

**IMPLEMENTING RULES AND REGULATIONS OF ORDINANCE NO. SP-2868,  
S-2019**

AN ORDINANCE FURTHER AMENDING ORDINANCE NO. SP-2140, S-2012, AS AMENDED BY ORDINANCE NO. SP-2350, S-2014 BY PROVIDING THE MECHANISM FOR THE UTILIZATION OF THE GREEN FUND FROM THE PLASTIC RECOVERY SYSTEM FEE AND IMPOSING A TOTAL BAN ON THE DISTRIBUTION OF PLASTIC BAGS FROM THE EFFECTIVITY OF THE ORDINANCE AND BROWN BAGS TWO (2) YEARS THEREAFTER.

**SECTION 1. SHORT TITLE.** - This Implementing Rules and Regulations is promulgated pursuant to Section 16 of Ordinance No. SP-2868, Series of 2019. For brevity, this Implementing Rules and Regulations shall hereinafter be referred to as "IRR."

**SECTION 2. COVERAGE**

- a) All business establishments using plastic and paper bags in their business transactions should display conspicuously in their stores, especially in the transaction counter, the environment friendly notice - SAVE THE ENVIRONMENT, BRING YOUR OWN REUSABLE BAGS.
  
- b) All Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains, Food Stalls, Restaurants, Drug Stores, Pharmacies, Wet and Dry Markets and all other retailers shall provide the following reusable bags as carry out bags to be made available for purchase by the consumer. It will be made available in the respective checkout counters of the stores, purposely for multiple reuse. Appropriate sizes and design may be provided for the purpose:
  1. Reusable Shopping Bag - Reusable bag to be used for shopping and buying groceries. Applicable for shopping malls, department stores, supermarkets and grocery stores.
  2. Take-out Bag - Reusable bag to be used for carrying food and drinks for two or more persons, applicable for fast food chains and restaurants.
  3. Agora Bag - Reusable bag to be used in carrying goods from wet and dry markets such as meat, fish, vegetables, fruits and other goods. The market management may assign an area within the market where this bag can be purchased.
  4. Medicine Bag - Reusable bag or medicine kit appropriate to carry small quantity of medicines such as tablets and capsules, bottled syrups/suspensions and the like applicable for drugstores and pharmacies.

**SECTION 3. EXCEPTION**

Plastic bags with no handles, holes or strings which shall be exclusively used for wrapping unpacked fresh foods and cooked foods at supermarkets, wet and dry markets, and other Type II retailers, restaurants, canteens, and the like shall not be



included under the scheme as the usage of such plastic bag is justified on the grounds of public hygiene.

For purposes of implementation, cooked food wrapped in plastic bags with no handles, holes or string as defined in this section, to be consumed for dine-in purposes as covered under Quezon City Ordinance No. SP-2876, S-2019, shall be prohibited.

#### **SECTION 4. CLASSIFICATION OF RETAILERS**

- | TYPE 1   | TYPE 2   |
|--|--|
| <ul style="list-style-type: none"><li>• Shopping Malls</li><li>• Supermarkets</li><li>• Department Stores</li><li>• Grocery Stores</li><li>• Fast Food Chains and other food stalls</li><li>• Restaurants</li><li>• Drugstores</li><li>• Pharmacies</li><li>• Other similar retailers registered under Business Permits and Licensing Department</li></ul> | <ul style="list-style-type: none"><li>• Wet and Dry Markets</li><li>• Talipapa</li><li>• Tiangge</li><li>• Hawkers</li><li>• Other similar retailers under the jurisdiction of Market Development and Administration Department (MDAD)</li></ul> |

#### **SECTION 5. PHASE ONE**

- a) A total ban on the distribution of plastic bags shall be immediately implemented by all Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains and Food Stalls, Restaurants, Drug Stores, Pharmacies and other similar retailers classified as Type 1 retailers pursuant to Section 4 of this IRR.
- b) As such, collection of Plastic Recovery Fee or Green Fund will no longer be applicable. However, the submission of an annual report to the Environmental Protection and Waste Management Department shall still be mandatory for all Type I retailers to determine trend in the purchase of reusable bags and such other information necessary to gauge the effectiveness of the Ordinance. The submission of an annual report shall be a prerequisite for the issuance of the Environmental Clearance from the Environmental Protection and Waste Management Department (EPWMD). Sample format of the annual report is hereby attached as Annex to this IRR. Format and content of the Annual Report may be changed by the EPWMD subject to prior notice to relevant parties.

Businesses applying for Environmental Clearance (EC) from the EPWMD for the first time shall not be required to submit an annual report: Provided, That the new applicant shall sign an undertaking in writing stating that upon application for the renewal of the EC, the annual report required by this Section shall include data from the unreported months when the business first applied for an EC.



## **SECTION 6. PHASE TWO**

- a) Starting January 1, 2022, there shall also be a total ban on the distribution of brown bags in all Shopping Malls, Supermarkets, Department Stores, Grocery Stores, Fast Food Chains and Food Stalls, Restaurants, Drug Stores, Pharmacies and other similar retailers operating in the City.

The EPWMD, BPLD and other relevant City Government Department and Offices shall conduct intensified monitoring of establishments as well as Information, Education and Communication Campaigns to educate and inform the public about the Ordinance.

- b) Brown Bags – Brown bags shall refer to non-handled (no handles) single-use paper carry-out bags, regardless of color, including those provided by Pharmacies except Medicine Bags as defined under Section 2 of this IRR.

## **SECTION 7. ASSESSMENT**

Three (3) years after the date of effectivity of the Ordinance, the EPWMD shall conduct an overall assessment of the Ordinance and shall submit a report to the Office of the Mayor and the Quezon City Council.

## **SECTION 8. REMITTANCE OF THE REMAINING GREEN FUND**

The remaining Green Fund maintained by Type I Retailers as of December 31, 2019 should be remitted to the City through the City Treasurer's Office immediately.

The following shall be the process for remittance of the remaining Green Fund under the supervision and control of the City Treasurer's Office:

- a. The concerned retailers will remit the Green Fund at the designated area for Non Regular Collections, Payment Lounge, Office of the City Treasurer.
- b. Accounting and verification will be made if all the relevant Type 1 Retailers had remitted the Green Fund in their custody.
- c. A list of violators if any, will be sent to the Business Permits and Licensing Department and the City Legal Department in consonance with Section 16 and 17 of this IRR.

## **SECTION 9. ENVIRONMENTAL TRUST FUND**

An Environmental Trust Fund for the Green Fund shall be established by the City Government. Projects to be implemented using the Trust Fund shall be evaluated by the EPWMD, subject to the approval of the Office of the City Mayor.

Arrangements will be made with the Landbank of the Philippines – Quezon City Hall Branch for the creation of an Environmental Trust Fund under the General Fund relative to the remittance of remaining Green Fund.

Utilization of the Trust Fund shall be governed by Section 10 and 11 of this IRR.



## **SECTION 10. UTILIZATION OF THE GREEN FUND**

The Green Fund shall be exclusively used to fund projects that produce tangible and measurable benefits to the environment. This shall include, but not limited to: a) Renewable energy projects/technologies, b) Greening programs, c) Projects/technologies for the improvement and development of the environment in the communities and d) Other projects similar to any or a combination of the above programs and projects. Projects must be carried out only within the territorial jurisdiction of the City.

## **SECTION 11. EVALUATION PROCESS**

Subject to Section 9 and 10 of this IRR, this Section shall govern the evaluation process of the Green Fund.

Programs and projects, may be proposed by the following:

1. Type 1 retailers with remitted green fund.
2. The EPWMD
3. Other Quezon City Local Government Departments and Offices
4. Barangays
5. Academe
6. Non-Governmental Organizations

The proposed programs and projects will be evaluated by the EPWMD. If, upon evaluation, the proposal is determined to have potential to provide environmental, economic and social benefits, an evaluation report shall be submitted to the City Mayor for approval and appropriate action.

The evaluation report shall be signed by at least two EPWMD evaluators and the Head/Officer-in-Charge of the EPWMD stating the following information:

1. Name of Project
2. Project Description
3. Target Beneficiaries
4. Target Location
5. Funding Requirement
6. Proposing Entity/Proponent
7. Implementing Agency/ies
8. Other relevant information important to justify the project such as its environmental impacts, cost-benefit analysis, among others.

Upon favorable consideration/approval of the Mayor, the Environmental Trust Fund shall be utilized to fund the approved projects subject to the prescribed procedures for the utilization of trust funds under relevant laws and ordinances.

## **SECTION 12. PLASTIC BAG RECOVERY AND RECYCLING MECHANISM**

All Shopping Malls are likewise directed to implement their own recyclables trading activities in their respective areas to ensure that there will be enough venues where used plastic bags as well as other recyclable materials may be redeemed. The EPWMD may also designate additional venue for the recyclables trading activities or may alter



existing schedules for advancement purposes. The EPWMD upon request, may provide a list of relevant recyclers that will buy used plastic bags and other recyclable materials. All plastic bags and other recyclable materials accumulated by stores shall be directly sold to the recyclers of their choice.

The stores may also bring their accumulated used plastic bags and other recyclable materials to the waste markets provided by the EPWMD.

### **SECTION 13. INCENTIVES FOR USING REUSABLE BAGS**

To mainstream the use of reusable bags, Type 1 Relevant Retailers are hereby mandated to implement the following incentive schemes for consumers:

- Point System Scheme – For those stores implementing the point system scheme to their regular customers, additional points must be given to those who have brought their reusable shopping bag.
- Green Lane – All stores shall provide at least one (1) special counter or express lane to be called as Green Lane to cater to customers who have brought their reusable bags. This will also serve as an information and advocacy measure in caring for the environment

Additional incentive schemes, other than those mentioned above, may also be implemented. Details of which should be reported to the EPWMD thirty (30) days from the date of effectivity of the Ordinance.

The mandatory incentive schemes under this section shall be reflected in the Annual Report stated in Section 5 of this IRR.

### **SECTION 14. PROHIBITIONS**

Stall owners/lessees in wet and dry markets, including Talipapa, Tiangge, Hawkers, and other retailers registered under the Market Development and Administration Department (MDAD), all of which are classified herein as Type II retailers, will not be allowed to directly distribute plastic carryout bags with handles, holes or string usually made from High Density Polyethylene (HDPE), Low Density Polyethylene (LDPE)/Low Linear Density Polyethylene (LLDPE) and Polypropylene (PP) plastic materials.

Market Owners shall be held administratively liable if proven that the former willfully allows any violation of the Ordinance.

### **SECTION 15. IMPLEMENTATION**

a) The EPWMD shall:

- 1) In coordination with other City Departments/Offices, conceptualize/develop and implement environmental projects to be approved by the City Mayor;
- 2) Enforce provisions of the Ordinance,
- 3) Facilitate the deputation of personnel from other Departments and the Quezon City Police District for the enforcement of this Ordinance and;
- 4) Consolidate all information submitted by the relevant retailers.



- b) The Market Development and Administration Department (MDAD) shall ensure the compliance of Type II Relevant Retailers.
- c) The Barangay Community Relations Department (BCRD), Liga ng mga Barangay and the Business Permits and Licensing Department (BPLD) shall provide an updated list of Relevant Retailers to the EPWMD.
- d) The EPWMD, BCRD and the Liga ng mga Barangay shall undertake appropriate information dissemination about the provisions of the Ordinance.

#### **SECTION 16. VIOLATIONS**

- Distribution of Plastic Bags beyond January 1, 2020
- Distribution of Brown Bags beyond January 1, 2022
- Failure to remit the remaining Green Fund
- Failure to implement the mandated Incentive Scheme under Section 13 of this IRR.
- Failure to submit an Annual Report
- Failure to implement a Waste Market Program (for Malls)

#### **SECTION 17. FINES AND PENALTIES**

- 1<sup>st</sup> Offense – Php 1,000.00
- 2<sup>nd</sup> Offense – Php 3,000.00 and Revocation of Environmental Clearance and Issuance of a Cease and Desist Order by the BPLD
- 3<sup>rd</sup> Offense – Php 5,000.00 and Issuance of Closure Order by the BPLD

Non-compliance to the Closure Order would result to the filing of a case by the City Legal Department, against the concerned establishment.

**SECTION 18. SEPARABILITY CLAUSE** – If, for any reason, a provision or part of this IRR is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

#### **SECTION 19. REPEALING CLAUSE**

All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance are hereby repealed or amended accordingly.

#### **SECTION 20. EFFECTIVITY CLAUSE**

This IRR shall take effect on January 1, 2020.



RECOMMENDING APPROVAL:



**MS. ANDREA VALENTINE A. VILLAROMAN**  
Officer-In-Charge, Environmental Protection and  
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**MS. MA. MARGARITA T. SANTOS**  
Head, Business Permits and Licensing  
Department/Officer-In-Charge, Market  
Development and Administration  
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**MR. EDGAR T. VILLANUEVA**  
City Treasurer, City Treasurer's Office

Approved:



**HON. MA. JOSEFINA G. BELMONTE**  
City Mayor

Date: JAN 0 1 2020