
Sponsored by: Councilors Avelino B. Solis, Reynaldo M. Fabian, Venus D. De Castro, Janairo C. San Miguel, Reynaldo D. Palabrina, Jaime A. Sapanghila, Bayani M. De Leon, Catherine Sarino-Evaristo and Ma. Eliza H. Bautista

WHEREAS, the Office of the Municipal Mayor submitted Executive Order No. 12, Series of 2011, entitled, “Implementing Rules and Regulations of Municipal Ordinance No. 14-S-2002 (also known as: “An Ordinance Regulating the Distribution of Plastic Bags and Polystyrene [Common Name “Styrofoam”] and providing penalties for violations hereof) for the review and consideration of the Sangguniang Bayan;

WHEREAS, the said executive order was referred for further study to the Committee on Environmental Protection;

WHEREAS, after careful deliberation and after conducting a series of public hearings thereon, the said Implementing Rules and Regulations of Municipal Ordinance 14-S-2002 was recommended by Hon. Jaime A. Sapanghila for approval provided that the date of the implementation will be changed from 12 January 2012 to 12 March 2012, the contents of which are as follows:

“EXECUTIVE ORDER NO. 12
Series of 2011
IMPLEMENTING RULES AND REGULATIONS OF MUNICIPAL ORDINANCE NO. 14-S-2002 (also known as: AN ORDINANCE REGULATING THE DISTRIBUTION OF PLASTIC BAGS AND POLYSTYRENE [COMMON NAME “STYROFOAM”] AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF).

WHEREAS, pursuant to Section 16, Article II of the 1987 Philippine Constitution and Section 447 (1) (vi) of Republic Act No. 7160 otherwise known as the "Local Government Code of 1991", the Sangguniang Bayan of Bacoor, Cavite enacted Municipal Ordinance No. 14-S-2002 (also known as "An Ordinance Regulating The Distribution Of Plastic Bags And Polystyrene And Providing Penalties For Violations Hereof") on 19 November 2002.
WHEREAS, Municipal Ordinance No. 14-S-2002 prohibits and regulates the distribution of plastic bags and polystyrene in Bacoor, Cavite.

WHEREAS, Rule IX, Section 1 of the Implementing Rules and Regulation of Republic Act No. 9003 (also known as the “Ecological Solid Waste Management Act of 2000”) provides that all local government units shall actively promote among its constituencies the reduction and minimization of wastes generated at source.

WHEREAS, Municipal Ordinance No. 14-S-2002 was not actively implemented in the past leading to the clogging of various waterways in the municipality, the inundation of various areas of Bacoor during the rainy season, the endangerment of public health and safety, and the slowing down of the local economy.

NOW THEREFORE, pursuant to the powers vested in me by law, the instant Implementing Rules and Regulations of Municipal Ordinance No. 14-S-2002 is hereby promulgated.

RULE I. GENERAL PROVISION

SECTION 1: TITLE

These Rules shall be known and cited as the “Implementing Rules and Regulations of Municipal Ordinance No. 14-S-2002” or the “Implementing Rules and Regulations” for brevity.

SECTION 2: PURPOSE

These rules are promulgated to prescribe the guidelines for the implementation of Municipal Ordinance No. 14-S-2002, the overriding goal of which is the reduction and minimization of solid wastes generated by all businesses and commercial establishments in Bacoor, Cavite.

SECTION 3: SCOPE

These rules and regulation shall lay down the powers of the Office of the Local Chief Executive, the various barangays of Bacoor, Cavite, and other concerned offices or agencies with regard the implementation of Municipal Ordinance No. 14-S-2002. It shall apply to all businesses and commercial establishments operating within the territorial jurisdiction of Bacoor, Cavite.

SECTION 4: CONSTRUCTION

These Implementing Rules and Regulations shall be strictly construed in favor of carrying out the policy of regulating the use, sale, and distribution of plastic bags and polystyrene products such as Styrofoam in all businesses and commercial establishments operating in Bacoor, Cavite to prevent potential serious ecological imbalance consistent with the pursuit of sustainable development.

RULE II. DECLARATION OF POLICY

It is the policy of the Local Government of Bacoor to adopt an ecological and environment friendly solid waste reduction program designed to protect and advance the right of the people to a balanced and healthful ecology in an environmentally sound manner.
For the purpose of interpreting these Implementing Rules and Regulations, the following words shall be understood to have the following meanings:

a) Cloth bag (a.k.a. Katsa) – refers to a reusable packaging material made of biodegradable cloth 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 its freshness such as—but not limited to—textiles, paper products, and clothing.

c) Dry market – generally refers to the area/s of a public/private market, store, supermarket or grocery that sells or displays products that do not require refrigeration or freezing to maintain its 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 wet or dry goods. It shall also refer to any thin-gauge packaging medium that is used as bags or wraps.

e) Plastic waste – refers to any plastic packaging material thrown or disposed as waste.

f) Primary packaging materials – refers to those types of plastic bags or polystyrene products used for containing wet or dry goods.

g) Secondary packaging materials – refers to those types of plastic bags or polystyrene products for wet goods to support any primary packaging material and intended for the convenience of the handler of such goods.

h) Styrofoam – is a type of polystyrene which, in turn, is an aromatic polymer made from the monomer styrene, a liquid hydrocarbon that is manufactured from petroleum by the chemical industry. It refers to a kind of packaging material used as food containers, disposable cups, plates, etc. by various businesses.

i) Wet goods – refers to any product that requires refrigeration or freezing to maintain freshness such as—but not limited to—fish, meat, poultry products, fruits, vegetables, beverages and cooked foods sold or distributed in various business or commercial establishments such as restaurants, carinderias, and canteens.

j) Wet market – generally refers to the area/s of a public/private market, store, supermarket or grocery that sells or displays products that requires refrigeration or freezing to maintain freshness. These include the wet section of various commercial establishments such as—but not limited to—public/private markets, groceries, supermarkets, mini marts, restaurants and carinderias/eateries.

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Office of the Sangguniang Bayan  

RULE IV. CODE OF APPLICATION

These Implementing Rules and Regulations shall be applicable to and shall be observed by all commercial or business establishments, refuse collectors, junk dealers, and all persons, whether residing in or sojourning through Bacoor, Cavitê.

SECTION 5: Prohibition on the use of plastic bags for dry goods.

No business or commercial establishment operating within Bacoor, Cavitê shall sell, utilize, or distribute plastic bags as packaging materials for dry goods.

SECTION 6: Regulating the use of plastic bags for wet goods.

No business or commercial establishment selling or distributing wet goods shall use plastic bags as secondary packaging material for such goods. However, the use of thin gauge, biodegradable plastic bags as primary packaging materials for wet goods shall be allowed until such time as a more environmentally sound alternative is found or identified by the MENRO or by the Office of the Local Chief Executive.

SECTION 7: Prohibition on the use of Styrofoam.

No business establishment shall use Styrofoam or any polystyrene derivative as container for any wet or dry good.

SECTION 8: Prohibition on the selling of plastic bags.

No business or commercial establishment operating within Bacoor, Cavitê shall sell or market plastic bags of whatever type or gauge to the public for use as secondary packaging material or as primary packaging material for any wet or dry good.

SECTION 9: Use of cloth bags or woven bags.

The Municipal Government shall encourage and actively promote the manufacture, use, distribution, and sale of cloth bags and woven bags as primary or secondary packaging for wet and dry goods.

RULE V. PUBLIC EDUCATION AND INFORMATION CAMPAIGN

SECTION 10: Information Education and Communication Campaign

Upon approval of these Implementing Rules and Regulations by the Sangguniang Bayan, the Public Information Office (PIO) of the municipal government shall conduct a public education and information campaign for the purpose of informing the public of the imminent implementation of Municipal Ordinance No. 14-S-2002. The said campaign shall encourage the participation of all persons residing, working, or passing through Bacoor including non-government organizations, people's organizations, the academe, and the business sector in ensuring the effective implementation of Municipal Ordinance No. 14-S-2002 and the reduction of plastic wastes generated within Bacoor, Cavitê.

SECTION 11: Monitoring the effective implementation of the Ordinance
a. The Municipal Environment and Natural Resources Office (MENRO), the Sangguniang Bayan, and the Office of the Local Chief Executive shall jointly monitor the implementation of these Implementing Rules and Regulations. The MENRO shall prepare a semi-annual report on the progress of the implementation of Municipal Ordinance No. 14-5-2002.

b. The Office of the Local Chief Executive is hereby empowered to implement such programs as may be necessary to promote the manufacture, sale and distribution of cloth bags or woven bags by residents of Bacoor, Cavite made from wood, pandan, buli leaves, water lily and other similar materials.

c. The MENRO is hereby mandated to conduct a study on the feasibility of using alternative receptacles for the sale, distribution, and marketing of wet and dry goods so as not to affect the flow of trade and commerce in the municipality. To this end, the MENRO is hereby mandated to coordinate with any government agency (such as the Department of Science and Technology or the Department of Environment and Natural Resources) or with the private sector in conducting the said study. The said study must be conducted and concluded within sixty (60) days after the approval of these Implementing Rules and Regulations. The results of the said study should be submitted to the Sangguniang Bayan before the expiration of the said period.

RULE VI. IMPLEMENTATION OF ORDINANCE

SECTION 12: Implementing Rules and Regulations

a. Draft copies of these Implementing Rules and Regulations shall be sent/mail to the Sangguniang Bayan Secretary to various businesses and commercial establishments to be affected by the implementation of Municipal Ordinance No. 14-S-2002 on or before 15 August 2011. The said businesses and commercial establishments shall be given ten (10) working days within which to submit a written comment or list of possible amendments to the said draft of these Implementing Rules and Regulations. The said period shall be inextensible. The failure of the said businesses or commercial establishments to submit its written comment or list of suggestions within the period specified above shall be deemed a waiver of its right to be heard.

b. The SB Secretary shall then submit all comments and suggested amendments to the Sangguniang Bayan for possible incorporation in the final draft of these Implementing Rules and Regulations.

c. The Sangguniang Bayan shall then pass a resolution approving the final draft of the Implementing Rules and Regulations before it can be used to implement Municipal Ordinance No. 14-S-2002.

d. The Sangguniang Bayan Secretary shall cause the publication of the Implementing Rules and Regulations in the Official Gazette or in at least two (2) newspapers of general circulation within the province of Cavite.

e. Upon the approval of the final draft of the Implementing Rules and Regulations, the PIO, MENRO, and the Office of the Local
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Chief Executive shall begin implementing their various responsibilities as mentioned above.

The Implementing Rules and Regulations of Municipal Ordinance No. 14-S-2002 shall take effect at exactly 12:00 a.m. of 12 March 2012.

SECTION 13: PROHIBITED ACTS

All businesses, commercial establishments, and/or individuals covered by Municipal Ordinance No. 14-S-2002 are prohibited from:

a) Selling and providing plastic bags to consumers as secondary packaging material for wet goods. Provided, that the use of thin gauge, biodegradable plastic bags as primary packaging materials for wet goods shall be allowed until such time as a more environmentally sound alternative is found or identified by the MENRO or by the Office of the Local Chief Executive;

b) Selling and providing plastic bags to consumers as primary or secondary packaging material on dry goods; and

c) Selling and providing Styrofoam as containers.

RULE VII. FINES AND PENALTIES

SECTION 14: Penalties.

Any business, commercial establishment, or person who shall violate any of the prohibited acts stated above shall be punished through the imposition of the following penalties:

First Offense - Php 1,000.00 fine
Second Offense - Php 2,500.00 fine
Third Offense - revocation of the business permit

In case the violator is an establishment, the owner, president and/or general manager of the same shall be held liable.

RULE VIII. FINAL PROVISIONS

SECTION 15: Separability Clause. If any part of these Implementing Rules and Regulations is judicially declared as unconstitutional or unlawful, such declaration shall not affect the other parts of sections hereof that are not declared unlawful or unconstitutional. Tapat sa Serbisyo, Nagkakaisa sa Pagbabago...

SECTION 16: Repealing Clause. All previous ordinances, rules, or executive orders issued by the Local Chief Executive inconsistent with these Implementing Rules and Regulations shall be deemed repealed or modified accordingly.

RULE IX. EFFECTIVITY

SECTION 17: These Implementing Rules and Regulations shall take effect fifteen (15) days from the date of its publication in the Official Gazette or on at least two (2) newspapers of general circulation within the province of Cavite.

Approved by:

Municipal Mayor
Done this 7th day of September 2011 at Bacoor, Cavite.

HON. STRIKE B. REVILLA, PhD
Mayor

NOW, THEREFORE, upon motion of Hon. Jaime A. Sapanghila unanimously seconded by all the councilors present in regular session assembled, BE IT RESOLVED AS IT IS HEREBY RESOLVED to approve Executive Order No. 12, Series of 2011, entitled, “Implementing Rules and Regulations of Municipal Ordinance No. 14-S-2002”.

RESOLVED LASTLY, to furnish the Office of the Mayor, the Municipal Environment and Natural Resources Office (MENRO), all government offices, businesses and commercial establishments concerned with copies of this Resolution.

APPROVED, this 24th day of October 2011 by the Sangguniang Bayan of Bacoor, Cavite during its 60th regular session.

I hereby certify that the foregoing Resolution is true and correct.

Certified by:

HON. EDWIN G. GAWARAN
Municipal Councilor/Acting Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA, JR.
Secretary to the Sanggunian

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Bayan Secretary

Absent

ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA, PhD
Municipal Mayor