



MUNICIPAL ORDINANCE NO. 19
Series of 2017

AN ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, FOR FOOD AND BEVERAGES CONTAINERS IN THE MUNICIPALITY OF BAYAMBANG AND PRESCRIBING PENALTIES THEREOF.

Sponsored by SBM Mylvin T. Junio and SBM Amory M. Junio

EXPLANATORY NOTES:

WHEREAS, Article II, Section 16 of the Philippine Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Section 3 (i) of R.A. 7160 provides that Local Government Units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction;

WHEREAS, Section 458 (vi) of R.A. 7160 empowers the Sangguniang Bayan to protect the environment and impose appropriate penalties for acts which endanger the environment including such activities which results in pollution acceleration or eutrophication of rivers and lakes or of ecological imbalance;

WHEREAS, plastic cellophane and sando bags and expandable polystyrene (EPS) Foams being non-biodegradable materials clog our canals, creeks, rivers and other water ways causing floods during rainy season and causing harm to these waterways and the surrounding communities;

WHEREAS, plastic cellophane and sando bags and expandable polystyrene (EPS) Foams are widely used for packaging of foods and beverages, however, the use of plastics and polystyrene in food storage can carry health risks, especially when hormone disrupting chemicals from some of these packaging materials leach into food and beverages;

WHEREAS, a certain specific study reveals that polystyrene can disrupt normal hormone functions of women, possibly contributing thyroid problems, menstrual irregularities, breast cancer and likewise prostate cancer for men, and according to the US Environmental Protection Agency that styrene is a suspected carcinogen and is also known as toxin that can affect kidney, gastro-intestinal and respiratory systems, among others;

WHEREAS, plastic and polystyrene manufacturing and incineration creates air and water pollution and exposes workers to toxic chemicals;

WHEREAS, plastic cellophane, sando bags and polystyrene are rampantly used as packaging material in the Municipality of Bayambang and elsewhere;

WHEREAS, despite serious efforts of the Municipality to segregate biodegradable, recyclable and reusable waste materials, plastics, polystyrene and other similar materials remain in the municipal waste stream and eventually remain as the common residual waste fraction;

WHEREAS, the Municipality of Bayambang in its desire to regulate the "single use" of plastic cellophane and sando bags and eventual prohibition of the use, sale and provision of polystyrene as food and beverage containers, encourages the utilization of alternative packaging materials such as woven bags (bayong), cloth/paper bags and other similar organic packaging materials (e.g. banana leaves, taro leaves, etc.) and likewise advocates the "No plastic Day" and "Bring Your Own Bag-(BYOB)" programs of the Municipal Government;



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WHEREAS, it is in the best interest of the health, safety and welfare of the people of Bayambang to minimize the use of plastic cellophane and sando bags and the eventual prohibition of the use, sale and provision of polystyrene as packaging materials for food and beverages.

NOW THEREFORE, on motion of SB Member Benjamin Francisco S. De Vera, duly seconded;

Be it enacted by the Sangguniang Bayan in session assembled that:

SECTION 1. TITLE. This Ordinance shall be known as an "AN ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, FOR FOOD AND BEVERAGES CONTAINERS IN THE MUNICIPALITY OF BAYAMBANG AND PRESCRIBING PENALTIES THEREOF."

SECTION 2. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms are defined as follows:

- a) **Alternative packaging materials-** refers to recyclable, reusable and/or biodegradable packaging materials that are used in containing, carrying, holding and /or transporting goods or products, as an alternative to plastic bag;
- b) **Bring Your Own Bag (BYOB) Program-** refers to the program adopted by supermarkets, convenient stores, department stores and other business establishments, whereby customers are enjoined to bring a reusable bag, paper bag, cloth bag or any other alternative packaging material for purposes of containing, carrying, holding and transporting goods or products bought;
- c) **Cloth bag-** refers to reusable packaging material made of cloth used in the packaging of flour, wheat and other similar goods;
- d) **Container/s-** refers to a type of material utilized for purposes of holding, enclosing, packaging and/or restraining edible food and beverage for human consumption;
- e) **Expanded polystyrene (EPS) foam-** is thermoplastic petrochemical material which utilizes a styrene monomer and is processed by fusion of polymer spheres. It is a type of polystyrene product commonly used as containers for food and beverages;
- f) **Packaging** – shall refer to the packaging, packing and wrapping of products for purpose of carrying the same in a convenient manner;
- g) **Plastic bag** – refers to a type of bag made of thin, flexible, plastics film that is designed to be provided or utilized at the point of sale for containing, carrying, holding and transporting goods;
- h) **Plastic wastes-** refers to any plastic packaging material thrown as wastes;
- i) **Plastic cellophane-** is transparent, thin film plastic sheet made of regenerated cellulose having low permeability to air, oil, greases, bacteria and water makes it useful for food packaging;
- j) **Reusable bag-** refers to a washable canvass bag or native bag "bayong" or any shopping bag used for carrying and transporting goods, which bags are made of organic or non-organic materials that can be used for several times;
- k) **Sando bags** – refers to a type of plastic packaging with handles for the purpose of carrying, holding and/or transporting goods and other produce. This term shall likewise be defined as one similar to the term plastic bag;



- l) **Single-use-** disposable or used for only one time;
- m) **Styrofoam** – is a trademark of a product made up of light resilient foam of polystyrene. For purposes of this Ordinance the term “Styrofoam” shall refer to the Expanded Polystyrene (EPS) Foam used as containers for food and beverages;
- n) **Woven bags-** refers to biodegradable packaging material made of woven native materials e.g. pandan or buri leaves and other similar materials;
- o) **“Biodegradable food containers”** – refer to products that are made from naturally renewable materials that are eco-friendly and naturally decomposing which are perfect alternative for plastic containers and styropor;
- p) **“Non-Biodegradable”** – is a type of waste that cannot be broken down into its base compounds by micro-organisms, air, moisture or soil in a reasonable amount of time.

SECTION 3. REGULATION ON THE USE, SALE OR PROVISION OF PLASTIC BAGS. The following regulations shall be imposed as follows:

- a) Business establishments, fastfood outlets, market vendors, food kiosks, sari-sari stores, ambulant vendors, and the like are prohibited from using plastic cellophanes and sando bags as packaging materials for customers.
- b) Stores and other retail establishments are mandated to use any alternative legally compliant packaging material for customers, such as but not limited to the materials mentioned in Section 4 hereof, in lieu of single-use plastic cellophanes and sando bags.

SECTION 4. ALTERNATIVE PACKAGING MATERIALS. The use of recyclable, reusable and/or biodegradable alternative packaging materials should be encouraged and promoted, such as reusable woven bags (bayong), cloth bags, rattan baskets, shopping bags made from recycled waste paper and other bags made out of biodegradable materials (e.g. banana leaves, taro leaves, water lily, corn stalk, etc.) shall be utilized as alternative packaging materials. All business establishments are encouraged to adopt the “Bring Your Own Bag” Program

SECTION 5. INCENTIVES FOR USING REUSABLE BAGS. To promote the use of reusable bags, stores are hereby encouraged to implement the BYOB program and to formulate appropriate incentives to consumers, which may include: Green Lane - Stores may provide special counters or express lanes to be called as Green Lane to cater customers who bring their own bags or use of reusable bags.

SECTION 6. PROHIBITION ON THE USE, SALE OR PROVISION OF STYROFOAM. Business establishments, restaurants, fast-food outlets, food kiosks, catering services and the like shall not utilize, sell or provide styrofoams or expanded polystyrene foam as containers for food and beverages.

SECTION 7. ALTERNATIVE CONTAINERS FOR FOOD AND BEVERAGE. The use of reusable and/or paper-based containers for food and/or beverage and other alternative containers are encouraged and promoted.

SECTION 8. TECHNICAL WORKING GROUP. For the purpose of this ordinance, a Technical Working Group shall be established with the following composition:

- Chairman - Municipal Mayor
- Co-Chairman - Municipal Vice Mayor
- Vice Chairman - SB Committee Chairman on Environment
- Members:
 - Market Supervisor V
 - SB Committee Chairman on Market & Slaughterhouse
 - SB Committee Chairman on Trade & Industry



SECTION 9. FUNCTIONS OF THE TECHNICAL WORKING GROUP. The Technical Working Group shall have the following functions:

- a. The formulation of the Implementing Rules & Regulations as well as the Guidelines in the proper implementation of this Ordinance;
- b. Identify the activities and programs to be conducted during the moratorium period;
- c. Identify the environmental advocacies, programs and projects to be funded by the city government;
- d. Recommend measures for the proper implementation of this Ordinance.

SECTION 10. MONITORING OF ORDINANCE. The Supervising Environmental Management Specialist (SEMS) in coordination with Market Supervisor V shall monitor the effective implementation of this ordinance and shall likewise prepare a periodic report on the progress of the implementation of this Ordinance and shall furnish the Sangguniang Bayan a copy of the same.

SECTION 11. INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN. Upon approval of this Ordinance, the municipality through the Public Information Office together with the Supervising Environmental Management Specialist (SEMS) in coordination with the Technical Working Group, shall conduct massive information, education and communication campaigns using quad media (print, radio, television and internet) and shall include the promotion of alternative biodegradable packaging materials. The information and education campaign shall include the production and distribution of materials related and consistent with the provisions of this Ordinance.

SECTION 12. IMPLEMENTING RULES AND REGULATIONS. Within thirty (30) days from the approval of this Ordinance, the necessary rules and regulations shall be issued by the Technical Working Group for the proper and effective implementation of this Ordinance.

SECTION 13. PENALTIES. Individuals and/or all business establishments who violate any of the prohibited acts stated above shall be punished through the imposition of the following penalties:

- a) **First Offense** – Php500.00 Fine and/or imprisonment of not less than one (1) month nor more than six (6) months, or both, at the discretion of the court.
- b) **Second Offense** – Php1,000.00 Fine and/ or imprisonment of not less than one (1) month nor more than six (6) months, or both, at the discretion of the court.
- c) **Third Offense** – Php2,500.00 Fine and/ or imprisonment of not less than one (1) month nor more than six (6) months, or both, at the discretion of the court.

SECTION 14. MORATORIUM AND IMPLEMENTATION. All business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like engaged in the use and/or selling of plastic bags and styrofoam as packaging materials for food and beverages shall be given six (6) months from the date of effectivity of this Ordinance to dispose of their remaining inventory and for consumers to adjust and conform.

SECTION 15. SEPARABILITY CLAUSE. If for any reason or reasons, any part or parts or provisions of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.



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SECTION 16. REPEALING CLAUSE. All ordinances or any part or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 17. EFFECTIVITY. This Ordinance shall take effect after ten (10) days following its publication in a local newspaper of general circulation.

ENACTED this 24th of July 2017

Certified to be duly adopted and approved:

JOEL V. CAMACHO
Secretary to the Sanggunian

ATTESTED:

HON. MYLVIN T. JUNIO
Acting Presiding Officer



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"AN ORDINANCE PROHIBITING THE USE OF NON-BIODEGRADABLE PLASTIC BAGS ON DRY GOODS AND REGULATING ITS UTILIZATION ON WET GOODS AND PROHIBITING THE SALE AND USE OF STYROFOR IN THE MUNICIPALITY OF BAYAMBANG AND PRESCRIBING PENALTIES THEREOF"

**WE CONCUR:
SANGGUNIANG BAYAN MEMBERS**

HON. JOSEPH VINCENT E. RAMOS

HON. PHILIP R. DUMALANTA

HON. BENJAMIN FRANCISCO S. DE VERA

HON. JUNIE J. ANGELES

HON. MARTIN E. TERRADO H

HON. MA. CATALINA E. DE VERA

HON. AMORY M. JUNIO

HON. ROGELIO P. DUMALANTA
Fangulo, Liga ng mga Barangay
(absent)

APPROVED:

HON. CEAR T. QUIAMBAO
Municipal Mayor