



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao
SEVENTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 107th REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON NOVEMBER 20, 2018, 9:00 AM, TUESDAY,
 AT THE CONFERENCE ROOM OF THE CITY MAYOR'S OFFICE

PRESENT:

Hon. Raymund P. Guzman	Sangguniang Panlungsod Member, Temporary Presiding Officer
Hon. Kendrick S. Calubaquib	Sangguniang Panlungsod Member
Hon. Maila Rosario T. Que	-do-
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Gil G. Pagulayan	Ex Officio Member (Liga ng mga Barangay President)

ABSENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor (on Official Business)
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member (on Official Business)
Hon. Grace B. Arago	-do-
Hon. Karen L. Taguinod	Ex Officio Member (SK Federation President)

NOTE:

Hon. Jude T. Bayona	Acting City Mayor
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CITY ORDINANCE NO. 46-2018

AN ORDINANCE EXPANDING SECTION 192 AND 193 OF CITY ORDINANCE NO. 058-2017 THEREBY REGULATING THE SINGLE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS, AND THE USE OF STRAWS AS MATERIAL FOR CONSUMPTION OF BEVERAGES, AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, FOR FOOD AND BEVERAGES CONTAINERS IN THE CITY OF TUGUEGARAO AND PRESCRIBING PENALTIES THEREOF

Sponsors: **Hon. Mary Marjorie P. Martin-Chan
 Hon. Danilo L. Baccay
 Hon. Raymund P. Guzman**

Co-Sponsors: **Hon. Jude T. Bayona
 Hon. Kendrick S. Calubaquib
 Hon. Winnoco R. Abraham
 Hon. Imogen Claire M. Callangan
 Hon. Gil G. Pagulayan
 Hon. Maila Rosario T. Que**

WHEREAS, Article II, Section 16 of the Philippine Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Section 3 (i) of R.A. 7160 provides that "Local Government Units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction";

WHEREAS, Section 16 of R.A. 7160 provides that, “xxx... local government units shall ensure and support, among others, the preservation and enrichment of culture, promotion of health and safety, and enrichment of the right of people to a balanced ecology...xxx”;

WHEREAS, Section 192 of City Ordinance No. 058-2017, also known as the City Ordinance Enacting the Comprehensive Environmental Management Code of Tuguegarao City provides, that all business establishments and vendors may provide bio-oxo plastic bags or recyclable eco-friendly bags to their customers for their carrying and transport of dry goods. As much as practicable, use of plastics for packaging of goods shall not be allowed;

WHEREAS, Section 193 of City Ordinance No. 058-2017, also known as the City Ordinance Enacting the Comprehensive Environmental Management Code of Tuguegarao City, provides that no business establishment and vendors shall use Styrofoam and other materials as containers for food produce and other products;

WHEREAS, Section 458 (vi) of R.A. 7160 empowers the Sangguniang Panlungsod to protect the environment and impose appropriate penalties for acts which endanger the environment including such activities which result in pollution acceleration or eutrophication of rivers and lakes or of ecological imbalance;

WHEREAS, plastic cellophane, sando bags, expandable polystyrene (EPS) foams, straws and other similar materials are extensively used primarily for bagging or packaging receptacles, and straws are rampantly used as material for consumption of beverages in commercial establishments and in households within the territorial jurisdiction of Tuguegarao City;

WHEREAS, being non-biodegradable materials, the above mentioned bagging and packaging materials clog our canals, creeks, rivers and other water ways causing flood during rainy season and causing harm to these waterways and the surrounding communities;

WHEREAS, according to the National Geographic, straws are the main contributors to the 8 million tons of plastic that makes its way to the ocean every year; these little straws are mistaken as food by the sea creatures and cannot be digested and can harm them;

WHEREAS, the use of plastics and polystyrene in food storage and of straws in beverage consumption can carry health risks especially when hormone disrupting chemicals from some of these materials used for packaging/consuming leach into food and beverages;

WHEREAS, straws are made of polypropylene which is a by-product of petroleum – the same substance used to fuel cars – and are toxic to people; Dr. Samuel S. Epstein, M.D., of the Cancer Prevention Coalition writes that they can risk cancer, genetic damage and reproductive toxicity;

WHEREAS, despite serious efforts of the City to segregate biodegradable, recyclable and reusable waste materials, plastics, polystyrene, straws and other similar materials remain in the municipal waste stream and eventually remain as the common residual waste fraction;

WHEREAS, the City of Tuguegarao, in its desire to regulate the “single use” of plastic cellophane and sando bags and eventual prohibition of the use, sale and provision of polystyrene as food and beverage containers encourages the utilization of alternative packaging materials such as woven bags (bayong), cloth/paper bags and other similar organic packaging materials (e.g. banana leaves, taro leaves, etc.);

WHEREAS, the City of Tuguegarao, in its desire to regulate the use of straws for beverage consumption, encourages business establishments to no longer use straws in their sale of beverages such as juice drinks, sodas, or that which can be consumed without the use of straws, (e.g. of those which need straws for consumption are shakes, milk tea with “pearls” or such add-ons, etc.);

WHEREAS, it is in the best interest of the health, safety and welfare of the people of Tuguegarao City to minimize the use of plastic cellophane and sando bags and the eventual prohibition of the use, sale and provision of polystyrene and straws as materials for packaging/consuming food and beverages.

NOW, THEREFORE, be it **ORDAINED** by the Sangguniang Panlungsod of the City of Tuguegarao, Cagayan, in regular session assembled, to enact “*AN ORDINANCE EXPANDING*

SECTION 192 AND 193 OF CITY ORDINANCE NO. 058-2017 THEREBY REGULATING THE SINGLE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS, AND THE USE OF STRAWS AS MATERIAL FOR CONSUMPTION OF BEVERAGES, AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, FOR FOOD AND BEVERAGES CONTAINERS IN THE CITY OF TUGUEGARAO AND PRESCRIBING PENALTIES THEREOF

SECTION 1. TITLE. This Ordinance shall be known as the “**PLASTIC ORDINANCE OF TUGUEGARAO CITY.**”

SECTION 2. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms are defined as follows:

- A. Alternative packaging materials – refer to recyclable, reusable and/or biodegradable packaging materials that are used in containing, carrying, holding and/or transporting goods or products, as alternative plastic bags;
- B. Bring Own Bag (BOB) Program – refers to the program adopted by supermarkets, convenient stores and other business establishments whereby customers are enjoined to bring a reusable bag, paper bag, cloth bag or any other alternative packaging material for purposes of containing, carrying, holding and transporting goods or products bought;
- C. Cloth bag – refers to reusable packaging material made of cloth used in the packaging of flour, wheat and other similar goods;
- D. Container/s – refers to a type of material utilized for purposes of holding, enclosing, packaging and/or restraining edible food and beverage for human consumption;
- E. Expanded polystyrene (EPS) foam – is thermoplastic petrochemical material which utilizes a styrene monomer and is processed by fusion of polymer spheres. It is a type of polystyrene product commonly used as containers for food and beverages;
- F. Packaging – refers to the packaging, packing and wrapping of products for purpose of carrying the same in a convenient manner;
- G. Plastic bag – refers to a type of bag made of thin, flexible, plastics film that is designed to be provided or utilized at the point of sale for containing, carrying, holding and transporting goods;
- H. Plastic wastes – refer to any plastic packaging material thrown as wastes;
- I. Plastic cellophane – is a transparent, thin film plastic sheet made of regenerated cellulose having low permeability to air, oil, greases, bacteria and water makes it useful for food packaging;
- J. Reusable bag – refers to a washable canvass bag or native bag “bayong” or any shopping bag used for carrying and transporting goods, which bags are made of organic or non-organic materials that can be used for several times;
- K. Sando bags – refer to a type of plastic packaging with handles 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 bags;
- L. Single use – disposable or used for only one time;
- M. Straw – refers to a thin, hollow tube of plastic for sucking drink from a glass or bottle;
- N. Styrofoam – refers to a trademark of a product made up 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; and,
- O. Woven bags – refer to biodegradable packaging materials made of woven native materials e.g. pandan or buri leaves and other similar materials.



SECTION 3. REGULATION ON THE USE, SALE OR PROVISION OF PLASTIC BAGS.

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 plastic cellophanes and sando bags as packaging materials for customers.
- B. Stores and other retail establishments are mandated to use any alternative legally compliant packaging material for customers such as, but not limited, to the materials mentioned in Section 4 hereof, in lieu of single-use plastic cellophanes and sando bags.
- C. All business establishments are encouraged to adopt the "Bring Own Bag" (BOB) Program.

SECTION 4. ALTERNATIVE PACKAGING MATERIALS. The use of recyclable, reusable and/or biodegradable alternative packaging materials should be encouraged and promoted, such as reusable woven bags (bayong), cloth bags, rattan baskets, shopping bags made from recycled waste paper and other bags made out of biodegradable materials (e.g. banana leaves, taro leaves, water lily, corn stalk, etc.) shall be utilized as alternative packaging materials.

SECTION 5. BRING OWN BAG (BOB) POLICY IN BUYING GOODS FROM THE MARKET. Unless otherwise provided in Section 10 of this Ordinance, market vendors, sidewalk vendors, ambulant vendors in wet markets and in other designated business areas such as those selling meat and poultry products, fresh and dried fish and other marine products, vegetable, fruits and spices, native delicacies and such other products or goods of the same classification shall not use cellophane or plastic (sando) bags for packing or packaging their products bought by consumers. Only paper bags or pouch, or other biodegradable materials such as banana leaves shall be used for the purpose; provided, however, that customers shall bring their own native baskets or bayong (woven native bags) or other alternative or eco-friendly bagging or packing materials when buying goods from the market. Customers may also bring old plastic bags from their previous purchases as packing or bagging material; provided, however, that they can only use two (2) regular size plastic bags per trip to the market.

SECTION 6. INCENTIVES FOR USING REUSABLE BAGS. To promote the use of reusable bags, stores are hereby encouraged to formulate appropriate incentives to consumers which may include:

- A. Point System Scheme – For stores implementing the point system scheme to their regular customers, additional points may be given to those who are using reusable shopping bags or are participating in the BOB program; and,
- B. Green Lane – stores may provide special counters or express lanes to be called as Green Lane to cater customers who bring their own bags or use reusable bags.

SECTION 7. PROHIBITION ON THE USE, SALE OR PROVISION OF STYROFOAM. Business establishments, restaurants, fast-food outlets, food kiosks, catering services and the like shall not utilize, sell or provide styro-foams or expanded polystyrene foam as containers for food and beverages.

SECTION 8. ALTERNATIVE CONTAINERS FOR FOOD AND BEVERAGES. The use of reusable and/or paper-based containers for food and/or beverage and other alternative containers are encouraged and promoted.

SECTION 9. PROHIBITION ON THE USE, SALE OR PROVISION OF STRAWS. Business establishments, restaurants, fast-food outlets, food kiosks, catering services and the like shall not utilize, sell or provide straws for the consumption of beverages which can be consumed without the use of straws.

Those which need straws for consumption include, but are not limited to, shakes, milk tea with "pearls" or such add-ons, etc.

SECTION 10. EXEMPTIONS TO PROHIBITION ON THE USE OF PLASTIC PACKAGING OR BAGGING RECEPTACLES.

- A. Only products like ice, ice candy, ice water, sugar, salt, coffee, powdered milk, cooking oil, soy sauce, vinegar, ketchup, butter and other such perishable products may be packed with plastic bag/wrapper, cellophane or bottle for the preservation thereof.

Considering that rice, corn and mungo are perishable products and the plastic sacks are used for their packaging or bagging is the most effective material for the preservation thereof, the use of the same packaging or bagging receptacle may be allowed. However, in order to control the indiscriminate proliferation of such material such as plastic waste or refuse, the same should be recycled in a manner favorable to the rice millers, corn and mungo producers/dealers and the consumers. The latter may buy back at a reasonable price used plastic sacks from the consumers or may grant reasonable discount to consumers who will bring their own plastic sacks upon purchase. The buy back price of the plastic sacks upon purchase. The buy back price of the plastic sacks as determined by the Department of Trade and Industry (DTI) shall be considered reasonable for the purpose of this provision.

- B. Only cooked food with sauce or soup bought from restaurants, food chains and eateries may be packed with regular size cellophane or styrofoam or styropor for proper handling thereof when taken out of the establishment. All other food and drink products for dine-in orders shall be served only in regular plates, bowls and drinking glasses, or other appropriate reusable containers. Styrofoam or styropor containers, disposable plastic cup/bottles, disposable plastic spoons and forks, and other non-biodegradable containers shall not be used for dine in customers.
- C. In the event that paper bags, paper pouches, or cloth bags will run out of stock, plastic bags may be used for packing or bagging items bought from department stores, groceries, boutiques and sari-sari stores, provided it shall be limited to one (1) plastic bag per customer per one-time shopping; provided further that in order to prevent the proliferation of plastic shopping bags, commercial establishments may buy back at a special cheap price such plastic shopping bags that originated from their stores for reuse by other customers. Business owners and the DTI will decide on the buy back price of plastic bags.

For the purpose of effective implementation of this provision, plastic shopping bags shall not be sealed with the use of plastic bag sealer or staple wire that would render the receptacle unfit for reuse.

SECTION 11. TECHNICAL WORKING GROUP. For the purpose of this Ordinance, a Technical Working Group shall be established with the following composition:

Chairman	:	City Administrator
Members	:	City Environment Management Office (CEMO) Public Information Office Representative Market Administrator Business Permits and Licensing Office (BPLO) Representative

SECTION 12. FUNCTIONS OF THE TECHNICAL WORKING GROUP. The Technical Working Group shall have the following functions:

- A. Formulate the Implementing Rules and Regulations as well as the guidelines in the proper implementation of this Ordinance.
- B. Identify the activities and programs to be conducted during the moratorium period.
- C. Coordinate with DTI, DENR, DOST and other stakeholders for the implementation of the Ordinance.
- D. Recommend measures for the proper implementation of this Ordinance.

SECTION 13. IMPLEMENTATION AND MONITORING OF ORDINANCE. The City Environment and Natural Resources Office (CENRO) in coordination with Business Permits and Licensing Office (BPLO) shall be tasked in 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 Panlungsod a copy of the same.

The Sangguniang Panlungsod of the City of Tuguegarao shall have oversight functions to ensure the effective implementation of this Ordinance.

SECTION 14. INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN. Upon approval of the Ordinance, the City Government through the Public Information Office together with CENRO, BPLO and Market Administrator, in coordination with the Technical Working Group, shall conduct massive information, education and communication campaigns using squad media (print, radio, television and internet) and shall include the promotion of alternative biodegradable packaging materials and health information in the use of these materials. The same shall be in collaboration with the appropriate



government agencies such as DTI, DENR and DOST. The information and education campaign shall include the production and distribution of materials related and consistent with the provisions of this Ordinance.

SECTION 15. IMPLEMENTING RULES AND REGULATIONS. Within sixty (60) days from the approval of this Ordinance, the necessary rules and regulations shall be issued by the City Mayor upon the recommendation of the Technical Working Group for the proper and effective implementation of this Ordinance.

SECTION 16. FINES. Business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like who violate Section 3, Section 6 and Section 8 shall be fined as follows:

- A. First Offense – Php500.00
- B. Second Offense – Php1,000.00
- C. Third Offense – Php3,000.00 and suspension of license to operate for a period of six (6) months in the case of business establishments
- D. Fourth Offense – P5,000.00 and cancellation of license to operate in the case of business establishments

SECTION 17. MORATORIUM AND TRANSITIONAL IMPLEMENTATION. All business establishments, sari-sari stores, ambulant vendors, market vendors, food kiosks and the like engaged in the use and/or selling of plastic bags and styro-foam as packaging materials for food and beverages shall be given six (6) months from the date of effectivity of this Ordinance to dispose of their remaining inventory and for customers to adjust and conform.

At the lapse of the six (6) month period, this Ordinance shall be implemented in FULL.

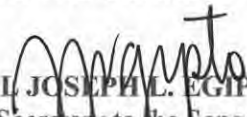
SECTION 18. FUNDING. The amount necessary for the effective implementation of this Ordinance shall be appropriated in the Annual Budget or any Supplemental Budget that may be approved thereafter.

SECTION 19. 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.

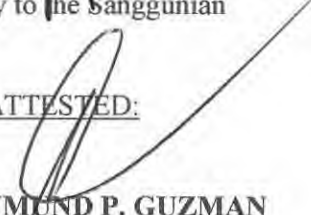
SECTION 20. EFFECTIVITY. This Ordinance shall take effect after posting for three (3) consecutive weeks in three (3) conspicuous places within the City of Tuguegarao. Implementation of this Ordinance shall be in accordance with Section 15.

X-X-X

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sanggunian

ATTESTED:


HON. RAYMOND P. GUZMAN
Sangguniang Panlungsod Member
Temporary Presiding Officer
Date: 11-27-18

APPROVED:


HON. ATTY. JEFFERSON P. SORIANO
City Mayor
Date: 11/27/18

X-X-X

CERTIFICATION

I, Raymund P. Guzman, duly elected as the Temporary Presiding Officer during the 107th Regular Session held on November 20, 2018, do hereby certify that I acted as such when the foregoing City Ordinance No. 46-2018 has been approved under suspended rules.

In witness whereof, I hereunto set my hand and affix my signature this 27 day of November 2018.

HON. RAYMUND P. GUZMAN
Sangguniang Panlungsod Member
Temporary Presiding Officer

cd

Republic of the Philippines
Province of Cagayan
City of Tuguegarao

Office of the Secretary to the Sanggunian

December 6, 2018

Dr. Rosalinda P. Callang
Secretary to the Sanggunian
Sangguniang Panlalawigan, Province of Cagayan
Capitol Hills, Tuguegarao City



Madam:

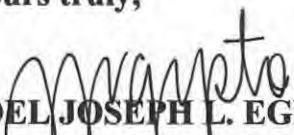
Pursuant to Section 54 of the Local Government Code, we are now submitting for review and action the attached legislative measures enacted by the Sangguniang Panlungsod on December 03, 2018, to wit:

- **CITY ORDINANCE NO. 47 – 2018** – An Ordinance Expanding Section 09, Article II of City Ordinance No. 30-2017 also known as the Gender and Development Code of Tuguegarao City prohibiting Gender-Based Street and Public Spaces Harassments, providing protective measures, prescribing penalties therefor and for other purposes

- **APPROPRIATION ORDINANCE NO. 06 - 2018** - An Ordinance Authorizing the Supplemental Budget No. 04 of Tuguegarao City for CY 2018

Thank you.

Yours truly,


JOEL JOSEPH L. EGIPTO
Secretary to the Sanggunian