



Republic of the Philippines
Province of Pangasinan
MUNICIPALITY OF CALASIAO

MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALASIAO,
PANGASINAN HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON JULY 24, 2023

PRESENT:

VICE MAYOR NESTOR A. GABRILLO	.....Presiding Officer
COUN. MANNY V. DATUIN	.....Member
COUN. FELIPE K. DE VERA	.....Member
COUN. ARDIESON B. SORIANO	.....Member
COUN. HAVERDANI DAS B. MESINA	.....Member
COUN. GERALD C. AFICIAL	.....Minority Floor Leader
COUN. ELIAS S. VILLANUEVA	.....Member
COUN. MYC D. SISON	.....Member
ABC PRES. CARLITO A. DION	.....Member, Ex-Officio
S. K. FED. PRES. VANESSA S. ZULUETA-QUE	.....Member, Ex-Officio

ABSENT: N O N E

ORDINANCE NO. 9, SERIES OF 2023

AN ORDINANCE REGULATING THE SALE, DISTRIBUTION AND USE OF PLASTIC CARRY/SHOPPING BAGS AND STYROFOAM IN THE MUNICIPALITY OF CALASIAO AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Sponsored by: LIGA Pres. Coun. Carlito A. Dion

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF CALASIAO IN SESSION ASSEMBLED THAT;

EXPLANATORY NOTE

Each day, people throw away millions of plastic materials. Made from petroleum, plastics are not biodegradable, pollutes our land, water and air. Cutting back the use, and switching to reusable option is one big way to help the environment.

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

WHEREAS, Section 3 (i) of R.A. 7160 provides that, "Local Government Units shall share with the National Government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction subject to the provisions of this Code and national policies;"

WHEREAS, based on the waste Analysis and Characterization Study (WACS) conducted, non-biodegradable plastic bags as well as Styrofoam/styrophor contribute largely to the volume of municipal wastes being disposed daily and remain a nuisance to the environment for a long time;

WHEREAS, plastic bags and polystyrene products such as styrofoam/styrophor, being non-biodegradable materials together with other wastes when disposed inappropriately and indiscriminately and the eventual burning of the same in open dumps coupled with the rampant "throw-away" behavior of the population are exacerbating clogging of canals, creeks, rivers and other waterways especially during rainy seasons causing floods and harming our water and marine resources that results in the deterioration of water quality and eventually constituting a serious threat to public health and integrity of the ecosystem;

(page 1)

WHEREAS, the thin film, single use, carry out plastics bags, sando bag as well as styrofoam/styrophor which are given to constituents for free in stores all the more contribute to the 'throw –away" attitude of its users;

WHEREAS, to discourage and reduce of these types of plastic bags in the municipality, it is deemed necessary to regulate such use and introduce alternative materials that are more environment-friendly;

WHEREAS, the best way to implement such policy is to seek the involvement of the business sector and the citizens as well in protecting our environment;

WHEREAS, Section 57, of R.A. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000 provides that the commercial and business sector must be encouraged to initiate participate and invest in integrated ecological solid waste management projects, to manufacture environment-friendly products, to introduce, develop and adopt innovative processes that shall recycle and re-use materials, conserve raw materials and energy, reduce waste, and prevent pollution, and to undertake community activities to promote and propagate effective solid waste management practices;

WHEREAS, in the best interest of the health and welfare of the people that regulation include the imposition of an environmental protection fee: a) address the throw-away" attitude of consumers on single-use plastic bags; b) discourage and minimize the use of plastic bags; c) mainstream the use of reusable bags; d) invite the active participation of the citizenry in practices that promote a clean and sustainable environment.

SECTION 1. TITLE – "PLASTIC BAG AND STYROPHOR / STYROFOAM REGULATION ORDINANCE."

SECTION2. COVERAGE. – this Ordinance shall cover all business activities/establishments in the Municipality of Calasiao including the Municipal Government Schools and offices.

SECTION 3. DEFINITION OF TERMS:

- i) **ALTERNATIVE PACKAGING MATERIAL-** refers to recyclable, reusable and or/ biodegradable packaging materials that are used in containing, carrying, holding and/ or transporting goods or products as an alternative to plastic bags.
- a) **CUSTOMER** – any person purchasing goods or wares from a store, grocery, supermarkets or similar establishments.
- b) **BUSINESS** any trade or commercial activity regularly engaged in as a means of livelihood or with a view to profit. It refers to a retail or wholesale establishment such as, but not limited to, a municipal market stall, supermarket, department store, grocery, drugstore/pharmacy, convenience store, food establishment cafeteria, canteen, sari-sari store, hardware/construction supply, consumer goods store, booth, fair tiangee or even in sidewalks or streets with or without license, permit or authority. Also known as "STORE".

- c) OPERATOR – a person in control or having the responsibility for, the operation and management of the business establishment, which may include but not limited to, the owner of the same.
- d) PAPER BAG- a paper bag that meets all the following requirements:
 - iii. Is capable of composting or is biodegradable; and
 - iv. Is accepted for recycling
- e) PLASTIC BAG – community known as “Sando Bags”. Any bag made in whole or in part of Polyethylene, polypropylene, and polycarbonate, among others, and designed to be provided or utilized at the point of sale store for carrying or transporting goods or items.
- f) POLYSTYRENE FOAM CONTAINER – a petroleum based plastic container popularly known as “Styrofoam” used as food containers normally for take outs, coffee, beverage or noodle cups.
- g) REUSABLE BAG – any shopping bag used to carry, contain or transport goods or items which can be used several times. A reusable bag is specifically designed and manufactured for multiple reuse and meets the following requirements.
 - v. Has a minimum lifetime of 125 uses or capability to carry a minimum of 10 kilos 125 times over a distance at least 50 meters
 - vi. Has a minimum volume of 15 liters
 - vii. Is machine washable or capable of being cleaned and disinfected
 - viii. Do not contain any toxic or harmful substance or chemical such as but not limited to lead, cadmium, or any other heavy metal.

SECTION 4. INFORMATION AND EDUCATION CAMPAIGN—The municipality through its media portals and in coordination with the Municipal Environment and Natural Resources Officer and staff shall conduct massive information and education campaign using media portals such as Social Media, Print and Radio. The information and education campaign shall include the production and distribution of materials related and consistent with the provisions of this Ordinance.

SECTION 5. MANDATORY PRODUCTION OF “REUSABLE BAGS”. – All stores shall provide the following reusable bags to be purchased by the consumer for a minimum fee. It shall be made available in the respective checkout counters of the stores, purposely for multiple reuse and to replace and discourage the use of plastic bags as carry out bag. Appropriate sizes and design must be provided for the following purpose:

- e) Reusable Shopping Bag – Reusable bag to be used for shopping and buying groceries. Applicable for shopping malls, supermarkets and grocery stores.
- f) Take Out Bag – reusable bag to be used for carrying food and drinks for two or more persons, applicable for fast food chains.
- g) Agora bag – Reusable bag to be used in carrying goods from wet and dry markets such as meat, fish, vegetables, fruits and other goods.
- h) Medicine bag – reusable bag or medicine kit appropriate to carry small quantity of medicines such as tablets and capsules, bottled syrups/suspensions and the like. Applicable for drugstores and pharmacy

SECTION 6. PROHIBITED ACT – no business as defined in this Ordinance shall provide to any customer any plastic bag or polystyrene foam container for goods or items purchased or serve food or drink, take –out or dine in, to customers in polystyrene containers or in plastic bags.

SECTION 7. ALTERNATIVE PACKAGING MATERIALS– All business shall provide or make available to customers for free or for a cost, paper bags or reusable bags or containers made of paper or materials which are biodegradable, for the purpose of carrying out goods or other items from the point of sale, subject to provisions of this Ordinance. Nothing herein prohibits customers from using bags of any other type that they bring to the store themselves for carrying away goods in lieu of bags provided by the store, except, plastic bags which are prohibited by this Ordinance.

SECTION 8. PENALTIES. – Any business establishments through its registered owner/operator and/or proprietor that shall violate any of the prohibited acts stated above shall be punished through the imposition of the following penalties upon the discretion of the court:

First offense	; Php1,500.00 fine
Second offense	; Php2,000.00 fine
Third offense and habitual offenses	; Php2,500.00 fine or Non- Renewal of Business Permit/Closure of Business

Business establishments apprehended or cited for violation of this Ordinance and does not wish to contest the violation and is willing to pay voluntarily may directly go and pay the corresponding penalty at the Municipal Treasurers Office.

SECTION 9.Any individual/person or juridical person found to have violated this Ordinance shall be penalized as follows upon the discretion of the court:

First offense	; Php500.00 fine or 3 days community service
Second offense	; Php1,000.00 fine or 5 days community service
Third offense and habitual offenses	;Php 2,000.00 fine or 10 days community service

Individual/person or juridical person apprehended or cited for violation of this Ordinance and does not wish to contest the violation and is willing to pay voluntarily may directly go and pay the corresponding penalty at the Municipal Treasurers Office or avail of corresponding days of the community service voluntarily.

SECTION 10. All Municipal Government offices, National Agencies, Public and Private Schools within the territorial jurisdiction of the municipality shall maintain a “NO PLASTIC BAG, NO STYROFOAM” policy in their office or school premises including government sponsored events and functions. Head of offices, administrators, principals or the concerned official/employee shall ensure that in the procurement of goods and services, suppliers, including canteen concessionaires and food caterers strictly comply with the provisions of this Ordinance.

SECTION 11. MONITORING AND OVERSIGHT COMMITTEE. – A Technical Working Group is hereby created as the monitoring and oversight committee to take the lead in the information/education campaign and monitoring of this Ordinance including the issuance of notice of violation and penalty.

Chairman	Municipal Mayor
Vice Chairman	Sangguniang Bayan (Municipal Councilor) Committee on Environment and Natural Resources Protection and Committee on Health and Sanitation
Action Officer	Municipal Environment and Natural Resources Office
Members	Punong Barangays with respect to their territorial jurisdiction Municipal Health Officer Municipal Economic Enterprise Officer Public Order and Safety Division Chief Chief of CalasiaoPNP Office Chief- Parks and Plaza of the office of the Mayor

Aside from the above functions, the Technical Working Group shall submit a bi-annual report on compliance of this Ordinance by businesses/operators and government offices, schools, and concerned officials/employees, to the office of the Municipal Ecological Solid Waste Management Board and the Municipal Council for appropriate information and action, including recommendations or appropriate changes in the ordinance for the proper implementation of herein ordinance.

SECTION 12. BUDGET. - An initial amount of one million pesos (Php1,000,000.00) is hereby allocated for the first year of operation to be included in the annual budget for the information, education and communication campaign, implementation and monitoring of this ordinance as well as for the operation of the Task Force. Five hundred Thousand Pesos (Php500,000.00) is allocated annually thereafter to sustain the operation of the ordinance.

SECTION 13. COMPLIANCE – Upon approval of this ordinance, all businesses within the Municipality of Calasiao shall be given a period of four (4) months to fully comply with the provisions hereof.

SECTION 14. SEPARABILITY CLAUSE. – if for any reason or reasons, any part of this Ordinance shall be held to be unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.

SECTION 15. REPEALING CLAUSE. – All Ordinance, resolutions and regulations or part/s thereof, which are inconsistent with this Ordinance, are hereby repealed or modified accordingly.

SECTION 16. EFFECTIVITY CLAUSE. – This Ordinance shall take effect in accordance with the provisions of the Local Government Code of 1991, as amended.

UNANIMOUSLY APPROVED.

(page 5)

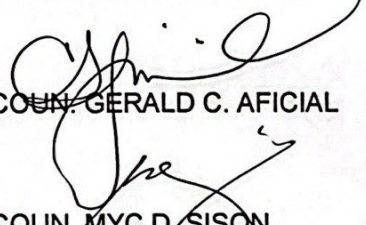
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(Continuation – Ordinance No. 9, Series of 2023 – Regulating the Sale, Distribution and Use of Plastic Carry/Shopping Bags and Styrofoam)

UNANIMOUSLY APPROVED.


COUN. MANNY V. DATUIN


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COUN. ELIAS S. VILLANUEVA



COUN. CARLITO A. DION


COUN. VANESSA S. ZULUETA-QUE

ATTESTED:


BRYAN B. CALAUNAN
Secretary to the Sangguniang Bayan

CERTIFIED CORRECT:


HON. NESTOR A. GABRILLO
Municipal Vice Mayor/Presiding Officer

APPROVED:


HON. KEVIN ROY Q. MACANLALAY
Municipal Mayor