



## Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BALER, AURORA WHICH WAS HELD ON JUNE 01, 2011 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

Present:

Hon. Nelianto C. Bihasa	Vice Mayor- Presiding Officer
Hon. Danilo M. Ong	SB Member
Hon. Karen G. Angara-Ularan	SB Member- PCL President
Hon. Noel P. Go	SB Member
Hon. Arthur L. Sanchez	SB Member
Hon. Reynaldo E. Mapindan	SB Member
Hon. Gina T. Ritual	SB Member
Hon. Nenita DS. Gonzales	SB Member
Hon. Sonia G. Amatorio	SB Member
Hon. Gina Z. Agapito	SB Member- ABC President
Hon. Aya Rose L. Avellaneda	SB Member- SK Fed. Chairman

### ORDINANCE No.002-2011

**AN ORDINANCE REGULATING THE USE AND SALE OF PLASTIC BAGS, PLASTIC CELLOPHANE, STYROFOAM AND STYROPOR (POLYETHYLENE) AS BAGGING AND PACKING MATERIALS IN THE MUNICIPALITY OF BALER, AURORA.**

Be it ordained by the Sangguniang Bayan of Baler, Aurora that:

**Section 1. Title:** This ordinance shall be known as "An Ordinance Regulating the Use and Sale of Non-biodegradable Plastic Bags, Plastic Cellophane (Polyethylene), Styrofoam and Styropor as Bagging and Packing Materials in the Municipality of Baler, Aurora."

**Section 2. Definition of Terms:** For the purpose of this ordinance, the terms hereunder shall have the following meanings:

**Polyethylene** – a polymer of ethylene used in the manufacture of all plastic. It is a flexible, extremely tough and chemical resistant non-biodegradable material.

**Plastic bags**- flexible plastic containers that open at one end and are used for carrying things. It shall include biodegradable and non-biodegradable plastics.

**Wrap/Wrapping** – to cover especially by winding or folding, to envelope or secure for transportation or storage, to coil, fold, draw around something.

**Cellophane** - transparent, thin, flexible and biodegradable plastic used as wrappers or packing material.

**Styrofoam**- is a trademark of The Dow Chemical Company for closed-cell extruded polystyrene foam currently made for thermal insulation and craft applications. It is mostly uneconomical to recycle or otherwise process environmentally unless in massive quantities and can be lethal to any bird or sea creature that swallows significant quantities.

**Styropor**- It is a synthetic material, made of crude oil. A liquid is extruded from the oil. From this liquid a refinery will make little balls (polystyrene). By injecting steam into these little balls they expand and glue together (styropor).

**Biodegradable** – made of materials that decay relatively quick.

**Ambulant Vendor**- refers to a vendor or seller who has no fix place of business in the municipality and who goes around selling his / her goods.

Environment-friendly- designed to minimize harm to the natural world e.g. by using biodegradable ingredients.

MENRO-a person appointed by the Local Chief Executive as the Municipal Environment and Natural Resources Officer .

Enforcers - persons authorized by the Local Chief Executive to assist the local police forces to implement the provisions of this ordinance and other environmental laws and ordinances of this municipality.

Citation ticket—a printed notice issued by the Municipal Environment Officer, police and deputized enforcers to violators of this ordinance.

Biodegradable Plastics – are forms of plastic derived from plant sources such as hemp oil, soy bean oil and corn starch rather than from petroleum. These plastics are derived from natural products and have compounds that are readily broken down by microbes so it decays relatively quick. These plastics do not cause harm to the environment.

Non-biodegradable Plastics—are forms of plastic derived primarily from crude oil, natural gas or coal. These types of plastics cannot be broken down by microbes to decay. And if burned will produce toxic smoke and pollute the environment which will result to ecological damage.

Sabutan – indigenous material crafted from species of pandan that are woven into hats, baskets, handbags, fans, wallets, wall decors, placemats, coasters, fancy slippers and home and Christmas decors.

Market Administrator – person who is in position that oversees, manage, and direct day-today activities of market operations.

Food container- any material that are used to pack food.

Market-an establishment whereby businesses sell their goods, services and labor to people in exchange for money.

Grocery Store- a store established primarily for the retailingofgoods.

Canteens- a cafe, restaurant, or cafeteria provided for the use of students, workers, or soldiers at a particular school, office, or military base.

Business Establishment - an establishment (a factory or an assembly plant or retail store or warehouse etc.) where business is conducted, goods are made or stored or processed or where services are rendered.

Restaurant - prepares and servesfood anddrinkstocustomersin return for money.

Eatery - a small informal restaurant where people go to eat.

**Section 3.** This ordinance shall cover markets, grocery stores, retail outlets or stores, bakeries, restaurants, canteens, eateries, recreation centers, catering services, hotels, inns, business establishments, institutions, commercial stalls and entities in all areas in the municipality.

**Section 4.** All specified in section 3 are hereby required to use environment-friendly packing/bagging materials such as paper or cloth bags, or bayong, non-plastic sack or bags and sturdy reusable shopping bags biodegradable plastics or other biodegradable containers instead of non-biodegradable plastic and cellophane bags, styrofoam and styropor. Bulky goods shall be packed in paper boxes or cartons or other biodegradable bagging materials.

**Section 5.** Ambulant vendors are prohibited to sell items within the Municipality of Baler using non-biodegradable plastics, cellophanes, styrofoams and styropor.

**Section 6.** Goods sold in the Municipal Public Market such as fresh meat, fish, fruits, vegetables and the like shall be packed only in biodegradable or environment friendly bagging containers or such other bagging materials provided under section 11 hereof.

**Section 7.** No establishment shall give-out, issue, and sell (retail or wholesale) non-biodegradable plastic bags, cellophanes, styrofoams and styropor for use by customers as bagging and packing materials.

**Section 8.** Vendors, agents or delivery men engaged in the sale of non-biodegradable plastic bags shall not be allowed to sell or distribute the same or unload or make any delivery of non-biodegradable plastics and cellophanes, styrofoams and styropors or similar items in any establishment in the Municipality of Baler.

**Section 9.** Factories and establishments engaged in the manufacture of non-biodegradable plastic bags, cellophanes, styrofoams, and styropors are prohibited to be established in the Municipality of Baler.

**Section 10.** Establishments that have previously acquired volumes of non-biodegradable plastic bags, cellophanes, styrofoams and styropors are given four (4) months from the effectivity of this ordinance to utilize or dispose of the same. For this purpose the store/establishment shall register with the office of the MENRO to avail of this provision.

**Section 11.** Consumers shall provide themselves with biodegradable plastic bags, baskets/bayong or other sturdy reusable bags, boxes or crate or containers made of cloth and/or indigenous materials for use as bagging and packing materials.

**Section 12.** Food items with liquid consistency may be placed in biodegradable plastics with a maximum length of 12 inches and a width of 5 inches (12 x 5) in its unexpanded form.

**Section 13.** Items such as flour, sugar, and coffee, maybe packed in biodegradable plastics with a maximum length of 12 inches and a width of 5 inches (12 x 5) in its unexpanded form.

**Section 14.** Business establishments, institutions, hotels, inns, catering services, schools, restaurants, schools, recreation centers and canteens are prohibited to use non-biodegradable styrofoams, clamshells and glasses/cups.

**Section 15: Fines/ Penalties:**

Any person or establishment who/which violates the following provisions of this ordinance shall have the following penalties.

A) Section 5, 11, 12, 13:

First Offense	P 500.00 fine and confiscation of the prohibited items
Second Offense	P 1,000.00 fine, and five (5) days imprisonment and confiscation of the prohibited item
Third Offense	P 1,500.00 fine, and seven days imprisonment and confiscation of the prohibited item.

B) Section 4,6,7 and 10:

First Offense	P 1,000 fine and confiscation of item.
Second Offense	P 1,500 fine, twenty (20) days imprisonment and suspension of business permit for three months.
Third Offense	P 2,000 fine, (30) days imprisonment and revocation of business permit and the owner/operator shall be disqualified to engaged in the same business.

C) Section 9

First Offense	P 1,500 fine and ten (10) days imprisonment
Second Offense	P 2,000 fine, twenty (20) days imprisonment Suspension of business permit for 3 months.
Third Offense	P 2,500 fine, thirty(30) days imprisonment and revocation of business permit and the owner/operator shall be disqualified to engage in the same business.

**Section 16.** The Local Chief Executive shall deputize enforcers to issue citation tickets to violators of this ordinance stating the violation and the corresponding penalty thereof. In shall pay the fine with the Office of the Municipal Treasurer immediately.

**Section 17.** The Local Chief Executive shall deputize enforcers to implement and assist the local police to ensure compliance with the provisions of this Ordinance.

**Section 18.** The Local Government shall encourage manufacturers of biodegradable and environment friendly packing/bagging materials to be established in the municipality. For this purpose, manufacturers of biodegradable and environment-friendly packing /bagging materials located in the Municipality of Baler shall be entitled to a tax incentive.

**Section 19.** The Local Government Unit of Baler shall maintain a database of all establishments which comply with this ordinance and initiate activities that would discourage use of non biodegradable plastics. Business establishment shall likewise remind their customers to provide themselves or bring their own shopping bags, baskets, preferably biodegradable packing materials or containers.

**Section 20.** Upon approval of this ordinance, the Local Chief Executive shall create a Task Force composed of Barangays, Mayors Office, MENRO, MHO, Municipal Treasurers Office, MPDO, MEO, MILGOO, PNP, DepEd and Sangguniang Bayan Member-Committee Chairman on Environment and shall embark on a comprehensive information campaign on this ordinance for a period of forty five (45) days.

An oversight committee composed of the same members of the Task Force is hereby created to review the provisions hereof in relation to its implementation and to recommend modifications or amendments. After 3 months of its initial implementation the oversight committee shall convene and shall study the problems regarding the implementation of this ordinance and submit within one (1) month, its recommendations if there is a need for amendments.

**Section 21. Repealing Clause**—All Municipal Ordinances or parts of any Municipal Ordinance inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**Section 22. Separability Clause**- If any provision hereof is declared null and void, those not affected shall remain in full force and effect.

**Section 23. Effectivity Clause**- This ordinance shall take effect after a period of forty five (45) days from the last day of posting for three (3) consecutive weeks in at least two (2) conspicuous places in this municipality.

ENACTED: 01 June, 2011

AUTHOR : **HON. KAREN G. ANGARA-ULARAN**  
Chairperson- SB Committee on Agriculture

**I HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**GLORIOSO A. VILLAFRANCA**  
Secretary to the Sangguniang Bayan

Attested:

**NELIANTO C. BIHASA**  
Vice Mayor-Presiding Officer

Approved:

**ARTURO J. ANGARA, DMD.**  
Municipal Mayor

Date: \_\_\_\_\_