



Republic of the Philippines
Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
SP Complex, Government Center, Dahican
CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 18TH REGULAR SESSION OF THE 16TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL, HELD ON WEDNESDAY, OCTOBER 30, 2019 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Niño Sotero L. Uy, Jr.

Vice Governor – Presiding Officer

Sangguniang Panlalawigan Regular Members:

District I

Hon. Nelson R. Dayanghirang, Jr.
Hon. Dante M. Caubang
Hon. Marietta D. Palmera
Hon. Joselito B. Villademosa
Hon. Laureano B. Taya

District II

Hon. Louis N. Rabat
Hon. Anacleto P. Macatabog
Hon. Enrico M. Antopuesto
Hon. Dennis V. Roflo, Jr.

Sangguniang Panlalawigan Ex-Officio Members:

Hon. Rabsalon M. Lamaran
Hon. Ronald T. Lara, Jr.

President, Philippine Councilor's League
Sangguniang Kabataan Provincial
Federation President

ABSENT:

Hon. Lemuel Ian M. Larcia
Hon. Rustan R. Castellones
Hon. Charlie S. Ambasan

SP Member, District II – OB -Banaybanay
President, Liga Ng Mga Barangay
Indigenous Peoples' Mandatory
Representative – OB – City of Mati

PROVINCIAL ORDINANCE NO. 16-06-10-2019

Author : Hon. Louis N. Rabat
Co-Author: Hon. Anacleto P. Macatabog
Sponsor : Hon. Louis N. Rabat

AN ORDINANCE PROVIDING REGULATION AND MECHANISM IN PHASING OUT OF THE USE OF SINGLE-USE PLASTIC AND POLYSTYRENE PRODUCTS IN THE PROVINCE OF DAVAO ORIENTAL AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Davao Oriental is by law a tourism oriented province and therefore is considerate of the environment which should be pristine, therefore it is the aim of this province to gradually ban single use-plastic materials used for food and packaging;

WHEREAS, to safeguard and conserve our environment, there is a need to discontinue the use of non-biodegradable plastic bags and polystyrene products, and consequently shift to sustainable biodegradable materials, including but not limited to woven bags (bayong), cloth bags (katsa), biodegradable polystyrene, and other similar reusable, biodegradable and recyclable materials;

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

WHEREAS, Article 1, Section 2 (b) of Republic Act 9003 otherwise known as the Ecological Solid Waste Management Act of 2000, provides that the policy of the state is to adopt a systematic, comprehensive and ecological solid waste management program which shall utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;

WHEREAS, Article III, Section 468 (b) (vi) of RA 7160 also known as the Local Government Code of 1991 empowers the Sangguniang Panlalawigan to protect the environment and impose appropriate penalties for acts which endanger the environment including such activities which results in pollution acceleration or eutrophication of rivers and lakes or of ecological imbalance;

NOW, THEREFORE BE IT ENACTED, as it is hereby enacted by the 16th Sangguniang Panlalawigan of Davao Oriental by virtue of the powers vested in it by law, in session duly assembled, that:

SECTION 1. TITLE

This ordinance shall be known as “**AN ORDINANCE PROVIDING REGULATION AND MECHANISM IN PHASING OUT OF THE USE OF SINGLE-USE PLASTIC AND POLYSTYRENE PRODUCTS IN THE PROVINCE OF DAVAO ORIENTAL AND IMPOSING PENALTIES FOR VIOLATION THEREOF.**”

SECTION 2. SCOPE AND COVERAGE

This ordinance shall cover all types of plastics that end up as residual waste. It shall also cover all stakeholders that produce, use, buy, sell, exchange, provide and dispose all types of plastics covering all residual waste generators located in the Province of Davao Oriental such as commercial, institutional, recreational and industrial.

SECTION 3. DEFINITION OF TERMS

- a. **Single-use plastics**- refer to disposable plastics that are used only once before they are thrown away or recycled. (E.g. bags, straws, coffee stirrers, soda and water bottles and most food packaging);
- b. **Non-biodegradable plastic bags**- refers to plastic bags that do not degrade or decompose given a period of time, utilized for carrying, transporting or packaging goods and are often called “*sando*” bags or shopping bags;
- c. **Polystyrene**- refers to petroleum based plastic made from styrene monomer and lightweight material/ foam polystyrene used in food packaging applications such as cups and food boxes/ trays, more commonly known as Styrofoam;
- d. **Residual wastes**- shall refer to any waste material retrieved from the waste stream and free from contamination that can be converted into suitable beneficial use or for other purposes;
- e. **Generators**- shall refer to a person, natural, or juridical, who last uses a material and makes it available for disposal or recycling;
- f. **Business establishments** - means any juridical person, retail and/or business establishments located within the province of Davao Oriental. Such establishment may include, but not limited to malls, supermarkets, eateries (carenderias), grocery stores, wet market and public markets;

- g. **Alternative packaging materials-** refers to recyclable, reusable and / or biodegradable packaging materials that are used in containing, carrying holding and/ or transporting goods or products, as an alternative o plastic bags;
- h. **Packaging-** shall refer to the packaging, packing and wrapping of products for purpose of carrying the same in convenient manner;
- i. **Primary Packaging –** refers to first level packaging that contains the item sold;
- j. **Secondary Packaging-** refers to packaging materials that is used to support primary packaging, usually used and intended for the convenience of the consumer;
- k. **Plastics-** shall refer to natural and synthetic materials that are produced by chemically modifying natural substances or are synthesized from inorganic and organic raw materials;
- l. **Eco bags or reusable bags –** refers to washable canvass bag or native bag “bayong” or any shopping bag used for carrying and transporting goods , which bags are made of organic or non-organic materials that can be used for several times;
- m. **Cloth bags-** refers of reusable packaging material made of cloth used in the packaging of flour, wheat and other similar goods;
- n. **plastic bags-** it shall collectively refer to include all shapes, sizes, color and design of flexible containers and packaging materials made of thin plastic film as to wraps such as those frozen products, pouches (more commonly known as plastic labo) which are often use for small items specially in convenient store;
- o. **Dry goods-** refers to any products that do not require refrigeration or freezing to maintain freshness;
- p. **Dry Market –** generally refers to any establishment that sells products that do not require refrigeration or freezing to maintain freshness;
- q. **Wet Goods –** refers to any product that require refrigeration or freezing to maintain freshness such as fish, meats, fruits, vegetables, and cooked food in restaurants, eateries or carenderias;
- r. **Wet Market –** generally refers to any establishment that sells products which requires refrigeration or freezing to maintain freshness. Such examples include the wet section of the public markets, supermarkets, groceries, restaurants, eateries or carinderias;
- s. **LGU- PENRO-** refers to the Provincial Environment and Natural Resources Office/ Department under the Office of Provincial Governor;
- t. **LGU-CiENRO/ MENRO-** refers to the City/Municipality Environment and Natural Resources Office/ Department under the Office of the City/ Municipal Mayor;

- u. **NGA**- refers to National Government Agencies stationed in Davao Oriental;
- v. **CSO/ NGO**- refers to Civil Society Organization or Clubs, Foundations, and Non- Government Organizations operating in Davao Oriental.

SECTION 4. PROHIBITION ON THE USE, SALE, OR PROVISION OF SINGLE-USE PLASTICS AND POLYSTYRENE PRODUCTS

- a. No business establishments, fast-food outlets, catering services, households, hotels, restaurants, resorts, market vendors, food kiosk, sari-sari stores, and ambulant vendors shall utilize, offer or sell polystyrene products and plastic bags as food containers to be used as packaging materials for dry and wet goods.
- b. Schools, Government and Non-government offices enjoined to include in their respective internal policies in consonance with this ordinance.
- c. Stores and other retail establishments are mandated to use any alternative legally compliant packaging material for dry and wet goods, such as but not limited to the materials mentioned in Section 5 hereof, in lieu of single-use plastic bags and polystyrene products.

SECTION 5. ALTERNATIVE PACKAGING MATERIALS

The use of recyclable, reusable and/or biodegradable alternative packaging materials should be encouraged and promoted, such as eco bags or reusable bags, woven bags (bayong), cloth bags, rattan baskets, shopping bags made from recycled waste paper and other bags made out of biodegradable materials (e.g. banana leaves, taro leaves, water lily, corn stalk, etc.) shall be utilized as alternative packaging materials.

SECTION 6. EXCEPTIONS

This ordinance shall not cover the primary packaging of products and such other packaging which forms parts of the actual product per se since acceptable alternative packaging is not yet commercially available.

Such products include, but not limited to snacks foods, frozen foods, hardware items, bottled water or soda, juice drinks, cooking oil, plastic sachet containing soap, shampoo and conditioner, cosmetics and the like, plastic used for packing fresh wet goods directly purchased in markets are considered secondary packaging and therefore must be biodegradable.

SECTION 7. PUBLIC INFORMATION AND EDUCATION CAMPAIGN

Upon approval of this Ordinance, the Davao Oriental Information Office (PIO) in coordination with all Local Government Units (LGUs), media outlets (radio, TV, newspapers), Schools/Academe shall initiate a massive information and dissemination campaign to inform, educate and raise the level of awareness of the public, consumers, business entity about the salient provisions of this Ordinance in a manner and language which can be easily understood.

SECTION 8. IMPLEMENTING RULES AND REGULATION (IRR)

Within thirty (30) days from the approval of this ordinance, the Local Government Unit (LGU), in coordination with Provincial Legal Office (PLO), Provincial Health Office (PHO) and Provincial Environment and Natural Resources Office (PENRO) shall promulgate the necessary IRRs for its proper and effective enforcement and implementation.

SECTION 9. CREDIT ASSISTANCE

To ensure the effective enforcement and sustainable implementation of this Ordinance LGUs, NGAs, CSO/NGOs shall:

1. During the first twelve (12) months initial implementation of this Ordinance and thereafter, the province, city and municipalities shall provide free seminars and trainings and working capital to interested and qualified individuals, groups, cooperatives or associations for the production of woven bags, eco-bags and other alternative materials for household uses and commercial purposes;
2. All national agencies stationed in Davao Oriental shall be encouraged and enjoined to provide opportunity by establishing a grant/credit facility or working capital, tools, equipment, technology, seminars and skills training to interested and qualified households, cooperatives, associations and business establishment for the production and supply of alternative materials.
3. Grant tax incentives and holidays to business or establishments that help produce or supply of eco-bags or green bags and alternative materials, promote and implement this Ordinance in their respective establishment;
4. Provide or grant educational/scholarship assistance to qualified students whose families participated in the cultivation or supply of raw materials for the production of alternative materials (e.g. eco-bags, katsa, bayong, paper bags and the like);
5. Grant of provide cash or material incentives to person/s associations/ who will report the violation of this ordinance to authorized enforcing agency/office provided hereof.

SECTION 10. SCHEDULE OF IMPLEMENTATION

All business establishments, fast-food outlets, catering services, households, hotels, restaurants, resorts, sari-sari stores, ambulant vendors, market vendors, food kiosk and like engaged in the use and/ or selling single-use plastics and polystyrene products are hereby given;

- One (1) month from the effectivity of this Ordinance to dispose all polystyrene and single-use plastic products such as plastic straws, stirrers, cups, spoon and forks, food containers, clear plastics, balloons, and banderitas;

- Six (6) months from the effectivity of this ordinance to dispose all remaining non-biodegradable plastic bags, polystyrene products and other similar non-biodegradable products used to carry the item purchased;
- One (1) year from the effectivity of this ordinance to dispose all plastics used for packing fresh wet goods directly purchased in wet markets.

SECTION 11. FINES AND PENALTIES

Those who were found to have violated the provisions of this ordinance shall be issued an Ordinance Violation Receipt (OVR) by Provincial Environment and Natural Resources Office (PENRO), City Environment and Natural Resources Office (CiENRO), Municipal Environment and Natural Resources Office (MENRO) and other deputized individuals, agencies or organizations.

For business establishments, and Licensed Sari-sari Stores and Market Vendors:

- a. First Offense: WARNING
- b. Second Offense: A fine of Five Thousand Pesos (5,000) and 15 and fifteen (15) days of community service.
- c. Third Offense: Cancellation of its Business Permit/ License. Thereafter, the business establishment, or business enterprise shall not be eligible to apply for business permit for a period of one (1) year and approval of business permit is contingent with proof of measures undertaken to comply with this Act and other relevant laws and regulations.

For ambulant vendors, unlicensed sari-sari stores and market vendors:

- a. First Offense: WARNING
- b. Second Offense: A fine of Three Thousand Pesos (3,000) and and fifteen (15) days of community service
- c. Third Offense: Confiscation of items

SECTION 12. COLLECTION SCHEME

Sixty percent (60%) of the collected fines from the violators shall be given to the Local Government Unit (LGU) for the Clean-up drive maintenance of each LGU's monitoring personnel and forty percent (40%) shall be given to person/s association/s who will report the violation of this ordinance to authorized enforcing agency/office.

SECTION 13. MONITORING AND IMPLEMENTATION

The Office of the Provincial Governor thru the Provincial Government-Environment and Natural Resources Office (PG-ENRO), CENRO (City), MENRO (Municipality) and in coordination with all Local Government Unit (LGU) shall cause the strict and effective implementation of this ordinance. All LGU's of the Province of Davao Oriental should adopt the Provincial Ordinance. The Provincial Governor thru PG-ENRO may issue clarification or additional implementation rules and regulations for this Ordinance should need arises.

SECTION 14. SEPARABILITY CLAUSE. If for any reason, any section or provision of this Ordinance is declared illegal or unconstitutional, the other sections or provisions hereof which are not affected shall continue to be in full force of effect.

SECTION 15. REPEALING CLAUSE. All ordinances, issuances, rules and regulations, or parts thereof which are inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 16. EFFECTIVITY CLAUSE. This Ordinance shall take effect thirty (30) days after its approval and complete publication in a newspaper of local or general circulation. The full text of this Ordinance shall likewise be posted in the Provincial Capitol Building, City, Municipal and Barangay Halls and other conspicuous places in Davao Oriental in compliance with posting requirement mandated by the Local Government Code.

ENACTED: OCTOBER 30, 2019.

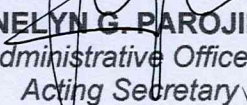
CARRIED, by eleven (11) affirmative votes of SP Members Nelson R. Dayanghirang, Jr., Louis N. Rabat, Anacleto P. Macatabog, Enrico M. Antopuesto, Dante M. Caubang, Marietta D. Palmera, Joselito B. Villademoso, Dennis V. Roflo, Jr., Laureano B. Taya, Rabsalon M. Lamarin and Ronald V. Lara, Jr.; negative votes – none; and abstention - none.

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**I hereby Certify to the Correctness
of the foregoing Ordinance.**


GENELYN G. PAROJINOG
Administrative Officer V
Acting Secretary

**Attested and Certified
to be duly Adopted:**


NIÑO SOTERO L. UY, JR.
Vice Governor and Presiding Officer

APPROVED:


NELSON L. DAYANGHIRANG
Governor

Date approved
and signed NOV 15 2019