



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD NG MARIKINA

6TH CITY COUNCIL

PRESENT:

Hon. JOSE FABIAN I. CADIZ, M.D. City Vice-Mayor

1ST DISTRICT

Hon. RONNIE S. ACUÑA	City Councilor
Hon. FRANKIE C. AYUSON	City Councilor
Hon. JOSEPH B. BANZON	City Councilor
Hon. CARISSA F. CARLOS	City Councilor
Hon. MARIO M. DE LEON	City Councilor
Hon. ELMER B. NEPOMUCENO	City Councilor
Hon. EVA AGUIRRE-PAZ	City Councilor

2ND DISTRICT

Hon. ARIEL V. CUARESMA	City Councilor
Hon. ANNA B. DAYAO	City Councilor
Hon. MARK ALBERT J. DEL ROSARIO	City Councilor
Hon. XY-ZA R. DIAZEN	City Councilor
Hon. ERNESTO M. FLORES	City Councilor
Hon. SUSANA P. MAGTUBO	City Councilor
Hon. ROMMEL F. ORTIZ	City Councilor
Hon. WILFRED S. REYES	City Councilor

SECTORAL REPRESENTATIVES

Hon. DOMINGO N. DELA PAZ	Liga ng mga Barangay President
Hon. PAUL DANIEL P. BELMONTE	SK Federation President

ON OFFICIAL BUSINESS:

Hon. SERAFIN Y. BERNARDINO City Councilor

ORDINANCE NO. 18
Series of 2012

**ORDINANCE REGULATING THE USE OF PLASTIC PACKAGING / BAGS ON WET
GOODS AND BANNING THE USE OF PLASTIC PACKAGING ON DRY GOODS**

Introduced by: Councilor RONNIE S. ACUÑA
Councilor ELMER B. NEPOMUCENO
Councilor CARISSA CARLOS
Councilor WILFRED REYES
Councilor EVA A. PAZ
Councilor PAUL DANIEL BELMONTE

WHEREAS, RA 9003 otherwise known as the Ecological Solid Waste Management Act of 2000 strictly prohibits the manufacture or use of non-environmentally acceptable materials and requires biodegradable and environment-friendly materials for packaging as part of the solid waste management program;

WHEREAS, Section 3 (1) of RA 7160 provides that Local Government Units (LGU) shall share with the National Government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction;

WHEREAS, Section 14 of RA 9279 otherwise known as the Climate Change Acts states that the LGU shall be the frontline agencies in the formulation, planning and implementation of climate change action plans in their respective areas;

WHEREAS, Section 447, VI of RA 7160 empowers the Sanggunian Panlungsod to protect the environment and impose appropriate penalties for acts which endanger the environment and result in pollution, acceleration or eutrophication of rivers and lakes or ecological imbalance;

WHEREAS, the Marikina City generates around 50 tons of plastic wastes each day in which only 20.6% gets to be recovered or recycled leaving around 40 tons in the waste stream;

WHEREAS, the practice of indiscriminate use of plastic bags in the public market alone has reached an alarming rate as evidenced by a local survey done early this year which shows that the average number of plastic bags being consumed is estimated at 225 pieces per stall per day;

WHEREAS, even dry goods which do not necessarily require the use of plastic bags as its primary packing are being carried out from the store using sando bags;

WHEREAS, among the solid wastes that are clogging our drainages, creeks and other waterways, plastics are in predominant quantity;

WHEREAS, it is high time for the government to act and for the people to take an active part in climate change mitigation and adaptation, where management of solid wastes present a lot of doable option;

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED BY THE SANGGUNIAN PANLUNGSOD OF MARIKINA, IN SESSION DULY ASSEMBLED, THAT:

SECTION 1. The City Government of Marikina hereby regulates the use of plastic packaging / bags on wet goods and bans the use of plastic packaging / bags on dry goods.

SECTION 2. DEFINITION OF TERMS. For the purpose of this Ordinance, the following terms shall mean and be defined as follows:

1. DRY GOODS – are dry products such as textiles, ready-to-wear clothing and sundries. This also refer to any products that do not require refrigeration or freezing to maintain.
2. CONSUMER GOODS – any tangible commodity purchased to satisfy the needs of a consumer. It may be durable or non-durable.
3. PLASTIC BAG / PACKAGING - also called “sando” bag, pouch, plastic shopping bag and plastic film bag. It is a type of flexible material made of thin plastic film, used for packaging or to carry out merchandise. It is also a thin-gauge plastic medium used for packaging, wrapping and transporting goods.



4. STYROFOAM – is an object made out of light-weight material called polysterene. It has very good insulation properties and is used as packaging material, food container among others
5. WET GOODS – any product that is liquid in form, moist or covered with liquid such as fish, meat beverages, cooked or processed foods, etc.
6. PRIMARY PACKAGING MATERIAL –refers to the first layer packaging for wet goods.
7. SECONDARY PACKAGING MATERIAL – refers to those type of packaging materials used to provide convenience in handling / carrying goods with primary packaging.
8. REUSABLE BAG – a shopping bag designed and manufactured so that it can be used again and again.
9. BUSINESS ESTABLISHMENT – any establishment that sell goods to the public.
10. FASTFOOD STORES – stores or restaurants that serve food from a limited menu. Fast food stores are usually part of a chain or franchise operations.
11. GROCERIES – merchandise sold by a grocer.
12. BIODEGRADABLE OR ENVIRONMENT-FRIENDLY PACKAGING – refers to packaging made of papers, cartons, boxes or other biodegradable materials which poses no harm to the environment.
13. PLASTIC – refers to biodegradable and non-biodegradable plastic.
14. TEMPORARY CLOSURE – refers to the temporary closure, if the offender was found to have violated this Ordinance for First Offense and Second Offense. Lifting of the temporary closure shall only be executed upon compliance with this Ordinance
15. PERMANENT CLOSURE – refers to the total closure of the establishment, if offender was found to have violated this Ordinance for First Offense, Second Offense and Third Offense. Permanent Closure shall include the cancellation of the business license and permit to operate of the establishment.

SECTION 3. PROHIBITION ON THE USE OF PLASTIC BAGS IN DRY GOODS. No business establishment shall use plastic bags as packaging material for dry goods and as secondary packaging on wet goods.

SECTION 4. PROHIBITION ON THE USE OF STYROFOAM.

4.1 No supplier, retailer, fast food, restaurant and any other business establishment shall use Styrofoam packaging and other similar materials a container for their food and other products.

4.2 The use of disposable utensils made of Styrofoam like plates, cups, and containers for commercial and personal purposes within the city is prohibited.

SECTION 5. REGULATING THE USE OF PLASTIC BAGS AND PACKAGING ON WET GOODS.

5.1 Business establishments selling wet goods may be allowed to use plastic as primary packaging material. However, the provision of secondary packaging shall be optional to encourage the customers to bring “bayong” or other reusable bags or containers.

- 5.1.1. fresh meat items shall belong to this category
- 5.1.2. cooked food
- 5.1.3. fresh fish
- 5.1.4. fresh shellfish
- 5.1.5. fresh gulaman, sago, galapong, tokwa, tahure, tausi

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- 5.1.6 goods in liquid form except beverages
- 5.1.7 salt, sugar, flour
- 5.1.8 rice, grains and feed

5.2 Food items which are not dripping wet, the use of paper packaging “supot” made from old newspaper or telephone directory shall be used.

The following food items shall belong to this category:

- 5.2.1 dried and processed meat
- 5.2.2 fruits and vegetables
- 5.2.3 eggs
- 5.2.4 groceries

SECTION 6. GRADUAL PHASE-OUT ON THE USE OF PLASTIC BAGS AND ITEMS MADE OF STYROFOAM. No business establishment shall offer or sell plastic bags and items made of Styrofoam from the time this Ordinance shall be approved but penalties as provided hereunder shall apply six (6) months after the approval of this Ordinance.

SECTION 7. PROHIBITED ACTS. Business Establishments and / or individuals are prohibited from:

- a. Selling and providing plastic bags to customers as secondary packaging materials on wet goods;
- b. Selling and providing plastic bags to customers as packaging material on dry goods;
- c. Selling and providing Styrofoam as containers; and
- d. Placing dry good products in any plastic packaging even when such plastic packaging is brought by the customer
- e. Repacking of goods such as, but not limited to, cooking oil, sugar and salt using plastics as packaging.
- f. Selling of plastics on a “per piece” basis.
- g. The use of plastic and disposable plastic cups as container for food, beverages and other products.

SECTION 8. EXEMPTION. Business establishments may be exempted from complying with this ordinance when:

- 1. Upon recommendation of the City Environment and Management Office that biodegradable or environment friendly packaging alternatives do not exist and/or that imposing the requirements of this Ordinance would cause undue hardship on them and;
- 2. In a situation deemed by the City Government to be in emergency for the immediate preservation of the public peace, health or safety and similar situations.

SECTION 9. PROCEDURE.

- 1. Submit letter of intent to be exempted addressed to the City Council of Marikina which shall be referred to the Committee on Environment.
- 2. A copy of the application will be sent to CEMO and an inspection of the applicant entity’s place of business will be conducted within 30 days from the receipt.
- 3. The CEMO shall submit to the City Council through the Committee on Environment its recommendation within 15 days from the date of its last inspection.



SECTION 10. EDUCATION, MONITORING AND ENFORCEMENT.

1. The City Environment and Management Office (CEMO) in coordination with the Public Information Office and in collaboration with the Barangay and other private sectors shall conduct a massive public awareness campaign to inform, instruct and communicate with the people and all stakeholders on matters relative to the effective implementation of this Ordinance.
2. The City Market Office and CEMO shall designate personnel from its office who shall be called as Environmental Enforcers and are primarily tasked to implement the provisions of this Ordinance. Additional contractual/casual personnel may be assigned for this purpose.
3. Environmental Enforcers who hesitate to take necessary steps for the implementation of this Ordinance may be subjected to the penalties and the sanction provided by this ordinance.
4. Only Environmental Enforcers who had undergone paralegal seminar, orientation and passed the qualifications requirements conducted by the CEMO shall be qualified to monitor, enforce and regulate the prohibitions under this Ordinance.

SECTION 11. PENALTIES

A. FOR ESTABLISHMENTS

First Offense:	1,000.00
Second Offense:	3,000 and Temporary Closure until full compliance
Third Offense:	5,000.00 Permanent Closure

B. FOR INDIVIDUALS


A penalty of five hundred pesos (P500.00) shall be imposed to the individual/consumer or in case the violator fails to pay the penalty, he or she shall render an eight (8) hour community service or blood donation (minimum of 200cc).

SECTION 12. The City Environment and Management Office (CEMO) shall have the power to inspect and monitor if the conditions of the exemptions are complied with.

SECTION 13. This Ordinance shall be published in a newspaper of city-wide publication and shall be given as much as wide information and campaign for public knowledge.

SECTION 14. Copies of this Ordinance shall be furnished to the Municipalities of Rodriguez (Montalban), San Mateo, Cainta, the Department of Environment & Natural Resources, the Department of Trade & Industry, and other concerned national government agencies, for their information.


SECTION 15. REPEALING CLAUSE – all ordinances rules and regulations or parts thereof, in conflict with or inconsistent with any of the provision of this code are hereby repealed or modified accordingly.



SECTION 16. The CEMO is hereby tasked to formulate and prepare the necessary Implementing Rules and Regulations covering this Ordinance within thirty (30) days from the date of its passage.


APPROVED by the SANGGUNIANG PANLUNGSOD OF MARIKINA this 21st day of March 2012.

I hereby certify to the passage of the foregoing ORDINANCE which was duly approved by the SANGGUNIANG PANLUNGSOD of MARIKINA during its 12th Regular Session held on March 21, 2012.


NORALYN R. TINGCUNGO
Acting Secretary to the Sanggunian

ATTESTED:


RONNIE A. ACUÑA
City Councilor


ARIEL V. CUARESMA
City Councilor


FRANKIE C. AYUSON
City Councilor

ANNA B. DAYAO
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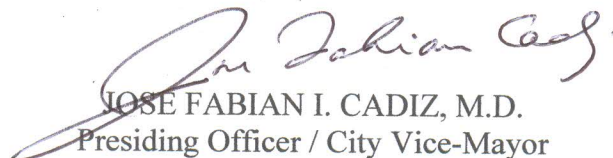


WILFRED S. REYES
City Councilor

DOMINGO N. DELA PAZ
Liga ng mga Barangay President



PAUL DANIEL P. BELMONTE
SK Federation President



JOSE FABIAN I. CADIZ, M.D.
Presiding Officer / City Vice-Mayor

APPROVED on 02 MAY 2012



DEL R. DE GUZMAN
City Mayor