

REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON JANUARY 12, 2021

PRESENT:

Peter M. Rodriguez,	(Temporary Presiding Officer), SP Member
Benjamin S. Pongos, Jr.,	SP Member, Majority Floor Leader
Roiland H. Villasencio,	SP Member
Tomas R. Serafica,	SP Member
Nolito M. Quilang,	SP Member
Eusebio Gerardo S. Penserga,	SP Member, Asst. Majority Floor Leader
Jasper M. Lucero,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Joan Marbie C. Simbajon,	Ex-Officio SP Member, Chapter President, Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr. (Acting City Mayor)  
City Vice Mayor & Presiding Officer

**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 Sangguniang 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, Section 2 of Republic Act 9003, otherwise known as the Ecological Solid Waste Management Act, states that it is the policy of the state to adopt a systematic, comprehensive and ecological solid waste management system which shall set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures;

WHEREAS, the indiscriminate dumping of plastic bags and packaging materials into the environment is exacerbating flooding, deteriorating water quality, shallowing of rivers, and as such constitutes a serious threat to public health and the integrity of the environment and the lives of marine creatures;

WHEREAS, a 2019 study of the Global Alliance for Incinerator Alternatives (GAIA) revealed that in the Philippines:



Ord. No. 051, S. 2021

1. "The average Filipino uses 591 pieces of sachets, 174 shopping bags, and 163 plastic labo bags, yearly.
2. Every day, almost 57 million shopping bags are used throughout the Philippines, or roughly 20.6 billion pieces a year.
3. Plastic labo bag use throughout the Philippines is at 45.2 million pieces per day, or 16.5 billion pieces a year.

WHEREAS, prohibiting the sale and use of single-use plastics will greatly contribute to a reduction in the volume of solid wastes generated by local communities and which end up in canals, waterways, rivers, streams, and eventually, in the oceans, with approximately 8 million tons of plastics released to the ocean each year;

WHEREAS, City Ordinance No. 36, otherwise known as "The Ormoc City Ecological Solid Waste Management Ordinance of 2017", pursuant to RA 9003, banned the use of non-environmentally acceptable packaging in Ormoc City;

WHEREAS, the City Government of Ormoc also conducted a Waste Analysis and Characterization Study last 2019 indicating that 29% of the total waste generated by the latter are residual items composed mostly of single-use plastic packaging;

WHEREAS, City Ordinance No. 59, otherwise known as Ormoc City Plastic Use Regulation Ordinance of 2017, was enacted to ease into the phase out of single-use plastics;

WHEREAS, this August Body deems it proper to fully implement the complete ban on single-use plastics, consistent with the policies declared herein;

WHEREFORE, on motion of SP Member Lalaine A. Marcos, chairman of the SP Committee on Environment and Natural Resources, severally seconded by Tomas R. Serafica, Jasper M. Lucero, Eusebio Gerardo S. Penserga, Gregorio G. Yrastorza, III, Joan Marbie C. Simbajon, Vincent L. Rama, Roiland H. Villasencio, Peter M. Rodriguez and Esteban V. Laurente, be it:

RESOLVED, to enact:

**ORDINANCE NO. 051  
(Series of 2021)**

**AN ORDINANCE REGULATING THE SALE AND USE OF SINGLE-USE PLASTIC PRODUCTS, AS DEFINED HEREIN, AS RECEPTACLES/PACKAGING, PRESCRIBING PENALTIES AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES, REPEALING FOR ITS PURPOSE ORDINANCE NO. 59, OTHERWISE KNOWN AS THE "ORMOC CITY PLASTIC USE REGULATION ORDINANCE OF 2017"**

BE IT ORDAINED by the 15th Sangguniang Panlungsod in its session duly assembled, that:

**SECTION 1. SHORT TITLE.** This Ordinance shall be known as the Ormoc City Single-Use Plastic Products Regulation Ordinance of 2021.

**SECTION 2. DECLARATION OF POLICY.** It is the policy of the City of Ormoc to gradually phase out and eliminate the use of non-environmentally acceptable products and packaging within the jurisdiction of Ormoc City.

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



- a. **Plastics** – shall refer to single use plastics, as defined in Section 3 (b), polystyrene products, sando bags, and such other plastics products that may be declared by the National Solid Waste Management Commission pursuant to Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act;
- b. **Single-use plastic**—refers to disposable plastics products which are commonly used for packaging and include items intended to be used only once before they are thrown away or recycled, including, but not limited to:
  - i. Plastic cups (lower than 0.2 mm in thickness);
  - ii. Plastic drinking straws;
  - iii. Plastic coffee stirrers;
  - iv. Plastic utensils, cutleries;
  - v. Plastic labo and thin-filmed sando bags (lower than 15 microns)
- c. **Oxo-biodegradable plastic**—a type of plastic in which the timescale for complete biodegradation at any time or place in the open environment is much shorter than for “conventional plastics”
- d. **Polystyrene** - a versatile plastic used to make a wide variety of consumer products. As a hard, solid plastic, it is often used in products that require clarity, such as food packaging and laboratory ware, common brand name, Styrofoam.
- e. **Sando bags** – also plastic bags, pouch, plastic shopping bags and plastic firm bags which are 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.
- f. **Wet goods** - any product that requires refrigeration or freezing to maintain freshness such as fish, meat, poultry products, and cooked foods in eateries;
- g. **Environmentally acceptable** shall refer to the quality of being re-usable, biodegradable or compostable, recyclable and not toxic or hazardous to the environment;
- h. **Sale**- shall mean sale for use and distribution within Ormoc City.

**SECTION 4. PROHIBITION OF SINGLE-USE PLASTIC AND POLYSTYRENE PRODUCTS.** The sale, and use, of single-use plastic products and of polystyrene products as receptacles/package shall be prohibited. Food establishments, retail stores, markets, supermarkets and groceries shall not use plastics for packaging goods/food, and instead should offer reusable containers to its patrons or encourage consumers to carry bags for the purpose. **Provided**, that for large/bulk purchases, reusable bags may be used at the cost of the consumer. **Provided further**, that oxo-biodegradable roll bags, although discouraged, can be used for wet goods at the cost of the consumer and salt, sugar, mung beans, and similar items, can be re-packed in food grade containers.

**SECTION 5. SACHET USE PHASE OUT.** Use of sachets, where manufacturers have options on refills, is discouraged. Reuse and refill systems for product distribution is hereby encouraged.





**SECTION 6. COMPLIANCE MONITORING.** The Environment and Natural Resources Office (ENRO) and the Business Permits and Licensing Office (BPLO) of the City of Ormoc, with the cooperation of the Department of Trade and Industry (DTI) satellite office, shall conduct regular inspection and monitoring of business enterprises and facilities of manufacturers and dealers, identified through implementing rules and regulations to be users, consumers, distributors of packaging/receptacle products, to ensure that they are compliant with the provisions of this Ordinance. Compliance or non-compliance of subject establishments shall be flagged with the BPLO, which compliance/non-compliance may have bearing in the renewal/effectivity of their respective business permits. Deputized enforcers under City Ordinance No. 36 or the Ormoc City Ecological Solid Waste Management Ordinance of 2017 shall also implement applicable provisions of this Ordinance, provided that they shall receive orientation thereon.

**SECTION 7. PENALTIES.** The penalty of one to two months imprisonment and/or a fine of Three Thousand Pesos (Php3,000.00) to Five Thousand Pesos (Php5,000.00), at the discretion of the court, shall be imposed for violations of Section 4 of this Ordinance and for violations of orders issued pursuant to section 10 of this ordinance. Any person referred to under section 4 and section 10 cited for violation of this Ordinance who does not wish to contest the apprehension may opt to pay an administrative fine of Three Thousand Pesos (Php3,000.00), in lieu of the institution of criminal charges. *Provided,* that violators who opt to pay the administrative fine shall directly pay to the Office of the City Treasurer by presenting the citation ticket issued by the PNP or deputized SWM enforcers, within three (3) days from the date of apprehension. After the lapse of three (3) days from the date of apprehension without payment of the administrative fine to the Office of the City Treasurer, a case shall be filed against the violator in court.

Business operators whose establishments are found in violation of this Ordinance shall be fined for every act of violation and shall be ground for revocation of permits issued for its continued operation.

If the violation of this Ordinance is committed by any partnership, corporation or association, the president and the directors or managers thereof shall be deemed to be principals in the offense if they have consented to or knowingly tolerated its commission.

Fines paid for violations of this Ordinance shall accrue to a special account to be established for purposes of environmental rehabilitation and for the implementation of this Ordinance, to be administered by the ENRO, and shall be appropriated only for said purpose.

**SECTION 8. MORATORIUM.** There shall be no imposition of the penalties herein provided for the first six (6) months from the effectivity of this Ordinance, notwithstanding Section 10 hereof. *Provided,* that regulators shall continue to monitor compliance hereto and issue warnings for violations of this Ordinance within the period of the moratorium.

**Section 9. Appropriation.** The funds required for the implementation of this Ordinance shall be taken from the current year's appropriation of the ENRO, and every year thereafter, and from the fund to be established under this Ordinance, for purposes stated therein.

**SECTION 10. IMPLEMENTING RULES AND REGULATIONS (IRR).** The City Mayor, with the recommendation from the City Environment and Natural Resources Office, shall issue implementing rules and regulations to implement this Ordinance within 60 days from effectivity hereof.



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

**SECTION 12. REPEALING CLAUSE.** Ordinance 059, otherwise known as 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, is hereby repealed. Any ordinance, rules and regulations, resolutions or part thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.

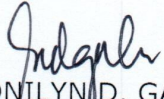
**SECTION 13. EFFECTIVITY.** This Ordinance shall take effect immediately following compliance with the posting and publication requirements of the Local Government Code of 1991.

ENACTED, January 12, 2021.


RESOLVED, FURTHER, to furnish copies of this Ordinance each to the City Mayor Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine Mejia-Romero; the City Treasurer's Office, the City Engineering Office; the Land Transportation Office; the City Director, Ormoc City Police Office; the Head, Ormoc City Traffic Enforcement and Management Office; the City Prosecutor's Office; the Municipal Trial Court in Cities; Liga ng mga Barangay; ENRO; the City Local Government Operations Officer-DILG; and other offices concerned, all in Ormoc City.

CARRIED UNANIMOUSLY.

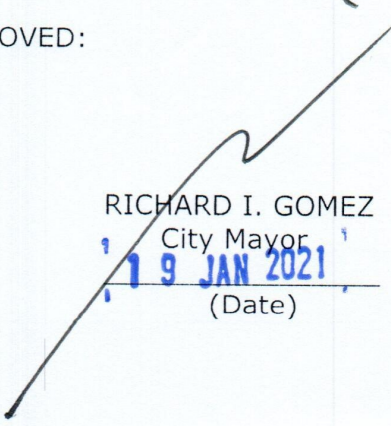
I HEREBY CERTIFY to the correctness of the above ordinance.

  
NONILYN D. GALANO  
OIC-SP Secretary  
Supervising Administrative Officer  
(Board Secretary IV)

ATTESTED:

  
PETER M. RODRIGUEZ  
Temporary Presiding Officer

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor  
19 JAN 2021  
(Date)