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Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD NG MARIKINA



ORDINANCE No. 052
Series of 2010

City Government of Marikina
GSO Records Management Division
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10-0016237

**ORDINANCE BANNING THE USE OF PLASTIC BAGS FOR DRY GOODS AND
WET GOODS IN MARIKINA CITY AND PRESCRIBING PENALTIES
THEREOF**

Introduced by: Councilor PONCIANITO E. SANTOS, JR.
Councilor ANNA B. DAYAO
Councilor DONN CARLO B. FAVIS
Councilor PONCIANO T. UBALDO, JR.
and Vice-Mayor MARION S. ANDRES, M.D.

WHEREAS, Section 458, (1) of the Local Government Code of 1991 (RA 7160) empowers local government units to enact/approve ordinances that ensure the effective and efficient system of managing and maintaining the ecological balance within their jurisdiction;

WHEREAS, RA 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, strictly prohibits the manufacture or use of non-environmentally-acceptable materials and requires biodegradable and environment-friendly materials for packing as part of the national solid waste management program;

WHEREAS, Section 447, VI of RA 7160 also empowers the Sangguniang Panlungsod to protect the environment and impose appropriate penalties for acts which endanger the environment and result in pollution, acceleration or eutrophication of rivers and lakes or ecological imbalance;

WHEREAS, the City has embarked on various programs which aim to greatly reduce, reuse or recycle wastes towards achieving to its goal as a model city in solid waste management;

WHEREAS, plastic bags do not biodegrade but photodegrade i.e. break down into smaller toxic pieces contaminating soil and waterways and entering the food web which animals accidentally ingest;

WHEREAS, there is now a global effort to totally ban or greatly reduce the use of plastic bag to free landfills from its harmful waste material and reduce the costs incurred in its disposal;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF MARIKINA, IN SESSION DULY ASSEMBLED, that:

CHAPTER I. GENERAL PROVISION

SECTION 1. TITLE. This Ordinance shall be known as the Ban on the Use of Non Biodegradable Plastic Bags.

SECTION 2. DEFINITION OF TERMS. For the purpose of this ordinance, the following terms shall mean and be defined as follows:

- a. Biodegradable – is generally organic materials such as plant and animal matter and other substances originating from living organisms, or artificial materials that are similar enough to plant and animal matter to be put to use by microorganisms.
- b. Business establishment - means any establishment that sells retail goods to the general public, including grocery store, convenience store, markets, restaurants, shopping centers and theaters.
- c. Checkout Bag – a carryout bag that is provided by a store, eating place, shop, or retail food vendor to a customer at the point of sale.
- d. Dry goods – any products that do not require refrigeration or freezing to maintain its freshness or natural state such as textiles, canned goods, leather goods, etc.
- e. Plastic bags – flexible plastic containers that open at one end and are used for carrying things. It shall include both biodegradable and non-biodegradable types.
- f. Primary Packaging Materials – refer to those types of packaging for containing wet produce such as vegetables, shells and fish, frozen foods, etc.
- g. Recyclable – means material that can be sorted, cleansed, reconstituted using the Barangay's or CEMO's available recycling collection programs for the purpose of using altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.
- h. Reusable bag – a bag with handles that is specifically designed and manufactured for multiple re-use is either made of cloth or other machine washable fabric.
- i. Secondary Packaging Materials – refers to those types of packaging materials to provide support to any primary packaged goods intended to provide convenience to the handler or customer.

SECTION 3. PROHIBITION ON THE USE OF NON BIODEGRADABLE PLASTIC BAGS. Upon effectivity of this ordinance, only biodegradable plastic bags may be allowed to be used by business establishments selling dry goods and wet goods. Only biodegradable or environment-friendly bagging/packaging containers are allowed.

SECTION 4. PROHIBITION ON THE SALE OF NON BIODEGRADABLE PLASTIC BAGS. The sale of non-biodegradable plastic bags for use as bagging materials is hereby prohibited in the City of Marikina.

SECTION 5. PENALTIES

Any person or establishment who/which violates the provisions of this ordinance shall be fined with the following penalties:

A. For ambulant vendors:

Php P500.00 fine or Community Service for not less than 5 hours for every apprehension.

B. For business establishments:

First Apprehension : Php 1,500.00 fine and suspension of business to operate for one (1) month.

Second Apprehension : Php 5,000.00 fine and/or imprisonment of not more than six (6) months upon the discretion of the court, cancellation of the permit of business to operate for six (6) months.

SECTION 6. PUBLIC EDUCATION AND AWARENESS CAMPAIGN. Upon the approval of this ordinance, the City Government through the City Public Market Office, City Environmental Management Office, Business Permit and Licensing Office and the Public Information Office, in coordination with the barangay governments and NGOs shall conduct public education and awareness campaign.

☆☆ **SECTION 7. FORMULATION OF THE IMPLEMENTING RULES AND REGULATIONS.** The Business Permit and Licensing Office as lead agency shall formulate the implementing rules and regulations for the efficient and effective implementation of this ordinance, in coordination with the City Public Market Office, the City Environmental Management Office and the barangay governments.

SECTION 8. IMPLEMENTING AGENCIES. The City Public Market Office shall enforce this ordinance in both public and private markets. The Business Permit and Licensing Office shall enforce this ordinance in all other business establishments. The barangay governments shall assist in the enforcement of this ordinance in their respective jurisdictions.

SECTION 9. Repealing Clause. All City Ordinances, rules and regulations, or parts thereof, whose provisions are in conflict with, or contrary to the provisions of this ordinance are hereby repealed, modified and amended accordingly.

SECTION 10. Separability Clause. If any provision hereof is declared null and void, those not affected shall remain in full force and in effect.

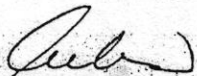
Re - require **SECTION 11. Effectivity Clause.** This ordinance shall take effect on January 01, 2011 and posting for three (3) consecutive weeks in at least two (2) conspicuous places in the city and after publication in a newspaper of general circulation.

Posting and publication ?

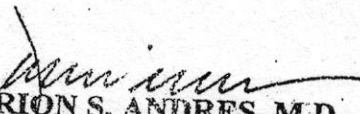
= Only of posting and publication.

APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MARIKINA this 24th
day of March 2010.

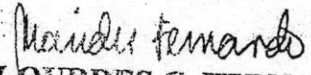
I hereby certify to the passage of the
foregoing Ordinance which was duly
approved by the City Council of
Marikina during the 12th regular
session held on March 24, 2010.


LOLITA E. DE LEON
City Council Secretary

ATTESTED & CERTIFIED
TO BE DULY APPROVED:


MARION S. ANDRES, M.D.
Vice-Mayor/Presiding Officer

APPROVED by the Honorable City Mayor on 01 JUL 2010


MA. LOURDES C. FERNANDO
City Mayor