



REPUBLIC OF THE PHILIPPINES
 PROVINCE OF ILOILO
 MUNICIPALITY OF PAVIA
 -oOo-
 OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON MAY 02, 2023 AT 9:00 A M. IN THE SESSION HALL, MUNICIPAL BUILDING, PAVIA, ILOILO.

PRESENT:

- | | | |
|-----|------------------------------------|---------------------------------------------|
| 1. | Hon. Edsel G. Gerochi | - Municipal Vice-Mayor
Presiding Officer |
| 2. | Hon. Jo Jan Paul J. Peñol | - Municipal Councilor |
| 3. | Hon. Ariel B. Gerada | - -do- |
| 4. | Hon. Jose Maria D. Trimañez | - -do- |
| 5. | Hon. Leonardo L. Belasa | - -do- |
| 6. | Hon. Daniel S. Fajardo, II | - -do- |
| 7. | Hon. Roy H. Gorriceta | - -do- |
| 8. | Hon. Rhia B. Sotomil | - -do- |
| 9. | Hon. Joshua Philippe B. Gumban | - -do- |
| 10. | Hon. Hanson H. Guyos | - Liga President, Ex-Officio Member |
| 11. | Hon. Kervin Matthew G. Zalzarriaga | - SK Fed. President, Ex-Officio Member |

MUNICIPAL ORDINANCE 2023-02A

ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS FOR WET AND DRY GOODS AND THE USE OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, IN PUBLIC MARKETS, STORES, AND MALLS IN PAVIA, ILOILO, AND PRESCRIBING PENALTIES THEREOF, AND FOR THE REPEAL OF MUNICIPAL ORDINANCE 2023-02.

Author: Hon Daniel S. Fajardo II
 Sponsors: Hon. Joshua Philippe B. Gumban
 Hon. Leonardo L. Belasa
 Hon. Jose Maria D. Trimañez

WHEREAS, Article II, Section 6 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, Republic Act 7160, Section 3 (i) states that “Local government units shall share with the national government the responsibility for the management

and maintenance of ecological balance within their territorial jurisdiction," including the promotion of the health and safety of its constituents;

WHEREAS, plastic cellophane and sando bags and expandable polystyrene (EPS) foams being non-biodegradable materials clog our canals, creeks, rivers and other waterways, causing floods during rainy season and causing harm to these waterways and the surrounding communities;

WHEREAS, plastic cellophane, sando bags and polystyrene are rampantly used as packaging materials in the Municipality of Pavia and elsewhere;

WHEREAS, despite serious efforts of the Municipality to segregate biodegradable, recyclable and reusable waste materials, plastics, polystyrene and other similar materials remain in the municipal waste stream and eventually remain as the common residual waste fraction;

WHEREAS, the Municipality of Pavia, in its desire to reduce if not totally eliminate the use of non-biodegradable plastic bags and Styrofoam, encourages a shift to the utilization of sustainable biodegradable materials, including but not limited to Eco-bags, woven bags (bayong), cloth bags (katsa) and other similar reusable, biodegradable and recyclable materials;

WHEREAS, there is now a need to regulate the use of these plastic bags and Styrofoam to prevent serious ecological imbalance because the improper disposal of these pollute our rivers and creeks, and every so often clog our sewerage systems and waterways, thereby causing floods and damage to property;

NOW THEREFORE, BE IT ENACTED BY THE SANGGUNIANG BAYAN IN SESSION DULY ASSEMBLED, THAT:

SECTION 1: TITLE. This Ordinance shall be known as the "PLASTIC BAGS AND STYROFOAM REGULATION ORDINANCE IN THE MUNICIPALITY OF PAVIA ILOILO."

SECTION 2: SCOPE AND COVERAGE. This ordinance shall cover all plastic and cellophane bags that end up as residual waste. Styrofoam containers for food and other products are also included. This ordinance shall be applicable to and be observed by all business establishments, sari-sari stores, market vendors, food kiosks, fast foods, food deliveries, online sellers and school canteens in the Municipality of Pavia, Iloilo.

SECTION 3: DEFINITION OF TERMS. For purposes of this ordinance, the following terms are defined as follows:

A. *Alternative packaging materials* refers to recyclable, reusable, and/or biodegradable packaging materials that are used in containing, carrying, holding, and/or transporting goods or products as an alternative to plastic bags.

B. *Bring Your Own Bag (BYOB) Program* refers to the program adopted by supermarkets, convenience stores, department stores, and other business establishments whereby customers are enjoined to bring a reusable bag, a paper bag, a cloth bag, or any other alternative packaging material for

purposes of containing, carrying, holding, and transporting goods or products bought

C. *Cloth bags* refer to reusable packaging material made of cloth used in the packaging of flour, wheat, and other similar goods.

D. *Container* is a type of material used to hold, enclose, package, and/or restrain edible food and beverages for human consumption.

E. *Dry goods* refers to any product that does not require refrigeration or freezing to maintain product quality and freshness.

F. *Eco-bags* refer to recyclable bags that can be reused many times.

G. *Packaging* shall refer to the packaging, packing, and wrapping of products for the purpose of carrying them in a convenient manner.

H. *Paper Bag* refers to a biodegradable food packaging material made of paper

I. *Plastic bag* refers to a type of bag made of thin, flexible, plastics film, non-woven fabric, or plastic textile that is designed to be provided or utilized at the point of sale for containing, carrying, holding and transporting goods.

J. *Plastic cellophane* is a transparent, thin film plastic sheet made of regenerated cellulose having low permeability to air, oil, greases, bacteria and water that makes it useful for food packaging.

K. *Polystyrene* refers to petroleum based plastic made from styrene monomer and a lightweight material / foam polystyrene used in food packaging applications such as cups and food boxes / trays, more commonly known as Styrofoam/styrophor.

L. *Primary Packaging materials* refers to first level packaging that contains the item sold; those type of packaging for wet produce, unpacked fresh foods, snack foods, fine produce (salt, sugar, flour, margarine), and the like, which are in direct contact with the product itself and are sometimes referred to as consumer or retail packaging, the primary or main purpose of which is to protect and or preserve, contain, and inform the consumer.

M. *Reusable bag* refers to a washable canvass bag or native bag "bayong" or any shopping bag used for carrying and transporting goods, which bags are made of organic or non-organic materials that can be used for several times

N. *Sando bags* refers to a type of plastic packaging with handles for the purpose of carrying, holding and/or transporting goods and other produce. This term shall likewise be defined as one similar to the term plastic bag

O. *Secondary Packaging* refers to packaging that is used to support primary packaging, usually used and intended for the convenience of the consumer;

P. *Styrofoam* is a trademark of a product made up of light resilient foam of polystyrene. Foam used as containers for food and beverages.

Q. *Wet Goods* refers to any product that require refrigeration or freezing to maintain freshness such as fish, meat, fruits and vegetables, and cooked food in restaurants, eateries or *carinderia*;

R. *Woven Bag (Libon)* refers to biodegradable packaging material made of woven native materials e.g. pandan or buri leaves, rattan or bamboo strips, and other similar materials.

SECTION 4: REGULATING THE USE OF PLASTIC BAGS AND CELLOPHANE AS PRIMARY AND SECONDARY PACKING MATERIALS ON WET AND DRY GOODS AND OTHER PRODUCTS.

All business enterprises dealing with WET GOODS and other products shall be allowed to use plastic bags as primary packaging material, which refers to: first-level packaging that contains the item sold; those types of packaging for wet produce; unpacked fresh foods, snack foods, fine produce (salt, sugar, flour, margarine), and the like, which are in direct contact with the product itself and are sometimes referred to as consumer or retail packaging, the primary or main purpose of which is to protect and or preserve, contain, and inform the consumer. The use of plastic bags as secondary packaging for wet goods is prohibited. The use of plastic bags as primary and secondary packaging for DRY GOODS is prohibited.

SECTION 5: REGULATION ON SELLING PLASTIC BAGS. No business establishments — restaurants, fast food outlets, kiosks, catering services, and the like — shall offer or sell plastic bags to be used as a secondary packaging material for wet goods and primary and secondary packaging materials for dry goods.

SECTION 6: ALTERNATIVE PACKAGING MATERIALS. The use of recyclable, reusable, and/or biodegradable alternative packaging materials should be encouraged and promoted, such as reusable woven bags (bayong), cloth or katsa bags, rattan baskets, shopping bags made from recycled waste paper, and other bags made of biodegradable materials (e.g., banana leaves, taro leaves, water lilies, corn stalks, etc.), which should be utilized as alternative packaging materials. All business establishments are encouraged to adopt the "Bring Your Own Bag" program.

SECTION 7: REGULATION ON THE USE, SALE, OR PROVISION OF STYROFOAM. Business establishments, restaurants, fast food outlets, kiosks,



catering services, and the like shall not utilize, sell, or provide Styrofoam or expanded polystyrene foam as containers for food and beverages.

SECTION 8: USE OF ALTERNATIVE CONTAINERS FOR FOOD AND BEVERAGE. The use of reusable and/or paper-based cups or containers for food and/or beverages and other alternative containers is highly encouraged and promoted.

SECTION 9: INCENTIVES FOR USING REUSABLE BAGS. To promote the use of reusable bags, stores are hereby encouraged to implement the BYOB or Bring Your Own Bag program and to formulate appropriate incentives for consumers, which may include:

Green Lane: Stores may provide special counters or express lanes (to be called "Green Lane") to cater to customers who bring their own bags or use reusable bags.

SECTION 10. TECHNICAL WORKING GROUP. For the purpose of this ordinance, a Technical Working Group shall be established with the following composition:

Chairman: Municipal Mayor

Co- Chairman: Vice Mayor

Vice Chairman: MENRO

Members: SB - Committee Chairman on Environment

SB - Committee Chairman on Market & Slaughterhouse

SB - Committee Chairman on Trade & Industry

Municipal Information Officer

Punong Barangay Liga President

Municipal Police Officer

SECTION 11. FUNCTIONS OF THE TECHNICAL WORKING GROUP. The Technical Working Group shall have the following functions:

- a. The formulation of the Implementing Rules & Regulations as well as the Guidelines in the proper implementation of this Ordinance.
- b. Identify the activities and programs to be conducted during the moratorium period
- c. Identify the environmental advocacies, programs and projects to be funded by the municipal government
- d. Recommend measures for the proper implementation of this Ordinance.

SECTION 12: IMPLEMENTING RULES AND REGULATIONS. Within thirty (30) days from the approval of this ordinance, the necessary rules and regulations shall be issued by the Technical Working Group for proper and effective implementation of this ordinance.

SECTION 13: INFORMATION, EDUCATION, AND COMMUNICATION CAMPAIGN Upon approval of this ordinance, the municipality shall conduct massive information education and communication campaigns and shall include the promotion of alternative biodegradable packaging materials. The information and education campaign shall include the production and distribution of materials related to and consistent with the provisions of this ordinance. Furthermore, business owners are required to post the campaign to regulate or prohibit the use of plastic and Styrofoam in conspicuous places in their establishments as part of an information drive for their customers.

SECTION 14: MORATORIUM. All business enterprises such as malls, grocery stores, retail stores, sari-sari stores, ambulant vendors, market vendors, food kiosks, schools and the like engaged in the use of or sale of plastic bags and Styrofoam as packaging materials for dry goods shall be given Six (6) months moratorium from the date of the effectivity of this ordinance to dispose of their remaining inventory and for consumers to adjust and conform.

SECTION 15: MONITORING AND IMPLEMENTATION. The local chief executive, together with his technical working group, shall assign a committee or personnel to monitor the effective implementation of this ordinance. The MENRO shall prepare a quarterly report on the progress of the implementation of this ordinance and furnish the Sangguniang Bayan with a copy of the same.

SECTION 16. FINES & PENALTIES. Business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like who violate Sections 4, 5 and 7 shall be fined as follows:

First Offense: P 500.00

Second Offense: P 1,000.00

Third Offense: P 1,500.00 and cancellation of license to operate in the case of business establishments

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

SECTION 18. REPEALING CLAUSE. All previous ordinances, particularly Ordinance 2023-02, and those that are inconsistent with this Ordinance shall be deemed repealed or modified accordingly.


SECTION 19. EFFECTIVITY. This Ordinance shall take effect thirty days (30) after its posting for 3 consecutive weeks in all conspicuous places in the Municipal Hall or in the local bulletin board of Pavia. Implementation of this Ordinance shall be in accordance with Section 14.

BE IT ORDAINED FURTHER to furnish copies of this Ordinance 2023-02A to the Sangguniang Panlalawigan of the Province of Iloilo for review, and other concerned agencies for their information and appropriate action

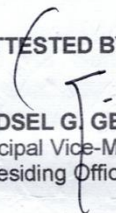
ENACTED this 2ND day of May, 2023 at Pavia, Iloilo Philippines.

Approved.


I HEREBY CERTIFY to the correctness of the above-quoted ordinance:


GYNMYN G. GUMBAN
Secretary to the Sangguniang Bayan

ATTESTED BY:


HON. EDSSEL G. GEROCHI
Municipal Vice-Mayor
Presiding Officer

APPROVED:


HON. LAURENCE ANTHONY G. GORRICETA
Municipal Mayor