



PAMAHALAANG BAYAN NG TAYTAY

TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 97th REGULAR SESSION OF THE 8th SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON OCTOBER 24, 2012 AT THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL

PRESENT:

Hon. Jan Victor B. Cabitac	- Councilor
Hon. Archie L. Calderon	- "
Hon. Michell B. Bermundo	- "
Hon. Allan Martine S. de Leon	- Coun.Temp/Presiding Officer
Hon. Glenviano G. Valera	- Councilor
Hon. Anastacio V. Alcantara	- "
Hon. Kristofer Charls S. Esguerra	- "
Hon. Ma. Jeca B. Villanueva	- SK President

ABSENT:

Hon. Janet DL. Mercado	- Vice Mayor/Presiding Officer (O.B.)
Hon. Carlito G. Gonzaga	- Councilor
Hon. Aniel C. Cruz	- ABC President

Authored/Sponsored by: Coun. Allan Martine S. de Leon
Co-Sponsored by: Coun. Archie L. Calderon

ORDINANCE NO. 15

REGULATING THE USE OF PLASTIC BAGS, EXPANDED POLYSTYRENE OR STYROFOAM AND PLASTIC RECEPTACLES, AS PACKAGING MATERIAL AND CONTAINER IN BUSINESS ESTABLISHMENTS IN THE MUNICIPALITY OF TAYTAY, RIZAL TO BE KNOWN AS THE "PLASTIC USE REGULATION ORDINANCE OF 2011 OF THE MUNICIPALITY OF TAYTAY, RIZAL"

WHEREAS, the use of plastic materials, expanded polystyrene or Styrofoam, and other plastic receptacles as packaging material and container has been widely applied in business and commercial establishments in the municipality;

WHEREAS, plastic materials are non-biodegradable and contribute to polluting the environment as these can clog canals, other waterways and takes years to deteriorate in the landfill;

WHEREAS, with the onset of climate change and global warming, it is imperative to take the necessary measures to protect our surroundings and to find sustainable solutions to persistent garbage and flooding dilemma;

WHEREAS, regulating the use of non-biodegradable plastic bags and containers will greatly contribute to the reduction in the volume of solid wastes in the municipality;

WHEREAS, relative to the matter, the Laguna Lake Development Authority passed a resolution requiring all LGUs in the Laguna de Bay region to pass an ordinance banning the use and distribution of thin film, single use, non-biodegradable plastic bags;

WHEREAS, Section 2 of Republic Act 9003, also known as "Ecological Solid Waste Management Act of 2000" states that it is the policy of the State to adopt a systematic, comprehensive and ecological solid waste management program which shall:

(a) "Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment and disposal in appropriate and environmentally sound solid waste management facilities in accordance with ecologically sustainable development principles"

(b) Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non- government organizations, and the private sector;

© Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;

NOW THEREFORE, be it ordained by the Sangguniang Bayan the following:

SECTION 1. TITLE. This Ordinance shall be called also as plastic use regulation Ordinance "Anti-plastic Ordinance of 2011 of the Municipality of Taytay, Rizal".

SECTION 2. DECLARATION OF PRINCIPLE. It is the objective of the Municipality of Taytay to protect not only the welfare of its citizens but also to continuously find ways to preserve and improve its natural resources. The environmental problems of the municipality are addressed by implementing different approaches including reduction in waste generation.



SECTION 3. DEFINITION OF TERMS.

- (a) Non-biodegradable waste – refers to waste that cannot be broken down in the environment by natural processes;
- (b) Biodegradable waste – refers to waste that able to decay naturally and in a way that is not harmful
- (c) Expanded Polystyrene or Styrofoam – a light plastic containing gas used for wrapping things in before putting them in boxes
- (d) Perishable products – refers to food that decays quickly
- (e) Business establishment – defined as a location where business is conducted, goods are made or stored or processed or where services are rendered.

SECTION 4. SCOPE OF APPLICATION. This ordinance shall be applicable and enforced in business establishments which include the municipality's public market, supermarkets, groceries, and retail stores.

SECTION 5. The following regulations on the use of packaging and containers made out of plastic shall be observed:

- a. Vendors, owners of business establishments and customers are required to use any of the alternative materials such as paper or cloth bags, baskets, non-plastic sacks and other sturdy reusable bags to replace plastic bags as packing and bagging materials.

- b. Exception to this regulation are the retailers products such as ice, sugar, salt, coffee, powdered milk, cooking oil, soy sauce, vinegar, ketchup, butter, rice, corn, mongo, cooked food with sauce or soup, and other perishable products.

SECTION 6. ADMINISTRATIVE PROCEDURE AND IMPOSABLE ADMINISTRATIVE FINES.

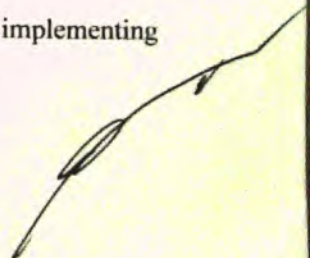
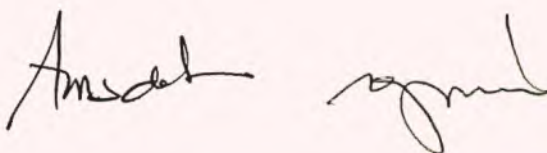
- a. Issuance of citations tickets – Those who violate any of the terms of this ordinance shall receive a citation/violation ticket issued by the environmental/sanitation enforcers or representatives of the municipality, who will explain to them about the violation committed and the corresponding fines to be paid.
- b. Payment of fines – The head or owner of the business establishments shall be held liable in case of violation of this ordinance.
- c. Imposable Fines
- 1) FIRST OFFENSE – A fine of P200.00 or Clean and Green Community Service of one (1) day and compulsory seminar on Regulation on the use of plastic materials as packaging and bagging material for one (1) day.
 - 2) SECOND OFFENSE – A fine of P500.00 or Clean and Green Community Service of two (2) days and compulsory seminar on Regulation on the use of plastic materials as packaging and bagging material for three (3) days.
 - 3) THIRD and SUBSEQUENT OFFENSES – A fine of P1,000.00 or Clean and Green Community Service of five (5) days and compulsory seminar on Regulation on the use of plastic materials as packaging and bagging material for five (5) days, and outright revocation/cancellation of business license, if the violator is a business or commercial establishment.

SECTION 7. PENAL PROVISION

Any person who shall violate, disobey, refuse or neglect to comply with the provisions of Section 4, shall be charged in court and if found guilty shall be punished by imprisonment for a period not exceeding six (6) months or a fine not exceeding two thousand five hundred pesos (P2,500), or both, depending upon the discretion of the court.

SECTION 8. COLLECTION AND DISPOSITION OF FINES

- (1) The payment of fines for violation of this ordinance shall be made at the Municipal Treasury of Taytay, Rizal.
- (2) The fines collected in violated of this ordinance accrue in favor of the following:
 - (a) 75% to the Municipality of Taytay as special fund to be expected for the implementation of this Ordinance and related ecological and environmental protection program.
 - (b) 25% to fund the incentive program for the apprehending officer implementing Ordinance.



SECTION 9. IMPLEMENTING OFFICE/AGENCY

The Municipal Environment and Natural Resources Office shall implement the ordinance and shall craft the Implementing Rules and Guidelines and deputized to deploy environmental police to ensure strict implementation of the ordinance.

1. The Municipal Environment and Natural Resources Office shall provide the Lecture Training and Seminars for the information dissemination.
2. The Municipal Environment and Natural Resources Office shall be deputized to deploy Environmental Police after proper Ordinance and Training of the implementing agencies.
3. Once the Implementing Rules and Regulation (IRR) was crafted, the Sanggunian Bayan or committee concern shall then be notified.

SECTION 10. Barangay Council and Sagguniang Kabataan shall establish ECOLOGY LEARNING/REDEMPTION CENTER (ECO-CENTER) and enact Barangay Ordinance that would help with the implementation of this ordinance.

SECTION 11. CONDUCT OF INFORMATION DISSEMINATION CAMPAIGN.

The Municipal Environment and Natural Resources Office and Sanitation Division of the Municipal Health Office/Public Information Office shall conduct intensive Information Dissemination campaign, three (3) months after.

SECTION 12. ENFORCEMENT AND EFFECTIVITY.

This Ordinance shall take effect three (3) months after publication in a newspaper of general circulation.

SECTION 13. REPEALING CLAUSE.

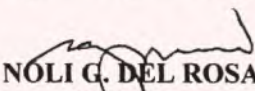
All ordinance or regulations inconsistent with the provisions of this ordinance shall be repealed accordingly.

SECTION 14. SEPARABILITY CLAUSE.

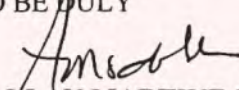
If for any reason, apart or provision of this ordinance shall be declared contrary to law, morals, public order or public policy, all other provisions shall remain valid and effective.

ENACTED, this 24th of October 2012, at the Session Hall of the Municipal Building of Taytay, Rizal.

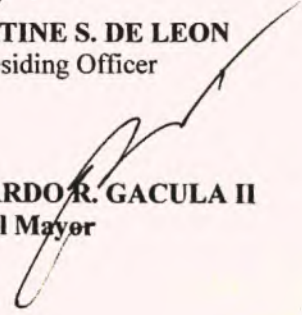
I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay during 97th Regular Session held on the 24th day of October, 2012.


NOLI G. DEL ROSARIO
SB Secretary

ATTESTED AND CERTIFIED TO BE DULY
ENACTED BY HIS HONOR


HON. ALLAN MARTINE S. DE LEON
Coun.Temp/Presiding Officer

APPROVED BY HIS HONOR
THE MUNICIPAL MAYOR


HON. GEORGE RICARDO R. GACULA II
Municipal Mayor