Republic of the Philippines
SANGGUNIANG PANLUNGSOD
(23rd City Council)
QUEZON CITY

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PROPOSED ORDINANCE NO. __ S-2026

"AN ORDINANCE MANDATING THE REQUEST-BASED PROVISION OF DISPOSABLE CUTLERY FOR ALL TAKE-OUT AND DELIVERY TRANSACTIONS WITHIN QUEZON CITY"

Introduced by Councilors Victorio Manuel "Vito" Sotto Generoso

WHEREAS, Article II, Section 16 of the 1987 Constitution enshrines the State's obligation to protect and advance the right of the people to a balanced and healthful ecology, thereby authorizing the adoption of regulatory measures to prevent the indiscriminate generation of waste and environmental degradation;

WHEREAS, pursuant to Sections 16 and 17 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, local government units are vested with the powers of general welfare and environmental governance, including the authority to prescribe regulations deemed necessary for the maintenance of ecological balance and responsible solid waste management;

WHEREAS, Republic Act No. 9003, otherwise known as the "Ecological Solid Waste Management Act of 2000," mandates waste minimization at source and the institutionalization of environmentally sound practices, thereby encouraging local legislative interventions to curb the distribution of unnecessary single-use plastics;

WHEREAS, local waste audits within Metro Manila[1] consistently demonstrate that disposable cutlery, particularly plastic spoons, forks, knives, stirrers, and similar single-use utensils, constitute a substantial share of avoidable solid waste, with high discard rates attributable to unsolicited provision of cutlery, and in fact, disposable cutlery are highly encouraged to be labelled as "Non-Environmentally Acceptable Products/Packaging" or "NEAP" by the Commission on Audit;

WHEREAS, the automatic provision of disposable cutlery in take-out and delivery transactions results in unnecessary material consumption, environmental burdens, and increased expenditures related to waste collection, hauling, sorting, and disposal borne in part by the City;

WHEREAS, international environmental governance norms and best practices, including opt-in systems for utensil provision adopted in major urban jurisdictions, illustrate that request-based distribution mechanisms significantly reduce waste generation without impairing business operations or consumer convenience;

WHEREAS, Quezon City seeks to institutionalize regulatory intervention that promotes sustainability, enhances resource efficiency, and advances the City's broader ecological policy commitments without imposing unreasonable burdens upon food service establishments or consumers;

[1] Solid Waste Management Program, *Progress in the Achievement of the Goals of the Ecological Solid Waste Management Act Needs Stronger Support and the Cohesive Efforts and Strategies of All Stakeholders,* Commission on Audit, 2023. Available at: <https://www.coa.gov.ph/reports/performance-audit-reports/2023-2/solid-waste-management-program/>. Last accessed on 24 February 2026.

NOW, THEREFORE:

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

"AN ORDINANCE MANDATING THE REQUEST-BASED PROVISION OF DISPOSABLE CUTLERY FOR ALL TAKE-OUT AND DELIVERY TRANSACTIONS WITHIN QUEZON CITY"

SECTION 1. Short Title. This enactment shall be cited as the "Request-Based Cutlery Provision Ordinance of Quezon City."

SECTION 2. Declaration of Policy. Consistent with constitutional and statutory mandates on ecological stewardship, waste minimization, and responsible consumption, it is hereby declared the policy of Quezon City to regulate the distribution of disposable cutlery by requiring that such items be dispensed solely upon the customer's explicit and affirmative request.

SECTION 3. Definition of Terms. For purposes of this Ordinance:

a. "**Disposable Cutlery**" refers to single-use or disposable eating implements, including, but not limited to, plastic or wooden spoons, forks, knives, stirrers, chopsticks, or any analogous items, ordinarily provided with prepared food.

b. "**Food Service Establishment**" refers to any natural or juridical entity engaged in the preparation, sale, distribution, or delivery of food for take-out or consumption off-premises, including restaurants, cafés, fast-food chains, kiosks, food stalls, cloud kitchens, or similar enterprises.

c. "**Express Request**" refers to an unambiguous, affirmative indication by the customer, whether verbal, written, or electronically manifested, signifying the intent to receive Disposable Cutlery.

SECTION 4. Prohibition. Food Service Establishments are hereby prohibited from automatically providing, inserting, attaching, or including Disposable Cutlery in any take-out or delivery order unless supported by an Express Request from the customer. Any form of default or automatic inclusion shall constitute a violation of this Ordinance.

SECTION 5. Permissible Dispensation. Food Service Establishments may only dispense Disposable Cutlery under the following circumstances:

a. The customer explicitly requests the same during over-the-counter ordering;
b. The customer affirmatively selects an opt-in function or toggle in online, mobile, or digital ordering platforms; or
c. The dispensation is necessary as a reasonable accommodation for persons with disabilities or individuals similarly situated.

SECTION 6. Mandatory Duties of Food Service Establishments. All Food Service Establishments shall:

a. Incorporate a clear, conspicuous, and accessible opt-in mechanism in all ordering channels, whether physical or digital, whereby Disposable Cutlery shall be provided only upon Express Request;
b. Install visible notices informing customers that Disposable Cutlery will not be dispensed absent an Express Request; and
c. Orient and train all relevant personnel regarding the strict implementation of the request-based protocol.

SECTION 7. Enforcement and Regulatory Oversight. The Climate Change and Environmental Sustainability Department (CCESD) and the Business Permits and Licensing Department (BPLD) shall exercise concurrent jurisdiction in the enforcement of this Ordinance. For this purpose, they may conduct inspections, require the submission of compliance documents, act upon verified complaints, and impose administrative sanctions.

SECTION 8. Administrative Penalties. Any Food Service Establishment found to be in violation of this Ordinance shall incur the following administrative penalties:

First Offense	Written warning and mandatory attendance of a managerial officer or representative in a CCESD-led sustainability orientation
Second Offense	A fine of Three Thousand Pesos (PhP3,000.00)
Third and Subsequent Offenses	A fine of Five Thousand Pesos (PhP5,000.00) per violation, and suspension of the Business Permit for a period of not exceeding Five (5) days

For enforcement purposes, authorized personnel of the CCESD, BPLD, or other duly deputized City officials may issue an Ordinance Violation Receipt (OVR) to any Food Service Establishment found to be in violation of this Ordinance. The issuance of an OVR shall constitute *prima facie* evidence of the commission of the prohibited act. The OVR shall indicate the specific violation, date, place, identity of the inspecting officer, and the required compliance or payment of the corresponding penalty.

SECTION 9. Exemptions. Health facilities such as hospitals, nursing homes, or similar institutions that require pre-packaged utensils for patient meals may be exempted upon express approval by CCESD.

SECTION 10. Implementing Rules and Regulations. Within sixty (60) days from the effectivity of this Ordinance, CCESD, BPLD, and the City Legal Department shall promulgate the Implementing Rules and Regulations (IRR) necessary for its full and proper enforcement. The IRR shall undergo stakeholder consultation and shall incorporate administrative procedures, compliance standards, and documentation requirements, provided that the non-issuance of the IRR shall not prevent the implementation of this Ordinance.

SECTION 11. Separability Clause. Should any provision of this Ordinance be declared unconstitutional or invalid, the remaining provisions shall remain in full force and effect.

SECTION 12. Repealing Clause. All ordinances, executive issuances, or regulations inconsistent with this Ordinance are hereby repealed, amended, or modified accordingly.

SECTION 13. Effectivity. This Ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation and posting in prominent places within Quezon City.

ENACTED: _____, 2026.

Submitted by:

Victorio Manuel "Vito" Sotto Generoso
City Councilor, District 6