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Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
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CRISTELO S. LORETO
SP Member

Office of the Sangguniang Panlungsod

Excerpt from the

MINUTES OF THE 15TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY, LEYTE IN THE SESSION HALL ON NOVEMBER 4, 2013.

CITY ORDINANCE NO. 007 S. 2013

AN ORDINANCE REGULATING THE USE OF PLASTIC BAGS AND PROVIDING MECHANISM FOR ITS RECOVERY AND RECYCLING, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

(Authored by Honorable Cristelo S. Loreto and co-authored by Honorable Alan D. Fernandez)

WHEREAS, it is the duty of the local government unit to protect the natural environment, the economy and health of its citizens;

WHEREAS, based on the Waste Analysis and Characterization Study (WACS) conducted by the General Service Office (GSO), plastic bags contribute largely to the volume of city solid wastes being disposed of daily and may become a nuisance to the environment for a long time when not recovered, reused and recycled:

WHEREAS, the excessive usage of single-use plastic bags and there typical disposal also creates significant problems in the city, which usually clogs up the canals and sewerage systems to cause flooding;

WHEREAS, the free distribution of single- use plastic bags in stores effects a throw away attitude among the users;

WHEREAS, to address the throw-away attitude among its users and recover as much plastic bags from the waste stream ,ii is deemed necessary to implement an effective system of plastic bag recovery;

WHEREAS, it is also the duty of the business sector to initiate, participate and invest in integrated ecological solid waste management projects, to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste and prevent pollution and undertake measures for effective solid waste management practices, as provided in Republic Act 9003 or otherwise known as the Ecological Solid Waste Management Act;

WHEREAS, it is the best interest of the health, safety and welfare of the people that regulation include the imposition of an environmental fee to: (1) address the mindless consumption of single-use plastic bags; (2) minimize the use of plastic bags; (3) mainstream the use of reusable bags; and (4) invite the active participation of the citizenry in practices that promote a clean and sustainable environment.

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DOMINADOR X. MURILLO
SP Member

RODOLFO S. PALMA, JR.
SP Member

LOLITO C. MUNEZ
SP Member

MARGARITA C. CARI
SP Member

ALAN D. FERNANDEZ
SP Member

EDGARDO R. EMPOY
SP Member

ARTURO ELISA O. ASTORGA
SP Member

LEONCIO P. ASTILLO, JR.
SP Member

EDEN S. BUTAWAN
SP Member

NOW, THEREFORE,

BE IT, ordained by the City Council of Baybay City in regular session assembled:

SECTION 1. Short Title: This Ordinance shall be entitled "Plastic Bag Reduction Ordinance"

SECTION 2. Definition of Terms: For the purpose of this Ordinance, the following definitions are hereby established, to wit:

- a) "Office" – the Solid Waste Management Office (SWMO).
- b) "Plastic Recovery System Fee" – a charge or regulatory fee imposed to consumer on the use of new plastic bag/s at the point of sale in the absence of alternative reusable bags and/ or redemption of used plastic bags.
- c) "Green Fund" – a fund or money earned from the imposition of plastic recovery system fee by the retail stores intended to fund various initiatives that would benefit the environment.
- d) "HDPE" – High Density Polyethylene plastic or type-2 plastic material. (source: ppia technical briefing on plastics)
- e) "LDPE and LLDPE" – Low Density Polyethylene and Linear Low Density Polyethylene plastic or type – 4 plastic material.
- f) "Plastic Bags" – plastic carryout bags with handles, holes or string usually made from HDPE, LDPE/LLDPE and PP plastic materials with thickness not lower than 15 microns.
- g) "PP" – Polyethylene plastic or type – 5 plastic materials
- h) "Recyclable" – a material that can be sorted, cleansed, and reconstituted for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise, thermally destroying solid waste.
- i) "Relevant Recyclers" – an individual or business entity duly registered and engaged in the trading of junk materials for the purpose of recycling said materials into new product.
- j) "Relevant Retailers" – establishments located within the geographical limits of Baybay City which are commonly and are regularly engaged in retail business and duly registered as one such as: Shopping Malls, Supermarkets, Departments Stores, Grocery Stores, Fast Foods Chains, Drug Stores, Pharmacy, Wet & Dry Markets AND SARI-SARI STORES.
- k) "Reusable bag" – a carryout bag that is specifically designed and manufactured for multiple reuse and is either (1) made of cloth or other machine washable fabric, and/ or(2) made of durable plastic and/ or (3) made of indigenous material like buli, rattan etc.
- l) "Used Plastic Bags" – old or second – hand plastic carryout bags with handles, holes or string usually made from HDPE, LDPE/LLDPE and PP plastic material, or any other type of recycle plastic materials.

SECTION 3. Regulations on the use of Plastic Bags – The following regulations shall be imposed on the use of plastic bags as carryout bag:

- A) Distribution of plastic bags by "Relevant Retailers" lower than the regulated thickness of 15 microns is prohibited under this ordinance.
- B) To ensure the recovery of plastic bags from the waste stream, consumer who will not bring with them "reusable bags" and/or redeem "used plastic bags" for a new bag, shall be charged with a "plastic recovery system fee". Said fee shall be indicated in the costumer's transaction receipt as a reminder that they can save money if they use reusable bags and/or if they bring used plastic bags in exchange for a new plastic bag.

ALAN D. GERNANDEZ
SP Member

EDGARDO R. EMPLOY
SP Member

ARTURO FELISA O. ASTORGA
SP Member

LEONCIO P. ASILLO, JR.
SP Member

EDEN F. BUTAWAN
SP Member

CRISTIANO S. LORETO
SP Member

DOMINADOR K. MURILLO
SP Member

RODOLFO S. PALMA, JR.
SP Member

LOLITO C. MUÑEZ
SP Member

MARGARITA C. CARI
SP Member

- C) Stall owners/lessees in wet and dry markets will not be allowed to directly distribute plastic bags provided in subsection 2 (g). The market management shall assign areas within the market where these plastic bags may be purchased with corresponding transaction receipt.
- D) Plastic bags with no handles, holes or strings commonly used for wrapping unpacked fresh foods and cooked foods at supermarkets, wet & dry markets, restaurants, canteen and the like shall not be included under the scheme as the usage of such plastic bag is justified on the grounds of public hygiene.

SECTION 4. "Plastic Recovery System Fee" for plastic bag. All stores as defined in subsection. 2(k) shall charge and collect with a fix amount of two pesos (P2.00) per plastic bag regardless its size.

SECTION 5. Purpose of the "Plastic Recovery System Fee". Primarily, the imposition of "plastic recovery system fee" seeks change consumer behavior rather that generate fund. It is a move toward shifting habits from mindless consumption to a lifestyle that is anchored on the 3 R's of Waste Management, namely reduce, reuse and recycle.

The "Plastic Recovery System Fee" also seeks to regulate the generation of waste from plastic bags by creating an economic option for consumers to use reusable carry bags and/or redeem used plastic bags for new plastic bags.

The imposition of "Plastic Recovery System Fee" will remind consumers that bringing their own carryout bags and/or redeeming used plastic bags will not only save money but will also save precious resources by recovering and recycling plastic bags.

Further, this "Plastic Recovery System Fee" shall be earmarked for a "green fund" that shall be maintained by the stores to fund other initiatives that would benefit the environment.

SECTION 6. "Reusable Bags" as carryout bags – All stores may provide the following reusable bags as carryout bags to be purchased by the costumer for a minimum fee. It will be made available in the respective checkout counters of the store, purposely for multiple reuses and to reduce the use of plastic bags as carryout bag. Appropriate sizes and design may be provided for the purpose:

- a) "Reusable Shopping Bag" – Reusable bag to be used for shopping and buying groceries. Applicable for shopping malls, supermarkets and grocery stores.
- b) "Take-out Bag" – reusable bag to be used for carrying food and drinks for two or more persons, applicable for fast food chains.
- c) "Agora Bag" – reusable bag to be used in carrying goods from wet and dry markets such as meat, fish, vegetables, fruits and other goods. The market management may assign an area within the market where this bag can be purchased.
- d) "Medicine Bag" – reusable bag or medicine kit appropriate to carry small quantity of medicines such as tablets and capsules, bottled syrups/suspensions and like. Applicable for drugstores and pharmacy.

SECTION 7. Incentives for using "Reusable Bags" and/or the Redemption of Used Plastic Bags" – To mainstream the use of reusable bags as well as encourage the redemption of used plastic bags, stores are hereby instructed to formulate appropriate incentives to consumers, which may include, but not limited to the following:

ALAN D. FERNANDEZ
SP Member

EDGARDO R. OMPOY
SP Member

ARTURO B. O. ASTORGA
SP Member

LEONCIO P. ASILLO, JR.
SP Member

EDEN C. BUTAWAN
SP Member

CRISTIANO S. LORETO
SP Member

DOMINADOR K. MURILLO
SP Member

RODOLFO S. PALMA JR.
SP Member

LOLITO C. MONEZ
SP Member

MARGARITA C. CARI
SP Member

- a) "Point System Scheme"- For those stores implementing the point system scheme to their regular customers, additional points maybe given to those who are using "reusable shopping bag" and/or redeeming used "plastic bags."
- b) "Green Lane"- All stores shall provide special counters or expressed lanes to be called as "green lane" to cater the costumers using reusable bags to encourage greater number of stake holders in the observance of this Ordinance. This will also serve as an information and advocacy measure in caring for the environment.

SECTION 8. Plastic Bag Recovery & Recycling Mechanism -

- a) Relevant Recyclers- The office shall provide a list of relevant recyclers to all stores that will buy used plastic bags. All plastic bags accumulated by stores shall be directly sold to the recyclers of their choice.
- b) Waste Markets- The stores may also bring their accumulated used plastic bags to the waste markets provided by the office.

All stores, groceries and shopping malls are likewise directed to implement their own Waste Markets in their respective areas to ensure that there will be enough venues where used plastic bags as well as other recyclable materials may be redeemed. The Office may also designate additional venue for the waste market or may alter existing schedule for advancement purposes.

SECTION 9. Implementation – Upon effectivity of this ordinance and after public hearing, the Solid Waste Management Office (SWMO), Business Permits and Licensing Office (BPLO), Market Administration OFFICE (MAO) AND OFFICE OF the Liga ng mga Barangay, are hereby directed to FORMULATE the Implementing Rules and Regulations (IRR) of this Ordinance WITHIN SIXTY (60) DAYS AFTER ITS APPROVAL.

To ensure that the provisions of this Ordinance is strictly monitored and implemented, a Task Force composed of agencies abovementioned with SWMO as the lead agency shall also be created.

Funding for the operation of the Task Force shall be taken from the General Fund of the City Government.

SECTION 10. Enforcement and Penalties.

- a) Any establishments that violates the provisions of the Ordinance shall be charged of an infraction and shall be penalized by :
 - a.1) 1st Offense: A fine OF P500.00
 - a.2) 2nd Offense: A fine OF P1,000.00
 - a.3) 3rd Offense: A fine OF P3,000.00 and / Or cancellation of Business Permit.
- b) An Environmental Violation Receipt (EVR) shall be issued to the violator by the Office after which, he/she shall proceed to the SWMO within seven (7) working days for the issuance of the Order of Payment and make the necessary payment to the City Treasurer's Office. If an establishment fails to settle his/her liability within the given time, the case shall be referred to the City Legal Office for the appropriate action.

ALAN D. FERNANDEZ
SP Member

EDGARDO R. OMPOY
SP Member

ARTURO ELIZABETH O. ASTORGA
SP Member

LEONCIO P. ASILLO, JR.
SP Member

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SP Member

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SP Member

LOLITO C. MUÑEZ
SP Member

MARGARITA C. CARI
SP Member

SECTION 11. Separability Clause – If for any reason, and provision, section, or part of this Ordinance is declared not valid by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or part which shall continue to be in force and effect.

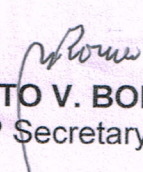
SECTION 12. Applicability Clause – All other matters relevant to the impositions in this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.

SECTION 13. Repealing Clause – All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.


SECTION 14. Effectivity - There shall be a grace period of three (3) months from the date of enactment of this Ordinance for the conduct of massive information campaign and another three (3) months for warning violation with no penalties and other charges. Thereafter, the Ordinance shall take effect after publication in a newspaper of general circulation.

ENACTED: NOVEMBER 4, 2013

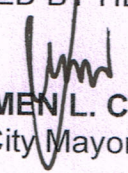
I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Panlungsod during its regular session held on November 4, 2013.



AMELITO V. BORNEO
SP Secretary

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

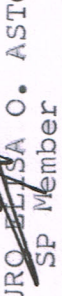

MICHAEL L. CARI
City Vice Mayor & Presiding Officer


APPROVED BY HER HONOR:

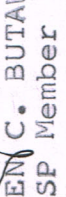

CARMEN L. CARI
City Mayor

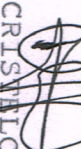

ALAN B. BERNANDEZ
SP Member


EDGARDO R. OMPLOY
SP Member

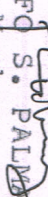

ARTURO ELISA O. ASTORGA
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SP Member

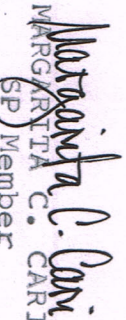

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