



Republic of the Philippines
 Province of Aklan
MUNICIPALITY OF MALAY
Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 33RD REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON OCTOBER 2, 2012.

Present:

- SB Member Esel L. Flores, Presiding Officer Pro-Tempore
- SB Member Wilbec M. Gelito
- SB Member Jonathan C. Cabrera
- SB Member Rowen T. Aguirre
- SB Member Jupiter Aelred G. Gallenero
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsugiron
- SB Member Paterno S. Sacapaño, Jr.
- SB Member Ric P. Calvario, Liga President

Absent:

- Hon. Ceciron S. Cawaling, Municipal Vice Mayor (On Leave)
- SB Member Cristina R. Daguno, SK Federation President (Excused)

X

X

X

MUNICIPAL ORDINANCE NO. 320
 Series of 2012

AN ORDINANCE PROHIBITING THE USE OF PLASTIC BAGS ON DRY GOODS, REGULATING ITS UTILIZATION ON WET GOODS AND PROHIBITING THE USE OF STYROFOAM/STYROPHOR IN THE MUNICIPALITY OF MALAY AND PRESCRIBING THE PENALTIES THEREOF.

**(SPONSORED BY: HON. WILBEC M. GELITO,
 HON. ROWEN T. AGUIRRE & HON. PAGSUGIRON)**

WHEREAS, Article II, Section 16 of the 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 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 also empowers the Sangguniang Bayan, *"to protect the environment and impose appropriate penalties for acts that endanger the environment including such activities which result in pollution, acceleration of eutrophication in rivers and lakes, or ecological imbalance."*

WHEREAS, plastic bags are rampantly used as packaging materials in the Municipality of Malay and elsewhere;

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

WHEREAS, the Municipality of Malay, in its desire to reduce if not totally eliminate the use of plastic film bags as packaging materials, encourages the utilization of alternative packaging materials such as woven bags (bayong), cloth bags (katsa), paper bags and other similar materials (e.g., banana leaves, taro leaves) and at the same time enjoying the promotion of the "BRING YOUR OWN BAG PROGRAM (BYOG)";

WHEREAS, there is now a need to regulate the use of plastic bags to prevent potential serious ecological imbalance particularly in the Island of Boracay and the Municipality's canals, creeks, rivers, lakes and other waterways;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Bayan of Malay in session duly assembled that:

SECTION 1. **TITLE**. This Ordinance shall be known as "An Ordinance Prohibiting the Use of Plastic Bags on Dry Goods, Regulating its Utilization on Wet Goods and Prohibiting the Use of Styrofoam/Styrophor in the Municipality of Malay and Prescribing Penalties Thereof".

SECTION 2. **DEFINITION OF TERMS**. For the purpose of this Ordinance, the following terms are defined as follows:

- a) **CLOTH BAG (KATSA)** - refers to a reusable packaging material made of cloth (biodegradable) used in the packaging of flour, wheat and other similar goods.
- b) **DRY GOODS** - refers to any product that does not require refrigeration or freezing to maintain freshness such as textiles and clothing.
- c) **DRY MARKET** - generally refers to the store of products that do not require refrigeration or freezing to maintain freshness.
- d) **PLASTIC BAGS** - also known as sando bags, pouch, plastic shopping bags and plastic film 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 shall also refer to thin-gauge packaging medium that is used as bags or wraps.

- e) **STYROFOAM/STYROPHOR** - refers to a kind of packaging material used as food containers, disposable cups, plates and other similar packaging materials.
- f) **PLASTIC WASTE** - refers to any plastic packaging material thrown as waste.
- g) **PRIMARY PACKAGING MATERIALS** - refers to those types of packaging for containing wet produce, snack foods, frozen foods, hardware.
- h) **SECONDARY PACKAGING MATERIALS** - 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.
- i) **WET FOODS** - 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.
- j) **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.

k) **WOVEN BAGS** - (Bayong) - refers to biodegradable packaging material made of wooden pandan, buli leaves, water lily and other similar materials.

SECTION 3. **PROHIBITION IN THE USE OF PLASTIC BAGS ON DRY GOODS.** No business establishment shall utilize plastic bags as packaging materials on dry goods.

SECTION 4. **REGULATING THE USE OF PLASTIC BAGS ON WET GOODS.** No business establishment dealing with wet goods shall use plastic bags as secondary packaging material.

SECTION 5. **PROHIBITION ON THE USE OF STYROFOAM/STYROPHOR.** No business establishment shall use Styrofoam/Styrophor and other similar materials as containers for food, produce and other products.

SECTION 6. **PROHIBITION ON THE SELLING OF PLASTIC BAGS.** No business establishment shall offer or sell plastic bags to be used as secondary packaging material or as primary packaging material on dry goods.

SECTION 7. **PLASTIC WASTES COLLECTION.** Discarded plastic bags or other similar plastic waste materials must be cleaned and dried first prior to proper disposal and collection.

SECTION 8. **ORDINANCE MONITORING.** The Municipal Environmental Management Services (EMS) shall monitor the effective implementation of this Ordinance. The MSWU shall prepare a quarterly report on the progress of the implementation of this Ordinance.

SECTION 9. **INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN.** Upon approval of this Ordinance, the LGU shall conduct massive information, education and communication campaigns using quad media (print, radio, television and internet) and shall also include the promotion of alternative biodegradable packaging materials.

SECTION 10. **IMPLEMENTING RULES AND REGULATIONS (IRR).** Within thirty (30) days from the approval of this Ordinance, the necessary rules and regulations shall be issued by the Municipal Mayor for the proper and effective implementation of this Ordinance.

SECTION 11. **MORATORIUM.** All business establishments and/or individuals are hereby given Six (6) months moratorium to comply with this ordinance from the date of its passage.

SECTION 12. **CONDUCT OF STUDY.** Before the implementation of this Ordinance, the Environmental Management Services (EMS) is mandated to conduct a study on the feasibility of providing alternative receptacles for the disposition and marketing of products so as not to affect the flow of trade and commerce in the Municipality.

SECTION 13. **LIVELIHOOD PROJECTS.** The Environmental Management Services (EMS) is hereby mandated to provide a program wherein livelihood projects shall be implemented for the manufacture and distribution of eco-friendly receptacles made from environment-friendly materials in replacement of plastic containers and bags. This livelihood projects must be coordinated with the appropriate municipal agency to help the residents of Malay earn additional income.

SECTION 14. **IMPLEMENTATION.** This Ordinance shall be implemented after six (6) months from the date of approval and its publication in a newspaper of general circulation.

SECTION 15. **PROHIBITED ACTS.** Business establishments and/or individuals are prohibited from:

- a) Selling and providing plastic bags to consumers as secondary packaging material on wet goods.
- b) Selling and providing plastic bags to consumers as primary packaging material on dry goods.
- c) Selling and providing Styrofoam/styrophor as containers.

SECTION 16. **PENALTIES.** Any business establishment who shall violate any of the prohibited acts stated above shall be punished through the imposition of the following penalties:

- FIRST OFFENSE** - Php1,000.00 fine
- SECOND OFFENSE** - Php1,500.00 fine
- THIRD OFFENSE** - Php2,500.00 fine and/or imprisonment of not less than one (1) month nor more than six (6) months or both, at the discretion of the Court. In the case of business establishments, cancellation of permit to operate for a period of one (1) year.

SECTION 17. **SEPARABILITY CLAUSE.** If any part of this Ordinance shall be declared judicially as unconstitutional or unlawful, such declaration shall not affect the other parts or sections thereof that are not declared unlawful or unconstitutional.

SECTION 18. **REPEALING CLAUSE.** All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

SECTION 19. **EFFECTIVITY.** This ordinance shall take effect upon its approval and proper publication.

ENACTED. APRIL 24, 2012.

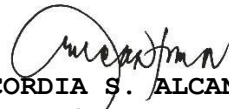
APPROVED. OCTOBER 2, 2012.

APPROVED. SP RESOLUTION NO. 2012-317, dtd. 11-21-12

X X X

I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

ATTESTED:


CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan


ESEL L. FLORES
SB Member
Presiding Officer Pro-Tempore

APPROVED:

JOHN P. YAP
Municipal Mayor