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Item No.: 13
Date: JUN 27 2023

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

SANGGUNIANG PANLALAWIGAN
19 June 2023
of
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE
2nd INDORSEMENT
June 15, 2023

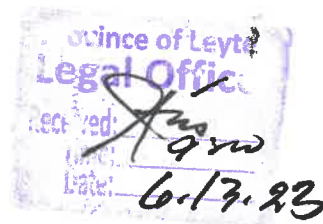
Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 6-16-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-06 of the Municipality of Albuera, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160.

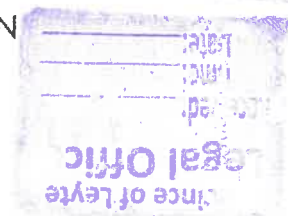
The Provincial Legal Office is of the opinion that ordinance proposed is supported by Section 447 (1) (vi) and Section 16 of the Local Government Code, promoting environmental protection for the general welfare of its constituents.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer [Signature]

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte



OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
13 June 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 2022-06** of the Municipality of **ALBUERA**, Leyte, entitled: An Ordinance Regulating The Use Of Plastic Cellophane And Sando Bags As Packaging Materials, And Utilization Of Polystyrene, Commonly Known As Styrofoam, As Food And Beverages Containers In The Municipality Of Albueria, Leyte And Prescribing Penalties Thereof.

FLORINDA JIL S. UYVICO
Secretary to the Sangguniang



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera
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OFFICE OF THE SANGGUNIANG BAYAN

TRANSMITTAL

December 28, 2022

Hon. Leonardo Javier, Jr.
Vice Governor & Presiding Officer
Province of Leyte
New Provincial Government Complex
Palo, Leyte

Thru: **Florinda Jill S. Uyvico**
Secretary to the Sanggunian
Province of Leyte

Dear Vice Governor Javier:

Respectfully transmitting herein **Municipal Ordinance No. 2022-06**, "**An Ordinance Regulating the use of Plastic Cellophane and Sando Bags as Packaging Materials, and Utilization of Polystyrene, Commonly Known as Styrofoam, as Food and Beverages Containers in the Municipality of Albuera, Leyte and Prescribing Penalties Thereof.**"

Please acknowledge receipt hereof.

Very truly yours,


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 24TH REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE SB SESSION HALL OF ALBUERA, LEYTE ON DECEMBER 20, 2022

MUNICIPAL ORDINANCE NO. 2022-06

AN ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS, AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, AS FOOD AND BEVERAGES CONTAINERS IN THE MUNICIPALITY OF ALBUERA LEYTE AND PRESCRIBING PENALTIES THEREOF.

INTRODUCED BY: HON. ROXANNE R. ZALDIVAR

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

WHEREAS, non-biodegradable plastic bags and polystyrene products are rampantly used to carry, transport or package goods purchased within retail and business establishments;

WHEREAS, these non-biodegradable products, when improperly disposed of, pose a nuisance to the environment, pollute our rivers and creeks, and every so often clog our sewerage systems and waterways, thereby causing floods and damage to property;

WHEREAS, to safeguard and conserve our environment, there is a need to discontinue the use of non-biodegradable plastic bags and polystyrene products, and consequently shift to sustainable biodegradable materials, including but not limited to woven bags (bayong), cloth bags (katsa), oxo-biodegradable plastic bags/biodegradable polystyrene, and other similar reusable, biodegradable and recyclable materials;

WHEREAS, the Municipality of Albuera 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.) and likewise advocates the "No Plastic Day" and "Bring Your Own Bag-(BYOB)" programs of the Government;

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

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF ALBUERA, LEYTE IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. This ordinance shall be known as "AN ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS, AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, AS FOOD AND BEVERAGES CONTAINERS IN THE MUNICIPALITY OF ALBUERA LEYTE AND PRESCRIBING PENALTIES THEREOF."

ANUEL E. BANTASAN

ANTHONY V. BARTIE

JENY S. BILBAO

ANA LIZA E. DELA VICTORIA

ALBERTO SUMALJAG

PAMELA M. BOHOLST

SIXTO B. DELA VICTORIA

IMELDA A. PADUL

ROXANNE R. ZALDIVAR

MARY JANE B. BASTOLA

MARJUNE MAGNO

PROTACIO RIZALITO M. CENIZA

MANUEL E. BANTASAN

SECTION 2. PURPOSE: The purpose of this Ordinance is in line with the shared mandate and responsibility of the local government of Albuera Leyte together with the State in the management and maintenance of the ecological balance, preservation and protection of our environment.

ANTHONY V. BARTE

SECTION 3. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms are defined as follows;

a. Alternative packaging materials- refers to recyclable, reusable and/or biodegradable packaging materials that are used in containing, carrying, holding and /or transporting goods or products, as an alternative to plastic bag;

b. Bring Your Own Bag (BYOB) Program- refers to the program adopted by supermarkets, convenient stores, department 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 – shall refer 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- refers to any plastic packaging material thrown as wastes

i. Plastic cellophane- is 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 – refers 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 bag

l. Single-use- disposable or used for only one time

m. Styrofoam – is 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

n. Woven bags- refers to biodegradable packaging material made of woven native materials e.g. pandan or buri leaves and other similar materials.

SECTION 4. 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 every Thursday and Friday of the week.

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 5 hereof, in lieu of single-use plastic cellophanes and sando bags.

LENY S. ELBAO

ANA LIZA E. DELA VICTORIA

ALBERTO S. SUMALJAG

PAMELA M. BOHOLST

SIXTO B. DELA VICTORIA

IMELDA M. MADUL

ROXANNE R. ZALDIVAR

MARY JANE B. SANTIAGA

MAFCUN P. MAGNO

PROTACIO RIZALTO M. CENIZA

SECTION 5. 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. All business establishments are encouraged to adopt the "Bring Your Own Bag" Program.

MANUEL E. BANTASAN

SIXTO B. DELA VICTORIA

SECTION 6. PROHIBITION ON THE USE, SALE OR PROVISION OF STYROFOAM. Business establishments, restaurants, fastfood outlets, food kiosks, catering services and the like shall not utilize, sell or provide styrofoams or expanded polystyrene foam as containers for food and beverages.

SECTION 7. ALTERNATIVE CONTAINERS FOR FOOD AND BEVERAGE. The use of reusable and/or paper-based containers for food and/or beverage and other alternative containers are encouraged and promoted.

ANTHONY V. BARTE

IMELDA T. FADUL

SECTION 8. TECHNICAL WORKING GROUP. For the purpose of this ordinance, a Technical Working Group shall be established with the following composition:

- Chairman: Municipal Mayor
- Co-Chairman: Municipal Vice Mayor
- Vice Chairman: SB Committee Chairman on Environment
- Members:
 - MENRO
 - SB Committee Chairman on Trade, Commerce & Industry
 - Market Supervisor
 - Business Permit and Licensing Officer
 - Sanitary Inspector

LENY S. BLBAO

ROXANNE R. ZALDIVAR

SECTION 9. FUNCTIONS OF THE TECHNICAL WORKING GROUP. The Technical Working Group shall have the following functions:

- a) The formulation of the Implementing Rules & 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) Identify the environmental advocacies, programs and projects to be funded by the government
- d) Recommend measures for the proper implementation of this Ordinance.
- e) The Technical Working Group shall act as an adjudication committee.

ANA LIZA E. DELA VICTORIA

MARY JANE B. BANGSODA

SECTION 10. MONITORING OF ORDINANCE. The MENRO Office in coordination with Law Enforcement Team shall monitor the effective implementation of this ordinance and shall likewise prepare a periodic report on its progress and shall furnish the Sangguniang Bayan a copy of the same.

SECTION 11. INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN. Upon approval of this Ordinance, the Municipality through the Public Information Office together with the MENRO Office IEC Team, in coordination with the Technical Working Group, shall conduct massive information, education and communication campaigns using media (print and internet) and shall include the promotion of alternative biodegradable packaging materials. The information and education campaign shall include the production and distribution of materials related and consistent with the provisions of this Ordinance.

ALBERTO C. JUMALJAG

MAFJUN P. MAGNO

SECTION 12. IMPLEMENTING RULES AND REGULATIONS. Within thirty (30) 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 13. 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:

- First Offense : P 500.00
- Second Offense: P 1,000.00
- Third Offense : P 2,000.00 and cancellation of license to operate in the case of business Establishments until determined to have been compliant

PAMELA M. BOHOLST

PROFANO RIZALITO M. CENIZA

SECTION 14. MORATORIUM AND 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 styrofoam 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 consumers to adjust and conform.

SECTION 15. 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 16. Repealing Clause. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 17. 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 or in the local bulletin board.

APPROVED.

ENACTED BY THE SANGGUNIANG BAYAN OF ALBUERA, LEYTE TERM 2022 – 2025 DURING ITS 24TH REGULAR SESSION HELD ON DECEMBER 5, 2022 AT THE SB SESSION HALL ALBUERA, LEYTE.


ATTESTED AND CERTIFIED TO BE DULY ADOPTED:


HON. ROXANNE R. ZALDIVAR
SB Member


HON. PROTACIO RIZALITO M. CENIZA
SB Member


HON. LENY S. BILBAO
SB Member


HON. MARY JANE B. SAGULA
SB Member


HON. MANUEL E. BANTASAN
SB Member

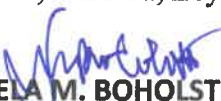

HON. ANA LIZA E. DELA VICTORIA
SB Member


HON. MARJUN P. MAGNO
SB Member


HON. ANTHONY V. BARTE
SB Member


HON. ALBERTO C. SUMALJAG
LnB President/Ex-Officio Member

I HEREBY CERTIFY that this is a true and accurate copy of the ordinance duly enacted by the Sangguniang Bayan of Albuer, Leyte Term 2022 – 2025 on its 24th Regular Session on December 20, 2022 at the SB Session Hall, Albuer, Leyte.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I


HON. IMELDA A. FADUL
Mun. Vice-Mayor/Presiding Officer

APPROVED:


HON. SIXTO B. DELA VICTORIA
Municipal Mayor

Date: DEC 23 2022



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN
ATTENDANCE SHEET

24th REGULAR SESSION
of the Sangguniang Bayan

SB Session Hall
Venue

December 20, 2022

No.	Name & Designation	Signature
1	Hon. IMELDA A. FADUL Mun. Vice Mayor / Presiding Officer	
2	Hon. ROXANNE R. ZALDIVAR SB Member	
3	Hon. MARY JANE B. CAGULA SB Member	
4	Hon. MARJUN P. MAGNO SB Member	
5	Hon. PROTACIO RIZALITO M. CENIZA SB Member	
6	Hon. MANUEL E. BANTASAN SB Member	
7	Hon. ANTHONY V. BARTE SB Member	
8	Hon. LENY S. BILBAO SB Member	
9	Hon. ANA LIZA E. DELA VICTORIA SB Member	
10	Hon. ALBERTO C. SUMALJAG ABC President, Ex-Officio	
11	Hon. JOY S. PATRICIO SK Federation President, Ex-Officio	MATERNITY LEAVE

CERTIFICATION

I hereby certify that those who have affixed their signatures above, have actually attended the 24th Regular Session of the Sangguniang Bayan of Albuera, Leyte, held at the SB Session Hall on December 20, 2022.

PAMELA M. BOHOLST
Secretary to the Sangguniang Bayan



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera
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OFFICE OF THE SANGGUNIANG BAYAN

C E R T I F I C A T I O N

TO THE CONCERNED:

THIS IS TO CERTIFY that **Municipal Ordinance No. 2022-06**, “An Ordinance Regulating the use of Plastic Cellophane and Sando Bags as Packaging Materials, and Utilization of Polystyrene, Commonly known as Styrofoam, as Food and Beverages Containers in the Municipality of Albuera, Leyte and Prescribing Penalties Thereof,” has been posted in the bulletin board of the Sangguniang Bayan of Albuera, Leyte on December 24, 2022 and shall remain posted until a period of two (2) consecutive weeks thereof.

ISSUED this 27th day of December 2022 at Albuera, Leyte, Philippines.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I