



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT from the Minutes of Session of the Sangguniang Bayan of Oton, Iloilo recorded during its Regular Session held at the SB Session Hall last **February 5, 2014** at 9:30 in the morning.

PRESENT:	Hon. Jose Neil P. Olivares	Vice Mayor and Presiding Officer
	Hon. Juan Miguel M. Flores	SB Member
	Hon. Theodore C. Britanico	SB Member
	Hon. Jafet P. Salinas	SB Member
	Hon. Leonida C. Alison	SB Member
	Hon. Felix L. Flores	SB Member
	Hon. Eusebio G. Villavicencio, Jr.	SB Member
	Hon. Rodolfo Z. Alconga, Jr.	SB Member
	Hon. Jose V. Olivares, Jr.	SB Member
	Hon. Margarita T. Clavel III	SB Member (Liga ng mga Barangay Representative)
ABSENT:	Name:	



ORDINANCE NO. 2014 - 257

AN ORDINANCE REGULATING THE USE OF PLASTIC BAGS AS PACKAGING MATERIAL IN THE MUNICIPALITY OF OTON, ILOILO.

ON MOTION of the Committee on Environmental Protection composed by Hon. Rodolfo Z. Alconga, Hon. Jose V. Olivares, Jr. and Hon. Leonida C. Alison which was duly seconded by Hon. Juan Miguel M. Flores

Be it ordained by the Sangguniang Bayan of Oton that:

SECTION 1. INTRODUCTION.

WHEREAS, Section 447 (vi) of RA 7160 empowers the Sangguniang Bayan to protect the environment and impose appropriate penalties for acts which endanger the environment including such activities which result in pollution acceleration, eutrophication of rivers and lakes or of ecological imbalance;

WHEREAS, plastic bags being non-biodegradable materials clog the canals, creeks, rivers and other waterways causing floods during the rainy season, damaging these waterways and the surrounding communities;

WHEREAS, indiscriminate burning of plastics creates air and water pollution and exposes people to toxic wastes.

SECTION 2. DECLARATION OF POLICY. It is the policy of this local government unit to adopt an ecological and environment - friendly principle to protect and advance the right of the people to a balanced and healthy ecology in an environmentally sound manner.

SECTION 3. SHORT TITLE. This Ordinance shall be otherwise known as the "Plastic Bag Regulation Ordinance"

SECTION 4. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms are defined as follows:

- a) Packing - shall refer to the packing, bagging and wrapping of products for purposes of carrying the same in a convenient manner.
- b) Plastic bag - refers to a type of bag made of thin, flexible, plastic film that is designed to be provided or utilized at the point of sale for containing, carrying, holding and transporting goods.
- c) 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 and the same with the term Plastic bag.
- d) Single-use - disposable or used for only one time.
- e) Biodegradable Plastic Bag - refers to a plastic bag that degrades into fine wettable fragments through oxidation processes and thereafter attains molecular structure suited for biodegradation that results from the action of naturally occurring microorganisms such as bacteria, fungi and algae. Such plastic bags shall,

within twenty-four (24) months after its use, have a sixty percent (60%) biodegradation where organic carbon is converted to carbon dioxide without leaving significant harmful residues.

- f) **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 for plastic bag. These include:
 1. **Reusable bags** – refers to a washable canvass bag, a bayong or any shopping bag used for carrying and transporting goods, these bags are made of organic or non-organic materials which can be used several times.
 2. **Cloth Bag (a.k.a. Katsa)** – refers to reusable packaging material made of cloth (biodegradable) used in the packaging of flour, wheat and other similar goods.
 3. **Woven Bags (a.k.a. Bayong)** – refers to biodegradable packaging material made of woven pandan or buri leaves and other similar materials.
- g) **Plastic Wastes** – refers to any plastic packaging material thrown as waste.
- h) **Bring Your Own Bag (BYOB) Program** – refers to the program of the LGU – Oton.
- i) **Dry Goods** – refers to any product that do not require refrigeration or freezing to maintain freshness such as textiles and clothing
- j) **Dry market** – generally refers to the store of products that do not require refrigeration or freezing to maintain freshness
- k) **Styrofoam/styrophor** – refers to a kind of packaging material used as food containers, disposable cups, plates, etc.
- l) **Primary packaging material** – refer to those types of packaging for containing wet produce, snack foods, hardware, etc.
- m) **Secondary packaging material** – refers to those types of packaging materials for wet goods to provide support to any primary packaging and intended for convenience of the handler, as well.
- n) **Wet foods** – refers to any product that requires refrigeration or freezing to maintain freshness such as fish, meat, poultry products, fruits, vegetables, beverages and those cooked in carinderias /eateries.
- o) **Wet market** – generally refers to the store of products that requires refrigeration or freezing to maintain freshness. These include the wet section in public markets, supermarkets, mini marts, restaurants and carinderias /eateries.

SECTION 5. REGULATION ON THE USE OR PROVISION OF PLASTIC BAGS. The following regulations shall be imposed on the use of plastic bags:

- a) No business establishment, fastfood outlets, market vendors, food kiosks, sari-sari stores, ambulant vendors, and the like shall utilize or provide plastic bags and/ or sando bags as packing material to customers.
- b) In lieu of single-use plastic sando bags, stores and other retail establishments shall provide, for free, any alternative legally-compliant packaging material to customers, such as but not limited to, the materials mentioned in Section 5 hereof.
- c) Plastic bags commonly used as primary packaging for wrapping unpacked fresh foods at supermarkets, wet markets, restaurants, canteen and the like shall not be included under par (a) hereof as the usage of such plastic bag is justified on the grounds of public hygiene.

- d) Consumers may provide themselves with the re-usable, non-biodegradable plastic bags, boxes/crates or containers in making transactions with the establishments/ market vendors or adopt the *bring your own bag program*.

SECTION 6. ALTERNATIVE PACKAGING MATERIALS. The use of alternative packaging materials shall be encouraged and promoted. As such, the use of reusable bags, 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 an alternative packaging material.

SECTION 7. BYOB Program. All business establishments are encouraged to adopt the Bring Your Own Bag (BYOB) Program of the LGU of Oton.

SECTION 8. INCENTIVES FOR USING REUSABLE BAGS. There shall be formulated appropriate incentives to consumers, which may include, but not limited to the following:

- a) *Point System Scheme* – For stores implementing the point system scheme to their regular customers, additional points may be given to those who are using reusable shopping bags or are participating in the BYOB program;
- b) *Green Lane* – All stores shall provide special counters or express lanes to be called as Green Lane to cater to customers who bring their own bags or use reusable bags.

SECTION 9. TECHNICAL WORKING GROUP. For the purpose of this ordinance a Technical Working Group shall be established, which will be composed of the following:

- Chairman : Mayor
- Co-Chairman : Vice Mayor
- Vice Chair : SB Committee on Environment and Natural Resources
- Members :
 - Municipal Environment and Natural Resources Office
 - MEEDO
 - MACO
 - GSO
 - President, OMVA
 - President, Liga ng mga Barangay

SECTION 10. FUNCTIONS OF THE TECHNICAL WORKING GROUP. The Technical Working Group shall have the following functions:

- a) The formulation of the Implementing Rules and 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 from the proceeds of the fines collected.
- d) Recommend measures for the proper implementation of this ordinance.

SECTION 11. MONITORING OF ORDINANCE. The MENRO shall monitor the effective implementation of this Ordinance. It shall prepare a semi-annual report on the progress of the implementation of this Ordinance and shall furnish the Sangguniang Bayan a copy of the same.

SECTION 12. INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN. Upon approval of this Ordinance, the Municipality, through the Information Officer together with the MENRO and MEEDO, shall conduct massive information, education and communication campaigns using quad media (print, radio, television and internet) and shall also 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. The Municipality shall allocate the amount of One Hundred Thousand Pesos (P 100,000.00), after the effectivity of the ordinance, to facilitate the information, education, and communication campaign.

SECTION 13. 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 14. PENALTIES. All individuals, owners of business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like who violate Section 5 hereof shall be meted the following penalties:

- First Offense : P 500.00 fine and confiscation of the plastic bags
- Second Offense : P1,500.00 fine and confiscation of the plastic bags
- Third Offense : P2,500.00 fine, confiscation of the plastic bags and/or imprisonment of not more than six (6) months upon the discretion of the court and in the case of business establishments, cancellation of their license to operate for a period of one (1) year.

The MENRO shall record all offenses and penalties of this Ordinance.

SECTION 15. PROCEEDS FROM FINES. Proceeds from the fines collected in connection with this ordinance shall be placed in a trust fund, which will be earmarked specifically for environmental advocacies, programs and projects of the municipality as well as the enforcement of this ordinance. The environmental advocacies, programs and projects shall be identified by the Technical Working Group.

SECTION 16. 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 as packaging materials shall be given one (1) year from the date of effectivity of this Ordinance to dispose of their remaining stock.

SECTION 17. SEPARABILITY CLAUSE. If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

SECTION 18. REPEALING CLAUSE. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

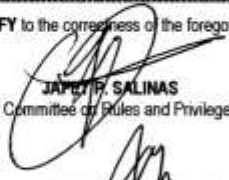
SECTION 19. EFFECTIVITY. Based on Section 511 of the Local Government Code, this Ordinance with penal sanctions shall take effect either on the day following its publication, or at the end of three (3) consecutive weeks period of posting, whichever occurs later.

SECTION 20. COPIES. Copies of this Ordinance shall be furnished to the Office of the Mayor; MENRO; MEEDO; MACO; GSO; Liga nga mga Barangay; all vendors or consumers associations for information and guidance and the Sangguniang Panlalawigan of Iloilo for review.


APPROVED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred:



JAMES P. SALINAS
 Chair, Committee on Rules and Privileges

Approved:



VICENTE B. FLORES, JR.
 Municipal Mayor

Date Approved:

FEB 13 2014


KERRY ANN T. LACIFICAR
 Secretary to the Sanggunian

Attested:


JOSE NEIL P. OLIVARES
 Vice Mayor and Presiding Officer

Date Posted:

FEB 14 2014

/jodi