



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-078

12th Regular Session

ORDINANCE NO. SP- 2868, S-2019

AN ORDINANCE FURTHER AMENDING ORDINANCE NO. SP-2140, S-2012, AS AMENDED BY ORDINANCE NO. SP-2350, S-2014 BY PROVIDING THE MECHANISM FOR THE UTILIZATION OF THE GREEN FUND FROM THE PLASTIC RECOVERY SYSTEM FEE AND IMPOSING A TOTAL BAN ON THE DISTRIBUTION OF PLASTIC BAGS FROM THE EFFECTIVITY OF THE ORDINANCE AND BROWN BAGS TWO (2) YEARS THEREAFTER.

*Introduced by Councilor DOROTHY A. DELARMENTE, M.D.
Co-Introduced by Councilors Franz S. Pumaren, Eric Z. Medina, Lena Marie P. Juico, Hero M. Bautista, Eden Delilah "Candy" A. Medina, Diorella Maria G. Sotto-Antonio, Matias John T. Defensor, Tany Joe "TJ" L. Calalay, Imee A. Rillo, Bernard R. Herrera, Ram V. Medalla, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Ramon P. Medalla, Mikey F. Belmonte, Estrella C. Valmocina, Kate Galang-Coseteng, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Donato "Donny" C. Matias and Freddy S. Roxas.*

WHEREAS, Ordinance No. SP-2140, S-2012 or the "Plastic Bag Reduction Ordinance" was passed by the City Council for the regulation of plastic bags and the establishment of an environmental fee, earmarked as "green fund", for its use and providing for the mechanism for its recovery and recycling;

WHEREAS, the said Ordinance requires all stores as defined in its section to charge and collect a fixed amount of two (2) pesos per plastic bag regardless of size;

g

✓

g

g

WHEREAS, the said Ordinance states that the green fund shall be maintained by the stores to fund other initiatives that would benefit the environment;

WHEREAS, the same Ordinance was amended and incorporated in Ordinance No. SP-2350, S-2014 or the QC Environment Code;

WHEREAS, the Quezon City Environment Code Implementing Rules and Regulations (IRR) was signed requiring all shopping malls, supermarkets, department stores, grocery stores, fast food chains, drug stores and pharmacies to charge and collect a fixed amount of two (2) pesos per plastic bag regardless of its size;

WHEREAS, the Plastic Recovery System Fee shall be earmarked as "green fund" and shall be maintained by the stores to fund other initiatives that would benefit the environment and which shall be implemented only within the jurisdiction of Quezon City;

WHEREAS, the City Government through the Environmental Protection and Waste Management Department received Audit Observation Memorandum (AOM) No. 2019-029 (12-18) from the Commission on Audit stating that the "Green Fund" is a public fund subject to COA's audit jurisdiction as it was acquired through the police power of the city government;

WHEREAS, majority of the consumers continue to use and purchase plastic bags despite the imposition of a Plastic Bag Recovery System Fee;

WHEREAS, the global community demand stricter regulation on plastic wastes as it contributes to the plastic pollution which ends up in Oceans, Seas, Rivers and other Bodies of Water to the detriment of marine biodiversity and ecosystems;

WHEREAS, during the public hearing, Quezon City stakeholders, including relevant retailers have expressed their preference to ban the distribution of plastic bags throughout the City.

9

16

18

17

19

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN
REGULAR SESSION ASSEMBLED:

SECTION 1. COVERAGE

a) All business establishments using plastic and paper bags in their business transactions should display conspicuously in their stores, especially in the transaction counter, the environment friendly notice – SAVE THE ENVIRONMENT, BRING YOUR OWN REUSABLE BAGS.

b) All Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains, Food Stalls, Restaurants, Drug Stores, Pharmacies, Wet and Dry Markets and all other retailers shall provide the following reusable bags as carryout bags to be made available for purchase by the consumer. It will be made available in the respective checkout counters of the stores, purposely for multiple reuse. Appropriate sizes and design may be provided for the purpose:

1. Reusable Shopping Bag – Reusable bag to be used for shopping and buying groceries. Applicable for shopping malls, department stores, supermarkets and grocery stores.

2. Take-out Bag – Reusable bag to be used for carrying food and drinks for two or more persons, applicable for fast food chains and restaurants.

3. Agora Bag – Reusable bag to be used in carrying goods from wet and dry markets such as meat, fish, vegetables, fruits and other goods. The market management may assign an area within the market where this bag can be purchased.

4. Medicine Bag – Reusable bag or medicine kit appropriate to carry small quantity of medicines such as tablets and capsules, bottled syrups/ suspensions and the like applicable for drugstores and pharmacies.

9

6

9

✓

△

SECTION 2. EXCEPTION

Plastic bags with no handles, holes or strings which shall be exclusively used for wrapping unpacked fresh foods and cooked foods at supermarkets, wet and dry markets, and other Type II retailers, restaurants, canteens, and the like shall not be included under the scheme as the usage of such plastic bag is justified on the grounds of public hygiene.

SECTION 3. CLASSIFICATION OF RETAILERS

TYPE 1

- Shopping Malls
- Supermarkets
- Department Stores
- Grocery Stores
- Fast Food Chains and other food stalls
- Restaurants
- Drugstores
- Pharmacies
- Other similar retailers registered under Business Permits and Licensing Department

TYPE 2

- Wet and Dry Markets
- Talipapa
- Tiangge
- Hawkers
- Other similar retailers under the jurisdiction of Market Development and Administration Department (MDAD)

SECTION 4. PHASE ONE

a) A total ban on the distribution of plastic bags shall be immediately implemented by all Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains and Food Stalls, Restaurants, Drug Stores, Pharmacies and other similar retailers.

b) As such, collection of Plastic Recovery Fee or Green Fund will no longer be applicable. However, the submission of an annual report to the Environmental Protection and Waste Management Department shall still be mandatory for all Type I retailers to determine trend in the purchase of reusable bags and such other information necessary to gauge the effectiveness of the Ordinance. The submission of an annual report shall be a prerequisite for the issuance of the Environmental Clearance from the Environmental Protection and Waste Management Department (EPWMD).

g

h

h

h

g

SECTION 5. PHASE TWO

a) One (1) year after the date of effectivity of this Ordinance, there shall also be a total ban on the distribution of brown bags in all Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains and Food Stalls, Restaurants, Drug Stores, Pharmacies and other similar retailers operating in the City.

b) Brown Bags – Brown bags shall refer to non-handled (no handles) single-use paper carry-out bags, regardless of color, including those provided by Pharmacies except Medicine Bags as defined under Section 1 of this Ordinance.

SECTION 6. ASSESSMENT

Three (3) years after the date of effectivity of this Ordinance, the EPWMD shall conduct an overall assessment of the Ordinance and shall submit a report to the Office of the City Mayor and the Quezon City Council.

SECTION 7. REMITTANCE OF THE REMAINING GREEN FUND

The remaining Green Fund maintained by Type I Retailers as of the effectivity date of the Ordinance should be remitted to the City through the City Treasurer's Office within thirty (30) days from the effectivity of this Ordinance.

SECTION 8. ENVIRONMENTAL TRUST FUND

An Environmental Trust Fund for the Green Fund shall be established by the City Government. Projects to be implemented using the Trust Fund shall be evaluated by the EPWMD, subject to the approval of the Office of the City Mayor.

SECTION 9. UTILIZATION OF THE GREEN FUND

The Green Fund shall be exclusively used to fund projects that produce tangible and measurable benefits to the environment. This shall include, but not limited to: a) Renewable energy technologies, b) Greening programs, c) Technologies for the improvement and development of the environment in the communities and d) Other projects similar to any or a combination of the above programs and projects. Projects must be carried out only within the territorial jurisdiction of the City.

9

16

15

8

10

SECTION 10. PLASTIC BAG RECOVERY AND RECYCLING MECHANISM

All Shopping Malls are likewise directed to implement their own recyclables trading activities in their respective areas to ensure that there will be enough venues where used plastic bags as well as other recyclable materials may be redeemed. The EPWMD may also designate additional venue for the recyclables trading activities or may alter existing schedules for advancement purposes. The EPWMD upon request, may provide a list of relevant recyclers that will buy used plastic bags and other recyclable materials. All plastic bags and other recyclable materials accumulated by stores shall be directly sold to the recyclers of their choice.

The stores may also bring their accumulated used plastic bags and other recyclable materials to the waste markets provided by the EPWMD.

SECTION 11. INCENTIVES FOR USING REUSABLE BAGS

To mainstream the use of reusable bags, Type 1 Relevant Retailers are hereby mandated to implement the following incentive schemes for consumers:

- Point System Scheme – For those stores implementing the point system scheme to their regular customers, additional points may be given to those who have brought their reusable shopping bag.
- Green Lane – All stores shall provide at least one (1) special counter or express lane to be called as Green Lane to cater to customers who have brought their reusable bags. This will also serve as an information and advocacy measure in caring for the environment.

Additional incentive schemes, other than those mentioned above, may also be implemented. Details of which should be reported to the EPWMD thirty (30) days from the date of effectivity of this Ordinance.

g

p

g

g

g

SECTION 12. PROHIBITIONS

Stall owners/lessees in wet and dry markets, including Talipapa, Tiangge, Hawkers, and other retailers registered under the Market Development and Administration Department (MDAD), all of which are classified herein as Type II retailers, will not be allowed to directly distribute plastic carryout bags with handles, holes or string usually made from High Density Polyethylene (HDPE), Low Density Polyethylene (LDPE)/Low Linear Density Polyethylene (LLDPE) and Polypropylene (PP) plastic materials.

Market Owners shall be held administratively liable if proven that the former willfully allows any violation of this Ordinance.

SECTION 13. IMPLEMENTATION

a) The EPWMD shall:

1. In coordination with other City Departments/Offices, conceptualize/develop and implement environmental projects to be approved by the City Mayor;

2. Enforce provisions of the Ordinance,

3. Facilitate the deputation of personnel from other Departments and the Quezon City Police District for the enforcement of this Ordinance and;

4. Consolidate all information submitted by the relevant retailers.

b) The Market Development and Administration Department (MDAD) shall ensure the compliance of Type II Relevant Retailers.

c) The Barangay and Community Relations Department (BCRD), Liga ng mga Barangay and the Business Permits and Licensing Department (BPLD) shall provide an updated list of Relevant Retailers to the EPWMD.

d) The EPWMD, BCRD and the Liga ng mga Barangay shall undertake appropriate information dissemination about the provisions of this Ordinance.

SECTION 14. VIOLATIONS

• Distribution of Plastic Bags from the date of effectivity of the Ordinance.



- Distribution of Brown Bags two (2) years after the implementation of the Ordinance.
- Failure to remit the remaining Green Fund thirty (30) days from the effectivity of the Ordinance.
- Failure to implement the mandated Incentive Scheme under Section 11.
- Failure to submit an Annual Report.
- Failure to implement a Waste Market Program (for Malls).

SECTION 15. FINES AND PENALTIES

- 1st Offense – Php1,000
- 2nd Offense – Php3,000 and Revocation of Environmental Clearance and Issuance of a Cease and Desist Order by the BPLD
- 3rd Offense – Php5,000 and Issuance of Closure Order by the BPLD

Non-compliance to the Closure Order would result to the filing of a case by the City Legal Department against the concerned establishment.

SECTION 16. IMPLEMENTING RULES AND REGULATIONS (IRR)

The Environmental Protection and Waste Management Department (EPWMD) shall take the lead in the preparation of the implementing rules and regulations within sixty (60) days after approval of this Ordinance.

SECTION 17. INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN

Simultaneous to the crafting of the IRR, the EPWMD shall undertake Information, Education and Communication Campaign to inform Quezon City Stakeholders on the provisions of this Ordinance.

9

16

15

8

17

12th Regular Session

Ord. No. SP- 2868, S-2019
Page -9- PO21CC-078

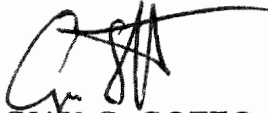
SECTION 18. REPEALING CLAUSE

All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance are hereby repealed or amended accordingly.

SECTION 19. EFFECTIVITY

This Ordinance shall take effect within fifteen (15) days following its publication in any newspaper of general publication.


ENACTED: September 30, 2019.


GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: 09 OCT 2019


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 30, 2019 and was PASSED on Third/Final Reading under Suspended Rules on the same date.


Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

9

