WHEREAS, the 17th Sangguniang Panlungsod enacted City Ordinance No. 3, Series of 2014, entitled: An Ordinance Regulating the Use of Plastic Bags and Expanded Polysterene (styrofoam) Food Service Containers in the City of General Santos and Providing Penalties for Violation Thereof;

WHEREAS, there is a need to amend the said Ordinance, so as to incorporate salient provisions thereof;

NOW THEREFORE, on motion of Hon. ____________, seconded by Hon. ____________, be it –

Resolved, as it is hereby resolved to enact the following ordinance

ORDINANCE NO. ________
Series of 2018

AN ORDINANCE AMENDING CITY ORDINANCE NO. 3, SERIES OF 2014, OTHERWISE KNOWN AS THE PLASTIC AND EXPANDED POLYSTERENE REGULATION ORDINANCE, SO AS TO INCORPORATE SALIENT PROVISIONS THEREOF

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Hon. Elizabeth B. Bagonoc – Author/Sponsor

Be it enacted by the Sangguniang Panlungsod, City of General Santos, that:

Section 1. Section 3 of City Ordinance no. 3, Series of 2014 is hereby amended such as the same shall now read as:

Section 3. Regulation on the use, sale or provision of plastic bags on dry goods. - Only BIODEGRADABLE PLASTIC, and other non-plastic alternative packaging materials, shall be used as primary packaging material for dry food item, which may include eggs, condiments, baking products, vegetables, fruits, rice, corn and other similar products.

Section 2. Section 4 of City Ordinance no. 3, Series of 2014 is hereby amended such as the same shall now read as:

Section 4. Regulation on the use, sale or provision of plastic bags on wet goods. - Only BIODEGRADABLE PLASTIC, and other non-plastic alternative packaging materials, shall be used as primary packaging material for wet goods, which may include fish and sea foods, meat, food, and other similar products.

Section 3. Section 5 of City Ordinance no. 3, Series of 2014 is hereby amended, the same shall now read as:

Section 5. Only non-plastic alternative materials and/or containers are allowed to be used as primary packaging material for hot and cold foods and beverages;
a. Business establishments are encouraged to provide paper straw for beverages

Section 4. Section 6 of City Ordinance no. 3, Series of 2014 is hereby amended, the same shall now read as:

Section 6. Prepackaged foods that business establishments sell or otherwise provide to their customers which are not packed in biodegradable plastics shall be exempt from the prohibition established in the preceding enumeration.

In case of dry goods and other products, if the use of Styrofoam or styrophor is necessary for the protection, preservation, and/or safety of the goods, i.e. fragile items, it shall be exempted from the prohibition;

All dry goods packed individually with cellophane from the suppliers must be removed from the cellophane prior distribution or selling, except those cellophanes and other packages provided for by the manufacturers or suppliers which are necessary for the protection, preservation, and/or safety of the dry-goods, such as, but not limited to:

1. Small hardware items like screws, bolts, and the like;
2. Computer items;
3. Paper Documents;
4. Vacuum packed items from the distributors.

Section 5. Section 7 of City Ordinance no. 3, Series of 2014 is hereby amended, the same shall now read as:

Section 7. PROHIBITION ON THE SELLING OF NON-BIODEGRADABLE PLASTIC BAGS. – No business establishment shall offer or sell non-biodegradable plastic bags to be used as packaging material.

Distributors/wholesalers/suppliers of biodegradable plastic shall submit to the Waste Management Office (WMO) a sworn statement/undertaking attesting what they are distributing/selling are biodegradable plastic are provided by the manufacturer, subject to the verification of the WMO. Any violation of this provision is a ground for revocation of their business permits.

Section 6. Section 22 of City Ordinance no. 3, Series of 2014 is hereby amended, the same shall now read as:

SECTION 22. PROHIBITED ACTS. –

a) THE USE OF PLASTIC BAGS ON DRY GOODS-
   1. Utilizing plastic bags as packaging materials on dry goods;
   2. Using, selling and providing plastic bags to be used as secondary packaging material.
b) THE USE OF PLASTIC BAGS ON WET GOODS-
1. Using, selling and providing non-biodegradable plastic bags as primary packaging materials for wet goods;
2. Using, selling and providing plastic bags to be used as secondary packaging material.

c) USING, SELLING, AND PROVIDING STYROFOAM/STYROPHOR AS FOOD SERVICE CONTAINERS, AND FOR OTHER PRODUCTS.

Section 7. Section 23 of City Ordinance no. 3, Series of 2014 is hereby amended, the same shall now read as:

SECTION 23. PENALTIES. – Any individual/business establishment found violating any of the prohibited acts stated above shall be punished through the imposition of a fine amounting to FIVE THOUSAND PESOS (P5,000.00) and/or one-year imprisonment at the discretion of the court, or in the case of business establishments, revocation of business permit to operate.

In case of business establishment found to be violating this Ordinance, the penalty prescribed herein, other than the revocation of business permit, shall be imposed upon the owner/operator of the establishment or the manager or person in charge thereof. If the offender is a corporation or a partnership or association, the penalty herein prescribed shall be imposed upon the President and/or the General Manager, or to the Managing Partner, as the case may be.

——In case of individuals arriving into General Santos City through any modes of private or public transport and are sojourning in the City for a short period of time are exempted from the application Ordinance.

1. Procedure of Revocation of Business Permits.
   a. An apprehending officer of the Enforcement Team shall issue a notice of violation duly signed by the WMO to the business establishment who violated the Ordinance. Within 72 hours upon receipt of the complaint for violation, the WMO shall issue a notice enjoining the business establishment for a justification why their permit shall not be revoked.

   b. With or without justification, the WMO, within 72 hours from the period given to the subject business establishment for its justification, shall resolve the issue.

   c. The Business Permits and Licensing Division (BPLD) shall revoke the business permit and close the subject business establishment after the finding of the WMO for violations of the Ordinance.
2. **No Contest Provision:**
   a. Any individual who is apprehended or cited for violation and who does not wish to contest the violation and is willing to pay voluntarily the administrative penalty imposed upon him/her prior to the filing of the formal charges with the proper court shall be allowed to pay an administrative penalty in the amount of **FIVE THOUSAND PESOS** (P5,000.00) to the City Treasurer’s Office to avoid being criminally prosecuted for the apprehension. Otherwise, the case shall be prosecuted accordingly. The No Contest Provision can only be availed once and all the proceeds from the payment of the herein penalty imposed shall accrue to the City Trust Fund created for that purpose.

   b. In the case the violator seeks to settle amicably but cannot pay the corresponding **FIVE THOUSAND PESOS** (P5,000.00) administered penalty, he/she shall undergo a compulsory eight-hour (8) community service which shall be administrated by the Waste Management Office.

   c. **In case where the apprehending officer is a Barangay Enforcer or official, the fines collected shall accrue to the general fund of the city. Percentage of the collection shall be transferred as aid to the Barangay to augment the funds intended for environmental projects.**

**Section 8. REPEALING CLAUSE.** – All ordinances, resolutions, orders, memoranda and other issuances not consistent herewith are hereby repealed or modified accordingly.

**Section 9. SEPARABILITY CLAUSE.** – If, for any reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in force and in effect.

**Section 10. EFFECTIVITY.** – This Ordinance shall take effect immediately after its publication in a newspaper of general circulation in the City of General Santos.