EXCEPRTS FROM THE MINUTES OF THE 74TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON APRIL 10, 2012 AT MARRIOTT HOTEL, PASAY CITY

PRESENT:
Hon. Recto M. Cantimbuhan
Hon. Ramon Jolo B. Revilla III
Hon. Ryan R. Enriquez
Hon. Rolando S. Remulla
Hon. Larry Boy S. Nato
Hon. Raul Rex D. Mangubat
Hon. Teofilo B. Lara
Hon. Marcos C. Amutan
Hon. Aristides Jose D. Velazco
Hon. Albert G. Ambagan, Jr.
Hon. Virgilio T. Ambion
Hon. Irene P. Bencito

Vice-Governor/Presiding Officer
Acting Majority Floor Leader
Board Member, 1st District
Board Member, 2nd District
Board Member, 3rd District
Board Member, 4th District
Board Member, 4th District
Board Member, 5th District
Board Member, 5th District
Board Member, 6th District
Board Member, 7th District
Board Member, 7th District

ABSENT:
Hon. Dino Carlo R. Chua
Hon. Edwin E. Malvar
Hon. Rodrigo P. Arguelles, Sr.
Hon. Hermogenes C. Arayata III
Hon. Maurito C. Sison
Hon. Meldon G. de Sagun

Majority Floor Leader
Board Member, 2nd District
Board Member, 3rd District
Board Member, 6th District
CCL President
SK Provincial Fed. President

RESOLUTION NO. 125-S-2012

A RESOLUTION APPROVING PROVINCIAL ORDINANCE NO. 007-2012

WHEREAS, Article II, Sec. 16 of the Philippine Constitution and Article III of RA 7160 also known as the Local Government Code of 1991, provides that the State, as devoiced to the local government units, 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, Article 1 Sec. 2 (b) of R.A. 9003 otherwise known as the Ecological Solid Waste Management Act of 2000, provides that the Policy of the State is to adopt a systematic, comprehensive and ecological solid waste management program which shall utilize environmentally-sound methods that maximize the utilization of valuable resources and encourages resource conservation;

WHEREAS, certain forms and uses of plastics end up as litter, it’s proper disposal is often taken for granted leaving them practically everywhere and finding its way into our drainage system, creeks, rivers and unto Laguna Lake and Manila Bay causing host of environmental health and sanitation problems such as clogging, flooding, pest infestations, dengue proliferation and degradation of water quality;
WHEREAS, there is a need to pass an ordinance that shall selectively ban plastic materials to reduce the generation of residual wastes and prevent its corresponding impacts to the environment and to the general populace.

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

PROVINCIAL ORDINANCE NO. 007-2012

AN ORDINANCE PROHIBITING, REGULATING AND PRESCRIBING CERTAIN USES OF PLASTICS FOR GOODS AND COMMODITIES THAT END UP AS RESIDUAL WASTES AND PROMOTING THE USE OF ECO BAGS AND OTHER ENVIRONMENT FRIENDLY PRACTICES AS AN ALTERNATIVE, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Sponsored by: Hon. Aristides Jose Virgilio Velazco

Section 1. Short Title. This ordinance shall be known as “The selective plastic ban and the use of eco bag ordinance of the Province of Cavite.”

Section 2. Policy Statement. It shall be the policy of the Sangguniang Panlalawigan to minimize if not eliminate activities, products and services that generate residual waste and to promote practices that will support avoidance or reduction of residual waste generation in the province.

Section 3. Scope and coverage. This ordinance shall cover all types of plastics that end up as residual waste. Types of plastics that are currently and economically diverted within the province through 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 plastics that form part of the residual waste but are not explicitly prohibited, regulated or otherwise mentioned in the ordinance are in the interim considered not covered. It shall also cover all stakeholders that produce, use, buy, sell, exchange, provide and dispose said types of plastics covering all residual waste generators located within the province such as residential, institutional, commercial, recreational and industrial.
Section 4. Definition of Terms. For purposes of this Ordinance, the following terms are defined:

**Biodegradable plastic bags** – it shall collectively refer to plastic bags made with biodegradable components in whole such as resins containing starches or in combination with polylactic acid (PLA) or in part such as those with biodegradable additives like oxobiodegradable plastic bags.

**Buy back center** – shall refer to a recycling center that purchases or accepts recyclable materials for the purpose of recycling.

**Container** – shall refer to the material 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.

**Disposable plastic bags, “single-use” plastic bags or plastic bags** – it shall collectively refer to include all shapes, sizes, color and design of flexible containers and packaging materials made of thin plastic film ranging from 2 to 100 microns as to wraps such as those from frozen products, pouches (more commonly known as plastic labo) which are often use for small items specially among “sari-sari or convenient stores and bags more commonly referred to as “sando bags” primarily used in groceries and supermarkets. It shall also include other types of plastic bags that are biodegradable, photodegradable oxidatively degradable, hydrolytically degradable, compostable and bio-based.

**Dry goods** – refers to any product that do not require refrigeration or freezing, such as textiles and clothing.

**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; commonly used eco bags are made from fabric, recycled or indigenous materials; it may also refer to “thick” plastic bags or any bag made out of plastic provided that the material is strong and 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 as “supot” used for “pandesal”.

- over -
Generator (s) – shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.

Packaging material – 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, and marketability e.g. cartons, carrier bags, packaging films, protective foams for electronic products; it shall also refer to any material which acts as a secondary container to a product, i.e. for purposes of containment but not in direct contact with the product, e.g. the box which contains a bottle filled with liquid perfume.

Person (s) – shall refer to any being, natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.

Plastics - shall refer to natural and synthetic materials that are produced by chemically modifying natural substances or are synthesized from inorganic and organic raw materials. On the basis of their physical characteristics, plastics are usually divided into thermosets, elastomers and thermoplastics. The following table illustrates the most common types of plastics used and their applications:

<table>
<thead>
<tr>
<th>Polymer Types</th>
<th>Examples of Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polythelene</td>
<td>Fizzy drink and water bottles. Salad trays.</td>
</tr>
<tr>
<td>Terephthalate</td>
<td></td>
</tr>
<tr>
<td>High Density Polyethylene</td>
<td>Milk bottles, bleach, cleaners and most shampoo bottles.</td>
</tr>
<tr>
<td>Polyvinyl Chloride</td>
<td>Pipes, fittings, window and door frames (rigid PVC). Thermal insulation (PVC foam) and automotive parts.</td>
</tr>
<tr>
<td>Low Density Polyethylene</td>
<td>Carrier bags, bin liners and packaging films.</td>
</tr>
<tr>
<td>Polypropylene</td>
<td>Margarine tubs, microwaveable meal trays, also produced as fibers and filaments for carpets, wall coverings and vehicle upholstery.</td>
</tr>
</tbody>
</table>
Polystyrene plastic
Yoghurt pots, foam hamburger boxes and eggcartons, cutlery, protective packaging for electronic goods and toys, insulating material in the building and construction industry.

Unallocated Reference
Any other plastics that do not fall into any of the above categories – for example polycarbonate which is often used in glazing for the aircraft industry.

Post-consumer materials – shall refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed and used as raw materials in the manufacturing of recycled product, excluding materials and by products generated from, and commonly used within an original manufacturing process.

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.

Recycled material – shall refer to post-consumer material that has been processed to be used for making a product, e.g. recycled paper.

Residual wastes – shall refer to waste materials that are collected, transferred and transported for final disposal as garbage.

Semi-conductor and electronic products – refers 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 and television.

Styro – A kind of plastic material made from polystyrene including expanded polystyrene (PS, coded number 6) and is commonly used as food containers, coffee/noodle cups, plates, protective packaging for electronic products etc.

Wet Goods – products that require refrigeration or freezing to maintain such as fish, meat, fresh poultry products, fruits, vegetables, beverages and cooked foods in carinderias/eateries.
Section 5. Prohibited uses of plastic for goods and commodities

Listed below are the prohibited uses of plastic bags:

1. As packaging material and as container for dry goods;
2. As packaging material for wet goods;
3. Use of non-plastic ware as food containers and packaging material such as styrofoam for food & drinks including plastic utensils such as spoon, fork & knife for dine in and especially for take out customers;
4. Use of plastic pouch (commonly used for ice making) and drinking straw for beverages such as soft drinks like “palamig” and “gulaman”;
5. Use of plastic bag as garbage bag;
6. Use of plastic as flaglets and “banderitas” in all occasions.

A grace period of six (6) months upon effectivity of this ordinance shall be given to affected stakeholders that produce, use, buy, sell, exchange or provide above mentioned prohibited uses of plastics to consume and dispose their current supply or inventory.

Section 6. Regulated uses of plastics for goods and commodities

1. A plastic bag commonly known as plastic labo may be used for wet goods as primary container.
2. Use of a plastic bag as container for wet goods shall be optimized, i.e., the smallest size possible to contain said wet good shall be provided otherwise, two or more wet goods shall be contained and provided further that contamination as to waste or flavor and food safety allows.
3. Wet goods that are already pre-conditioned 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.
4. 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 containers.
5. Plastic products that will end up as recyclable/reusable wastes may be allowed such as plastic cups (commonly regarded as HI or High Impact), ice cream cups, egg trays, spoon & fork.
6. Oil plastic bottles shall be reused at all times since they don’t usually end up as recyclable waste: other plastic bottles that are not acceptable at “buy back centers” like central MRF or junkshops shall be reused and should not end up as residual waste.
7. Sacks and other similar bags shall be reused as garbage bags. Garbage collectors shall return the sacks for further reuse as garbage bags.
Section 7. Use of eco bags and other environment-friendly practices

1. Posting of information and Education Campaign (IEC) materials shall be mandatory on all commercial establishments such as sari-sari stores, convenience stores, grocery stores, market stalls, food establishments like eateries, fast-food chains, restaurants, bar and grills, general merchandisers like school supplies, hardware stores or any trading business establishments that will require containers and packaging materials for the product they trade.

2. Proprietors, managers, and operations officer of business establishments shall brief or train their respective personnel that will be in the frontline to implement this ordinance.

3. 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.

4. Business establishments are encouraged to give discounts and freebies to users of eco bags.

5. Business establishments and non-governmental organizations are enjoined to promote the use of eco bags by developing their own IEC materials such as posters, pins, tarpaulins, streamers etc.

6. Recovery of tetra packs or doy packs of juice drinks shall be made during occasions and wakes.

7. Tarpaulins and streamers shall be recovered after their intended use: The PG-ENRO/COPS/City ENRO/MENRO shall recover tarpaulins and streamers posted within the province after expiration of their permits.

8. PG-ENRO/City ENRO/MENRO shall take the lead to ensure recovery of recyclable materials that may be used for making eco bags.

9. Recyclable materials that may be used for making eco bags shall be brought to the PG-ENRO/City ENRO/MENRO Office.

10. Use of eco bags shall be mandatory for the Province.

11. Recycled and recyclable bags are recommended as second best thing to eco bags.
12. The Municipal officials shall enjoin their constituents on the use of recyclable materials or their own eco-bags in shopping or buying goods from any establishment.

13. All schools, public and private are required to inculcate this in their Technology and Livelihood Education (TLE) subjects by teaching their students to make bags out of recyclable materials or environment friendly materials.

Section 8. Fines and Penalties. Those who were found to have violated the provisions of this ordinance shall be meted with the following fines and penalties:

For Any Person or Individual:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>Php 100.00</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Php 300.00</td>
</tr>
<tr>
<td>Third Offense</td>
<td>Php 500.00 and/or imprisonment of one month at the discretion of competent court</td>
</tr>
</tbody>
</table>

For Business Establishment:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>Php 2,000.00</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Php 3,000.00 and suspension of business permit/operation at the discretion of LGU</td>
</tr>
<tr>
<td>Third Offense</td>
<td>Php 5,000.00 and cancellation of business permit (mayors permit) by the concerned LGU</td>
</tr>
</tbody>
</table>

Citation ticket shall be developed by each Local Government Unit (LGU).

Section 9. Collection Scheme. 75% shall be given to Local Government Unit (LGU), and 25% incentive to the person who reported the violation.

Section 10. Monitoring & Implementation. The Office of the Provincial Governor thru the Provincial Government - Environment and Natural Resources Office (PG-ENRO) and Cavite Office of Public Safety (COPS) in coordination with all local government unit (LGU) shall cause the effective implementation of this ordinance. All LGU’s of the Province of Cavite should adopt the Provincial Ordinance.
The Provincial Governor thru PG-ENRO may issue clarificatory or additional implementing rules and regulations for this Ordinance should the need arises.

Section 11. Funding Source. The Provincial Governor shall allocate funds for effective implementation of this ordinance which shall cover all expenses to be incurred in the information dissemination.

Section 12. Separability Clause. If any part of this Ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional.

Section 13. Repealing Clause. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

Section 14. Effectivity. This Ordinance shall take effect after the lapse of (10) days from the date of publication in a newspaper of local circulation or after posting of the same in three (3) conspicuous places.

UNANIMOUSLY APPROVED.

I hereby certify to the correctness of the foregoing resolution duly adopted by the Sangguniang Panlalawigan of Cavite during its 74th Regular Session on 10 April 2012.

JUVANFLN. QUADRA
Acting Board Secretary

CERTIFIED XEROX COPY
Republic of the Philippines
Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Trece Martires City

Page 10: EXCERPTS, 74th Regular Session
April 10, 2012 Res.#125-S-2012

RAMON JOLO B. REVILLA III
Acting Floor Leader

DINO CARLO R. CHUA
Majority Floor Leader

RYAN R. ENRIQUEZ
Board Member, 1st District

EDWIN E. MALVAR
Board Member, 1st District

ROLANDO S. REMULLA
Board Member, 2nd District

LARRY BOY S. NATO
Board Member, 2nd District

RODRIGO P. ARGUELLES, SR.
Board Member, 3rd District

RAUL REX D. MANGUBAT
Board Member, 3rd District

TEOPILIO B. LARA
Board Member, 4th District

MARCOS C. AMUTAN
Board Member, 4th District

ARISTIDES JOSE A. VELAZCO
Board Member, 5th District

HERMGENES C. ARAYATA III
Board Member, 6th District

ALBERT G. AMBAGON, JR.
Board Member, 6th District

VIRGILIO T. AMBION
Board Member, 7th District

IRENE P. BENCITO
Board Member, 7th District

MAURITO C. SISON
CCL President

MELDON G. DE SAGUN
SK Provincial Federation President

ATTESTED:
RECTO M. CANTIMBUHAN
Vice-Governor/Presiding Officer

APPROVED:
JUANITO VICTOR C. REMULLA, JR.
Provincial Governor

Date Signed:
JNC/menchie

CERTIFIED XEROX COPY
MICHLE 0 ALGO
PROVINCIAL BOARD SECRETARY