



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Climate Change Service
Strategic Communication and Initiatives Service

All Bureau Directors

The Officer-In-Charge
Mines and Geosciences Bureau

All Regional Executive Directors

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **ADDITIONAL AGENDA RE: BILLS ON SINGLE-USE PLASTICS (SUPs) FROM THE COMMITTEE ON ECOLOGY OF THE HOUSE OF REPRESENTATIVES**

DATE : 08 November 2023

In reference to the electronic letter received by our Office on 08 November 2023, the Committee on Ecology of the House of Representatives will also deliberate on bills regarding **Single-Use Plastics (SUPs)** in its meeting scheduled on **13 November 2023, Monday, 10:00 AM** at the **Commission on Appointments, Conference Room, 4th Floor, South Wing Annex, House of Representatives.**

In this regard, we request your comments on the Draft Substitute Bill on Single-Use Plastics and your **participation in the abovementioned meeting.** Kindly send them on or before **10 November 2023, at 5:00 PM** via email at denrlllo@denr.gov.ph. Further, kindly inform us of the name/s of the representative/s from your office who will participate in the meeting so we may include him/her/them as resource person/s.

Visayas Avenue, Diliman, Quezon City 1100, Philippines
www.denr.gov.ph

Attached herewith are the Letter Invitation, Agenda, and the Draft Substitute Bill for your reference.



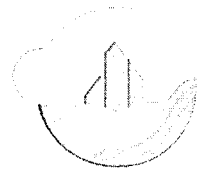
ROMIROSE B. PADIN

cc: Undersecretary for Special Concerns and Legislative Affairs
Undersecretary for Integrated Environmental Science
Assistant Secretary for Enforcement, Solid Waste Management, and Local Government Unit Concerns



Republic of the Philippines
House of Representatives
COMMITTEE ON ECOLOGY

Committee Affairs Department, 3rd Floor, Mitra Building, Constitution Hills, Quezon City
Telefax 8931-5346 * Trunkline 8931-5001 local 7136 * 0917-1206917
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07 November 2023

HON. MA. ANTONIA YULO-LOYZAGA

Secretary
Department of Environment and Natural Resources

Dear **Sec. Yulo-Loyzaga**:

We are pleased to inform you that the Committee on Ecology will hold a meeting on **13 November 2023 (Monday), 10:00 A.M.**, at the **Commission on Appointments Conference Room, 4th Floor, South Wing Annex**, House of Representatives, to deliberate on bills regarding Single-Use Plastics (SUPs) which may be downloaded from www.congress.gov.ph. Attached hereto are the Agenda of the meeting and the draft substitute bill for your reference.

In this connection, may we invite you or your competent representative to attend the aforesaid meeting to share your views and recommendations on the above legislative proposals. We would also appreciate receiving your position paper at least two (2) days prior to the meeting.

Confirmation of attendance or any query may be coursed through hrep.ecology@gmail.com or to **Ms. Marlyn Panganiban** at **09171206917**. The names of participants must be submitted to the Secretariat not later than 08 November 2023 (Wednesday) 5:00 P.M., as admission depends upon earlier coordination with House offices responsible for entry and security.

Thank you and we hope to see you at the meeting.

Very truly yours,

HON. MARLYN B. ALONTE

Chairperson

For the Chairperson:

ATTY. DILBERT N. QUETULIO

Committee Secretary



Republic of the Philippines
HOUSE OF REPRESENTATIVES
COMMITTEE ON ECOLOGY

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19th Congress
2nd Regular Session

COMMITTEE MEETING

13 November 2023 (Monday), 10:00 am-3:00 pm
Commission on Appointments Conference Room,
4th Floor, South Wing Annex, House of Representatives

AGENDA

- I. CALL TO ORDER/ROLL CALL
- II. ACKNOWLEDGMENT OF GUESTS / RESOURCE PERSONS
- III. OPENING REMARKS
- IV. DELIBERATION ON THE FOLLOWING MEASURES:

Philippine Environmental Assessment System/Environmental Impact Assessment (PEAS/EIA):

1. **H.B. No. 8594** - An Act to Establish the Philippine Environmental Assessment System, and for Other Purposes, *by Rep. Marlyn B. Alonte*
2. **H.B. No. 7959** - An Act to Rationalize the Philippine Environmental Impact Assessment System, and for Other Purposes, *by Rep. Marlyn B. Alonte*
3. **H.B. No. 1423** - An Act Amending Section 9 of Presidential Decree 1586 by Increasing the Penalties Thereof and for Other Purposes, *by Rep. Ramon N. Guico, Jr.*

Single-Use Plastics (SUPs):

1. **H.B. No. 26** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Lord Allan Jay Q. Velasco*
2. **H.B. No. 507** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Reps. Edvic G. Yap, Eric Go Yap, Paolo Z. Duterte and Jeffrey Soriano*
3. **H.B. 533** - An Act Phasing Out and Prohibiting the Manufacture, Importation, Sale, and Use of Single-Use Plastic Products, Promoting Recycling, and Providing Funds Therefor, *by Rep. Geraldine B. Roman*
4. **H.B. 1038** - An Act Banning the Use of Single-Use Plastics Nationwide to Eliminate Plastic Pollution in the Philippines, *by Rep. Bernadette Herrera*
5. **H.B. 1248** - An Act Imposing a Nationwide Ban on the Use of Single-Use Plastics to Eliminate Plastic Pollution in the Philippines, *by Rep. Ramon N. Guico, Jr.*
6. **H.B. 2060** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Francisco Paulo V.P. Ortega*
7. **H.B. 2170** - An Act Regulating and Further Prohibiting the Usage of Single-Use Plastic Products, Providing Penalties, Levies and Incentives for Industries, Business Entities and Consumers Thereof, and for Other Purposes, *by Rep. Jose J. Teves, Jr.*

8. **H.B. 2274** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling and Disposal of Single-Use Plastic Products, *by Reps. Luis Raymund F. Villafuerte, Jr., Miguel Luis R. Villafuerte, Tsuyoshi Anthony G. Horibata, Nicholas C. Enciso VIII*
9. **H.B. 2372** - An Act Banning the Production and Usage of Single-Use Plastic Products Nationwide, and Providing Penalties for Violations Thereof, *by Rep. Robert Ace S. Barbers*
10. **H.B. 2988** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single Use Plastic Products, *by Rep. Joseph Stephen S. Paduano*
11. **H.B. 3021** - An Act Regulating the Manufacturing, Importation, and Use of Single-Use Plastic Products, and Providing Penalties, Levies, and Incentives System for Industries, Business Enterprises, and Consumers Thereof, *by Rep. Antonio B. Legarda, Jr.*
12. **H.B. 3309** - An Act Banning Single-Use Plastics Nationwide and Appropriating Funds Therefore, *by Rep. Josefina B. Tallado*
13. **H.B. 3477** - An Act Prohibiting the Use of Plastics, Other Non-Biodegradable Materials, and Hazardous Substances in Advertising Goods, Services, or Events, Including Election Propaganda, and Providing Penalties Therefor, *by Rep. Lorenz R. Defensor*
14. **H.B. 4037** - An Act Regulating the Manufacturing, Importation and Use of Single Use Plastic Products, and Providing Penalties, Levies and an Incentives System for Industries, Business Enterprises and Consumers Thereof, *by Rep. Michael M. Morden*
15. **H.B. 4048** - An Act Institutionalizing the Creation of "The Plastic Bag Recycling Act of 2022" and for Other Purposes, *by Rep. Gus S. Tambunting*
16. **H.B. 4915** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single Use Plastic Products, *by Rep. Bienvenido M. Abante*
17. **H.B. 6260** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Rudys Caesar G. Fariñas*
18. **H.B. 6453** - An Act Regulating the Production, Importation, Sale, and Use of Single-Use Plastics, Providing Funds therefor, and For Other Purposes, *by Rep. Angelo Marcos Barba*
19. **H.B. 6662**- An Act Prohibiting the Production, Importation, Sale, Provision, and Use of Single-Use Plastics and for Other Purposes, *by Reps. Raoul Dannel Manuel, France L. Castro, Arlene D. Brosas*
20. **H.B. 7365** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Dante S. Garcia*
21. **H.B. 8999** - An Act Regulating the Production, Importation, Sale, Distribution, Provision, Use, Recovery, Collection, Recycling, and Disposal of Single-Use Plastic Products, *by Rep. Sandro L. Gonzalez*
22. **H.R. 96** - A Resolution Urging the Environmental Management Bureau of the Department of Environment and Natural Resources Region XII and the Department of Trade and Industry to Provide Technical Skills and Support for the Integration in the Comprehensive Waste Management Program of the Province of Cotabato the Recycling of Plastic Refuse Products Into Raw Materials for Use in Making of Furniture, Households Items, and Other Marketable Products, *by Rep. Ma. Alana Samantha T. Santos*
23. **H.R. 242** - Resolution Strongly Urging the House of Representatives to Foster Sustainable and Environment-Friendly Practices in Order to Institute a 'Green' Government Office and Serve as a Role Model for Other Government Institutions to Emulate, *by Rep. Ronald V. Singson*
24. **H.R. 338** - A Resolution Mandating Ban on the Usage of Single - Use Plastics in All Retail and Service Establishments Within the Premises of House of Representatives, *by Rep. Eduardo C. Villanueva*

V. OTHER MATTERS

VI. ADJOURNMENT

NOTE: House Bills can be accessed at www.congress.gov.ph

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

Draft Substitute Bill

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. _____

Introduced by _____

AN ACT
REGULATING THE PRODUCTION, IMPORTATION, SALE, DISTRIBUTION,
PROVISION, AND USE OF SINGLE-USE PLASTIC PACKAGING PRODUCTS

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** – This Act shall be known as the “Single-Use Plastic Packaging
2 Products (SuPPPs) Regulation Act”.

3 **SEC. 2. Declaration of Policy.** - It is the policy of the state to protect and advance the right
4 of the people to a balanced and healthful ecology in accord with the rhythm and harmony of
5 nature. The state recognizes the importance of ensuring healthy lives and promoting well-being,
6 building sustainable communities, promoting responsible consumption and production, and
7 reducing marine, land or air pollution, towards achieving the sustainable development goals. To
8 this end, it shall advance policies that will not only address recovery, treatment and disposal of
9 waste products, but also the source reduction and resource efficiency of these, while recognizing
10 the indispensable role of the private sector and enterprise as partners in bringing key sectors closer
11 to a circular economy.

12

13 **SEC. 3. Definition of Terms.** - As used in this Act:

14 a) *Commercial establishment* refers to an establishment or cluster of establishments
15 engaged in commerce or sales of goods or services including market stores, shopping
16 mall outlets, supermarkets, department stores, online stores, grocery stores, drug
17 stores, convenience stores, food chains, restaurants, cafes, bars, sari-sari stores,
18 ambulant vendors, with or without stalls, and the like;

19 b) *High in replaceability* refers to a condition wherein a SuPPP is deemed highly non-
20 acceptable, unnecessary, and can be reasonably replaced by an alternative or practice
21 that is more environment-friendly;

- 1 c) *Oxo-degradable plastic* refers to plastic materials that include additives which,
2 through oxidation, lead to the fragmentation of the plastic material into micro-
3 fragments or to chemical decomposition
- 4 d) *Producer* refers to any entity that manufactures or distributes SuPPPs or goods
5 utilizing SUPs, to any commercial establishment in the Philippines; and
- 6 e) *Single-use Plastic Packaging Products (SuPPPs)* refer to plastic packaging products
7 covered under Section 44-C of Republic Act No. 9003, otherwise known as the
8 “Ecological Solid Waste Management Act of 2000”, as amended by Republic Act No.
9 11898, otherwise known as the “Extended Producer Responsibility Act of 2022”,
10 which have non-compostable synthetic polymer as a component, and are designed to
11 be discarded after one use, whether for reprocessing or for disposal thereof.

12 **SEC. 4. Phase-Out of SuPPPs.** – The following non-compostable SuPPPs shall be phased-
13 out within a period of four (4) years from the effectivity of this Act:

- 14 a) Plates and saucers;
15 b) Oxo-degradable plastics;
16 c) Film wrap, packaging, or bags of less than 50 microns in thickness;

17 The following products shall be phased out within a period of one (1) year from the
18 effectivity of this Act:

- 19 a) Flexible drinking straws;
20 b) Stirrers;
21 c) Sticks for candy, balloon, and cotton bud;
22 d) Buntings;
23 e) Confetti; and
24 f) Packaging or bags of less than 10 microns in thickness.

25 Thereafter, the production, importation, sale, distribution, provision or use of the said
26 SuPPPs shall be prohibited.

27 Properly labelled flexible disposable plastic drinking straws for persons with special medical
28 conditions shall be allowed to be sold at pharmacies, when no suitable reusable or compostable
29 alternatives are available.

30 **SEC. 5. Phase-out of Other SuPPPs.** – Two (2) years after the effectivity of this Act, and
31 every two (2) years thereafter, the Department of Environment and Natural Resources (DENR),
32 in coordination with the Department of Trade and Industry (DTI), the Department of Science and
33 Technology (DOST), National Economic Development Authority (NEDA), and the National
34 Solid Waste Management Commission (NSWMC), shall regularly determine whether other
35 SuPPPs are deemed either high in replaceability, low in recyclability, or low in retrievability.
36 Upon determination by the DENR, these products shall be phased-out within a period of two (2)
37 years.

1 Products are low in recyclability or retrievability when these are not properly recovered or
2 offset, in compliance with the provisions or standards established pursuant to Chapter III-A of
3 Republic Act No. 9003, as amended.

4 **SEC. 6. Phase-out Plan for SuPPPs.** – A SuPPPs Phase-out Plan, hereinafter referred to as
5 the Plan, shall be formulated by the DENR, in coordination with the NSWMC, and in consultation
6 with relevant departments or agencies of the government and stakeholders, within six (6) months
7 upon the effectivity of this Act. The Plan shall include the following components:

- 8 a) Consumption, Reduction, and Recovery Program. – The DTI, in cooperation with the
9 DENR, the DOST, and the Food and Drug Administration (FDA) of the Department
10 of Health (DOH), and in consultation with stakeholders, shall formulate a
11 Consumption, Reduction, and Recovery Program, to achieve a significant reduction
12 in consumption and increased recovery for recycling and treatment, or proper disposal
13 of SuPPPs, within the phase-out period prescribed by this Act. Such measures shall
14 include national consumption reduction, waste recovery targets, and other measures
15 to ensure that reusable and compostable alternatives to SuPPPs are made available;
- 16 b) Producer Responsibility Schemes. – Producer responsibility schemes shall be
17 formulated to carry out the objectives of Chapter III-A of Republic Act No. 9003, as
18 amended; as stated in Section 8 of this Act; and as part of interim measures, to cushion
19 the impact of SuPPPs on the environment within the phase-out periods;
- 20 c) Alternatives to SuPPPs. – Appropriate strategies to implement the requirements
21 provided under Sections 7 and 14 of this Act shall be formulated to assist local
22 manufacturers in developing or acquiring the appropriate technology and sustainable
23 materials for the production of reusable or compostable alternatives to SuPPPs, which
24 shall also be highly recoverable and highly recyclable. It shall also include measures
25 that will implement the infrastructure and systems for reuse and refill models for
26 consumer products;
- 27 d) Awareness-Raising Measures. – As part of the Information and Education
28 Campaign (IEC) under Section 12 of this Act, the DENR shall, together with the
29 Department of Education (DepEd), Commission on Higher Education (CHED),
30 Philippine Information Agency (PIA), and Department of Interior and Local
31 Government (DILG), formulate an information dissemination plan. The plan shall
32 include information to consumers on: (1) the impact of use and improper disposal
33 of SuPPPs on the environment; (2) waste reduction, reuse, recycling and recovery
34 systems; (3) other best practices in waste management; and (4) sustainable
35 consumption, production and circular economy; and
- 36 e) Fiscal and Non-Fiscal Rewards and Incentives. – The Department of Finance (DOF),
37 the DILG, and the DTI, shall establish mechanisms that will provide fiscal or non-
38 fiscal rewards and incentives allowed under existing laws, to encourage
39 manufacturers, importers, sellers, and end-users to participate in the programs geared
40 towards achieving the objectives of the Plan.

1
2 **SEC. 7. *Philippine National Standard for Compostable Plastic Packaging.*** - Within six (6)
3 months from the effectivity of this Act, the DTI, in coordination with the DENR, DOST, Leagues
4 of Local Government Units (LGUs), NSWMC, and other government and private agencies and
5 organizations concerned, shall promulgate and periodically review the appropriate Philippine
6 National Standard (PNS) for compostable plastic packaging products to ensure the integration of
7 the latest standards for the product, and procedures and requirements for the identification and
8 labeling of compostable plastics.

9 Producers, importers, and commercial establishments may provide compostable plastic
10 packaging products: *Provided, That* the products carry appropriate labels for compostability.

11 **SEC. 8. *Responsibility of Producers and Importers.*** - Producers and importers of SuPPPs,
12 whether compostable or not, shall implement the Extended Producers Responsibility, pursuant to
13 the provisions of Chapter III-A of Republic Act No. 9003, as amended.

14 **SEC. 9. *Responsibility of Commercial Establishments.*** – Sixty (60) days after the
15 effectivity of this Act, covered commercial establishments shall undertake the following
16 activities:

- 17 a) Promote the use of highly reusable, recyclable, and retrievable products in their
18 establishments, or make available for sale locally-made products such as bayong, buli,
19 and other reusable containers and bags that are made of abaca, water lily, and other
20 organic or compostable materials or reusable or recyclable containers that promote
21 circular economy;
- 22 b) Charge their customers a minimum fee of PHP 5.00 for every single use plastic bag:
23 *Provided, That* the imposition of the minimum fee shall not preclude the LGUs from
24 imposing other fees and charges on the use of plastic bags;
- 25 c) Charge take-out food or delivery services a minimum fee of Five pesos (P 5.00) for
26 every SuPPP provided, regardless of whether it is a disposable or compostable
27 alternative; and
- 28 d) Establish an effective in-store recovery program that will facilitate and encourage
29 customer return of their used SuPPPs to the commercial establishment, and
30 implement the recovery scheme established pursuant to Section 8 of this Act.
- 31 e) . Implement the adoption of refill systems for frequently purchased consumers' food,
32 cosmetic, and household products which are packaged in SUPs.

33 The periodic review for updating fees under paragraphs (b) and (c) of this Section shall be
34 undertaken by the NEDA, taking into account emerging economic and social factors.

35 The fees collected pursuant to paragraphs (b) and (c) shall be reflected in the receipts. The
36 DOF shall prescribe the rules and regulations to be issued to implement this Section with respect

1 to the collection, recording, and remittance of fees: *Provided*, That fifty percent (50%) of the
2 said fees shall be remitted to the National Government and deposited to the National Solid
3 Waste Management Fund pursuant to Section 46 of Republic Act No. 9003, as amended, while
4 the other fifty percent (50%) shall be remitted to the barangay where the fee was collected, to
5 finance exclusively local solid waste management programs, which includes the recovery,
6 diversion, and disposal of SuPPPs.

7 **SEC. 10. *Lead Agency.*** – The DENR, in coordination with the NSWMC, unless otherwise
8 provided herein, shall be the primary government agency responsible for the implementation and
9 enforcement of this Act.

10 **SEC. 11. *Monitoring and Market Inspections.*** – The DENR and the DTI shall, in
11 coordination with the LGUs and local law enforcement agencies, instigate the regular and routine
12 inspection and monitoring of the facilities of commercial establishments, producers, and
13 importers, to determine compliance with this Act. Inspection and monitoring shall include the
14 following:

- 15 a) Entry or access to the premises of operation and business, including storage rooms
16 and stockrooms;
- 17 b) Inspection of off-site storage facilities, distribution centers, and trans-shipment
18 points; and
- 19 c) Inspection of the recovery, recycling, treatment, and disposal facilities, to determine
20 if residual SuPPPs are being properly diverted and disposed of.

21 **SEC. 12. *Information and Education Campaign.*** – The DENR, in coordination with the
22 LGUs, DILG, DTI, DepEd, CHED, PIA, Climate Change Commission, TESDA, DOST, and
23 other private or nongovernment organizations and concerned agencies, shall conduct a continuing
24 IEC on the proper implementation of this Act, including the necessity to regulate SuPPPs in the
25 country, in relation to our environment. The DENR shall conduct surveys or other monitoring
26 schemes to evaluate the effectiveness of the IEC program.

27 **SEC. 13. *Linkage Mechanism.*** – The DENR and the NSWMC, in coordination with the
28 DTI, may consult, and enter into an agreement with other government agencies, LGUs, or with
29 concerned non-governmental organizations (NGOs) or people’s organizations (POs), or private
30 enterprises and other stakeholders in the furtherance of the objectives of this Act.

31 **SEC. 14. *Shift to Alternatives.*** – The DOST, in cooperation with the Department of
32 Agriculture (DA), DTI, DENR, and NSWMC, shall develop and implement a program that will
33 assist local manufacturers in developing or acquiring sustainable sources of raw materials,
34 appropriate technology for the production of highly reusable, recoverable, recyclable, or
35 compostable materials, as an alternative to SuPPPs and provide applicable incentives therefor.
36 Consistent with the program, the DTI, through the Bureau of Philippine Standards, shall take the
37 lead in developing the appropriate standards for alternatives.

1 **SEC. 15. *Production and Importation Control.*** – The DTI shall, in cooperation with the
2 DA, DOST, DENR, and NSWMC, develop a framework plan that will ensure that the SuPPPs
3 being produced or imported in the country will maximize its purpose, minimize its waste
4 footprint, and increase its recoverability and recyclability. For this purpose, standards shall be
5 established for the dimensions, thickness, labelling, structures, capacity, color-coding, materials
6 and other relevant parameters of a particular SuPPP.

7 **SEC. 16. *Role of the National Solid Waste Management Commission.*** – The NSWMC,
8 created pursuant to Section 4 of Republic Act No. 9003, as amended, shall, in addition to its
9 functions under the said law, aid and assist in the implementation and enforcement of this Act.

10 The NSWMC shall, in partnership with research institutions and academic communities,
11 conduct relevant studies to realize the harmonious implementation of this Act with Republic Act
12 No. 9003, as amended. It shall also ensure that the provisions of this Act are made part of the
13 programs being implemented under Republic Act No. 9512, otherwise known as the “National
14 Environmental Awareness and Education Act of 2008”.

15 The DENR shall provide the necessary financial and manpower resources to enable the
16 NSWMC to perform its additional functions under this Act.

17 **SEC. 17. *Role of Local Government Units (LGUs).*** – The LGUs shall include the local
18 implementation strategy on the phase-out of SUPPs in the 10-Year Solid Waste Management
19 Plans. It shall ensure the compliance of covered commercial establishments with the provisions
20 of Section 9 of this Act. The LGUs may enjoin the participation of other concerned government
21 agencies, local stakeholders, private entities, and industries for this purpose.

22 The DENR shall, in coordination with the NSWMC and the DOST, provide the LGUs with
23 technical assistance, trainings, and continuing capability-building programs to attain the
24 objectives of this Act.

25 **SEC. 18. *Fines and Penalties.*** – Deliberate violations of Sections 4, 5, 7, 8 and 9 of this
26 Act, and the falsification of documents required pursuant to this Act, or misrepresentation of
27 persons producing, importing, or distributing SuPPPs, and commercial establishments shall be
28 penalized in the following manner:

29 a) Large, Medium and Small Enterprises:

- 30
- 31 1. A fine of not less than Two hundred fifty thousand pesos (P 250,000.00) but not
32 exceeding One million pesos (P 1,000,000.00) for the first offense;
 - 33 2. A fine of not less than One million pesos (P 1,000,000.00) but not exceeding Two
34 million pesos (P 2,000,000.00) for the second offense; and
 - 35 3. A fine of not less than Two million pesos (P 2,000,000.00) but not exceeding
36 Three million pesos (P 3,000,000.00) and automatic revocation of its business
37 permit for the third offense.

1 b) Micro Enterprises:
2

- 3 1. A fine of not less than Fifty thousand pesos (P 50,000.00) but not exceeding One
4 hundred thousand pesos (P 100,000.00) for the first offense;
- 5 2. A fine of not less than One hundred thousand pesos (P 100,000.00) but not
6 exceeding Three hundred thousand pesos (P 300,000.00) for the second offense;
7 and
- 8 3. A fine of not less than Three hundred thousand pesos (P 300,000.00) but not
9 exceeding Five hundred thousand pesos (P 500,000.00) and automatic revocation of
10 its business permit for the third offense.

11 The Pollution Adjudication Board of the DENR shall hear and adjudicate cases of
12 violations or offenses in this Section, and impose appropriate fines therefor. For purposes of the
13 imposition of appropriate fines hereof, the DTI shall establish the classification of commercial
14 establishments based on their capitalization.

15 Forty percent (40%) of the fines collected under this Act shall be allocated to or retained
16 by the barangay where the fined prohibited acts are committed in order to finance the solid waste
17 management of said unit.
18

19 The LGU shall not promulgate ordinances imposing lesser sanctions for any act penalized
20 under this Section.
21

22 **SEC. 19. *Administrative Action.*** – Without prejudice to the right of any person to file an
23 administrative action, the DENR shall, on its own instance or upon verified complaint by any
24 person, institute administrative proceedings in the proper forum against any natural or juridical
25 person who violates any of the provisions of this Act with respect to standards and limitations
26 provided by this Act, or such order, rule, or regulation issued by the DENR pursuant thereto.

27 **SEC. 20. *Independence of Action.*** – The filing of an administrative suit against any person
28 or entity does not preclude the right of any other person to file any criminal or civil action.

29 **SEC. 21. *Joint Congressional Oversight Committee.*** – The Joint Congressional Oversight
30 Committee created under Section 60 of Republic Act No. 9003, as amended, shall likewise
31 monitor the implementation of this Act and review the rules and regulations promulgated by the
32 DENR to implement this Act. The Joint Committee shall be cochaired by the Chairpersons of the
33 House Committee on Ecology and the Senate Committee on Environment.

34 **SEC. 22. *Citizen's Suit.*** – Any citizen can file an appropriate civil, criminal, or
35 administrative action in the proper courts or bodies against: any person who violates or fails to
36 comply with the provisions of this Act and its IRR; the department or other implementing
37 agencies with respect to orders, regulations, and issuances inconsistent with this Act; and any
38 public officer who willfully or grossly neglects the performance of an act specifically enjoined
39 as a duty by this Act or its IRR, or abuses the authority vested upon him in the performance of

1 duty, or in any manner improperly performs the duties assigned under this Act or its IRR;
2 *Provided, however,* That no suit can be filed until after a thirty (30)-day notice has been given to
3 the public officer and the alleged violator concerned and no appropriate action has been taken
4 thereon. With this, free and accessible legal help should be given to individual persons who shall
5 file a lawsuit under this Act.

6 **SEC 23. *Suits and Strategic Legal Actions Against Public Participation (SLAPP) and the***
7 ***Enforcement of This Act.*** - Where a suit is brought against a person who filed an action as
8 provided in Section 22 of this Act, or against any person, institution or government agency that
9 implements this Act, it shall be the duty of the investigating prosecutor or the court, as the case
10 may be, to immediately make a determination not exceeding thirty (30) days whether said legal
11 action has been filed to harass, vex, exert undue pressure or stifle such legal recourses of the
12 person complaining of or enforcing the provisions of this Act. Upon determination thereof,
13 evidence warranting the same, the court shall dismiss the case and award attorney's fees and
14 double damages.

15 This provision shall also apply and benefit public officers who are sued for acts committed
16 in their official capacity, there being no grave abuse of authority, and done in the course of
17 enforcing this Act.

18 **SEC. 24. *Implementing Rules and Regulations.*** – The DENR, in coordination with the
19 NSWMC, DTI, DOST, Metro Manila Development Authority and other relevant government
20 agencies and organizations, shall promulgate the IRR governing this Act, within six (6) months
21 from its effectivity.

22 **SEC. 25. *Separability Clause.*** – If, for any reason, any provision of this Act or part thereof
23 is declared unconstitutional or invalid by a court of competent jurisdiction, the other provisions
24 or parts hereof not affected shall remain in full force and effect.

25 **SEC. 26. *Repealing Clause.*** – All laws, decrees, orders, issuances, ordinances, rules and
26 regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or
27 modified accordingly.

28 **SEC. 27. *Effectivity.*** – This Act shall take effect after fifteen (15) days following its
29 complete publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,