

Received for GA
03 AUG 2021

Res. No. 548

RECEIVED WITH SA
AUG 13 2021

s. 2021

Republic of the Philippines
SANGGUNIANG PANLALAWIGAN
PROVINCE OF NEGROS ORIENTAL

EXCERPTS FROM THE JOURNAL OF THE SANGGUNIANG PANLALAWIGAN SESSION ON:

Date: July 26, 2021 - 3:00 P.M.

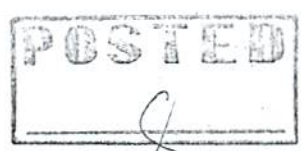
Classification: Regular Session

RECORD OF ATTENDANCE:

HON. EDWARD MARK L. MACIAS
Vice Governor & Presiding Officer
O.B.



- | | | | |
|----------------------------------|---------------------|-----------------------------------|-----------|
| HON. JOHN T. RAYMOND, JR. | - Present | HON. JAIME L. REYES | - Present |
| HON. PETER PAUL F. RENACIA | - Present | HON. JOSE A. BALDADO | - Present |
| HON. ERWIN MICHAEL L. MACIAS | - Present | HON. ESTANISLAO V. ALVIOLA | - Present |
| HON. VALENTE D. YAP | - Present | HON. CHESTER V. LIM | - Present |
| HON. MA. ANTONIA E. VILLEGAS | - Actg. Pres. Offr. | HON. KIT MARC B. ADANZA | - Present |
| HON. ADEMB. MAXINO (SK) | - Present | HON. KURT MATTHEW T. TEVES (LNMB) | - Present |
| HON. MANUEL L. SAGARBARRIA (PCL) | - Absent | | |



RESOLUTION NO. 548

Author: HON. JOHN T. RAYMOND, JR.

“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 Republic Act No. 7160 also known as the Local Government Code of 1991, provides that the Local Government Units shall share with the National Government the responsibility in the management and maintenance of the ecological balance within their territorial jurisdiction;

“WHEREAS, the signs of climate crisis are everywhere – extreme weather events, sea level rise, changes in the timing of seasons, biodiversity loss, among others. It will get worse depending on prevention efforts we exert since it has been determined that human activities are the primary drivers of environmental crises;

“WHEREAS, recent studies have shown that non-biodegradable substances can contribute to global warming. Plastics contribute to greenhouse gas emissions at every stage of its lifecycle, from its production to its refining and the way it is managed as a waste product – they end up everywhere: in landfills, the oceans, waterways, in streets, and even in the food we eat as microplastics have been found in tap water and also in the air;

“NOW, THEREFORE, on motion of Honorable Member John T. Raymond, Jr., seconded by Honorable Member Estanislao V. Alviola, be it ordained by the Sangguniang Panlalawigan of Negros Oriental, in Regular Session Assembled, that:

ORDINANCE NO. 28
(Series of 2021)

“AN ORDINANCE REGULATING/PROHIBITING PLASTIC BAGS AND THE USE OF POLYSTYRENE, EXPANDED POLYSTYRENE (STYROFOAM) AND OTHER SINGLE-USE/DISPOSABLE CONTAINERS FOR FOOD AND DRINKS, AS WELL AS STRAWS, GLOVES, CUTLERY, AND BALLOONS, IN THE PROVINCE OF NEGROS ORIENTAL, PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF AND FOR OTHER PURPOSES.”

SECTION 1. Short Title. This Ordinance shall be known as “The Plastic Regulation and Prohibition Ordinance”.

SECTION 2. Definition of Terms. For the purpose of this ordinance, the following terms are defined as follows:

- a. Primary packaging – packaging that is in direct contact with the goods or products, the main purpose of which is to protect and/or preserve or contain the product.
- b. Secondary packaging – packaging used to support any primary packaging intended for the convenience of the handler.
- c. Dry goods – products that do not require refrigeration or freezing to maintain freshness such as textiles, clothing, school supplies, grocery goods, etc.
- d. Wet goods – generally refer to products that require refrigeration or freezing such as fish, meat, poultry products, fruits, vegetables, and beverages.
- e. Plastic bags – packaging material made of polyethylene plastic film that is used for containing and transporting food and other products (commercial or industrial).
- f. Cello bags – thin, transparent bags used widely as primary packaging for cooked food and drinks sold by mobile food vendors, roadside eateries, and restaurants.
- g. Expanded Polystyrene foam or Styrofoam – a type of expanded polystyrene which is of light and usually white

rigid plastic used as packaging material and is popularly used as food containers, disposable cups, plates, etc.

- h. Eco bag – an alternative to single-use paper or plastic bag, often made from fabric such as canvas, and natural fibers such as jute, that is more durable than disposable plastic bags, allowing multiple uses.
- i. Reusable bag – a type of shopping bag (i.e. sako bags, cloth bags, net bags, paper bags, or reusable sando bags) which is an alternative to the less-durable, disposable or single-use bags.
- j. Biodegradable wastes – food waste, kitchen waste, and garden wastes good for composting to produce organic fertilizer. Households, establishments, and barangays are responsible for the proper management of these wastes (MRF mandated by RA 9003).
- k. Non-biodegradable wastes – non-compostable wastes which include single-use plastic bags, plastic packaging, disposable plastic cups and cutlery, styrofoam, cloth with synthetic fiber and cotton, slippers, shoes, and the like.
- l. Residual wastes – similar to non-biodegradable wastes, these are non-recyclable and non-reusable and considered fit for disposal. These include but are not limited to, disposable sanitary napkins, pantyliners, disposable diapers, and cigarette butts. These wastes as per RA 9003 should be collected by the LGUs for disposal to Sanitary Landfills or stored in their respective Residual Containment Areas.
- m. Recyclable wastes – wastes that can be reused or processed into new materials, hence are being bought by junk shops and recycling plants. These include PET bottles, cans, glass bottles, hard plastics, steel, tin, wood, etc.
- n. Recycling – the act of converting or processing waste materials into new, useful products to reduce the use of raw materials and to prevent waste of potentially useful materials. It does not include burning, incinerating, or otherwise, thermally destroying solid wastes.
- o. Segregation – the process by which waste is separated into different waste classifications such as biodegradable, non-biodegradable or residuals, recyclables, and hazardous or special wastes.
- p. Biodegradable bags – carrier bags made of plant-based materials or certified by a national certifying body to be made of compostable material that biodegrade through the

action of naturally occurring microorganisms such as bacteria and fungi, that exhibit a ninety percent (90%) biodegradation rate in less than six months during which organic carbon is converted to carbon dioxide without leaving significant harmful residues.

- q. Oxo-degradable bags – also called biodegradable bags sold by some suppliers but only break down into small plastic fragments without bio-degrading carbon to carbon dioxide at or above the specified biodegradation rate and within the time frame specified in the definition. Unlike the certified biodegradable carrier bags, oxo-degradable bags contain catalysts (often a toxic metal) that help the plastic fragment/break down into small particles called microplastics which can no longer or with great difficulty be removed from land, sea, or air and which accumulate toxic substances from the environment and can move up the food chain.
- r. Ordinance – shall mean this Single-Use Plastic Regulation/Prohibition Ordinance.
- s. Plastic waste – refers to any plastic packaging material thrown as waste.
- t. Gloves – plastic garment that covers the hands, usually used in food preparation and when eating without utensils.

SECTION 3. Regulations.

- a. Plastic Holiday. Three days are designated as Plastic Holidays: Friday, Saturday, and Sunday. During these days, the use of single-use plastic bags for primary and secondary packaging is strictly prohibited so as to constantly remind Negrenses of the goal of totally eliminating plastic waste in the province. No business establishment, hospital, shop, store, restaurant, eatery, market stall, food stand and 'tabo' vendor, caterer, and peddler will be allowed to use, provide, or sell plastic bags as primary or secondary packaging of dry and wet goods. After the approval of this amendment, the above-enumerated establishments shall implement and campaign support to this needed regulation.
- b. Non-Plastic Holidays. During the rest of the week, particularly, Monday to Thursday, business establishments and vendors are still prohibited from providing free plastic for primary and secondary packaging to encourage the utilization of baskets, bayongs, reusable plasticware, and eco bags. Giving free plastic bags has caused the easy throw-away attitude of Negrenses since these bags have no

- value to them. On these days, the sale of reusable plastic bags is allowed but only if totally necessary, at rates to be specified in the Implementing Rules and Regulations of this Ordinance.
- c. A period of one year from the effectivity of this ordinance shall serve as adjustment period hence, no violator shall be penalized during said period unless the infraction was committed in a Local Government Unit with a plastic ordinance already implemented and in place.
 - d. No free paper bags. The use of paper bags shall also be regulated. Establishments are likewise prohibited from giving free paper bags in lieu of plastic bags so as to encourage the use of eco bags or other reusable containers. If necessary, they may be sold at rates to be specified in the Implementing Rules and Regulations of this Ordinance;
 - e. Retailers shall carry a supply of eco bags and other reusable non-plastic bags to sell at a minimum price.
 - f. Balikbayans and tourists are prohibited from bringing in plastic bags containing their pasalubong or purchases. Pasalubong or purchases must be placed inside their traveling bags, backpacks, or any reusable bag. Arrangements shall be made with travel and transport businesses to distribute information flyers on this prohibition to travelers.
 - g. If resorts and hotels provide complimentary water to their guests, the same must not be in plastic bottles so as to minimize the accumulation of plastic bottles for disposal. It is suggested that complimentary water be placed in pitchers or water dispensers.
 - h. Restaurants, bars, food stands, eateries, supermarkets, and the like are required to cease from serving and selling water and other drinks in individual use (500 ml or smaller) bottles so as to minimize the accumulation of plastic bottles for disposal.
 - i. Resorts and hotels are prohibited from providing guests with toiletries in single-use containers such as shampoo sachets and liquid soap in small plastic bottles. If necessary, shampoo and soap bars, or shampoo and liquid soap in dispensers may be provided. Other free items such as toothbrushes and slippers must be given to the guest only upon request;

- j. Business establishments must first secure a clearance or Certificate of Compliance from the CENRO/MENRO before their business permits may be renewed,
- k. Violators of the above regulations shall be fined accordingly and may be refused renewal of business licenses or certificates by the CENRO/MENRO.

SECTION 4. Prohibited Acts (All the days of the week 24/7):

- a. Prohibition on the use of all types of plastic bags, including Oxo-degradable Bags or the so-labeled Biodegradable Bags by suppliers. Biodegradable plastic bags, like oxo-degradable bags, shall not be used, provided, or sold within the province.
- b. Prohibition on the use of plastic sando bags for market, 'tabo' and ambulant vendors. Single-use plastic sando and cello bags used as containers of fish and meat in the market account to the volume of plastic thrown in the garbage since they are easily torn and are feasted on by stray dogs and cats because of their foul smell. The general public and vendors are advised to use reusable bags such as net bags, sako bags, eco bags and to use coconut midribs or 'tukog' popularly used by our ancestors to hang a kilo of fish. Likewise, meat vendors are encouraged to use rattan ('uway') or the skin of 'coco pallia' as meat hangers for easy and environment-friendly handling of meats. However, to avoid exposure to flies and to contain foul smell especially for those riding in cars, market-goers are encouraged to bring with them covered reusable plasticware or pails to contain fish and meat purchased. Ambulant fish vendors are also not allowed to contain their fish in single-use plastic sando and cello bags, instead, they shall require their customers to provide plates, plasticware, small basins, pails, net bags or metal and other reusable containers to contain their purchased fish.
- c. Prohibition in the pre-packing of vegetables and fruits in the market, groceries, and fruit stands. Vegetables and fruits displayed in markets and during 'tabo' shall no longer be pre-packed in plastics or cello bags. Pre-wrapped fruits like apples, oranges and etc. shall not be displayed unless wrappers are removed and properly disposed of.
- d. Prohibition on the use of plastic sando bags and 'selopin' for packaging of cooked food. Restaurants, eateries, food caterers, mobile food vendors and the like are no longer allowed to use plastic sando and cello bags for packaging of cooked food every day. These single-use plastic sando and cello bags are easily thrown away enticing dogs and cats to

devour accompanying garbage and receptacles and then scattering them everywhere making them an eyesore and dilemma to the place. Moreover, plastic bags when in contact with hot food results in a chemical reaction endangering public health since thin-film plastics are subject to melt as these are made of chemicals known to cause various diseases including cancer. When buying food, everyone especially those working in the government, schools and private offices are required to bring with them reusable food containers, tumblers, plates, bowls, and cups.

- e. Prohibition on the use of 'selopin' in Drinking Water Stands. Operators of drinking water stands also known popularly as ATM (Automatic Tubig Machine) are no longer allowed to provide cello bags or 'selopin' to buyers to avoid them from being scattered everywhere when the water is consumed. Everyone is encouraged to bring their own water containers wherever they go, so each one has a ready water container for refilling thus eliminating scattered plastic cello bags in the streets as well as reducing the rampant buying of individual use (500 ml and smaller) bottled water which are also just left or thrown anywhere. ATM stand operators are also required to provide clean reusable/washable glass in their respective stands for their customers to use at their option.
- f. Prohibition on the use of 'selopin' for soft drinks and other beverages. Sidewalk vendors, restaurants, and stores are prohibited from using 'selopin' to contain soft drinks and other beverages from glass bottles but instead must allow their customers to bring the glass bottles. To ensure the return of said glass bottles, the vendors may require, on top of the selling price, an additional charge which shall be refundable upon the return of the bottle.
- g. Prohibition on the use and sale of Polystyrene and Expanded Polystyrene (styrofoam), and other Single-use Disposable Plastic Materials. Individual households, restaurants, business establishments, government and non-government offices, are prohibited from using and selling polystyrene and styrofoam containers for food and other single-use plastic products such as disposable plates, glass, salad cups, spoons, forks, stirrers, gloves, plastic drinking straws, and decoration materials. These kinds of wastes are difficult to manage since they are non-biodegradable and occupy big spaces in trash bins and in final disposal facilities/sanitary landfills.
- h. Prohibition on the use of disposable expanded polystyrene, styrofoam, and plastic products in beaches, mountains, and tourism sites. Tourists, beachgoers, mountaineers, and

guests are not allowed to bring expanded polystyrene, styrofoam, and disposable plastic products to avoid these wastes scattered in our beaches, mountains and tourism sites. They shall be responsible in bringing back their wastes to their respective homes or residences and dispose of them properly. In the same manner, burial and cemetery goers are prohibited from using styrofoam food containers and other disposables during burials and visitations and are prohibited from leaving their wastes and plastics in the cemeteries.

- i. Prohibition on the use of expanded polystyrene, styrofoam, and other disposable plastic products by caterers and food providers. During the conduct of meetings, trainings, seminars, conventions, gatherings and celebrations in the province using government and private funds, the caterer/food provider is strictly not allowed to use plastic bottles/tetra packs and plastic straws for drinks, styrofoam and other disposables for food packs and shall use water dispenser and breakable or reusable glasses and cups for drinking water and beverages. Food caterers/providers shall use paper bags, paper napkins, banana leaves and other biodegradable packaging to eliminate the use of styrofoam and plastic cello bags.
- j. Prohibition on the distribution of single-use plastic straws- All business establishments are prohibited from providing single-use plastic straws for water and other beverages served. Straws shall only be provided upon request of the customers/guests. Provided that, said straws must be reusable or biodegradable such as those made of bamboo, metal, rice, etc.

SECTION 5. Exemption on the use of cello bags or 'selopin' and large bags intended for garbage disposal. The use of cello bags for pre-packaging of goods i.e. sugar, salt, beans, grains, nuts, margarine, oil, herbs, and spices, as well as for ice candy or frozen water, and large bags intended for garbage disposal is merely discouraged while a biodegradable alternative is not yet available. Provided, said plastic packaging material must be disposed of properly.

SECTION 6. Retrieval of Glass Bottles for Local Wines and Beverages. Local manufacturers and suppliers of local wines and beverages shall be required to retrieve back their empty glass bottles at a reasonable price to encourage consumers to return empty glass bottles to store outlets and claim back their deposits. Under this Ordinance, companies who do not buy back their empty glass bottles will be barred from selling their products in the province. The use of glass bottles for soft drinks and other beverages as popularly practiced years ago will be highly recommended and encouraged.

SECTION 7. Encouragement of Personal Eco-Kits. The care of the environment is everybody's responsibility. As such, everyone is required to have their own Eco-Kit which shall contain eco-bags or reusable bags, reusable drinking water container, plate, glass, spoon, fork, bamboo or stainless straws and 'balunan' for cooked food. Government and private offices, business establishments and schools shall require their respective employees, staff, and students to bring with them their respective Eco-Kit when reporting for work and in going to school. Non-compliant schools and establishments shall be penalized accordingly.

SECTION 8. Discouragement of the use of plastic covers. Schools, colleges, universities, and other learning institutions are prohibited from requiring their students to use Polyvinyl Chloride (PVC) plastic covers in covering their books since this plastic material is one of the most common plastic material for covers sold in the market. PVC plastic covers emit an odor that contains substance detrimental to the health of students. The use of biodegradable materials such as used calendars, wallpapers, gift wrapping papers and the like is encouraged to avoid the use of plastic materials. Likewise, the use of balloons, and plastic buntings is also discouraged, and is hereby regulated. The use of alternatives such as printed or painted coco cloth, canvas, poster board, painted signs on wood or metal is encouraged.

SECTION 9. Discouragement in the use of plastic as campaign materials during elections. Plastic posters or banners as campaign materials should be used sparingly such that they shall only be posted in common billboards in three designated areas to be determined by the COMELEC.

SECTION 10. Discouragement in the use of plastic banners, banderitas, and plastic buntings. Plastic banners and banderitas may add color to any event. However, their use must be discouraged as they are non-biodegradable and will only add to our pollution problem.

SECTION 11. Implementation. The implementation of this ordinance shall be per Local Government Unit with the Provincial Environment and Natural Resources Office (PENRO) being the overseer.

SECTION 12. Role of Local Government Units. Each local government unit shall create a Zero Waste Task Force composed of the Head of the CENRO or MENRO, Barangay Captains and LGU Chairpersons of the following Committees: Environment and Natural Resources, Tourism, Education, and Peace and Order, which shall work in coordination with the PENRO in the implementation of this Ordinance. Said Task Force shall be organized and trained regarding the enforcement of this Ordinance and other Environmental Ordinances. However, LGUs, through their respective Municipal or City ENROS shall have the primary responsibility in an effort to reduce plastic bag wastes produced within their respective territorial jurisdiction so that they are enjoined to adopt and implement this Ordinance.

SECTION 13. Information, Education and Communication Campaign. The PENRO, thru all Zero Plastic Waste Task Forces, and in coordination with the Provincial Planning and Development Office, Provincial

Tourism Office, Provincial Information Office, Philippine Information Agency, DepEd, DENR, DILG, and PPA, shall conduct a massive information campaign in all barangays, schools and colleges, government and private offices, agencies and instrumentalities, resorts and business establishments and in ports/entry points in the province for its widest dissemination. Apart from organizing and conducting seminars and lectures relative to global warming and the preservation and conservation of the environment, the PENRO shall have signages installed in port areas and in every municipal boundary reminding Negrenses and guests to break free from Plastics for a Zero Plastic Waste Negros. Likewise, all government offices, agencies, and instrumentalities are required to post the same in conspicuous places in their respective offices and near the cashier/payment counters for business establishments/stores. Public transport vehicles shall also be required to do the same. Non-posting within one month from the effectivity of this ordinance would mean a penalty of ₱500.00 upon inspection by the Zero Plastic Waste Task Force which may be increased for every month of delay.

SECTION 14. Zero Plastic Waste Educational Materials for Lectures. A budget shall be set aside for the creation of powerpoint presentations and effective lecture materials that shall be utilized during orientation seminars regarding this ordinance and its implementation as well as to educate and spread awareness regarding the harmful effects of plastic to our environment, global warming, and preventive measures that may be undertaken.

SECTION 15. Implementation. Upon the effectivity of this Ordinance, the Provincial Government, Local Government Units, Liga Ng Mga Barangay, SK Federation, and the Philippine National Police are hereby directed to implement this Ordinance. The PENRO shall formulate the rules and regulations necessary to implement the provisions of this Ordinance.

SECTION 16. Penalties:

First Offense:

A fine of ₱300.00 for individuals;
₱500.00 for ambulant, occasional and tabo vendors; and
₱1000.00 for permanent business establishments.

Violators will be required to attend compulsory attendance to an orientation on the important and relevant provisions of the Amended Single-Use Plastic Regulation/Prohibition Ordinance to be conducted by the Provincial Zero Waste Task Force. Refusal to attend would mean resistance to the ordinance and shall be penalized twice the amount of the fines under First Offense.

Second Offense:

A fine of ₱500.00 for individuals,
₱1000.00 for ambulant, occasional and tabo vendors, and
₱2000.00 for permanent business establishments.

Third Offense:

A fine of ₱1000.00 for individuals
 ₱2000.00 for ambulant, occasional and tabo vendors, and
 ₱3,000.00 for permanent business establishments.

Fourth Offense:

A fine of ₱2,000.00 for individuals
 ₱3,000.00 for ambulant, occasional and tabo vendors, and
 ₱5,000.00 for permanent business establishments, plus filing
 of appropriate charges in court.

Note: Violators will be given a grace period of 15 days to pay their penalties at the Office of the Provincial Treasurer, Capitol, Dumaguete City, Negros Oriental. Failure to pay within 15 days will be subject to a penalty of 20% which must be settled within 60 days. Non-payment within 60 days will mean the filing of appropriate charges in court and cancellation of Business Permit to Operate for vendors. Administrative charges may also be filed against local government officials who tolerate/conspire with violators. The above penalties shall be imposed one (1) month after the approval of this Ordinance.

SECTION 17. Funding. The Provincial Government shall allocate an amount of TWO MILLION PESOS (₱2,000,000.00) for the installation of signages in ports, airports and in strategic locations in every local government unit including boundaries, creation of lecture materials, printing of posters, information and education campaign materials, and other related expenses.

An additional amount of ONE MILLION PESOS (₱1,000,000.00) per year shall also be allocated to cover costs of lectures and seminars on proper segregation of wastes, harmful effects of plastic, and the like. Said fund may also be used to purchase equipment or shoulder costs of projects directly related to recycling or upcycling of plastics.

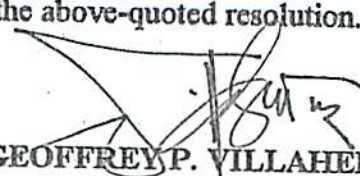
SECTION 18. Separability Clause. If any part of this ordinance is declared unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional.

SECTION 19. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

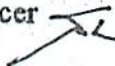
SECTION 20. Effectivity Clause. This Ordinance shall take effect immediately upon approval.

"Enacted, July 26, 2021."

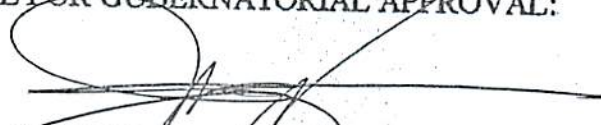
I hereby certify to the correctness of the above-quoted resolution.


 GEOFFREY P. VILLAHERMOSA
 Provincial Secretary

kel 8'2

M. Villegas
MA. ANTONIA E. VILLEGAS
Acting Presiding Officer 

ORIGINAL FOR GUBERNATORIAL APPROVAL:


ROEL R. DEGAMO
Governor of Negros Oriental

Date: 12 AUG 2021