



Republic of the Philippines  
Caraga Region  
PROVINCE OF SURIGAO DEL NORTE  
MUNICIPALITY OF DEL CARMEN  
**OFFICE OF THE SANGUNIANG BAYAN**



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Author: **HON. JUDITO C. DONOSO**, Chairperson on Environment and Agriculture  
Co-author: **HON. KENT ANGELITO S. JUCAY**, Chairperson on Budget and Finance

**Municipal Ordinance No. 031**  
**Series of 2018**

**"AN ORDINANCE PROHIBITING AND REGULATING THE USE OF SINGLE-USE BAGS AND COMMODITIES, WHICH INCLUDES BUT NOT LIMITED TO PLASTIC, POLYSTYRENE, CORNSTARCH BASED PRODUCTS, THAT END UP AS RESIDUAL WASTE AND PROMOTING THE USE OF ECO BAGS AND OTHER ENVIRONMENT FRIENDLY PRACTICES AS AN ALTERNATIVE."**

Be it ordained by the Sangguniang Bayan of Del Carmen, Surigao del Norte that:

**TITLE I. GENERAL PROVISIONS**

**Section 1. Title.** This ordinance shall be known as "AN ORDINANCE PROHIBITING AND REGULATING THE USE OF SINGLE-USE BAGS AND COMMODITIES, WHICH INCLUDES BUT NOT LIMITED TO PLASTIC, POLYSTYRENE, CORNSTARCH BASED PRODUCTS, THAT END UP AS RESIDUAL WASTE AND PROMOTING THE USE OF ECO BAGS AND OTHER ENVIRONMENT FRIENDLY PRACTICES AS AN ALTERNATIVE."

**Section 2. Scope and Coverage.** This ordinance shall cover all types of single-use bags and commodities that end up as residual waste. Types of plastics are that currently and economically diverted within the municipality though resource recovery such as re-use and recycling shall not be covered. Plastic products and plastics that form part of a product such as from semiconductor and electronic products except as container or packaging material shall not be covered. Other types of plastic that form part of the residual waste but are not explicitly prohibited, regulated or otherwise mentioned in this ordinance are considered not covered.

This Ordinance shall be applicable to and observed in all household, industrial, commercial or business establishments, scrap collector, junk dealers and all persons, whether living or sojourning in the municipality.

**Section 3. Definition of Terms.** For purposes of this Ordinance, the following terms are defined:

- I. **Buy Back Center** - shall refer to a recycling center that purchases or otherwise accepts recycle materials for the purpose of recycling.
- II. **Container** - shall refer to the materials which contains and is in direct contact with the product especially in the cases of liquid products, wet goods, food and beverages, e.g. bottles, trays, plastic or paper wraps, laminated cartons etc. **Dry and solid goods do not usually require containers.**
- III. **Eco Bags or Re-usable Bags**- are bags made out of different materials that can withstand several uses as containers and for packaging rendering them "eco" - friendly as they provide an alternative to disposable bags; it may also refer to "thick" plastic bags or any bags made out of plastic provided that the materials is strong that will render the bag durable for re-use; bags made from recycled materials such

as paper are not necessarily considered eco Bags if not re-usable as stated, e.g. thin paper bags commonly known. Supot" used for pandesal".

- IV. **Single-use Bags and Commodities** – includes but not limited to "plastic", "cornstarch", or "polysterene" based bags and commodities, and are a frequent source of litter and increasing greenhouse gas emission. The term single-use includes compostable and biodegradable bags, but does not include re-usable bags as defined herein.
- V. **Generator(s)** – shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
- VI. **Packaging Materials** – shall refer to any material which may contain but not necessarily in direct contact with the product especially for purposes of protection, preservation, handling, transport, & marketability e.g. cartons, carrier bags, packaging films, protective foams for electronic product; it shall also refer to any material which acts as a secondary container to product, i.e., for purposes of containment but not in direct contact with the product, e.g. the box which contains bottles filled with liquid perfume.
- VII. **Person(s)** - shall refer to any being natural or juridical, susceptible of rights and obligations or of being the subject of relations.
- VIII. **Cloth Bag [a.k.a. katsa]** - refers to e reusable packaging materials made of cloth [biodegradable] used in the packaging of flour, wheat and other similar goods.
- IX. **Dry Goods-** refer to any products that do not require refrigeration or freezing to maintain freshness such as textiles and clothing.
- X. **Dry Market** - generally refers to the store of products that do not require refrigeration or freezing to maintain freshness.
- XI. **Plastic Bags** - also known as sando bags, pouch, plastic shopping bags and plastic firm bags. It is a type of flexible packaging material made of thin, plastic film that is used for containing and transporting food and other products [commercial or industrial]. It also refers to thin gauge packaging medium that is used as bag or wrap.
- XII. **Styrofoam/strophe** - refers to a kind of packaging material used as food containers, disposable cups, plates, etc. These are polystyrene –based products.
- XIII. **Plastic Waste** - refers to any plastic material thrown as waste.
- XIV. **Primary Packaging Material** - refers to those types of packaging for containing wet produce, snack foods, frozen foods, hardware etc.
- XV. **Secondary Packaging Material** - refers to those types of packaging materials for wet goods to provide support to any packaging and intended for convenience of the handler, as well.



- XVI. **Wet Foods** - refers to any product that requires refrigeration or freezing to maintain freshness such as fish, poultry products, fruits, beverages and cooked foods in carinderias/eateries.
- XVII. **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, minimarts, restaurants and carenderias/eateries.
- XVIII. **Woven Bags** - [a.k.a.bayong], refers to biodegradable packaging material made of woven pandan, buli leaves, water lily and other similar materials. Provided that they should be reused as defined.
- XIX. **Post-Consumer Materials** - shall refer only to those materials or product generated by a business or consumer which have served their intended end us, and which have been separated or diverted from solid waste for the purpose of being collected, processes and used as raw materials in the manufacturing of recycled product, excluding materials and by products generated Recycled Waste from, and commonly used within and original manufacturing process.
- XX. **Recyclable Waste**- shall refer to any waste material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes.
- XXI. **Material** - shall refer to post consumer material that has been processed to be used for making a product, e.g. recycled paper.
- XXII. **Residual Wastes** - shall refer to waste materials that are collected, transferred and transported for final disposal as garbage.
- XXIII. **Semi-conductor and Electronic Products** - refer to products containing semi-conductor materials and operated by electricity such as communication and information technology gadgets like cellular phones and computers and appliances such as radios & television.
- XXIV. **Bring-Your-Own-Bag Program (BYOP)** – shall refer to the program adopted by business establishments whereby customers are enjoined to bring reusable bag, cloth bag, or any other alternative packaging material for purposes of containing, carrying, holding, and transporting goods or products bought.

For thorough understanding of this Ordinance, plastic shall refer to natural and synthetic materials that are produced b chemically modifying natural substances or are synthesized from inorganic and organic raw materials. On the basis of their physical characteristics, plastic are usually divided into thermosets, elastomers and thermoplastics. The following table illustrates the most common types of plastics used, their applications and the symbol which is often used to identify them:

**Polymer Types Examples of Applications Symbol:**

- a. *Polyethylene/Terephthalate* - ex. Fizzy drink and water bottles. Trays.
- b. *High Density Polyethylene* - ex. Milk bottles, bleach, cleaners and shampoo bottles.
- c. *Polyvinyl Chloride* - ex. Pipes, fittings, window and door frames (rigid PVC). Thermal insulation (PVC foam) and automotive parts.
- d. *Low Density Polyethylene* - ex. Carrier bags, bin liners and packaging films.
- e. *Polypropylene* - ex. Margarine tubs, microwaveable meal trays, also produced as fibers and filaments for carpets, wall coverings and vehicle upholstery.
- f. *Polystyrene* - ex. Yoghurt pots, foam hamburger boxes and egg cartons, plastic cutlery, protective packaging for electronic goods and toys. Insulating material in the building and construction industry.
- g. *Unallocated References* - Any other plastics that does not fall into any of the above categories - for example *polycarbonate* which is often used in glazing for the aircraft industry.

## **TITLE II. PROHIBITED AND REGULATED USE OF SINGLE-USE BAGS AND COMMODITIES**

### **✓ Section 4. Prohibited Uses of Single-use bags and commodities**

Listed below are the prohibited uses of single-use bags and commodities:

- a. To utilize as packaging material nor as container for dry and wet goods;
- b. To use as non-reusable plastic wares for foods as containers and packaging materials such as Styrofoam for food and drinks including plastics utensils such as spoon, fork and knife for dine in and especially for take-out customer;
- c. Use of plastic pouch {commonly used for ice making} and single-use drinking straw, be it plastic or paper-based, for beverages as soft drinks, juices and other cold drinks like "palamig" and "gulaman";
- d. Use of plastic bag as garbage bag; and,
- e. Re-Use of plastics as flaglets and "banderitas" and during *fiesta*.

### **✓ Section 5. Prohibition on the use/sell of single-use bags and commodities in any business establishments, listed below are the prohibited sell/uses of single-use bags and commodities in any business establishments in this municipality.**

- a. No business establishment shall utilize plastic as packaging materials on dry goods;
- b. No business establishment dealing on wet goods shall use plastic bags, "cellophanes", as primary packaging materials;
- c. No business establishment shall use styrofoam/styrophor and other similar container for food, produce and other products; and
- d. No business establishment shall offer or sell to be used secondary packaging materials or primary packaging on dry goods.



- e. Selling and providing plastic bags to consumers as secondary packaging material on wet goods;
- f. Selling and providing plastic bag to consumer as secondary packaging materials on dry goods;
- g. Selling and providing styrofoam/styrophor as container; and,
- h. Disposing plastic waste on streets, canals, body of water and public places.

Retail establishments shall keep records of eco-bag distribution to the LGU upon request. The records shall be evaluated annually for the first five years by the LGU to ensure effectiveness of this ordinance.

## **Section 6. Regulated Uses of Plastics for Goods and Commodities**

The use of plastic on the following are hereby regulated:

- a. Wet goods that are already pre-contained in plastic wraps, pouches, bag and the like as part of the product's packaging materials such as frozen products, shall not be contained further in plastic bags.
- b. Other wet goods that are not pre-contained in plastic pouches, wraps or bags are preferably to be contained in customer supplied "reusable" pre-cleaned and sanitized hard plastic, glass, or rubber containers.
- c. Oil plastic bottles shall be re-used at all times since they don't usually end up as recyclable waste; other plastic bottles that are not accepted at "buy back centers" like Barangay MRFs, Municipal MRFs or junkshops shall be re-used and should not end up as residual waste.
- d. Sacks and other similar bags shall be re-used as garbage bags; garbage collectors shall return the sacks for further re-use as garbage bags.

## **TITLE III. ALTERNATIVE USE OF ECO BAGS AND OTHER ENVIRONMENT FRIENDLY PRACTICES**

**Section 7. Use of Eco-bags and other Environment-Friendly Practices as an Alternative. All sectors are strictly enjoined to use eco bags and observe the following environment-friendly practices:**

- a. Posting of Information and Education Campaign (IEC) materials shall be mandatory on all commercial establishments such as sari-sari store, convenient store, grocery stores, market stalls, food establishments like eateries, fast-food chains, restaurants, bar and grills, general merchandisers like school supplies, hardware store or any trading business establishment that will require containers and packaging materials for the product they trade.
- b. Proprietors, managers, and operations officer of business establishments shall brief their respective personnel that will be in the frontline to implement Ordinance.
- c. All sectors are enjoined to use Eco Bags in all aspects of its business transactions whenever applicable and the general public shall bring appropriate containers whenever they are going to the market.

- d. Business establishments are encouraged to adopt the *Bring-Your-Own-Bag Program* and/or *Bring-Your-Own-Bottle/Container Program*.
- e. Business establishments are encouraged to give discounts and freebies to users of Eco Bags/Reusable Cups/Reusable Food packages.
- f. Business establishments are encouraged to promote the use of Eco bags and implement the BYOP and to formulate appropriate incentives to consumers, which may include "GREEN LANE" which will cater to consumers who bring their own reusable bags.
- g. Business establishments and Non-Governmental Organizations are enjoined to promote the use Eco Bags by developing their own IEC materials such as posters, pins, tarpaulins, streamers etc.
- h. Recovery of tetra packs of juice drinks be made during occasions and wake.
- i. Tarpaulins and streamers shall be recovered after their intended use; the Municipal Engineering Office shall recover tarpaulins and streamers posted within the Municipality after expiration of their permits; the Municipal Recovery Facilities shall recover all the tarpaulins and streamers used by the Municipality.
- j. Barangay Officials shall take the lead in their respective barangays to ensure recovery of recyclable materials that may be used for making eco bags.
- k. Recyclable materials that may be used for making Eco Bags shall be brought to the MRF.
- l. Use of Eco Bag shall be mandatory for the Municipality of Del Carmen, use of Eco Bag made from NFA rice sack shall be made a requirement for the availment of NFA rice at NFA "Tindahan Natin" and any Eco Bag for the availment of any commodity; similar mechanics shall apply to other programs that may require use of Eco Bags.
- m. Use of recyclable, reusable and/or biodegradable alternative packaging materials such as native reusable bags made of organic materials such as cloth, cotton, pandan, cheese cloth, abaca, buri, water lily and the like, and those made with recycled materials, and re-useable containers made of glass or non-toxic hazardous materials shall be encouraged and promoted.
- n. Business establishment shall re-use cardboard boxes to pack groceries other dry goods.

TITLE IV. LGU ASSISTANCE

**SECTION 8.** This Local Government Unit to ensure the enforcement of this Ordinance shall endeavour to extend assistance and subsidies, to wit;

1. Conduct/sponsor free seminars and training for the production of woven and Eco bags as an alternative to the use of single-use bags and commodities made of plastic, polystyrene, cornstarch, etc.
2. Give certificate of appreciation and commendation to individuals, association and business establishments who promoted the observation of this ordinance.
3. Give incentive to those person/ association/organization who reported the violation of this Ordinance to the apprehending officer.

#### TITLE V. MONITORING AND ENFORCEMENT

**Section 9. Monitoring & Enforcement.** The Office the Local Chief Executive through its duly created taskforce shall monitor the effective implementation of this Ordinance. The MENRO shall include enforcement of the ordinance through a Task Force duly created for this purpose.

The Office of the LCE and/or the taskforce its annual compliance monitoring inspection shall include business establishments covered by the Ordinance. This shall include business establishments such as sari- sari or convenient stores coordination with barangay officials, market stall in coordination with Market Administrator, food establishments, groceries and supermarkets among other. Non-compliance as provided for in the environment code shall be considered a ground for revocation or non-renewal of business permits.

**Section 10. Technical Working Group.** For 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	-	Chairman of the Sangguniang Bayan's Committee on Environment
Members	-	Public Information Officer
	-	Chairman of the Sangguniang Bayan's Committee on Trade and Commerce
	-	Municipal Environment and Natural Resources Office
	-	Municipal Engineering Office
	-	Municipal Disaster Risk Reduction Management Office
	-	ABC Ex-officio Member
	-	SK Federated

**Section 11. Functions of the Technical Working Group.** The TWG shall have the following functions:

- a. Formulation of the IRR as well as the Guidelines in the proper implementation of the 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 Municipal Government; and,
- d. Recommend measures for the proper implementation of this Ordinance.

#### TITLE VI. PUBLIC INFORMATION AND INFORMATION CAMPAIGN

**Section 12. Information, Education, and Communication Campaign.** Upon approval of this Ordinance, the Municipality through the Public Information Office and the MENRO, in coordination with the TWG, shall conduct massive information, education, and communication campaigns using media (print, radio, and internet) and shall include the promotion of



alternative packaging materials. The IECs shall include the production and distribution of materials related and consistent with the provision of this Ordinance.

## TITLE VII. IMPLEMENTATION OF THE ORDINANCE

### **Section 13. Implementing Rule and Regulation (IRR).**

- a. Within thirty (30) days from the approval of this Ordinance, the necessary rules and regulations shall be issued by the Office of the Mayor for the proper and effective implementation of this Ordinance's. This ordinance shall take effect after ten (10) days from the date of its approval and posting in three conspicuous places in the Municipality of Del Carmen.

**Section 14. Moratorium and Implementation.** The prohibition on the use of plastic bags and styrofoam/styrophor shall take Fourteen (14) Weeks from the effectiveness of this Ordinance.

Prior to its effectivity, the following shall be enforced:

- a. During the First Two Weeks from the effectivity of this Ordinance, every Saturday of the week shall be considered as Plastic Ban Day and the use of plastic bags and styrofoam/styrophor shall be prohibited in all commercial establishments;
- b. During the Third to Fourth Week from the effectivity of this Ordinance, every Saturday and Sunday of the week shall be considered as Plastic Ban Day and the use of plastic bags and styrofoam/styrophor shall be prohibited in all commercial establishments;
- c. During the Fifth to Sixth Week from the effectivity of this Ordinance, every Saturday, Sunday, and Monday of the week shall be considered as Plastic Ban Day and the use of plastic bags and styrofoam/styrophor shall be prohibited in all commercial establishments;
- d. During the Seventh to Eight Week from the effectivity of this Ordinance, every Saturday, Sunday, Monday, and Tuesday of the week shall be considered as Plastic Ban Day and the use of plastic bags and styrofoam/styrophor shall be prohibited in all commercial establishments;
- e. During the Ninth to Tenth Week from the effectivity of this Ordinance, every Saturday, Sunday, Monday, Tuesday, and Wednesday of the week shall be considered as Plastic Ban Day and the use of plastic bags and styrofoam/styrophor shall be prohibited in all commercial establishments;
- f. During the Eleven to Twelfth from the effectivity of this Ordinance, every Saturday, Sunday, Monday, Tuesday, Wednesday, and Thursday of the week shall be considered as Plastic Ban Day and the use of plastic bags and styrofoam/styrophor shall be prohibited in all commercial establishments; and,
- g. During the Thirteenth to Fourteenth Week from the effectivity of this Ordinance, every Saturday, Sunday, Monday, Tuesday, Wednesday, Thursday, and Friday of the week shall be considered as Plastic Ban Day and the use of plastic bags and styrofoam/styrophor shall be prohibited in all commercial establishments.

## TITLE VIII. FINES AND PENALTIES

**Section 15. Penalties.** Violation of this ordinance shall be penalized by the following fine and/or penalties

- a. Upon violation by an individual, the following penalties will apply  
First Offense – A fine of 500.00php or four (4) hours Community Service  
Second Offense – A fine of 1,000.00php or one (1) day Community Service



Third and subsequent offenses: A Fine of 2,500.00php or three (3) days Community Service or imprisonment upon discretion of the court.

The fine imposed may be paid outright by the apprehended violator at the place of apprehension and upon the issuance of a Citation Ticket. For this purpose, the apprehended violator who fails to pay outright the fine for such violation shall be given seven (7) days from the date of apprehension to settle the same at the Municipal Treasurer's Office, otherwise appropriate legal action shall be filed in the proper court. Community Service of one (1) day is equivalent to eight (8) office hours. Community Service to be imposed on a minor offender shall be suitable for his/her age. A minor offender of this ordinance shall be dealt with in accordance with the provisions of Republic Act N. 9344 or the Juvenile Justice and Welfare Act of 2006.

- b. Upon violation by an establishment, the following penalties will apply. Each day of violation shall be deemed a separate violation subject to fines as described below.
- First Offense – A written warning to the retail establishment. The warning shall recite the violation, and advise that future violations may result in fines.
- Second Offense – A fine of 500.00php to 2,500.00php
- Third Offense – A fine of 1,000.00php to 5,000.00php for the third and each subsequent violation

Non-compliance for more than six (6) months may be a ground for the cancellation of the establishment's license to operate.

- c. Upon violation by an event, organizers and their vendors shall be assessed fines as follows:

- A fine of 1,000.00php to 5,000.00php for an event of one (1) to fifty (50) persons
- A fine of 2,000.00php to 10,000.00php for an event of fifty-one (51) to one hundred (100) persons
- A fine of 3,000.00php to 20,000.00php for an event of one hundred one (101) to two hundred (200) persons
- A fine of 5,000.00php to 100,000.00php for an event of two hundred one (201) or more persons

#### TITLE IX. FINAL PROVISIONS

**Section 16. Separability Clause.** If any of this Ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts of sections hereof that are not declared unlawful or unconstitutional.

**Section 17. Repealing Clause.** All previous ordinances inconsistent with Ordinances shall be deemed repealed or modified accordingly.

**Section 18. Effectivity.** This ordinance shall take effect after ten (10) days from the date of its approval and posting in three conspicuous places in the Municipality of Del Carmen.

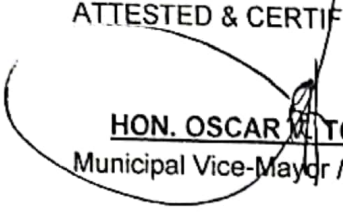
ENACTED AND APPROVED this 15<sup>th</sup> day of October, 2018.

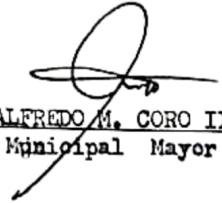
I hereby certify the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Del Carmen, Surigao del Norte during session held on \_\_\_\_\_, 2018.


**PRISCILLA G. CUBILLAN**  
Secretary to the Sanggunian

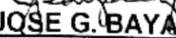
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ATTESTED & CERTIFIED TO BE DULY ENACTED:

  
HON. OSCAR M. TOLDO  
Municipal Vice-Mayor / Presiding

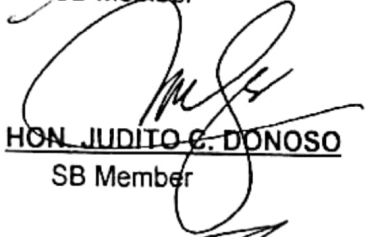
Approved:   
ALFREDO M. CORO II  
Municipal Mayor

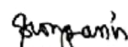
  
HON. WALTHON V. CALAYAG  
Senior SB Member


  
HON. JOSE G. BAYANG  
Senior SB Member

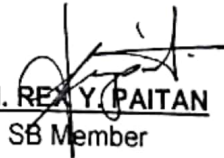
  
HON. CONSTANTINO H. CUBILLAN  
SB Member

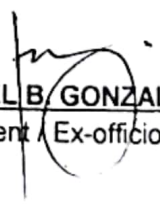
  
HON. CLARO P. CARIAGA  
SB Member

  
HON. JUDITO C. DONOSO  
SB Member

  
HON. SURLIDA B. COMPASIVO  
SB Member

  
HON. KENT ANGELITO S. JUCAY  
SB Member

  
HON. REX Y. PAITAN  
SB Member

  
HON. FIDEL B. GONZALES JR.  
ABC President / Ex-officio member