PO21CC-079

12ᵗʰ Regular Session

ORDINANCE NO. SP- **2876** , S-2019

AN ORDINANCE PROHIBITING THE DISTRIBUTION AND/OR USE OF SINGLE-USE PLASTICS/DISPOSABLE MATERIALS INCLUDING CUTLERY FOR DINE-IN PURPOSES IN ALL HOTELS AND RESTAURANTS IN QUEZON CITY.

Introduced by Councilor DOROTHY A. DELARMENTE, M.D.
Co-Introduced by Councilors Franz S. Pumaren, Eric Z. Medina, Lena Marie P. Juico, Hero M. Bautista, Eden Delilah "Candy" A. Medina, Diorella Maria G. Sotto-Antonio, Matias John T. Defensor, Tany Joe "TJ" L. Calalay, Imee A. Rillo, Bernard R. Herrera, Ram V. Medalla, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Ramon P. Medalla, Mikey F. Belmonte, Estrella C. Valmocina, Kate Galang-Coseteng, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Donato "Donny" C. Matias and Freddy S. Roxas.

WHEREAS, the State as guaranteed by the Constitution of the Republic of the Philippines "shall protect and promote the right to health" and "protect and advance the right of the people to a balanced and healthful ecology";

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, grants every local government unit the power and authority to promote the general welfare within its territorial jurisdiction, including the promotion of the health and safety of its constituents;

WHEREAS, Republic Act No. 9003, also known as the Ecological Solid Waste Management Act of 2000 provides for a systematic, comprehensive and ecological solid waste management program in the country;

WHEREAS, the use of single-use plastics or disposable materials are not sustainable practices since these plastics/materials, which were produced using immense volume of oil and required a lot of energy are used only once before they are disposed or recycled;

WHEREAS, based on the City's Waste Analysis and Characterization Study 2013, 9.64% of the City's waste is recyclable plastic and .81% of this fraction comprise of single use cutlery (cups, spoon, fork) which is equivalent to 21,149.56 kgs or 21.15 tons per day or approximately 5 truckloads of 10-wheeler dump trucks;

WHEREAS, based also on the City's Waste Analysis and Characterization Study in 2013, 25.76% of the City's waste is considered residual and 2.51% of this is laminate plastic equivalent to 65,537.52 kgs or 65.54 tons per day which is 15 truckloads of ten-wheeler dump trucks;

WHEREAS, paper products such as paper cups, paper straw and paper plates, as well as styrofoam are not an option because they are not recyclable hence, are considered also as disposable materials;

WHEREAS, the extensive usage, improper disposal and poor recovery mechanism for these materials create significant litter problems, blocks the City's canals and drainage systems that eventually results to flooding;

WHEREAS, the City is mindful of its role to protect the environment and promote sustainable development;

WHEREAS, it is the commitment of the City to reduce its waste and implement sustainable practices.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. DECLARATION OF POLICY. - It is hereby declared the policy of the City to promote sustainable development, implement sustainable practices thereby prohibiting the use/ distribution of single-use plastics/disposable materials including cutlery in all Restaurants and Hotels in the City.

SECTION 2. DEFINITION

a) *Restaurant shall refer to any business establishment where meals, snacks, refreshments may be purchased and/or consumed. This shall include Quick Service Restaurants commonly known as fast food restaurants such as Jollibee, McDonalds, Chowking, Greenwich, coffee shops, hotel restaurants. Said restaurants may be standalone restaurants or located within a building.*

b) *Hotel shall refer to establishments providing accommodations, meals, and other services for travelers and tourists such as but not limited to, motels, hostel, transient houses and other similar establishments.*

c) *Single-use Plastic/disposable materials shall refer to but not limited to plastic spoon and fork, knives, plastic/paper cups, plates, plastic/paper straws, coffee stirrers, soap sachets, shampoo sachets, condiment cups with lids, ketchup/soy sauce packets, and other similar plastic and disposal materials.*

d) *Styrofoam packaging shall refer to polystyrene packaging used as primary packaging for cooked meals and other food products.*

SECTION 3. SCOPE. - *This Ordinance shall cover all Restaurants and Hotels as defined above located in Quezon City.*

SECTION 4. PROHIBITIONS

a) *Restaurants and Hotels are prohibited from distributing single-use Plastic/disposable materials such as but not limited to plastic spoon and fork, knives, plastic/paper cups, plates, plastic/paper straws, coffee stirrers and other single use plastic/disposal materials and Styrofoam as defined in Section 2 to customers/clients who are dining in.*

b) *Hotels are prohibited to distribute soap, shampoo, shower gels, liquid soap, conditioners and other items used for hygienic purposes in sachets and single used containers.*

SECTION 5. PENALTIES. - Any Restaurant or Hotel violating this Ordinance shall be penalized as follows:

First Offense – A Fine of One Thousand Pesos (Php1,000)

Second Offense – A Fine of Three Thousand Pesos (Php3,000), revocation of Environmental Clearance and issuance of a Cease and Desist Order by the Business Permits and Licensing Department (BPLD).

Third Offense – A Fine of Five Thousand Pesos (Php5,000), revocation of the Business Permit and issuance of a Closure Order.

The City Legal Department shall take appropriate action against violators upon the recommendation of the Business Permits and Licensing Department (BPLD) for non-compliance to the Closure Order.

SECTION 6. INFORMATION DISSEMINATION. - The Environmental Protection and Waste Management Department (EPWMD) shall conduct an appropriate information dissemination campaign to ensure that stakeholders are made aware of the provisions and penalties of this Ordinance.

SECTION 7. IMPLEMENTATION. - The EPWMD and BPLD shall ensure the compliance of restaurants and hotels to the provisions of this Ordinance. Environmental Inspectors of the EPWMD shall issue Environmental Violation Receipts (EVRs) to violators.
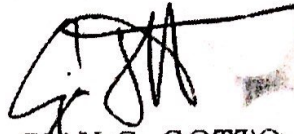
SECTION 8. IMPLEMENTING RULES AND REGULATIONS (IRR) – The EPWMD shall take the lead in the preparation of the Implementing Rules and Regulations within sixty (60) days after approval of this Ordinance.

SECTION 9. SEPARABILITY CLAUSE. - If, for any reason, a provision or part of this Ordinance is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.
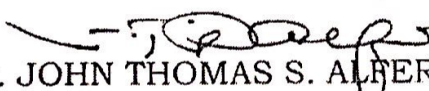
SECTION 10. REPEALING CLAUSE. - All ordinances, resolutions, local executive orders or administrative issuances or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 11. EFFECTIVITY CLAUSE. - This Ordinance shall take effect ninety (90) days after its publication in a newspaper of general circulation.

ENACTED: September 30, 2019.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: __15 OCT 2019__

MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 30, 2019 and was PASSED on Third/Final Reading under Suspended Rules on the same date.

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III