
- d) Omnibus Investment Code of 1987

The local government units are encouraged to provide additional benefits to those business entities within their respective jurisdictions that shifted to alternatives. Additional benefits or incentives to qualified business entities that may be provided by Congress or local government councils upon enactment of a new law shall not be limited by this Act.

SEC. 11. Monitoring and Inspection — The Department of Trade and Industry (DTI) shall be the primary government agency tasked to monitor, inspect, and determine the compliance of business entities to this Act. The DTI may coordinate with the appropriate local government unit and the Philippine National Police to ensure compliance with this Act.

The local government unit, upon thorough determination of compliance with this Act, and upon the recommendation of DTI, shall issue the necessary Certificate of Compliance to business entities that are compliant with this Act. Business entities shall be required to submit the Certificate of Compliance for purposes of local business permit renewal.

SEC. 12. Education and Information Dissemination — The DTI in coordination of the Department of Education (DepEd), Commission on Higher Education (CHED), Department of Environment and Natural Resources (DENR), Philippine Information Agency (PIA) and the local government units, shall conduct proper dissemination of information and education regarding the regulation and prohibition of the usage of single-plastics in the country and the effects of its continued usage.

SEC. 13. Penalties — Violations of any provisions of this Act shall be meted with the following penalties and sanctions:

For business entities or enterprises under R.A. 6977 as amended by R.A. 8289, otherwise known as the Magna Carta for Small Enterprises, and R.A. 9178 also known as the Barangay Micro Business Enterprises Act of 2002, and other non-VAT registered business entities:

- First Offense: Fine of Fifteen Thousand Pesos (Php. 15,000.00);
- Second Offense: Thirty Thousand Pesos (Php. 30,000.00) and suspension of business permit for six (6) months ;
- Third Offense: Sixty Thousand Pesos (Php. 60,000.00) and suspension of business permit for one (1) year;
- Fourth Offense: One Hundred Twenty Thousand Pesos (Php. 120,000.00) and immediate revocation of business permit and ineligibility for application of business permit for five (5) years;

For VAT registered persons or business entities and all other plastic manufacturers found violating this Act, the following penalties shall be imposed:

- First Offense: One Hundred Twenty Thousand Pesos (Php. 120,000.00);
- Second Offense: Two Hundred Fifty Thousand Pesos (Php. 250,000.00) and suspension of business permit for six (6) months;
- Third Offense: Five Hundred Fifty Thousand Pesos (Php. 550,000.00) and suspension of business permit for one (1) year;
- Fourth Offense: One Million Two Hundred Thousand Pesos (Php. 1,200,000.00) and immediate revocation of business permit and ineligibility for application for business permit for five (5) years.

Monetary penalties collected from the abovementioned violations of non-VAT registered and VAT registered business entities shall be remitted to the Solid Waste Management Fund in accordance with R.A. 9003.

Any local government officials or government agencies who fail to comply with and enforce this Act shall be held administratively liable under R.A. 7160 otherwise known as the Local Government Code and other existing laws and regulations.

SEC. 14. Disclosure and Information — Reports, records, or any information relating to the implementation of this Act shall be accessible to the public, unless such report, record, or information are confidential as may be found by the DTI as when the effects thereof shall be adversary to the competitive competition of the manufacturer, seller, or distributor.

SEC. 15. Congressional Oversight — The House of Representatives or the Senate, or the Joint Congressional Oversight Committee under R.A. 9003, shall perform the necessary oversight function and shall have the power to monitor and evaluate the implementation of this Act.

SEC. 16. Appropriations — An amount necessary to carry out the provisions of this Act shall be included in the annual appropriations of the DENR and other implementing agencies under the General Appropriations Act.

SEC. 17. Implementing Rules and Regulations — The DENR, DTI, DI LG, other concerned government agencies and representatives from the local government unit, shall issue and implement the necessary Implementing Rules and Regulations within one hundred twenty (120) days from the effectivity of this Act.

SEC. 18. Separability Clause — If any portion or provision of this Act is declared unconstitutional or invalid, the remainder of this Act or any of the provisions hereof not affected thereby shall continue to be in force and effect.

SEC. 19. Repealing Clause — Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent or contrary to any of the provisions of this Act is hereby repealed or modified accordingly.

SEC. 20. Effectivity — This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,