



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
 Pasig City

Ordinance No. 9
 Series of 2010

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AN ORDINANCE BANNING THE USE OF ANY FORM OF PLASTIC BAGS ON DRY GOODS AND REGULATING ITS UTILIZATION ON WET GOODS, AS WELL AS THE USE OF STYROFOAM AND SIMILAR MATERIALS AS CONTAINERS FOR FOOD, PRODUCE AND OTHER PRODUCTS, PROVIDING PENALTIES FOR ITS VIOLATION THEREOF AND, FOR OTHER PURPOSES.

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Authored By: Councilors Alejandro E. Santiago, Gregorio P. Rupisan, Jr., Corazon M. Raymundo, Renato G. Lipana and Charmie Q. Benavides

WHEREAS, RA 9003 otherwise known as the Ecological Solid Waste Management Act mandates the regulation or phase out of hazardous waste;

WHEREAS, the RA 7160 otherwise known as the Local Government Code of 1992, specifically Section 3 (i), empowers the Sangguniang Panlungsod to protect the environment and impose appropriate penalties for acts which enlargethe environment including such activities which result in pollution, acceleration or eutrophication of rivers and lakes or of ecological imbalance;

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WHEREAS, plastic bags and styrofoam are extensively used in Pasig City which are non-biodegradable and are source of hazardous gases. They are indiscriminately dumped on the streets, vacant lots and water ways which immensely contribute to the flooding in Pasig City since they clog its waterways;

WHEREAS, the City Government in its vigorous implementation of its Pasig Green City initiatives is spending a considerable amount of money in the cleaning the streets, vacant lots and waterways as well as in waste disposal.

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WHEREAS, the City Government in the energetic pursuance of its Pasig Green City initiatives, has been encouraging the use of alternative bags or packaging materials that are made of doy packs, leaves like palm, pandan, banana, taro and similar ones (as in bayong), cloth (as in katsa), paper, cardboard and at the same time promote the Bring Your Own Bag Program;

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WHEREAS, there is now an urgent need to regulate the use of plastic bags and styrofoam in view of the recent experience of destructive typhoon Ondoy and the ongoing Climate Change.

BE IT ORDAINED by the Sangguniang Panlungsod in session assembled that:

Section 1. **TITLE** – This Ordinance shall be known as the Plastic and Styrofoam Regulation Ordinance of 2010.

Section 2. **SCOPE** – This Ordinance shall take effect within the territorial jurisdiction of Pasig City.

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Section 3. **DEFINITION OF TERMS** – For purpose of this Ordinance, the following terms are defined as follows, to wit:

- a. **Cloth Bags** – refers to reusable packaging material made of cloth which are biodegradable used in packaging of flour, wheat and other similar goods;
- b. **Dry Goods** – refers to any product or merchandise that do not require refrigeration or freezing to maintain such as textiles, clothing, shoes and similar items;
- c. **Dry Market** – refers to the store or place where products or merchandise are sold which do not need refrigeration or freezing to maintain them;
- d. **MRF** – public or private materials recovery facilities, formerly known as junk shops;
- e. **Plastic Bags** – also known as sando bags, pouch, plastic shopping bags and plastic film bags. It is a type of flexible packaging material made of thin plastic films that is used for containing and transporting goods and other products and merchandise. It shall also refer to thin gauge packaging material that are used as bags or wraps;
- f. **Plastic Waste** – refers to a kind of packaging material made of plastic that were dumped or thrown as waste;
- g. **Primary Packaging Materials** – refers to those types of packaging for containing or carrying of wet produce, snack goods, frozen foods, hardware and similar products;
- h. **Secondary Packaging Materials** – refers to any packaging materials for wet goods which are used to provide support to any primary packaging and is intended for the convenience of the handler or carrier
- i. **Styrofoam** – refers to any kind of packaging material commonly used as food containers, disposable cups, plates and similar items;
- j. **Wet Goods** – refers to any product or produce that requires refrigeration or freezing to maintain, such as fish and aquatic produce, meat and fresh poultry products, fruits, vegetables, beverages and cooked foods;
- k. **Wet Market** – refers to the stores or selling area where products that requires refrigeration or freezing to maintain are sold which includes wet section of public markets, supermarkets and minimarts, restaurants, carts, carinderias, eateries and other similar places;
- l. **Woven Bags** – refers to biodegradable packaging materials made of woven pandan or burl leaves and other similar materials.

Section 4. **Prohibition the Dry Markets on the Use of Plastic Bags on Dry Goods** – no business establishment shall utilize plastic bags of whatever nature as packaging material for dry goods.



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Section 5. **Regulating the Wet Markets on the Use of Plastic Bags on Wet Goods** – business establishments dealing on wet goods shall use plastic bags as primary packaging material.

Section 6. **Prohibition on the Use of Styrofoam** – no business establishment shall use styrofoam and other similar materials as containers for food, produce and other products.

Section 7. **Prohibition on Selling of Plastic Bags and Styrofoam** – no business establishment shall offer or sell plastic bags and styrofoam to be used as secondary packaging material or as primary packaging material for dry goods.

Section 8. **Plastic Wastes not to be collected** – plastic bags discarded or other similar plastic waste materials from business establishments or households shall not be included in the collection of non-biodegradable wastes by solid waste collectors. These materials must be brought to public schools thru the Greenheart Savers Program or private/barangay MRFs.

Section 9. **Implementation** – the City Environment and Natural Resources Office (CENRO) shall take charge in the strict implementation of this Ordinance with the assistance of Green Police upon proper deputation and orientation.

Section 10. **Information, Education and Communication** – upon the approval of this Ordinance, CENRO in cooperation with Public Information Office shall conduct popular forms of IEC campaigns to the affected stakeholders relative to this Ordinance using quad media which shall also include the promotion of alternative biodegradable packaging materials such as cloth bags, woven bags, among others.

Section 11. **Voluntary Compliance on the Discontinued Used of Plastic Bags** – along side with the conduct of information, education and communication (IEC) campaigns, CENRO shall formulate a rating system for business establishments on voluntary compliance with corresponding incentives.

Section 12. **Implementing Rules and Regulations** – immediately upon the approval of this Ordinance, CENRO shall formulate implementing rules and regulations for the effective implementation of this Ordinance for approval of the City Mayor.

Section 13. **Other Prohibited Acts** – business establishments and or individuals are prohibited from :

1. selling and providing plastic bags of whatever nature to customers as secondary packaging materials on wet goods;
2. selling and providing plastic bags to customers as packaging materials on dry goods;



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3. selling and providing styrofoam as containers;
4. disposing plastic wastes not in accordance with RA 9003 and CO No. 30-2002.

Section 14. **Penalties** – all business establishments and individuals who violate any of the prohibited acts stated above shall be penalized through the imposition of the following penalties, to wit:

- | | | |
|----------------|---|--|
| First Offense | : | a fine of P500.00 |
| Second Offense | : | a fine of P1,000.00 |
| Third Offense | : | a fine of P2,500.00 and or imprisonment of not |

more than six (6) months, upon the discretion of the court and in the case of business establishments, imprisonment shall be meted out on its general manager or president. Moreover, cancellation of their business license to operate for one (1) year shall also be imposed.

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Section 15. **Interference** – Any person who shall interfere, hinder or oppose any official or member of the CENRO, Green Police or any other deputized person in performance of their duties in the implementation of this Ordinance, or shall tear down, mutilate, deface or later any billboard, streamer, poster or similar notices affixed in the premises in the enforcement of this Ordinance shall be guilty of misdemeanor.

Section 16. **Citizen's Suit** – For the purposes of enforcing the provisions of this Code, any bona fide Pasig City resident may file an appropriate civil, criminal or administrative action in proper courts/bodies against:

1. any person who violates or fails to comply with any of the provisions of this Ordinance;
2. any Pasig City Hall Official or Employee who willfully or grossly neglects the performance of an act specially enjoined as a duty by this Code; or abuse his/her authority in the performance of his/her duties; or in any manner, improperly performs his/her duties under Code. Provided, however, that no suit can be filed until after thirty day (30) notice has been given to the said public officer and the alleged violator concerned and no appropriate action has been taken thereon.

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

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In the event the said bona fide Pasig City resident should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs as appropriate.

Section 17. Suits and Strategic Actions Public Participation and Enforcement of this Ordinance – Where a suit is brought against a person who filed an action as provided for on Section 15 this Ordinance, or against any person, office or department that implements this Code, it shall be the duty of the City Prosecutor to immediately make a determination not exceeding thirty days (30 day) whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourse of the person complaining of or enforcing the provisions of this Ordinance. Upon determination thereof; evidence warranting the same; the City Prosecutor shall dismiss the same.

This provision shall also apply and benefit Pasig City Officials and Employees who were sued for acts committed in their official capacity, there being no grave abuse of authority any done in the course of enforcing this Code.

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Miscellaneous Provisions

1. *Separability Clause* – if any part of this Ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other part or sections hereof that are not declared unlawful or unconstitutional;
2. *Repealing Clause* – all previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly;
3. *Effectivity* – upon approval of this Ordinance, a six (6) month grace period for apprehension of violators of this Ordinance shall be provided to give way for its voluntary compliance and the IEC campaign of CENRO.

APPROVED, this 17th day of June 2010 at Pasig City.

Signature of Alejandro E. Santiago
ALEJANDRO E. SANTIAGO
Councilor

Signature of Corazon M. Raymundo, Ph.D.
CORAZON M. RAYMUNDO, Ph.D.
Councilor

Signature of Gregorio P. Rupisan, Jr.
GREGORIO P. RUPISAN, JR.
Councilor

Signature of Roberto E. Benito
ROBERTO E. BENITO
Councilor

Signature of Reynaldo R. San Buena Ventura III
REYNALDO R. SAN BUENAVENTURA III
Councilor

Signature of Rodrigo B. Asilo
RODRIGO B. ASILO
Councilor



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(ABSENT)

RENATO G. LIPANA
Councilor

VIRGILIO T. DEL ROSARIO
Councilor

IYO CHRISTIAN C. BERNARDO
Councilor

(ABSENT)

FERDINAND A. AVIS
Liga President

REGINO S. BALDERRAMA
Councilor

JIAN ESLY C. PAJARA
SK President

CHARMIE C. BENAVIDES
Councilor
Minority Floor Leader

AQUILINO S. DELA CRUZ
Councilor
Majority Floor Leader

Attested By:

ROSALIO D. MARTIRES
City Vice-Mayor
Presiding Officer

APPROVED:

ROBERT C. EUSEBIO
City Mayor

Attested By:

ROBERTO A. BARRETTO
Acting City Council Secretary