



## SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 2<sup>nd</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 14<sup>th</sup> DAY OF JANUARY 2019 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

**PRESENT:**

HON. JAIME O. DUQUE	.. VICE MAYOR/PRESIDING OFFICER
HON. RODOLFO A. ESPEJO	.. PRO - TEMPORE
HON. ALBERTO C. MARZAN, JR., MD	.. MEMBER
HON. EDWARD V. TOLENTINO	.. MEMBER
HON. JANIUS M. YASAY	.. MEMBER
HON. THELMAFLOR A. ESPEJO	.. MEMBER
HON. RUBEN V. GAMBOA, JR	.. MEMBER
HON. GEORGE MICHAEL P. AGUILAR	.. MEMBER
HON. CLEOFE D. FAVIS	.. MEMBER
HON. EZEKIEL C. RIVERA	.. SKF PRESIDENT

**ABSENT:**

HON. GEORGE R. CUCHAPIN, MD	.. LnB PRESIDENT
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### MUNICIPAL ORDINANCE NO. 01 *Series of 2019*

#### PROHIBITING THE USE OF NON-BIODEGRADABLE PLASTIC BAGS AND THE LIKE AS CARRYALL MATERIALS IN THE PUBLIC MARKET AND ALL BUSINESS ESTABLISHMENTS IN THE MUNICIPALITY OF MONCADA AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

Authored by: Coun. George Michael P. Aguilar

**WHEREAS**, Section 447 (vi) of R.A. 7160 empowers Local Government Units to protect the environment and impose appropriate penalties for acts which endanger the environment including such activities which result in pollution acceleration of rivers and lakes or of ecological imbalance;

**WHEREAS**, non-biodegradable plastic bags and similar materials clog canals, creeks, rivers and other waterways causing floods during rainy season and causing harm to these waterways and the surrounding communities when these are indiscriminately disposed off;

**WHEREAS**, despite serious efforts of the Municipality to segregate biodegradable, recyclable and reusable waste materials, plastics, styrofoam and other similar materials remain in the municipal waste stream and eventually remain as the common residual waste;

**WHEREAS**, it is in the best interest of the health, safety and welfare of the people of Moncada to regulate the use of non-biodegradable plastic materials and the eventual prohibition of the use, sale and provision of non-biodegradable carryall materials for food and beverages or for economic commodities;

**NOW, THEREFORE**, on motion by Coun. George Michael P. Aguilar and unanimously seconded;



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Be it ENACTED by the Sangguniang Bayan of Moncada, in session duly assembled:

-THAT-

**Section 1. *Short Title.*** – This Ordinance shall be known as “THE BIODEGRADABLE PLASTICS ORDINANCE OF MONCADA 2019”

**Section 2. *Definition of Terms.*** – For purposes of this Ordinance, the following terms are defined as follows:

- a. Biodegradable Material – shall refer to any material that can be reduced into finer particles (degraded or decomposed) for a short period of time.
- b. Alternative packing materials- refer to recyclable, reusable and/or biodegradable packing materials that are used in containing, carrying, holding goods or products, as an alternative to plastic bag;
- c. Ambulant Vendors – shall refer to vendors who go around the marketplace and who occupy temporarily vacant spaces in the market whose asset size is P50,000.00 and below.
- d. Non-Biodegradable – materials that cannot be reduced into finer particles or microorganisms.
- e. Sando bag – refers to a type of plastic commonly used for the purpose of carrying, holding and/or transporting goods and other produce. This term shall likewise be defined as one similar to the term plastic bag.
- f. Large-Scale Business – shall refer to business entities with asset size of more than One Million Pesos (P1,000,000.00).
- g. Small and Medium Enterprises – shall refer to business entities with asset size of more than Fifty Thousand Pesos (P50, 000.00) but not exceeding One Million Pesos (P1,000,000.00).
- h. Styrofoam – is a trademark of a product made of light resilient foam of polystyrene. For purposes of this Ordinance the term “Styrofoam” shall refer to the Expanded Polystyrene (EPS) Foam used as containers for food and beverages.

**Section 3. *Prohibition on the Use, Sale or Provision of Plastic Bags and Styrofoams.*** – The following regulations shall be imposed as follows:

- a. Business establishments, fast-food outlets, market vendors, food kiosks, sari-sari stores, ambulant vendors, and the like are prohibited from using non-biodegradable plastic bags and styrofoams as carrying materials for goods and commodities sold.
- b. Stores and other retail establishments are mandated to use any alternative legally compliant carryall material for customers, such as but not limited to the materials mentioned in Section 4 hereof.



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**Section 4. Alternative Packing Materials.** - The use of recyclable, reusable and/or biodegradable alternative packing materials should be encouraged and promoted, such as reusable woven bags (bayong), cloth bags, rattan baskets and shopping bags made from recycled waste paper and other bags made out of biodegradable materials. All business establishments are encouraged to adopt the "Bring Your Own Bag" Program. *Provided, further,* that biodegradable materials such as cartons and paper-based items shall be used as alternative containers for food, beverages and similar items.

**Section 5. Technical Working Group.** - For the purpose of this ordinance, a Technical Working Group shall be established:

*a. Composition:*

Chairman	<i>Municipal Mayor</i>
Co-Chairman	<i>SB Member (Proponent)</i>
Vice Chairman	<i>MENRO</i>
Members	
	<i>SB Members</i>
	<i>Market Supervisor</i>
	<i>LnB President</i>
	<i>SK President</i>
	<i>Municipal Treasurer</i>
	<i>Municipal Health Officer</i>

**b. Functions.** The Technical Working Group shall have the following functions:

- i. The formulation of the Implementing Rules & Regulations as well as the Guidelines in the proper implementation of this Ordinance.
- ii. Identify activities to be conducted during the moratorium period
- iii. Identify the environmental advocacies, programs and projects to be funded by the municipal government
- iv. Recommend measures for the proper implementation of this Ordinance.

**Section 6. Monitoring and Evaluation.** - The Municipal Economic Management Office (MEMO), Municipal Environment and Natural Resources Office (MENRO), in coordination with Law Enforcement Team (LET) shall monitor the effective implementation of this Ordinance and shall likewise prepare a periodic report on the progress of the implementation of this Ordinance and shall furnish the Sangguniang Bayan a copy of the same.

**Section 7. Information, Education and Communication Campaign.** - Upon approval of this Ordinance, the Sangguniang Bayan through the Public Information Office together with the Municipal Environment Management Office Team, Public Market & Slaughterhouse Department in coordination with the Technical Working Group, shall conduct massive information, education and communication campaigns using quad media (print, radio, television and internet) and shall include the promotion of alternative biodegradable packing materials. The information and education campaign shall include the production and distribution of materials related and consistent with the provisions of this Ordinance.





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**Section 8. Implementing Rules and Regulations.** Within ninety (90) days from the approval of this Ordinance, the necessary rules and regulations shall be issued by the Technical Working Group for the proper and effective implementation of this Ordinance.

**Section 9. Fines.** Business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like who violate Section 3 and Section 6 shall be fined as follows:

- a. For Ambulant Vendors
  - i. First Offense: = Warning/Reprimand
  - ii. Second Offense: = Fine of 100 pesos
  - iii. Third Offense = confiscation of goods
- b. Small and Medium Enterprises (SME)
  - i. First Offense: = Fine of P200.00
  - ii. Second Offense: = Fine of P500.00
  - iii. Third Offense: = Fine of P1,000.00 and suspension of business permit to operate for 2 weeks
- c. Large-Scale Businesses
  - i. First Offense: = Fine of 1,000.00 and suspension of business permit to operate for one (1) month
  - ii. Second Offense: = Fine of 2,000.00 and suspension of the permit of business to operate for six (6) months.
  - iii. Third Offense: = Fine of 2,500.00 and a case filed in court.

**Section 10. Moratorium and Implementation.** - All business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like engaged in the use and/or sale of plastic bags and styrofoam as materials for food and beverages shall be given six (6) months from the date of effectivity of this Ordinance to dispose their remaining inventory and for consumers to adjust and conform.

**Section 11. Separability Clause.** - If any part of this Ordinance is declared not valid, unconstitutional or unlawful, such declaration shall not affect or impair the remaining provisions, sections or parts thereof, which shall remain or continue to be in full force and effect.

**Section 12. Repealing Clause.** - All previous ordinances, executive orders and issuances inconsistent hereof shall be deemed repealed or modified accordingly.

**Section 13. Effectivity.** - This Ordinance shall take effect fifteen days (15) after its publication in a local newspaper of general circulation and posting for three (3) consecutive weeks in all conspicuous places in the Municipal Hall, Social Media or in the local bulletin board. Implementation of this ordinance shall be in accordance with Section 10 hereof.

**ENACTED, January 14, 2019 at Moncada, Tarlac.**

Affirmative: Espejo, Rodolfo; Marzan, Tolentino, Yasay; Espejo, Thelmaflor; Gamboa, Aguilar, Favis, Rivera

Negative: None

Absent: Cuchapin



Republic of the Philippines  
**MUNICIPALITY OF MONCADA**  
Province of Tarlac

**SANGGUNIANG BAYAN**

X-----X  
**I HEREBY CERTIFY** to the correctness of the foregoing Municipal Ordinance which was enacted by the Sangguniang Bayan of Moncada, Tarlac during its 2<sup>nd</sup> Regular Session held on the 14<sup>th</sup> day of January 2019.

*VM*  
**VICTOR SANDINO S. MOLINA, MPA**  
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:**

*JD*  
**JAIME O. DUQUE**  
Vice-Mayor & Presiding Officer

APPROVED by HER HONOR, the Municipal Mayor on: JAN. 16, 2019

*EA*  
**ESTELITA M. AQUINO**  
Municipal Mayor