



## OFFICE OF THE MUNICIPAL MAYOR

Madrid Blvd., Zone III, Pinamalayan, Oriental Mindoro 5206  
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### EXECUTIVE ORDER NO. 027-2018

AN ORDER PROVIDING THE RULES AND REGULATIONS IMPLEMENTING MUNICIPAL ORDINANCE NO. 04-2014, OTHERWISE KNOWN AS AN ORDINANCE PROHIBITING THE USE AND SALE OF NON-BIODEGRADABLE PACKAGING/BAGGING MATERIALS SUCH AS PLASTIC BAGS/PLASTIC CELLOPHANE, STOROFOAMS/STYROPHORS MAKING "PINAMALAYAN A PLASTIC AND STYROFOAM FREE MUNICIPALITY" AND INSTITUTIONALIZING THE USE OF BIODEGRADABLE CONTAINERS WITHIN THE MUNICIPALITY, PROVIDING PENALTIES AND ALLOCATING FUNDS THEREOF.

#### RULE I - POLICY AND APPLICATION

**ARTICLE 1. Title.** These Rules shall be known and cited as the Implementing Rules and Regulations of Municipal Ordinance No. 04-2014, otherwise known as An Ordinance Prohibiting the Use and Sale of Non-biodegradable Packaging/Bagging Materials such as Plastic Bags/Plastic Cellophane, Styrofoams/Styrophors Making "Pinamalayan A Plastic and Styrofoam Free Municipality" and Institutionalizing the Use of Biodegradable Containers Within the Municipality, Providing Penalties and Allocating Funds thereof.

**ARTICLE 2. Objectives and Purposes.** These Rules are promulgated to prescribe the procedures and guidelines for the implementation of the Municipal Ordinance No. 04-2014 in order to facilitate compliance therewith and achieve the objectives thereof.

**ARTICLE 3. Scope and Coverage.** This Ordinance shall cover all markets (meat, fish, vegetables vendors, and other wet and dry goods retailer, outlet and whole seller), grocery stores, sari-sari stores, rice retailers, accessories and school supplies stores, ambulant vendors, catering services, restaurants, eateries, commercial stall/outlets, and other similar business entities, person/individual using plastic and styrofoam/styrophor in all areas of the municipality.

**ARTICLE 4. Rules of Interpretation.** In the interpretation of the provisions of the Ordinance in case of ambiguity on the manner of implementation, the rules shall be construed liberally in favour of the stakeholders mentioned in the preceding article.

#### RULE II - PROHIBITED AND REGULATED ACTS AND PENALTIES

**ARTICLE 5. Definition of Terms.** For purposes of the Rules, the following term are defined as follows:

1. **AMBULANT VENDOR** – refers to a vendor/seller who has no area for selling his goods.
2. **BIODEGRADABLE** – a substance capable of natural decomposition into harmless elements in a short period.
3. **BIODEGRADABLE PLASTIC** – are form of plastics derived from plant sources such as hemp oil, soy bean oil and corn starch which consist of compounds that are readily broken down by microbes and do not cause harm to environment.
4. **CELLOPHANE** – refers to transparent, thin and flexible plastic used as wrappers or packing materials.
5. **CLOTH BAG (a.k.akatsa)** – refers to a reusable packaging material made of cloth (biodegradable) used in the packaging of flour, wheat and other similar goods.



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6. **CITATION TICKET** – a printed notice issued by the Task Force or any authorized persons to violators of the ordinance.
7. **DRY GOODS** – refers to any products that do not require refrigeration freezing to maintain freshness such as textiles and clothing.
8. **NON-BIODEGRADABLE PLASTIC**– are form of plastic derived primarily from crude oil, natural gas or coal, which cannot be broken down by microbes to decay. If burned, it will produce toxic smoke which results pollution and ecological damage.
9. **PLASTIC BAGS** – also known as sando bags, pouch, plastic shopping bags and plastic film bags. It is a type of flexible packaging materials made of the plastic film that is used for containing and transporting food and other products. It shall also refer to a thin-guage packaging medium that is used as bags or wraps.
10. **WET GOODS** – refer to any product that requires refrigeration or freezing to maintain freshness such as fish, meat, poultry products, fruits, vegetable, beverages and cooked foods in carinderias/eateries.
11. **WOVEN BAGS (a.k.a. bayong)** – refers to biodegradable packaging material made of wooden pandan, buli leaves, water lily, rattan, nito vines and other similar materials.
12. **NON BIODEGRADABLE MATERIALS** – are styrofoam/styrophors boxes, plastic bags/plastic cellophane, plastic cups and plates used as container of foods, produce products dry goods or either wet goods.
13. **BIOCIDE** – a substance that is destructive to many different organisms.
14. **PLASTICIZERS** – a chemical added specially to rubbers and resins to impart flexibility, workability or stretchability.

**ARTICLE 6. Prohibited Acts.** Business establishments and/or individuals are prohibited from:

- a) No person/individual, business establishment shall utilize non-biodegradable plastic bags as packaging/bagging materials of dry and wet goods.
- b) No person/individuals, business establishment shall use non-biodegradable styrofoam/styrophor and other similar materials as containers for food and other products.
- c) No person/individual, establishment shall be allowed to offer or sell (retail or wholesale) non-biodegradable plastic bags to be used as packaging/bagging materials.
- d) Vendors, agent or deliverymen 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 plastic or similar items in any establishment in the municipality

**ARTICLE 7. Bring Your Own Bag (BYOB) Program.** All business establishment and person/individual shall be required to use paper bags a.k.akatsa, woven bags a.k.abayong, non-plastic sack or bags and sturdy reusable shopping bags, biodegradable containers instead of non-biodegradable plastic bags, styrofoam/styrophors. Bulky goods shall be packaged in paper boxes or cantons or other biodegradable packing/bagging materials to promote “Bring your own Bag Program”

**ARTICLE 8. Penalties.** Any person/individual or business establishment who violates the provision of this ordinance shall be punished through the imposition of the following penalties:





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*First offense* – P500.00 or 4-hours community service for person/individual, P1,000.00 fine or 4-hours community service of the licensee in case of business establishment.

*Second offense* – P1,000.00 fine or 8-hours community service for person/individual, P1,500.00 fine or 8-hour community service of the licensee in case of business establishment.

*Third and Succeeding offenses* – P2,500.00 fine and/or imprisonment of not more than six (6) months upon the Discretion of the court for person/individual, and in case of business establishment, a fine of P2,500.00 and cancellation/revocation of the licenses to operate of their business within in the calendar year and/or imprisonment of not more than six (6) months upon the Discretion of the court.

A citation ticket shall be issued to any person who violates this Ordinances and the corresponding penalty shall be paid to the Office of the Municipal Treasurer or to his duly authorized representative within three (3) working days.

### RULE III - MONITORING SYSTEM

**ARTICLE 9. Mandate** Pursuant to the Ordinance, monitoring the effective implementation of the Ordinance rest on the Task Force purposely for this ordinance composed of; Municipal Environment and Natural Resources Officer, Municipal Health Officer (MHO), Municipal Market Supervisor, Municipal Licensing Officer, Municipal Treasurer, Philippine National Police (PNP), Chairman SB Committee on Environment and Natural Resources, Chairman SB Committee on Education and (1) NGO (whose advocacy is Zero Waste Management).

They will elect among themselves the Chairman, Vice Chairman and the rest will be regular members of the Task Force.

The Task Force is hereby authorized to form/create a Team under their supervision who will facilitate/perform duties and responsibilities mandated to them in the implementation of the ordinance.

- a) The task Force through the Team they created shall apprehend violators and issue citation tickets stating the violation and the corresponding penalty thereof. In case the penalty is only a fine and the violators does not contest the citation tickets issued, he/she shall pay the fine directly to the office Municipal Treasurer the penalties.
- b) The Task Force shall submit/recommend to the Local Chief Executive the violators who committed the *Third and Succeeding Offenses* of this ordinance for implementation of penalties and/or later for execution of judgement of the court.
- c) Upon approval of this Ordinance, the Task Force through the Team they created shall commence and conduct massive/comprehensive information, education and communication campaign using quad media (print, radio, television and internet) and shall include the promotion of "*Bring your own bag program*" using biodegradable packing materials.



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- d) The Task Force shall deputized Barangay Chairmen, Barangay Committees on Environment, Education, Health Chairmen, Brgy. Tanod, of the 37 barangays, to conduct a massive/comprehensive information campaign, education of all the provision of this ordinance, including the promotion of *"Bring your own bag program"* on their own area of responsibility.

**ARTICLE 10. Affected Parties.** The monitoring shall be imposed to all stakeholders and visitors of Pinamalayan.

**ARTICLE 11. Funding.** Funds, in order to operationalize the implementation of this ordinance, can be derived from whatever available funds of the municipality, subject however to existing accounting and auditing rules and regulations.

**ARTICLE 12. Collecting Body.** The Book of Account, papers, cash and pertinent records germane to expenditures and disbursements shall at all times be open for inspection by the local chief executive.

**ARTICLE 13. Implementation.** The monitoring system shall be implemented upon approval of these Rules.

### RULE IV - FINAL PROVISIONS

**ARTICLE 14. Separability Clause.** If any part of these Implementing Rules and Regulations is held or declared as unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional.

**ARTICLE 15. Repealing Clause.** All Rules and Regulations or parts of said rules and regulations of pertinent ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

**ARTICLE 16. Effectivity.** This Implementing Rules and Regulations shall take effect immediately upon the approval of the Local Chief Executive.

Done this 24<sup>th</sup> day of July 2018 at Pinamalayan, Oriental Mindoro.

  
ARISTEO A. BALDOS, JR.  
Municipal Mayor