



Republic of the Philippines  
City of Davao  
**Office of the Sangguniang Panlungsod**



**19<sup>th</sup> City Council**  
**9<sup>th</sup> Regular Session**  
Series of 2021

**PRESENT:**

Councilor	Edgar P. Ibuyan Jr.	- Temporary Presiding Officer
Councilor	Ralph O. Abella	
Councilor	Bai Hundra Cassandra Dominique N. Advincula	
Councilor	Wilberto E. Al-ag	
Councilor	Dante L. Apostol Sr.	
Councilor	Conrado C. Baluran	
Councilor	Jessica M. Bonguyan	
Councilor	Louie John J. Bonguyan	
Councilor	Pilar C. Braga	
Councilor	Augusto Javier G. Campos III	
Councilor	Danilo C. Dayanghirang	
Councilor	Jonard C. Dayap	
Councilor	Edgar R. Ibuyan Sr.	
Councilor	Richlyn N. Justol-Baguilod	
Councilor	Pamela A. Librado-Morata	
Councilor	Diosdado Angelo Junior R. Mahipus	
Councilor	Bonifacio E. Militar	
Councilor	Myrna G. L'Dalodo-Ortiz	
Councilor	Antoinette G. Principe-Castrodes	
Councilor	J. Melchor B. Quitain Jr.	
Councilor	Alberto T. Ungab	
Councilor	Mary Joselle D. Villafuerte	
Councilor	Jesus Joseph P. Zozobrado III	

**ABSENT**

Vice Mayor	Sebastian Z. Duterte	- On Official Business
Councilor	Nilo D. Abellera	- On Domestic Emergency Leave
Councilor	Maria Belen S. Acosta	- On Domestic Emergency Leave
Councilor	Jaffar U. Marohomsalic	- On Sick Leave

**ORDINANCE NO. 0500-21**  
Series of 2021

**AN ORDINANCE REGULATING THE SALE, DISTRIBUTION, AND USE OF  
SINGLE - USE PLASTICS IN THE CITY OF DAVAO**

Be it ordained by the Honorable Sangguniang Panlungsod of Davao City, in session assembled, that:

**SECTION 1. SHORT TITLE**- This Ordinance shall be known as "**No to Single-Use Plastics Ordinance of 2021**"

**SECTION 2. DECLARATION OF POLICY** – It is hereby declared the policy of the City of Davao:

- (a) To ensure the protection of the Environment;
- (b) To regulate the sale, distribution and use of Single-Use Plastics;
- (c) To encourage the use of reusable products by discouraging disposable plastic products;
- (d) To initiate programs geared towards a sustainable utilization of natural resources;
- (e) To implement waste reduction plans, programs, and practices within the City;
- (f) To enhance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;
- (g) To recognize the principle that "polluters must pay";
- (h) To instill upon the citizenry that a clean and healthy environment is a concern of everybody.

**SECTION 3. DEFINITION OF TERMS**

- (a) **BIOPLASTIC** - refers to plastic made from plant or other biological material instead of petroleum. It can either be made by extracting sugar from plants like corn and sugarcane to convert into polylactic acids (PLAs), or it can be made from polyhydroxyalkanoates (PHAs) engineered from microorganisms;
- (b) **CITY ENRO** - shall refer to the City Environment and Natural Resources Office;
- (c) **ENVIRONMENTAL SERVICE** - shall refer to an environmental protection related service that a violator may voluntarily perform to avail of the benefits of Section 15 of this Ordinance including, but not limited to, clean-up activity, greening and tree planting activity, solid waste management activity, wastewater management activity, or Materials Recovery Facility (MRF) service. Environmental Service is not a penalty.
- (d) **LACK OF COMMERCIALLY AVAILABLE ALTERNATIVES** -is the non-availability of non-plastic single-use alternative products to the regulated single-use plastic products under Section 5 hereof in sufficient quantity required for a specific event, occasion, or for a specific period of business operation;
- (e) **MISDECLARATION OF QUANTITY OF SINGLE-USE PLASTIC PRODUCT DISTRIBUTED AND/OR USED** – as used in this ordinance shall refer to an intentional declaration of a lesser quantity of distribution or usage of single-use plastic products enumerated under Section 5 hereof in the "*plastic usage and disposal audit report*" from the actual quantity used and/or distributed by substituting used single-use plastic products with undeclared regulated items to create and report a surplus in the end inventory of single-use plastic for the specific event, occasion, or period granted under the SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS;



- (f) **NON-DECLARATION OF SINGLE-USE PLASTIC PRODUCT TO BE DISTRIBUTED AND/OR TO BE USED** – as used in this ordinance shall refer to the non-declaration of all the types of regulated items to be used and /or distributed by an applicant for a special permit to **DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS**;
- (g) **PERSON(S)** - shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations;
- (h) **PLASTIC USAGE AND DISPOSAL AUDIT REPORT** - shall refer to the report submitted by a permittee of a **SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS** within seven (7) days from the end of the occasion, event or specific period granted for the distribution and/or use of single-use plastic product enumerated under Section 5 hereof;
- (i) **SINGLE-USE PLASTICS (SUP)** - are items made out of plastic and shall refer exclusively to the following enumerated plastic products which are conceived, designed or placed on the market to be used only once over a short time span before being disposed or discarded:
- 1) Plastic drinking cups lower than *0.2 mm* in thickness (including polystyrene cups), whether recyclable or non-recyclable;
  - 2) Plastic ice cream cups and salad cups lower than *0.2 mm* in thickness (including polystyrene cups), whether recyclable or non-recyclable;
  - 3) Plastic condiment, sauce or gravy containers lower than *0.2 mm* in thickness, whether recyclable or non-recyclable;
  - 4) Plastic cup lids and condiment, sauce or gravy container covers, whether recyclable or non-recyclable;
  - 5) Plastic stirrers, whether recyclable or non-recyclable;
  - 6) Plastic cutleries (spoon, fork, knife or a combination thereof), whether recyclable or non-recyclable;
  - 7) Plastic straws, whether recyclable or non-recyclable;
  - 8) Plastic Plate, meal box, tray or clamshell packaging (including polystyrene meal box, tray or clamshell packaging), whether recyclable or non-recyclable;
  - 9) Plastic cake and pastry box, tray or clamshell packaging (including polystyrene cake and pastry box, tray or clamshell packaging), whether recyclable or non-recyclable;
  - 10) Plastic egg container or clamshell packaging containing twelve (12) eggs or less, whether recyclable or non-recyclable;
  - 11) Plastic hand gloves, whether recyclable or non-recyclable;
  - 12) Plastic materials used as buntings, whether recyclable or non-recyclable;
  - 13) Plastic materials used as balloon stick, whether recyclable or non-recyclable;

**SINGLE-USE PLASTICS (SUP)** are conceived, designed or placed on the market to be used only once over a short time span before being disposed or discarded and is determined on the basis of various factors such as the availability of re-usable and more sustainable alternatives, product thickness, and/or health, sanitation and hygiene considerations that it is not intended to be returned to a producer for refill or re-use for the same purpose for which it was conceived.



SINGLE-USE PLASTICS (SUP) under this Ordinance includes single-use plastic products made out of BIOPLASTIC.

- (j) **SINGLE-USE PLASTIC REGULATION FEE (SUPRF)** - shall refer to the just and reasonable fixed regulatory fee required to be paid by an applicant for a Special Permit to Distribute and/or Use, or a Special Permit to Sell the regulated single-use plastic products under this Ordinance. This shall be sufficient to recover the direct fixed cost and variable cost of rendering services including licensing, regulation or inspection, as nearly as the same can be estimated, subject to existing laws and issuances.
- (k) **SPECIAL PERMIT TO SELL SINGLE-USE PLASTIC PRODUCTS** - shall refer to the permit issued by the Office of the City Mayor of Davao allowing the sale of single-use plastic product as defined under this Ordinance;
- (l) **SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS** - shall refer to the permit issued by the Office of the City Mayor of Davao allowing the use of single-use plastic product as defined under this Ordinance;
- (m) **SPECIAL USAGE AND DISTRIBUTION** - shall refer to the usage or distribution for free of single-use plastic products under Section 5 hereof as part of community assistance, or in times of disaster, calamity, and other emergencies during relief operations and deemed necessary under the circumstances, including distribution for free or use of single-use plastic products for educational and information dissemination purposes.
- (n) **UNDER DECLARATION OF QUANTITY OF SINGLE-USE PLASTIC PRODUCTS TO BE DISTRIBUTED AND/OR TO BE USED** – as used in this ordinance shall refer to a declaration of a lesser quantity of regulated items to be used and/or distributed by an applicant for a SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS;

**SECTION 4. SCOPE** -This Ordinance shall apply to all persons, stores, point-of-sale areas, food establishments, all other business establishments, and in all events or activities within the jurisdiction of the City of Davao.

## ARTICLE II

### REGULATED SALE, DISTRIBUTION AND USE OF SINGLE-USE PLASTICS and POLYSTYRENE IN THE CITY OF DAVAO

**SECTION 5. REGULATED ACTS** - No person, grocery store, supermarket, shopping mall and brand outlets, sari-sari store, canteen, food and/or beverage establishment, or any other business establishment or outlet shall sell, distribute for free, or use the following single-use plastic product without a SPECIAL PERMIT TO SELL, or a SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS, as the case may be, issued by the Office of the City Mayor:

- 1) Single-use Plastic drinking cups lower than *0.2 mm* in thickness (including polystyrene cups), whether recyclable or non-recyclable;
- 2) Single-use Plastic ice cream cups and salad cups lower than *0.2 mm* in thickness (including polystyrene cups), whether recyclable or non-recyclable;



- 3) Single-use Plastic condiment, sauce or gravy containers lower than 0.2 mm in thickness, whether recyclable or non-recyclable;
- 4) Single-use Plastic cup lids and condiment, sauce or gravy container covers, whether recyclable or non-recyclable;
- 5) Single-use Plastic stirrers, whether recyclable or non-recyclable;
- 6) Single-use Plastic cutleries (spoon, fork, knife or a combination thereof), whether recyclable or non-recyclable;
- 7) Single-use Plastic straws, whether recyclable or non-recyclable;
- 8) Single-use Plastic Plate, meal box, tray or clamshell packaging (including polystyrene meal box, tray or clamshell packaging), whether recyclable or non-recyclable;
- 9) Single-use Plastic cake and pastry box, tray or "clamshell" packaging (including polystyrene cake and pastry box, tray or "clamshell" packaging), whether recyclable or non-recyclable;
- 10) Single-use Plastic egg container or clamshell packaging containing twelve (12) eggs or less, whether recyclable or non-recyclable;
- 11) Single-use Plastic hand gloves, whether recyclable or non-recyclable;
- 12) Single-use Plastic materials used as buntings, whether recyclable or non-recyclable;
- 13) Single-use Plastic materials used as balloon stick, whether recyclable or non-recyclable;

Provided, that SPECIAL USAGE AND DISTRIBUTION as defined herein shall not be covered by the regulation under this section.

PROVIDED FURTHER, THAT ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ORDINANCE, USE AND/OR DISTRIBUTION FOR FREE OF SINGLE-USE PLASTIC PRODUCTS ENUMERATED IN SECTION 5 HEREOF SHALL NOT BE ALLOWED EXCEPT FOR "SPECIAL USAGE AND DISTRIBUTION" AND UNDER SECTION 18 HEREOF.

**SECTION 6. SPECIAL PERMIT TO SELL SINGLE-USE PLASTIC PRODUCTS**- All applications for SPECIAL PERMIT TO SELL the single-use plastic products herein enumerated shall include the following:

- i. Type of single-use plastic products;
- ii. Quantity of single-use plastic products to be sold;

The issuance of the SPECIAL PERMIT TO SELL under this section shall be granted for a period not exceeding one (1) year. All applications for SPECIAL PERMIT TO SELL single-use plastic products herein enumerated may be renewed upon compliance with the requirements set forth under this Ordinance.

The SPECIAL PERMIT TO SELL single-use plastic products shall be issued and/or renewed only after payment of the SINGLE-USE PLASTIC REGULATION FEE (SUPRF) in the amount of Ten Thousand Pesos (Php10,000.00) annually.

The City Treasurer is hereby authorized to collect the SINGLE-USE PLASTIC REGULATION FEE (SUPRF) for the SPECIAL PERMIT TO SELL SINGLE-USE PLASTIC PRODUCTS.

Provided, for purposes of the first calendar year from the implementation of this Ordinance, the SINGLE USE PLASTIC REGULATION FEE (SUPRF) for a SPECIAL PERMIT TO SELL SINGLE-USE PLASTIC PRODUCTS shall be assessed *pro rata* to the remaining months of calendar year 2021.

**A copy of the Special Permit to sell single-use plastic product issued under this Ordinance shall be posted conspicuously in the establishment.**

**SECTION 7. SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCT** - The SPECIAL PERMIT TO DISTRIBUTE and/or USE the single-use plastic products herein enumerated shall be issued only upon showing of its necessity for LACK OF COMMERCIALY AVAILABLE ALTERNATIVES as certified by the City Environment and Natural Resources Office (City ENRO) and only upon payment of the SINGLE-USE PLASTIC REGULATION FEE (SUPRF) in the amount of Five Pesos (Php5.00) per item.

The City Treasurer is hereby authorized to collect the SINGLE-USE PLASTIC REGULATION FEE (SUPRF) for a SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS.

All applications for SPECIAL PERMIT TO DISTRIBUTE AND/OR USE single-use plastic products herein enumerated within the jurisdiction of the City of Davao shall include a sworn statement with the following information:

- i. Type of single-use plastic to be distributed and/ or to be used;
- ii. Quantity of single-use plastic product to be distributed and/or to be used;
- iii. Date(s) or period of distribution and/or usage;
- iv. Disposal Management Plan;
- v. Affidavit of Undertaking to submit a "*plastic usage and disposal audit report*" within seven (7) days from the expiration of the allowed date(s) or period of usage;

The issuance of the SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS under this section shall be for a specific purpose, event, or period not exceeding one (1) year.

Unused regulated items under Section 5 hereof after the expiration of the period granted in the SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS shall be reported in the "*plastic usage and disposal audit report*" and may be used in a subsequent permitted distribution and/or use of regulated items.

Provided that unused regulated items previously subject of a SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS and declared in the "*plastic usage and disposal audit report*" shall no longer be included in the assessment of SINGLE USE PLASTIC REGULATION FEE (SUPRF) in the subsequent application for SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS.

Distribution for free and/or sale of single-use plastic products herein enumerated as a consequence of food or beverage service shall be considered as usage requiring a SPECIAL PERMIT TO DISTRIBUTE AND/OR USE SINGLE-USE PLASTIC PRODUCTS.



A copy of the Special Permit to distribute and/or use single-use plastic product issued under this Ordinance shall be posted conspicuously in the establishment or activity area.

Persons or establishments shall not distribute or provide the regulated items without the expressed and informed consent of the customer or client and shall provide information as to the Ordinance and the applicable fees.

### **Article III INFORMATION, EDUCATION AND COMMUNICATION**

**SECTION 8. PROMOTION OF REUSABLE PRODUCTS AND SINGLE-USE PLASTIC REFUSAL CAMPAIGN** - All stores shall be encouraged to promote to its customers the use of reusable products and non-plastic alternatives. All stores are encouraged, upon effectivity of this Ordinance, to post or cause to be posted conspicuously in their establishment a notice to the public stating: **"REFUSE SINGLE-USE PLASTIC"** or **"SAY NO TO SINGLE-USE PLASTICS"** together with the ORDINANCE TITLE, ORDINANCE NUMBER, PENALTY and the DATE OF EFFECTIVITY.

All persons, grocery stores, supermarkets, shopping malls and brand outlets, sari-sari stores, canteens, food and /or beverage establishments, or any other business establishments or outlets allowed to sell, distribute for free, or use Single-Use Plastic (SUP) under this Ordinance shall, upon approval of the special permit to sell or a special permit to distribute and/or use, as the case may be, post or cause to be posted conspicuously in their establishment and on the display rack for single-use plastic products, a notice to the public stating: **"REFUSE SINGLE-USE PLASTIC"** or **"SAY NO TO SINGLE-USE PLASTIC"** together with the ORDINANCE TITLE, ORDINANCE NUMBER, PENALTY and the DATE OF EFFECTIVITY.

**SECTION 9. INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN** - The City Information Office, Business Bureau, and the City ENRO shall develop and implement an Information, Education and Communication Campaign for the effective implementation of this Ordinance. The City ENRO, in coordination with the Department of Education (DepEd), private schools, colleges and universities within the jurisdiction of the City of Davao, the barangays, and the sangguniang kabataan shall initiate and institutionalize programs, events and competitions aimed to encourage the REFUSAL, RE-USE, and RECYCLING of plastics and to discourage the use of Single-Use Plastics. The objective shall be the promotion of reusable items.

The City ENRO shall, in coordination with the Department of Trade and Industry and the Department of Science and Technology, maintain a list of the variations of the products in the market classified as regulated items under Section 5 hereof. There shall also be a list of single-use non-plastic alternative product to the regulated items under Section 5 hereof in the market and a report of its "commercial availability" which shall be updated monthly.

### **Article IV PROHIBITED ACTS**

**SECTION 10. PROHIBITED ACTS** – Subject to Section 15 hereof on "No Contest Provision", the following acts are prohibited and shall be penalized:

1. SALE of regulated products enumerated under Section 5 hereof without a SPECIAL PERMIT TO SELL SINGLE-USE PLASTIC PRODUCTS issued by the Office of the City Mayor;



2. DISTRIBUTION AND/OR USE of regulated products enumerated under Section 5 hereof without a SPECIAL PERMIT TO DISTRIBUTE AND/OR USE Single-Use Plastic products issued by the Office of the City Mayor;
3. **NON-DECLARATION OR UNDER DECLARATION** of quantity of single-use plastic products to be distributed and/or to be used;
4. **MISDECLARATION OF QUANTITY OF SINGLE-USE PLASTIC PRODUCT DISTRIBUTED AND/OR USED** in the "*plastic usage and disposal audit report*";
5. **USE OR DISTRIBUTION FOR FREE OF SINGLE-USE PLASTICS PRODUCTS** enumerated under Section 5 hereof after one (1) year from the effectivity of this Ordinance other than for "special usage and distribution" and under Section 18 hereof.

In case of deliveries, the person, grocery store, supermarket, food and/or beverage establishment, or any other business establishment or outlet providing the regulated items without permit shall be the one to be held liable for violation under this Ordinance.

In case of use of regulated items by customers and clients of persons or business establishments providing the regulated items without permit, the person, grocery store, supermarket, food and/or beverage establishment, or any other business establishment or outlet providing the regulated items without permit shall be the one to be held liable under this Ordinance.

If the offense is committed by a corporation, partnership, or other juridical entity duly recognized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge shall be liable for the commission of the offense and shall be penalized under this Ordinance.

## **Article V PENALTIES**

**SECTION 11. PENALTIES** - A violation of this Ordinance shall, upon conviction, be punished with a fine of Five Thousand Pesos (P5,000.00) or imprisonment of not less than fifteen days (15) but not more than six (6) months, or both.

In addition to the penalty provided herein, business permits of establishments shall be cancelled or revoked by the City Mayor.

## **Article VI ENFORCEMENT MECHANISMS**

**SECTION 12. ENFORCEMENT STRATEGIES AND GUIDELINES** - The City ENRO may formulate strategies and guidelines for the enforcement of this Ordinance and shall submit the same to the City Mayor for approval.

**SECTION 13. ENFORCEMENT UNIT** - The Enforcement Unit of the City ENRO and its other deputized officers created under the "DAVAO CITY ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE" shall be responsible for the enforcement of the provisions of this Ordinance and shall be allowed to issue the Ordinance Violation Receipt/Citation ticket herein provided.

There shall be at least one (1) enforcer or a deputized officer from the City ENRO assigned for every Barangay in the City.



**SECTION 14. ORDINANCE VIOLATION RECEIPT/CITATION TICKET** - An ORDINANCE VIOLATION RECEIPT, otherwise known as CITATION TICKET, shall be issued to violators of this Ordinance. The Citation Ticket shall state the name and address of the violator, the specific violation committed, and the provisions of Section 15 hereof on the "No Contest Provision".

If the violation of this Ordinance is deemed to have been committed by a corporation, partnership, or other juridical entity duly recognized in accordance with law, the chief executive officer, president, general manager, managing partner or such other officer-in-charge, if known, shall be cited for the commission of the offense.

**SECTION 15. NO CONTEST PROVISION** - Any person cited for violation of this Ordinance who does not wish to contest the citation and offers to pay voluntarily the amount under Section 16 hereof or offers to voluntarily render environmental service prior to the filing of formal complaint with the Office of the City Prosecutor, shall be allowed to pay said amount with the City Treasurer or to render environmental service as settlement for the infraction. Any person who qualifies and successfully avails of the "No Contest Provision" shall be exempted from liability for violation of Section 10 of this Ordinance.

**SECTION 16. PROCEDURE IN THE AVAILMENT OF THE NO CONTEST PROVISION** - The person cited for violation of this Ordinance shall be given five (5) working days from issuance of the Ordinance Violation Receipt or Citation Ticket within which to voluntarily pay or to voluntarily render environmental service.

i. In case of payment:

First Offense. - a fine of One Thousand Pesos (P1,000.00)

Second Offense. - a fine of Three Thousand Pesos (P3,000)

The violator, who avails of the "No Contest Provision" and opts to voluntarily pay the said amount, shall secure an Order of Payment from the Office of the City Mayor or the City ENRO as may be authorized by the City Mayor.

All payments shall be made to the City Treasurer. After payment, the person cited for violation of this Ordinance shall present the Official Receipt issued by the City Treasurer's Office to the City ENRO and a copy thereof endorsed to the City Legal Office, which shall consider the case closed.

The City Treasurer is hereby authorized to collect the said amounts under this Ordinance.

ii. In case the violator offers to voluntarily render environmental service, it shall be rendered as follows:

First time offenders shall render environmental service for EIGHT (8) working hours;

Second time offenders shall render environmental service for SIXTEEN (16) working hours;

The violator, who avails of the "No Contest Provision" and offers to voluntarily render environmental service, shall secure from the Office of the City Mayor or the City ENRO, as may be authorized by the City Mayor, an endorsement to the barangay where the violation was committed.



The Punong Barangay of the barangay where the violation was committed shall immediately assign an environmental protection related service to the violator including but not limited to; clean-up activity, greening and tree planting activity, solid waste management activity, wastewater management activity, or Materials Recovery Facility (MRF) service.

After the completion of the environmental service, the Punong Barangay shall issue a certification of Completion of voluntary environmental service and endorse a copy thereof to the City ENRO and the City Legal Office, which shall consider the case closed.

In either case, for NON-DECLARATION OR UNDER DECLARATION of quantity of single-use plastic products to be distributed and/or to be used, compliance of this section either through fine or environmental service shall include payment of SINGLE-USE PLASTIC REGULATION FEE (SUPRF) for the undeclared single-use plastic products.

For this purpose, the City ENRO and the City Legal office shall establish a case inventory and recording system for all violations of this Ordinance.

Provided that, if a violator has already availed of the "No Contest Provision" TWO (2) times, he/she can no longer avail of the same and the corresponding complaint for any violation of this Ordinance shall immediately be filed.

#### **Article VII GREEN FUND**

**SECTION 17. GREEN FUND** - There shall be established a SPECIAL PURPOSE FUND, otherwise known as the GREEN FUND, for all the SINGLE-USE PLASTIC REGULATION FEE (SUPRF) and all fines and penalties collected by the City under this Ordinance.

The GREEN FUND under this Ordinance is a public fund which shall be available for appropriation only for projects and programs for environmental protection of the City of Davao including, but not limited to, clean-up projects, greening and tree planting projects; solid waste management related projects, wastewater management related projects, and/or for the establishment and maintenance of Materials Recovery Facilities (MRF), collection, segregation and transportation of waste, environmental protection related service contracting, honorariums and allowances of barangay volunteer frontline workers for environmental protection and other environmental protection related programs subject to the provisions of law and applicable guidelines, rules and policies and existing budgeting, accounting and auditing rules and regulations.

#### **Article VIII MISCELLANEOUS PROVISION**

**SECTION 18. RECYCLING OF USED SINGLE-USE PLASTIC** – All Single-use plastic products shall be recycled, repurposed or re-used for domestic purposes. The disposal and management of the single-use plastic products shall always be done in accordance with the provisions of Republic Act No. 9003 and the Davao City Ecological Solid Waste Management Ordinance;

**SECTION 19. ADMINISTRATIVE SANCTIONS** - For purposes of enforcing the provisions of this Ordinance, any local government official or employee concerned who fails to comply with and enforce the rules and regulations promulgated relative to this Ordinance shall be charged administratively in accordance with Republic Act No. 7160 and other existing laws, rules and regulations.



**SECTION 20. APPROPRIATION** - The City Government of Davao shall continuously appropriate sufficient funds for the implementation and enforcement of this Ordinance through an appropriation either in the City's Annual Budget or in any of its Supplemental Budget, as the case may be.

**SECTION 21. REGULATION IMPACT ASSESSMENT** - After six (6) months from full implementation of this Ordinance, a REGULATION IMPACT ASSESSMENT shall be prepared by the City ENRO within Thirty (30) days in compliance with Republic Act No. 11032.

**SECTION 22. IMPLEMENTING RULES AND REGULATION** - There is hereby created an inter-agency Technical Working Group composed of representatives from the City Environment and Natural Resources Office (City ENRO); City Legal Office (CLO); City Treasurer's Office (CTO); Business Bureau; and the Liga ng mga Barangay tasked to formulate the Implementing Rules And Regulations (IRR).

The Inter-Agency Technical Working Group shall formulate the Implementing Rules and Regulations (IRR) in consultation with the Department of Trade and Industry (DTI); Department of Education (DepEd), the Philippine National Police (PNP), Non-Governmental Organizations that are working for environmental issues in the City, the business sector, the academe, and the health sector to aid in the proper and efficient implementation of this Ordinance. The Inter-Agency Technical Working Group shall be under the control and supervision of the City Mayor and shall submit the proposed Implementing Rules And Regulations (IRR) to the City Mayor within sixty (60) days from the effectivity of this Ordinance.

The City Mayor shall issue the Implementing Rules And Regulations (IRR) within NINETY (90) days from the effectivity of this Ordinance.

**SECTION 23. SEPARABILITY CLAUSE** - If any provision of this Ordinance or the application of such provision to any person or circumstances is subsequently declared unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect or the application of such provision to other persons or circumstances shall not be affected by such declaration.

**SECTION 24. REPEALING CLAUSE** - All Ordinances, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

**SECTION 25. INTERIM PERIOD** - An interim period from the effectivity of this Ordinance is hereby granted to allow gradual stock inventory management, consumption and disposal of the regulated items under Section 5 hereof.

Upon effectivity of this Ordinance, all persons, stores, or entities engaged in the distribution for free and commercial use of:

1. Single-use Plastic drinking cups lower than *0.2 mm* in thickness (including polystyrene cups), whether recyclable or non-recyclable;
2. Single-use Plastic ice cream cups, salad cups lower than *0.2 mm* in thickness (including polystyrene cups), whether recyclable or non-recyclable;
3. Single-use Plastic condiment, sauce or gravy containers lower than *0.2 mm* in thickness, whether recyclable or non-recyclable;
4. Single-use Plastic cup lids and condiment, sauce or gravy container covers, whether recyclable or non-recyclable;

5. Single-use Plastic stirrers, whether recyclable or non-recyclable;
6. Single-use Plastic cutleries (spoon, fork, knife or a combination thereof), whether recyclable or non-recyclable;
7. Single-use Plastic straws, whether recyclable or non-recyclable;
8. Single-use Plastic plate, meal box, tray or clamshell packaging (including polystyrene meal box, tray or "clamshell" packaging), whether recyclable or non-recyclable;
9. Single-use Plastic cake or pastry box, tray or clamshell packaging (including polystyrene cake, pastry box, tray or "clamshell" packaging), whether recyclable or non-recyclable;
10. Single-use Plastic egg container or clamshell packaging containing twelve (12) eggs or less, whether recyclable or non-recyclable;
11. Single-use Plastic hand gloves, whether recyclable or non-recyclable;
12. Single-use Plastic materials used as buntings, whether recyclable or non-recyclable;
13. Single-use Plastic materials used as balloon stick, whether recyclable or non-recyclable;

shall immediately conduct an inventory of the foregoing items at their disposal and shall submit a report to the City ENRO of their existing inventory and the estimated period for complete consumption and disposal which shall not be longer than ninety (90) days from the effectivity of this Ordinance.

The REGULATED SALE, DISTRIBUTION, AND/OR USE OF SINGLE-USE PLASTICS under Section 5 hereof shall be in full force and effect one hundred twenty (120) days from the effectivity of this Ordinance.

**SECTION 26. EFFECTIVITY** - This Ordinance shall take effect Fifteen (15) days following its publication in a newspaper of general circulation in the City of Davao.


**ENACTED**, on the 2<sup>nd</sup> day of March 2021, by a unanimous vote of all the Members of the Sanggunian, there being a quorum.

**CERTIFIED CORRECT:**

  
**CHARITO N. SANTOS**


Secretary to the Sangguniang Panlungsod  
(City Government Department Head II)<sub>H</sub>

**ATTESTED:**

  
**EDGAR P. IBUYAN JR.**  
President Pro Tempore  
Temporary Presiding Officer  
cns/kjtq



APPROVED: MAR 25 2021, 2021



**SARA Z. DUTERTE**  
City Mayor

ATTESTED:



**ATTY. ZULEIKA T. LOPEZ**  
City Administrator