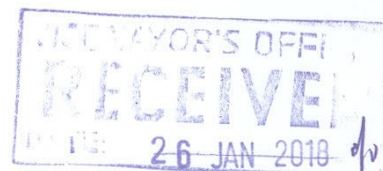


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON JANUARY 25, 2018



PRESENT:

Leo Carmelo L. Locsin, Jr.,  
Vincent L. Rama,  
Mario M. Rodriguez,  
Tomas R. Serafica,  
Benjamin S. Pongos, Jr.,  
Eusebio Gerardo S. Penserga,  
Gregorio G. Yrastorza III,  
Nolito M. Quilang,  
John Eulalio Nepomuceno O. Aparis II,

Vice Mayor & Presiding Officer  
SP Member, Asst. Majority Floor Leader  
SP Member, Presiding Officer "Pro-Tempore"  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member

Lea Doris C. Villar,  
Mariano Y. Corro,

Minority Floor Leader  
SP Member, Asst. Minority Floor Leader  
Ex-Officio SP Member  
Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Rolando M. Villasencio,

SP Member, Majority Floor Leader

PREFATORY STATEMENT

WHEREAS, Section 16 of Article II of the 1987 Philippine Constitution provides that the state shall protect and advance the right of the people to a balance and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Section 3(i) of RA 7160, otherwise known as the Local Government Code of 1991, 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;

WHEREAS, Section 447 (vi) of RA 7160 otherwise known as the Local Government Code of 1991 also empowers the Sanggunian Panlungsod to protect the environment and impose appropriate penalties for acts which are inimical to the environment including such activities which result in pollution, acceleration or eutrophication of rivers and lakes, and/or ecological imbalance, among others;

WHEREAS, plastic bags and Styrofoam are rampantly used as packaging materials and utensils within the City of Ormoc and elsewhere;

WHEREAS, plastic bags and Styrofoam, being non-biodegradable materials, clog the canals, creeks, rivers and other waterways causing harm to all bodies of water in the City of Ormoc and nearby communities;

WHEREAS, study shows that Plastic takes at least five hundred years to decompose, while Styrofoam takes much longer because it is a stronger form of plastic;

WHEREAS, despite serious efforts of the City of Ormoc to segregate compostable, recyclable, and reusable waste materials, plastic and other similar materials, remain in the waste stream and eventually become residuals;

WHEREAS, the City appropriates and expends a considerable amount of its resources for operational and maintenance costs on waste disposal;

WHEREAS, it is the ideal to reduce, if not totally eliminate, the use of plastic film bags and Styrofoam as packaging materials and encourage the utilization of alternative packaging materials such as woven bags (bayong), baskets, cloth bags (katsa), paper bags and other similar materials (e.g banana leaves, taro leaves, etc);

WHEREAS, there is a need to regulate the use of plastic bags or other plastic materials in the sale of goods to prevent serious, adverse and irreversible effects to the City and its environment, particularly its waterways.

FOREGOING PREMISES CONSIDERED, on motion of SP Member Gregorio G. Yrastorza III, Chairman, Committee on Environment & Natural Resources, severally seconded by SP Members Tomas R. Serafica, Benjamin S. Pongos, Jr., Eusebio Gerardo S. Penserga, Nolito M. Quilang, John Eulalio Nepomuceno O. Aparis II, Lea Doris C. Villar and Mariano Y. Corro; be it

RESOLVED, to enact:

**ORDINANCE NO. 059**

**AN ORDINANCE REGULATING THE USE OF PLASTIC BAGS AND OTHER PLASTIC MATERIALS FOR COMMERCIAL PURPOSES FOR TWO (2) DAYS EACH WEEK, PROMOTING THE USE OF ECO BAGS AND OTHER ENVIRONMENT-FRIENDLY PRACTICES AS AN ALTERNATIVE AND PROVIDING PENALTIES THEREFOR.**

Be it ordained by the Sangguniang Panlungsod of Ormoc, Leyte that:

**TITLE I  
GENERAL PROVISIONS**

**SECTION 1. TITLE.** This ordinance shall be known as “Ormoc City Plastic Use Regulation Ordinance of 2017”.

**SECTION 2. SCOPE AND COVERAGE.** This Ordinance shall cover all types of plastics that end up as residual waste. This Ordinance shall cover all persons, whether natural or juridical, who are operating businesses or performing any activity for commercial purposes in the city.

The following are not covered by this Ordinance: (a) Types of plastics that are currently and economically diverted within the city through resource recovery such as re-use and recycling; (b) Plastic products and plastics that form part of a product such as from semiconductor and electronic products except as container or packaging material; and (c) Other types of plastics that form part of the residual waste but are not explicitly prohibited, regulated or otherwise mentioned in this Ordinance.

**SECTION 3. DEFINITION OF TERMS.** For purposes of this Ordinance, the following terms are defined:



- a) **Cloth Bag or Katsa** – refers to a reusable packaging material made of cloth (biodegradable used in the packaging of flour, wheat and other similar good.
- b) **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.
- c) **Dry Goods** – refers to any product that do not require refrigeration freezing to maintain freshness such as textiles and clothing.
- d) **Dry Market** – generally refers to the store of products that do not require refrigeration or freezing to maintain freshness.
- e) **Ecobags or Re-usable Bags or Eco-Friendly Containers** – 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 ecobags 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 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 as "supot" used for "pandesal".
- f) **Generator(s)** – shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
- g) **Packaging Material** – shall refer to any material which may contain but is 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.
- h) **Person(s)** – shall refer to any natural or juridical persons, susceptible of rights and obligations or of being the subject of legal relations.
- i) **Plastic** - 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.
- j) **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.
- k) **Plastic Waste** – refers to any plastic material thrown as waste.
- l) **Primary Packaging Material** – refers to those types of packaging for containing wet produce, snack foods, frozen foods, hardware etc.

- m) **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.
- n) **Residual Wastes** – shall refer to waste materials that are collected, transferred and transported for final disposal as garbage.
- o) **Styrofoam / Styrophor** – refers to a kind of packaging material used as food containers, disposable cups, plates, etc.
- p) **Secondary Packaging Material** – refers to those types of packaging materials for wet goods to provide support to any primary packaging and intended for convenience of the handler as well.
- q) **Wet Goods** – refers to any product that requires refrigeration or freezing to maintain freshness such as fish, meat, poultry products, fruits, vegetables, beverages and cooked foods in carinderias/eateries.
- r) **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, mini marts, restaurants and carinderias/eateries.
- s) **Woven Bags** – [a.k.a. bayong], refers to biodegradable packaging material made of woven pandan, buli leaves, water lily and other similar materials.

## **TITLE II**

### **PROHIBITED AND REGULATED USE OF PLASTICS**

**SECTION 4. PROHIBITED USE OF PLASTIC FOR GOODS AND COMMODITIES.** Listed below are the prohibited use of plastics for two (2) days of each week:

- a) To utilize as packaging material or as container for dry and/or wet goods, except for pre-packaged products as mentioned in Section 5, Paragraph a) of this Ordinance;
- b) To use non-reusable plastic wares for food as containers and packaging material (either as primary or secondary), such as styrofoam for food and drinks including plastic utensils such as spoon, fork and knife for dine-in and especially for take-out customers;
- c) Use of plastic pouch (commonly used for ice making) and drinking straws for beverages such as soft drinks, juices and other cold drinks like "palamig" and "gulaman; and
- d) Use or provision of Styrofoam/styrophor and other similar containers for food, produce and other products.

**SECTION 5. REGULATED USES OF PLASTICS FOR GOODS AND COMMODITIES.** The use of plastics on the following are hereby regulated for two (2) days of each week:

- 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" clean plastic containers; and
- c) 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 6. USE OF ECO BAGS AND OTHER ENVIRONMENT FRIENDLY PRACTICES AS AN ALTERNATIVE.** All sectors are highly encouraged to use eco bags and observe the following environment friendly practices:

- a) Posting of Information and Education Campaign (IEC) materials are encouraged on all commercial establishments such as sari-sari stores, convenient 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 establishment that will require containers and packaging materials for the product they trade;
- b) Proprietors, managers and operation officers of business establishments shall brief or train their respective personnel that will be in the frontline to implement this ordinance;
- c) Business establishments are encouraged to give discounts and freebies to users of ecoBags and other reusable eco-friendly containers; and
- d) Barangay officials shall take the lead in their respective barangays to ensure recovery of recyclable materials that may be used for making ecoBags and other eco-friendly containers.

**TITLE IV**  
**PUBLIC INFORMATION CAMPAIGN AND MONITORING**

**SECTION 7. INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN.** Upon approval of this Ordinance, the Office of the City Mayor shall create for this purpose a Plastic Use Regulation Task Force that shall conduct massive information education and communication campaigns using all possible media such as print, radio, television and internet. The participation of private sectors is indispensable in the achievement of this purpose.

**SECTION 8. MONITORING.** The Office of the City Mayor, including the duly created Task Force, shall monitor the effective implementation of this Ordinance.

The Office of the City Mayor and/or the Task Force conduct of 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, food establishments, market stalls, groceries and supermarkets among others, and the monitoring shall be conducted in coordination with the concerned barangay officials and/or market administrator, as the case may be.

**TITLE V**  
**FINES AND PENALTIES**

**SECTION 9. FINES AND PENALTIES.** Any establishment/individuals who shall violate any of the prohibited acts stated in Section 4 and the regulated uses in Section 5 hereof shall be punished through the imposition of the following penalties:

First Offense - The offender or the responsible officers, in cases of juridical persons, shall be issued the corresponding City Citation Ticket. They may opt to pay an Administrative Fine of One Thousand Pesos (PhP 1,000.00) at the Treasurer's Office of Ormoc City within Three (3) Days from the issuance of the City Citation Ticket, otherwise, an appropriate case for violation of this City Ordinance shall be filed against them in court.

Should the person be found liable for violation of this Ordinance for the first time, the violator shall pay a Fine of not less than Two Thousand Pesos (PhP2,000.00), but not more than Three Thousand Pesos (PhP3,000.00) and/or the Owner or Responsible Officer(s) will render Community Service of not more than Fifteen (15) Days, at the discretion of the judicial court.

Second Offense - The offender or the responsible officers, in cases of juridical persons, shall be issued the corresponding City Citation Ticket. They may opt to pay an Administrative Fine of Two Thousand Pesos (PhP2,000.00) at the Treasurer's Office of Ormoc City within Three (3) Days from the issuance of the City Citation Ticket, otherwise, an appropriate case for violation of this City Ordinance shall be filed against them in court.

Should the person be found liable for violation of this Ordinance for the second time, the violator shall pay a Fine of not less than Three Thousand Pesos (PhP3,000.00), but not more than Four Thousand Pesos (PhP4,000.00) and/or Suspension of the Business Permit for not more than One (1) Month, at the discretion of the judicial court.

Third and Succeeding Offenses - The offender or the responsible officers, in cases of juridical persons, shall be issued the corresponding City Citation Ticket. They may opt to pay an Administrative Fine of Three Thousand Pesos (PhP3,000.00) at the Treasurer's Office of Ormoc City within Three (3) Days from the issuance of the City Citation Ticket, otherwise, an appropriate case for violation of this City Ordinance shall be filed against them in court.

Should the person be found liable for violation of this Ordinance for the third or succeeding time, the violator shall pay a Fine of not less than Four Thousand Pesos (PhP4,000.00), but not more than Five Thousand Pesos (PhP5,000.00) and/or Cancellation of the Business Permit at the discretion of the judicial court.



**TITLE VI  
FINAL PROVISIONS**

**SECTION 10. APPROPRIATION.** For purposes of this Ordinance, there shall be incorporated in the City General Fund Annual Budget sufficient appropriation for the effective enforcement of this Ordinance.

**SECTION 11. SEPARABILITY CLAUSE.** If for any reason, any provision, portion or part of this ordinance is found to be unconstitutional or inconsistent with any law, other provisions or part or parts thereof not so affected shall remain in full force and effect.

**SECTION 12. REPEALING OR AMENDATORY CLAUSE.** All ordinances, rules and regulations or part or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended and or modified accordingly.

**SECTION 13. EFFECTIVITY.** This Ordinance shall take effect fifteen (15) days from the date of publication in a newspaper of local circulation and after posting of the same in conspicuous places in the City of Ormoc as required under the Local Government Code.

**SECTION 14. MORATORIUM.** All business establishments and/or individuals are hereby given three (3) months moratorium to comply with this ordinance from the date of its effectivity.

**SECTION 15. IMPLEMENTING RULES AND REGULATIONS (IRR).**

- a) After the moratorium period, this Ordinance shall be implemented once a week on the first six months, and twice a week thereafter.
- b) Within thirty [30] days from the approval of this Ordinance, the necessary Implementing Rules and Regulations (IRR) shall be issued by the Office of the Mayor for the proper and effective implementation of this Ordinance.
- c) The Implementing Rules and Regulations (IRR) shall be published in a newspaper of local circulation and posted in conspicuous places in the City of Ormoc.

ENACTED, January 25, 2018.

RESOLVED, FURTHER, to furnish copies of this Ordinance once each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the City Director, Ormoc City Police Office; the Public Market Office; the ENRD Office; the City Prosecutor's Office; the Public Attorney's Office; the Municipal Trial Court in Cities; the Ormoc Chamber of Commerce; the Rotary Club of Ormoc Bay; OIC-City Director, DILG; and other offices concerned;

CARRIED UNANIMOUSLY.

Ord. No. 059


I HEREBY CERTIFY to the correctness of the above ordinance.

  
MARIA ANTONIETA G. CO HAT  
(OTC – SP Secretary)  
Supervising Administrative Officer

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
Vice Mayor & Presiding Officer

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor  
29 JAN 2018  
(Date)