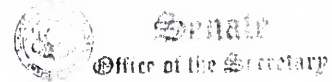


**NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*First Regular Session*



'22 JUL 18 P5:41

**SENATE**  
**S. No. 751**

RECEIVED BY: \_\_\_\_\_

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**Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO**

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**AN ACT  
REGULATING THE DISPOSAL OF ELECTRONIC EQUIPMENT AT SOLID  
WASTE MANAGEMENT FACILITIES AND REQUIRING THE ESTABLISHMENT  
OF RECOVERY AND COLLECTION FACILITIES THEREFOR**


EXPLANATORY NOTE

The rapid development of technology in almost all aspects of human life has given us a vision of the world's potential in the coming years. However, it also means that we are witnessing more electronic equipment, appliances, and gadgets being produced then disposed without the intent to reuse them. In the Philippines, the improper disposal of what is collectively called *e-waste* has been a perpetual major waste-management problem of the Philippines despite relevant laws for hazardous waste such as the aforementioned.

E-waste contains toxic substances and contents such as mercury, lead, cadmium, and persistent organic pollutants, which are deterrent to health and environment. Because of this, e-waste and other hazardous waste require special disposal system or process.

According to a report released in December 2017 by the International Telecommunication Union, the United Nations University and the International Solid Waste Association, each Filipino produces two to five kilos of e-waste that are not being segregated and recycled.

The Constitution, Article II, Section 16, 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."



To affirm this constitutional mandate, this bill seeks to prohibit the disposal of e-waste in solid waste management facilities and to require the recycling and reuse of appliances, gadgets, electronic equipment and the like.

In view of the foregoing, the passage of this bill is earnestly sought.<sup>1</sup>



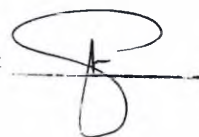
**FRANCIS "TOL" N. TOLENTINO**

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<sup>1</sup> This bill was originally filed by the late Senator Miriam Defensor Santiago during the Fourteenth Congress, Third Regular Session and refiled during the Sixteenth Congress, Third Regular Session.

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*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

1           **Section 1. Short Title.** — This Act shall be known as the "E-Waste  
2 Management Act."

3           **Section 2. Policy.** — It is the policy of the State to protect the environment  
4 from the hazards of the improper disposal of obsolete electronic equipment,  
5 encourage the responsible manufacturing and sale thereof, and assist consumers in  
6 the recycling and disposal of their electronic waste.

7           **Section 3. Definition of Terms.** — As used in this Act, the term -

8           (A) *Brand* - refers to the name, symbol, logo, trademark, or other  
9 information that identifies a product rather than the components of the product;

10           (B) *Consumer* - refers to an individual who uses an electronic equipment  
11 that is primarily for personal or home business use;

12           (C) *Department* - refers to the Department of Environment and Natural  
13 Resources;

1 (D) *Electronic Equipment* – refers to desktop or laptop computer, computer  
2 monitor, portable computer, printers, scanners, keyboards, mice, cables, circuit  
3 boards, cathode ray tube, flat panel-based television, tablet, cellular phone,  
4 cameras, video players, calculators or white goods - for example, coffee makers,  
5 fridges, washing machines, dryers, home entertainment and stereo systems, toys,  
6 toasters and kettles;

7 (E) *Manufacturer* – refers to a person who –

8 a. Manufactures or manufactured electronic equipment under a brand  
9 that:

10 i. The person owns or owned; or

11 ii. The person is or was licensed to use, other than under a license  
12 to manufacture electronic equipment for delivery exclusively to  
13 or at the order of the licensor;

14 b. Sells or sold electronic equipment manufactured by others under a  
15 brand that:

16 i. The person owns or owned; or

17 ii. The person is or was licensed to use, other than under a license  
18 to manufacture electronic equipment for delivery exclusively to  
19 or at the order of the licensor;

20 c. Manufactures or manufactured electronic equipment without  
21 affixing a brand;

22 d. Manufactures or manufactured electronic equipment to which the  
23 person affixes or affixed a brand that:

24 i. The person does not or has not owned; or

25 ii. The person is not or was not licensed to use;

26 e. Imports or imported electronic equipment manufactured outside  
27 the Philippines into the Philippines unless at the time of importation

1 the company or licensee that sells or sold the electronic equipment  
2 to the importer has or had assets or a presence in the Philippines  
3 sufficient to be considered as the manufacturer;

4 (F) *Television* – refers to any telecommunication system device that can  
5 receive moving pictures and sound broadcast over a distance and includes a  
6 television tuner or a display device peripheral to a computer in which the display  
7 device contains a television tuner.

8 **Section 4. *Exceptions.*** — This Act shall not apply to -

9 (A) Televisions as defined in Section 3, any major part of a moving vehicle,  
10 or telephones;

11 (B) A consumer's lease of electronic equipment or a consumer's use of  
12 electronic equipment under a lease agreement; or

13 (C) The sale or lease of electronic equipment to an entity when the  
14 manufacturer and the entity enter into a contract that effectively addresses the  
15 collection, recycling, and reuse of electronic equipment that has reached the end of  
16 its useful life.

17 **Section 5. *Requirements.*** —

18 (A) Before a manufacturer, as defined in Section 3, may offer electronic  
19 equipment for sale, the manufacturer shall -

- 20 a. Adopt and implement a recovery plan;
- 21 b. Submit a written copy of the recovery plan to the Department; and
- 22 c. Affix a permanent, readily visible label to the electronic equipment  
23 with the manufacturer's brand.

24 (B) The recovery plan shall enable a consumer to recycle electronic  
25 equipment without paying a separate fee at the time of recycling and shall include  
26 provisions for:



- 1 a. The manufacturer's collection from a consumer of any electronic  
2 equipment that has reached the end of its useful life and is labeled  
3 with the manufacturer's brand; and
- 4 b. Recycling or reuse of electronic equipment collected under the  
5 recovery plan of this subsection.

6 (C) The collection of electronic equipment provided under the recovery  
7 plan shall be:

- 8 a. Reasonably convenient and available to consumers; and
- 9 b. Designed to meet the collection needs of consumers.

10 **Section 6. *Standard Collection Methods.*** — The collection methods shall  
11 include a system:

12 (A) By which the manufacturer or the manufacturer's designee offers the  
13 consumer the option for returning electronic equipment by mail at no charge to the  
14 consumer;

15 (B) Using a physical collection site that the manufacturer or the  
16 manufacturer's designee keeps open and staffed and to which the consumer may  
17 return electronic equipment; and/or

18 (C) Using a collection event held by the manufacturer or the  
19 manufacturer's designee at which the consumer may return electronic equipment.

20 Collection services under this Act may use existing collection and  
21 consolidation infrastructure for handling electronic equipment and may include  
22 systems jointly managed by a group of manufacturers, electronic recyclers and  
23 repair shops, recyclers of other commodities, reuse organizations, non-profit  
24 corporations, retailers, recyclers, and other suitable operations. If a manufacturer or  
25 its designee offers a mail-back system as described here, either individually or by  
26 working together with a group of manufacturers or by working with others, it shall  
27 be deemed to meet the convenience requirements of this section.

1           **Section 7. Information Requirement.** — The recovery plan shall include  
2 information for the consumer on how and where to return the manufacturer's  
3 electronic equipment. The manufacturer shall:

4           (A) Include collection, recycling, and reuse information on the  
5 manufacturer's publicly available Internet site;

6           (B) Provide collection, recycling, and reuse information to the Department;  
7 and

8           (C) Include collection, recycling, and reuse information in the packaging  
9 for or in other materials that accompany the manufacturer's electronic equipment  
10 when the equipment is sold.

11           **Section 8. Reporting Requirement.** — Each manufacturer shall submit a  
12 report to the Department not later than January thirty-first (31<sup>st</sup>) of each year that  
13 includes:

14           (A) The weight of electronic equipment collected, recycled, and reused  
15 during the preceding calendar year; and

16           (B) Documentation certifying that the collection, recycling, and reuse of  
17 electronic equipment during the preceding calendar year were conducted in  
18 conformity with sound environmental management.

19           **Section 9. Compliance by More Than One Manufacturer.** — If more  
20 than one person is the manufacturer of a certain brand of electronic equipment, any  
21 of those persons may assume responsibility for and satisfy the obligations of a  
22 manufacturer for that brand. If none of those persons assume responsibility or  
23 satisfies the obligations of a manufacturer, the Department may consider any of  
24 those persons to be the responsible manufacturer for purposes of this Act.

25           **Section 10. Other Prohibitions.** —

26           (A) A person who is a retailer of electronic equipment shall not sell or offer  
27 to sell new electronic equipment unless the equipment is labeled with the

1 manufacturer's label and the manufacturer is included on the Department's list of  
2 manufacturers that have recovery plans. The Department shall keep a database in  
3 its Internet site of the manufacturers that are on its list of manufacturers with  
4 recovery plans;

5 (B) No person shall knowingly dispose of any electronic equipment in  
6 mixed solid waste; and

7 (C) No Solid Waste Management Facility shall knowingly accept for  
8 disposal or incineration of any electronic equipment, or any truckload or container of  
9 solid waste which includes electronic equipment.

10 **Section 11. Penalties.** — The Department shall assess a penalty against a  
11 manufacturer that does not comply with the requirements set forth in Sections 5 to  
12 9 of this Act. No penalty shall be assessed for a first violation. The penalty shall not  
13 be less than one hundred thousand pesos (Php100,000.00) but not more than one  
14 million pesos (Php1,000,000.00) for the second and each subsequent violation.

15 Any violation of Section 10(A) shall be punished with a fine of fifty thousand  
16 pesos (Php50,000.00). Any violation of Section 10(B) of this Act shall be punished  
17 with a fine of twenty thousand pesos (Php20,000.00) or imprisonment of not less  
18 than one month but not more than three months. Any violation of Section 10(C) of  
19 this Act shall be punished with a fine of fifty thousand pesos (Php50,000.00) and  
20 revocation of the license of the Solid Waste Management Facility.

21 Public officers responsible for any of the abovementioned violations shall be  
22 personally liable for the imposable fine.

23 **Section 12. E-Waste Recycling Fund.** — Any penalty collected under the  
24 preceding section shall be credited to the "E-Waste Recycling Fund," which is hereby  
25 created, and the money collected from this fund shall be used for the purpose of  
26 funding the administrative requirements of this Act. Any amount remaining at the  
27 end of every two years shall revert to the National Treasury.



1           **Section 13. *Auditing and Inspection Powers.*** — The Department is  
2 empowered to conduct audits and inspections to determine compliance with this Act.

3           **Section 14. *Recycling of Collected Equipment.*** — All electronic  
4 equipment collected under this Act shall be recycled or reused in a manner that  
5 complies with the standards to be set by the Secretary of Environment and Natural  
6 Resources provided that its cost is reasonable and environmentally sound.

7           The Department shall conduct research and make use of the best available  
8 technology in the disposal of electronic equipment consistent with the principles in  
9 the Ecological Solid Waste Management Act.

10          **Section 15. *Role of the Local Government Units.*** — Cities and  
11 municipalities, in coordination with the Department and the manufacturers,  
12 consistent with the principles in the Ecological Solid Waste Management Act, shall  
13 assist in the collection and disposal or recycling of electronic equipment through  
14 their respective solid and special waste management programs.

15          **Section 16. *Implementing Rules and Regulations.*** — The Secretary  
16 shall promulgate the rules and regulations to implement this Act within ninety (90)  
17 days from the effectivity of this Act.

18          **Section 17. *Separability Clause.*** — If any provision or part hereof is held  
19 invalid or unconstitutional, the remainder of the law or the provision not otherwise  
20 affected shall remain valid and subsisting.

21          **Section 18. *Repealing Clause.*** — Any law, presidential decree or issuance,  
22 executive order, letter of instruction, administrative order, and rule and regulation  
23 contrary to or inconsistent with the provisions of this Act is hereby repealed,  
24 modified, or amended accordingly.

25          **Section 19. *Effectivity Clause.*** — This Act shall take effect fifteen (15)  
26 days after its publication in the *Official Gazette* or in a newspaper of general  
27 circulation.

*Approved,*