



Republic of the Philippines  
Province of Ilocos Norte  
MUNICIPALITY OF NUEVA ERA

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE **REGULAR SESSION** OF THE SANGGUNIANG BAYAN OF NUEVA ERA, ILOCOS NORTE, HELD AT THE SESSION HALL ON MAY 3, 2021 AT 9:00 O'CLOCK IN THE MORNING, MONDAY.

PRESENT:

HON. CAROLINE A. GARVIDA	Vice Mayor & Presiding Officer
HON. CATHERINE A. NAIRA	Sangguniang Bayan Member
HON. OSIAS O. BUENO	"
HON. JERRY D. ALEJANDRO	on-virtual session "
HON. BENABEL A. LALUGAN	"
HON. ROGER O. ARZADON	"
HON. AGRIFINA T. DUMLAO	"
HON. PETRONIO H. RIQUELMAN JR.	"
HON. EDWIN B. YAGIN	"
HON. AUSTINE MARK A. VALERA	Pederasyon ng Sangguniang Kabataan Pres.
HON. FRANCISCO T. RAMBAUD	Liga ng mga Barangay President

ABSENT: NONE

**MUNICIPAL ORDINANCE NO. 42**  
**Series 2021**

**AN ORDINANCE PROHIBITING THE USE OF PLASTIC BAGS/CELLOPHANE AS PACKAGING MATERIALS ON DRY GOODS AND REGULATING ITS UTILIZATION ON WET GOODS AND PROHIBITING THE USE OF STYROFOAM FOR FOODS AND BEVERAGE CONTAINERS WITHIN THE MUNICIPALITY OF NUEVA ERA, ILOCOS NORTE AND PRESCRIBING PENALTIES THEREOF:**

WHEREAS, Article II, Sec. 6 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, Sec. 3 (i) of RA 7160 provides that the Local Government Units shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction;

WHEREAS, Sec. 458 (vi) of RA 7160 also empowers the Sangguniang bayan / Panlungsod 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, Republic Act 9003 otherwise known as the Ecological Solid Waste Management Act of 2000 provides for the identification and listing of Non-Environmentally Acceptable Products (NEAP) and packaging material. The National Solid Waste Management Commission (NSWMC) has adopted and issued guidelines for NEAP and has identified plastic packaging as one of only 5-product groupings that shall undergo assessment;

WHEREAS, plastic bags are rampantly used as packaging materials in the municipality of Nueva Era, Ilocos Norte;

WHEREAS, plastic bags and Styrofoam, being non-biodegradable materials clog our canals, creeks, rivers and other waterways, causing harm to the rivers and also affect the environment

WHEREAS, the Municipality in its desire to reduce if not totally eliminate the use of plastic film bags as packaging materials, encourages the utilization of alternative packaging materials such as woven bags (bayong), cloth bags (katsa), paper bags and other similar materials (e.g. banana leaves, taro leaves, etc.) and at the same time enjoined to promote the "Bring Your Own Bag";

WHEREAS, there is now a need to regulate the use of plastic bags to prevent potential serious ecological imbalance particularly in the City's creeks, rivers and other waterways;

**SECTION 1. --Title.** This ordinance shall be known as **AN ORDINANCE PROHIBITING THE USE OF PLASTIC BAGS/CELLOPHANE AS PACKAGING MATERIALS ON DRY GOODS AND REGULATING ITS UTILIZATION ON WET GOODS AND PROHIBITING THE USE OF STYROFOAM FOR FOODS AND BEVERAGE CONTAINERS WITHIN THE MUNICIPALITY OF NUEVA ERA, ILOCOS NORTE AND PRESCRIBING PENALTIES THEREOF.**

**SECTION 2. – Definition of Terms.** For purposes of this ordinance, the following terms are defined to wit:

- 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 plastic bag;
- b) **"Cloth Bag" (Katsa)** – refers to a reusable packaging material made of cloth (biodegradable) used in the packaging of flour, wheat and other similar goods;
- c) **Dry Goods** – refers to any product that do not require refrigeration or freezing to maintain, such as textiles, clothing, medicines;
- d) **Dry Market** – generally refers to the store of products that do not require refrigeration or freezing to maintain;
- e) **Plastic Bags** – also known as sando bags, pouch, plastic shopping bags and plastic film bags. It is a type of flexible packaging material made of thin, plastic film that is used for containing and transporting goods and other products. It shall also refer to thin-gauge packaging medium that is used as bags or wraps;
- f) **Plastic Cellophane**- refers to transparent thin fil plastic sheet made of regenerated cellulose having low permeability to air, oil, greases, bacteria and water make it useful for food packaging;
- g) **Styrofoam"** – refers to a kind of packaging material used as food containers, disposable cups, plates, etc;
- h) **Plastic Wastes** – refers to any plastic packaging material thrown as waste;
- i) **Primary Packaging Material** – refers to those types of packaging for containing wet produce, snack foods, frozen foods, etc;
- j) **Secondary Packaging Materials"** – refers to those types of packaging materials for wet goods to provide support to any primary packaging and intended for convenience of the handler as well;
- k) **Wet Goods"** – refers to any product that requires refrigeration or freezing to maintain such as fish, meat, fresh poultry products, beverages and cooked foods in carinderias / eateries;
- l) **Wet Market"** – generally refers to the store of products that requires refrigeration or freezing to maintain its freshness, These include the wet section in public markets, supermarkets, mini marts, restaurants and carinderias / eateries;
- m) **Woven Bags** (a.k.a Bayong) – refers to biodegradable packaging material made of woven pandan or buri leaves and other similar materials.

**SECTION 3. – Prohibition on the Use of Plastic Bags/cellophane on Dry goods.** Business establishments, fastfood outlets, market vendors, food kiosks, sari-sari stores, ambulant vendors and the like are prohibited from using plastic bags/cellophane as packaging material on dry goods.



**SECTION 4. – Regulating the Use of Plastic Bags on Wet goods.** Business establishments dealing on wet goods shall use plastic bags as primary packaging material.

**SECTION 5. – Prohibition on the Use of Styrofoam.** No business establishment shall use Styrofoam and other similar materials as containers for food, produce and other products.

**SECTION 6. – Prohibition on the Selling of Plastic Bags.** No business establishments shall offer or sell plastic bags to be used as secondary packaging material or as primary packaging material on dry goods.

**SECTION 7. – Plastic Wastes not to be collected.** Plastic bags discarded or other similar plastic waste materials will not be included in the collection of non-biodegradable wastes. These materials must be cleaned and dried prior to submission to their respective barangays for proper disposal.

**SECTION 8. Alternative Packaging Materials.** The use of recyclable, reusable and/or biodegradable alternative packaging materials should be encourage 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 shall be utilized as alternative packaging materials. Consumers and All business establishments are encouraged to bring their own bag for purposes of containing, carrying, holding and transporting goods or products bought.

**SECTION 9. Technical Working Group.** For purpose of this Ordinance, a Technical Working Group shall be established with the following composition.

Chairman :	Municipal Mayor
Co-Chairman:	Municipal Vice Mayor
Members:	Municipal Administrator
	SB Committee on Environment
	SB Committee on Market and Slaughterhouse
	SB Committee on Trade and Industry
	Municipal Environment and Natural Resources Office
	Environment Specialist
	Municipal Treasurer's Office

**SECTION 10. Functions of the Technical Working Group.** The Technical Working Group shall have the following functions:

- a. Formulate the Implementing Rules and Regulations as well as the guidelines in the proper implementation of this ordinance.
- b. Identify the environmental advocacies, programs and projects to be funded by the municipal government.
- c. Recommend measures for the proper implementation of this ordinance.

**SECTION 11 – Monitoring of Ordinance.** The Municipal Environment & Natural Resources Officer (MENRO) shall monitor the effective implementation of this ordinance.

**SECTION 12. – Information Education and Communication Campaign.** Upon approval of this Ordinance, the municipality shall conduct massive information education and communication campaigns and shall also include the promotion of alternative biodegradable packaging materials.

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**SECTION 13. – Implementing Rules and Regulations.** Within 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 14. – Prohibited Acts.** Establishments and / or individuals are prohibited from:  
a) Selling and providing plastic bags to customers as secondary packaging materials on wet goods;  
b) Selling and providing plastic bags to customers as packaging material on dry goods;  
c) Selling and providing Styrofoam as containers; and  
d) Disposing plastic wastes.

**SECTION 15. Penalties.** All establishments who violate any of the prohibited acts stated above shall be punished through the imposition of the following penalties:

*First offense* : P1,000.00 fine  
*Second offense* : P1,500.00 fine  
*Third offense* : P2,500.00 fine and or imprisonment of not more than one month or both at the discretion of the court and in the case of business establishments, cancellation of their license to operate for a period of one (1) year.

**SECTION 16. – Separability Clause.** If any part of this ordinance is declared as unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof that are not declared unlawful or unconstitutional.

**SECTION 17. – Repealing Clause.** All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

**SECTION 18. – Effectivity.** This Ordinance shall take effect upon its approval from the Sangguniang Panlungsod. and after posting in conspicuous places at the municipality.

**APPROVED, this 3<sup>rd</sup> day of May 2021.**

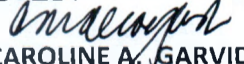
Voting Profile:

In Favor: Members C. Naira, O. Bueno J. Alejandro, B. Lalugan, R. Arzadon, A. Dumlao, P. Jr. Riquelman, E. Yagin, A. Valera and F. Rambaud

Against: N o n e

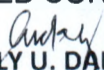
Abstained: N o n e

ATTESTED:

  
CAROLINE A. GARVIDA  
Vice Mayor & Presiding Officer  
MAY 18 2021

APPROVED:

CERTIFIED CORRECT:

  
LILY U. DALAG  
Secretary to the Sangguniang Bayan

  
ATTY. ALDRIN R. GARVIDA

Municipal Mayor

MAY 18 2021





Republic of the Philippines  
THE SANGGUNIANG PANLALAWIGAN OF ILOCOS NORTE  
Laoag City, 2900

ELEVENTH SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE **107<sup>TH</sup> REGULAR SESSION**  
OF THE SANGGUNIANG PANLALAWIGAN, HELD AT THE  
PROVINCIAL CAPITOL AUDITORIUM, LAOAG CITY,  
AT 09:37 IN THE MORNING, MONDAY,  
06 DECEMBER 2021.

Present:

Hon. Cecilia Araneta-Marcos, Vice-Governor,  
and Presiding Officer,  
Hon. Medeldorf M. Gaoat, Member,  
Hon. Domingo C. Ambrocio, Jr., Member,  
Hon. Da Vinci M. Crisostomo, Member,  
Hon. Rodolfo Christian G. Fariñas III, Member,  
Hon. Franklin Dante A. Respicio, Member,  
Hon. James Paul C. Nalupta, Member  
Hon. Aladine T. Santos, Member,  
Hon. Saul Paulo A. Lazo, Member,  
Hon. Portia Pamela R. Salenda, Member,  
Hon. Donald G. Nicolas, Member,  
Hon. Handy T. Lao, PCL-IN, Ex-officio Member,  
Hon. Elmer C. Faylogna, ABC-IN, Ex-officio Member,  
Hon. Rafael Salvador C. Medina, PPSK-IN, Ex-officio Member.

Absent:

None.

RESOLUTION NO. R2021-5638

REVIEW OF/ACTION ON ORDINANCE NO. 42 s. 2021  
ENACTED BY THE SANGGUNIANG BAYAN OF  
NUEVA ERA.

ON MOTION of Member SALENDIA, Chairman, Committee on TRADE, COMMERCE  
AND INDUSTRY, duly seconded, the Body Resolved that:


**Ordinance No. 42 s. 2021 be declared INVALID for the reasons cited in the joint report of the Committees on TRADE, COMMERCE AND INDUSTRY, HEALTH AND SANITATION and LAWS, RULES, ETHICS AND PRIVILEGES, which after presentation and deliberation, was accordingly approved and adopted, a copy of which is being furnished the Sanggunian concerned;**

Copy of this Resolution be furnished to all concerned for their information and guidance.

I HEREBY CERTIFY to the correctness of the above-quoted Resolution.

  
MILDRED NIRMLA R. LAMOSTE  
Provincial Board Secretary

ATTESTED:

  
CECILIA ARANETA-MARCOS  
Vice-Governor and  
Presiding Officer

DEC 09 2021



Republic of the Philippines  
 Province of Ilocos Norte  
 2900 Laoag City

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**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**JOINT REPORT  
 COMMITTEE ON TRADE, COMMERCE & INDUSTRY  
 COMMITTEE ON HEALTH & SANITATION and  
 COMMITTEE ON LAWS, RULES, ETHICS & PRIVILEGES**

RE: MUNICIPAL ORDINANCE NO. 42 THE MUNICIPALITY OF NUEVA ERA – “AN ORDINANCE PROHIBITING THE USE OF PLASTIC BAGS/CELLOPHANE AS PACKAGING MATERIALS ON DRY GOODS AND REGULATING ITS UTILIZATION ON WET GOODS AND PROHIBITING THE USE OF STYROFOAM FOR FOODS AND BEVERAGE CONTAINERS WITHIN THE MUNICIPALITY OF NUEVA ERA, ILOCOS NORTE AND PRESCRIBING PENALTIES THEREOF”.

**FINDINGS AND OBSERVATIONS:**

The committees adopt the findings of the Provincial Legal Officer, herein quoted as follows:

“ In order for an ordinance to be valid in substance, it (1) must not contravene the Constitution or any statute; (2) must not be unfair or oppressive; (3) must not be partial or discriminatory; (4) must not prohibit, but may regulate trade; (5) must be general and consistent with public policy; and (6) must not be unreasonable.

Incidentally, Provincial Ordinance No. 066-2019 passed by the Honorable Sangguniang Panlalawigan entitled “AN ORDINANCE PROHIBITING, REGULATING AND PRESCRIBING CERTAIN USES OF PLASTIC AND PROVIDING PENALTIES FOR VIOLATION THEREOF” already covers the evil Municipal Ordinance 42 seeks to prevent.

While Municipal Ordinance 42 would have been valid, it differs with the penalties imposed under Provincial Ordinance No. 066-2019.

The municipal ordinance’s inconsistency with the provincial ordinance renders the same invalid because, as stated above, an ordinance must not contravene a legislation by higher authorities, which , in this case, it’s Provincial Ordinance No. 066-2019.

**RECOMMENDATION/S:**

In view of the foregoing findings, the committees hereby recommend that **Municipal Ordinance No. 42 of the Municipality of Nueva Era be declared INVALID for being inconsistent with Provincial Ordinance No. 066-2019.**

Laoag City, November 25, 2021.

*[Signature]*  
**PORTIA PAMELA R. SALEDA**

Chairperson, Committee on Trade, Commerce & Industry and  
 Member, Committee on Health & Sanitation

*[Multiple signatures of committee members]*





**MEDELDORE LAOAT**

Chairman, Committee on Health & Sanitation and  
Member, Committee on Trade, Commerce and Industry

**DA VINCI M. CRISOSTOMO**

Chairman, Committee on Laws, Rules, Ethics & Privileges and  
Vice-Chairman, Committee on Health & Sanitation



**RAFAEL SALVADOR C. MEDINA**

Vice-Chairman, Committee on Trade,  
Commerce & Industry



**DONALD G. NICOLAS**

Vice-Chairman, Committee on Laws,  
Rules, Ethics & Privileges and



**FRANKLIN DANTE A. RESPICIO**

Member, Committee on Laws, Rules  
Ethics & Privileges



**SAUL PAULO A. LAZO**

Member, Committee on Law, Rules,  
Ethics & Privileges and  
Member, Committee on Trade,  
Commerce & Industry



**DOMINGO C. AMBROCIO, JR.**

Member, Committee on Laws, Rules,  
Ethics & Privileges



**RODOLFO CHRISTIAN G. FARIÑAS**

Member, Committee on Trade,  
Commerce & Industry


**JAMES PAUL C. NALUPTA**

Member, Committee on Health & Sanitation



**ELMER C. FAYLOGNA**

Member, Committee on Health &  
Sanitation





Republic of the Philippines  
PROVINCE OF ILOCOS NORTE

**OFFICE OF LEGAL SERVICES**

**Erme S. Labayog**  
Provincial Legal Officer

SPO- V	
<b>RECEIVED</b>	
DATE	NOV 16 2021
TIME	2:39 PM
SIGNATURE	<i>[Signature]</i>

November 15, 2021

**HON. PORTIA RESPICIO SALENDA**  
Chairperson, Committee on Trade, Commerce  
and Industry, Sangguniang Panlalawigan

**Dear Hon. Salenda:**

This has reference to Municipal Ordinance No. 42 of the Municipality of Nueva Era, Ilocos Norte entitled "*AN ORDINANCE PROHIBITING THE USE OF PLASTIC BAGS/CELLOPHANE AS PACKAGING MATERIALS ON DRY GOODS AND REGULATING ITS UTILIZATION ON WET GOODS AND PROHIBITING THE USE OF STYROFOAM FOR FOODS AND BEVERAGE CONTAINERS WITHIN THE MUNICIPALITY OF NUEVA ERA, ILOCOS NORTE AND PRESCRIBING PENALTIES THEREOF*".

In order for an ordinance to be valid in substance, it (1) must not contravene the Constitution or any statute; (2) must not be unfair or oppressive; (3) must not be partial or discriminatory; (4) must not prohibit, but may regulate trade; (5) must be general and consistent with public policy; and (6) must not be unreasonable.<sup>1</sup>

Incidentally, Provincial Ordinance No. 066-2019 passed by the Honorable Sangguniang Panlalawigan entitled "*AN ORDINANCE PROHIBITING, REGULATING, AND PRESCRIBING CERTAIN USES OF PLASTIC AND PROVIDING PENALTIES FOR VIOLATION THEREOF*" already covers the evil Municipal Ordinance 042 seeks to prevent.

While Municipal Ordinance 042 would have been valid, it differs with the penalties imposed under Provincial Ordinance No. 066-2019.

The municipal ordinance's inconsistency with the provincial ordinance renders the same invalid because, as stated above, an ordinance must not contravene a legislation by higher authorities, which, in this case, its Provincial Ordinance No. 066-2019.

<sup>1</sup> City of Batangas v. Philippine Shell Petroleum Corporation, G.R. No. 195003, June 7, 2017

Provincial Capitol, Barangay 10 J. P. Rizal St., Laoag City 2900  
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erme@ilocosnorte.gov.ph \* www.ilocosnorte.gov.ph



Considering all the foregoing, we humbly opine that Municipal Ordinance No. 42 of the Municipality of Nueva Era is **INVALID** for being inconsistent with Provincial Ordinance No. 066-2019.

For Her Honor's kind consideration. Thank you.

Very truly yours,

A handwritten signature in black ink, consisting of a stylized, cursive letter 'S' followed by a horizontal line extending to the right.



Republic of the Philippines  
THE SANGGUNIANG PANLALAWIGAN OF ILOCOS NORTE  
Laoag City, 2900

ELEVENTH SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 85<sup>TH</sup> REGULAR SESSION  
OF THE SANGGUNIANG PANLALAWIGAN, HELD AT THE  
MALACAÑANG OF THE NORTH, PAOAY, ILOCOS  
NORTE, AT 10:08 IN THE MORNING,  
MONDAY, 07 JUNE 2021.

Present:

Hon. Cecilia Araneta-Marcos, Vice-Governor,  
and Presiding Officer,  
Hon. Medeldorf M. Gaoat, Member,  
Hon. Domingo C. Ambrocio, Jr., Member,  
Hon. Da Vinci M. Crisostomo, Member,  
Hon. James Paul C. Nalupta, Member,  
Hon. Aladine T. Santos, Member,  
Hon. Saul Paulo A. Lazo, Member,  
Hon. Portia Pamela R. Salenda, Member,  
Hon. Donald G. Nicolas, Member,  
Hon. Elmer C. Faylogna, ABC-IN, Ex-officio Member,  
Hon. Rafael Salvador C. Medina, PPSK-IN, Ex-officio Member.

Absent:

Hon. Rodolfo Christian G. Fariñas III, Member,  
Hon. Franklin Dante A. Respicio, Member,  
Hon. Handy T. Lao, PCL-IN, Member.

RESOLUTION NO. R2021-4824

REVIEW OF/ACTION ON ORDINANCE NO. 42 s. 2021  
ENACTED BY THE SANGGUNIANG BAYAN OF  
NUEVA ERA.

ON MOTION of District Board Member SANTOS, duly seconded, the Body Resolved  
that:

Ordinance No. 42 s. 2021 be REFERRED to the Committees on TRADE, COMMERCE  
AND INDUSTRY, HEALTH AND SANITATION and LAWS, RULES, ETHICS AND  
PRIVILEGES;

*Copy of this Resolution be furnished to all concerned for their information and guidance.*

I HEREBY CERTIFY to the correctness of the above-quoted Resolution.

  
MILDRED NIRMLA R. LAMOSTE  
Provincial Board Secretary 

ATTESTED:

  
CECILIA ARANETA-MARCOS  
Vice-Governor and  
Presiding Officer

JUN 10 2021