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SENATE

Senate Bill No. **3311**

(In substitution of Senate Bill Nos. 650, 1182, 1471 and 2805)

Prepared jointly by the Committees on Trade and Commerce, and Health and Demography with Senators Estrada, Villar, Santiago and Angara as authors thereof.

**“AN ACT
TO STRENGTHEN THE FOOD SAFETY REGULATORY SYSTEM IN THE
COUNTRY TO PROTECT CONSUMER HEALTH AND FACILITATE
MARKET ACCESS OF LOCAL FOODS AND FOOD PRODUCTS, AND
FOR OTHER PURPOSES”**

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

ARTICLE I

Declaration of Policy and Objectives

1 **SECTION 1. Short Title.** - This Act shall be known as the “Food Safety Act of
2 2012.”

3

4 **SEC. 2. Declaration of Policy.** – Section 15, Article II of the 1987 Philippine
5 Constitution declares that the State shall protect and promote the right to
6 health of the people and instill health consciousness among them.
7 Furthermore, Section 9, Article XVI provides that the State shall protect
8 consumers from trade malpractices and from substandard or hazardous

1 products. Towards these ends, the State shall maintain a farm to fork food
2 safety regulatory system that ensures a high level of food safety, promotes
3 fair trade and advances the global competitiveness of Philippine foods and
4 food products.

5

6 **SEC. 3. Objectives.** –To strengthen the food safety regulatory system in the
7 country, the State shall adopt the following specific objectives:

- 8 a. protect the public from food-borne and water-borne illnesses and
9 unsanitary, unwholesome, misbranded or adulterated foods;
- 10 b. enhance industry and consumer confidence in the food regulatory
11 system; and
- 12 c. achieve economic growth and development by promoting fair trade
13 practices and sound regulatory foundation for domestic and
14 international trade.

15 Towards the attainment of these objectives, the following measures shall
16 be implemented:

- 17 (a) delineate and link the mandates and responsibilities of the government
18 agencies involved;
- 19 (b) provide a mechanism for coordination and accountability in the
20 implementation of regulatory functions;
- 21 (c) establish policies and programs for addressing food safety hazards and
22 developing appropriate standards and control measures;
- 23 (d) strengthen the scientific basis of the regulatory system; and
- 24 (e) upgrade the capability of farmers, fisherfolk, industries, consumers and
25 government personnel in ensuring food safety.

- 1 8. becomes injurious to health because of the omission or abstraction of a
- 2 valuable constituent; or if any substance has been substituted wholly or
- 3 in part; or if damaged or made inferior which has been concealed in
- 4 any manner; or if any substance has been added thereto or mixed or
- 5 packed therewith so as to increase its bulk or weight or reduce its
- 6 strength or to make it appear better or greater than it is;
- 7 9. has not been prepared in accordance with current acceptable
- 8 manufacturing practice as promulgated by way of regulation; and
- 9 10. uses expired ingredients;

10 (c) **Authorization** refers to the permission embodied in a document granted
11 by a regulatory agency to a natural or juridical person who has submitted an
12 application for a food business operation from primary production, post
13 harvest handling, distribution, processing, manufacture, importation,
14 exportation, sale, and offer for sale, distribution, transfer and preparation for
15 human consumption. The authorization can take the form of a permit, license,
16 certificate of registration and certificate of compliance or exemption or any
17 similar document;

18 (d) **Contaminant** refers to any substance not intentionally added to food
19 which is present in such food as a result of the production (including
20 operations carried out in crop industry, animal husbandry and veterinary
21 medicine) post harvest handling, manufacturing, processing, preparation,
22 treatment, packing, packaging, transport or holding of such food as a result of
23 environmental contamination;

24 (e) **Control Measure** refers to any action and activity that can be used to
25 prevent or eliminate food safety hazard or to reduce it to an acceptable level;

- 1 (f) **Crisis Management** refers to a proactive approach of addressing a
2 situation, where a risk to consumers, animal or plant health cannot be
3 controlled by normal existing mechanisms, through a plan which can be
4 *activated when such emergency arises;*
- 5 (g) **Food** refers to any substance or product whether processed, partially
6 processed or unprocessed that is intended for human consumption. It
7 includes drinks, chewing gum, water and other substances which are
8 intentionally incorporated into the food during its manufacture, preparation
9 and treatment;
- 10 (h) **Feed** refers to any substance or product, including additives, intended to
11 be used for oral feeding to animals;
- 12 (i) **Food-borne Illnesses** refer to diseases, usually either infectious or toxic
13 in nature, caused by agents that enter the body through the ingestion of food;
- 14 (j) **Food Business** refers to any undertaking, whether public or private, that
15 carries out, any of the activities related to, or any of the stages of the food
16 supply chain;
- 17 (k) **Food Business Operator** refers to a person engaged in the food
18 business including one's agents and is responsible for ensuring that the
19 requirements of this Act are met by the food business under one's control;
- 20 (l) **Food Hygiene** (hereinafter referred to as Hygiene) refers to the measures
21 and conditions necessary to control hazards that could lead to food-borne
22 illnesses and to ensure fitness for human consumption of a food of plant or
23 animal origin taking into account its intended use;

- 1 (m) **Food Law** refers to the laws, regulations and administrative provisions
2 governing food in general, donated food and food safety at any stage of
3 production, processing, distribution and preparation for human consumption;
- 4 (n) **Food Safety** refers to the assurance that food will not cause harm to the
5 consumer when it is prepared or eaten according to its intended use;
- 6 (o) **Food Safety Regulatory Agencies (FSRAs)** refer to the following
7 national government agencies:
8 Under the Department of Agriculture (DA) - the Bureau of Animal Industry,
9 National Meat Inspection Service, Bureau of Fisheries and Aquatic
10 Resources, Bureau of Plant Industry, Fertilizer and Pesticide Authority,
11 Philippine Coconut Authority, Sugar Regulatory Administration and the
12 National Food Authority ;
13 Under the Department of Health (DOH) - the Food and Drug Administration,
14 Center for Food Regulation and Research and the Bureau of Quarantine;
- 15 (p) **Food Safety Officer** refers to a professionally qualified and properly
16 trained officer appointed by a food safety regulatory agency or by Local
17 Government Units (LGUs) in accordance with the appropriate Civil Service
18 rules and regulations;
- 19 (q) **Food Safety Regulatory System** refers to the combination of regulations,
20 food safety standards, inspection, testing, data collection, monitoring and
21 other activities carried out by food safety regulatory agencies and by the
22 LGUs in the implementation of their responsibilities for the control of food
23 safety risks in the food supply chain;
- 24 (r) **Food Supply Chain** refers to all stages in the production of food from
25 primary production, post harvest handling, distribution, processing and

1 preparation for human consumption. Preparation is the cooking or other
2 treatments to which food is subjected prior to its consumption;

3 (s) **Good Agricultural Practices (GAP)** refer to the practices that address
4 environmental, economic, and social sustainability for on-farm processes, and
5 which result in safe and quality food and non-food agricultural products;

6 (t) **Good Manufacturing Practices** refer to a quality assurance system
7 aimed at ensuring that products are consistently manufactured, packed,
8 repacked, or held to quality standards appropriate for the intended use. It is
9 thus concerned with both manufacturing and quality control procedure;

10 (u) **Good Hygienic Practices** refer to all practices regarding the conditions
11 and measures necessary to ensure the safety and suitability of food at all
12 stages of the food chain;

13 (v) **Hazard Analyses at Critical Control Points (HACCP)** refer to a science-
14 based system which identifies, evaluates, and controls hazards which are
15 significant for food safety at critical points during a given stage in the food
16 supply chain;

17 (w) **Hazard** refers to a biological, chemical or physical agent in food with a
18 potential to cause adverse effect on health;

19 (x) **Inspection** refers to the examination of food, food production facilities or
20 establishments, and the management and production systems of food
21 businesses, including the examination of documents, finished product testing
22 and registration, and of the origin and destination of production inputs and
23 outputs to verify compliance with legal requirements by an agency mandated
24 to perform food safety regulatory and/ or enforcement functions;

1 (y) **Label** refers to the display of written, printed or graphic matter upon the
2 immediate container, tag, literature or other suitable material affixed thereto
3 for the purpose of giving information as to identify components, ingredients,
4 attributes, directions for use, specifications and such other information as may
5 be required by law or regulations.

6 (z) **Micro, small and medium enterprise (MSME)** refers to food businesses
7 as defined within the classification of industries by the Department of Trade
8 and Industry;

9 (aa) **Misbranding** refers to deliberate labelling or advertising of food that is
10 misleading, where the labelling and/or advertising claims certain food
11 properties that cannot be supported by a reliable source, a certifying body or
12 by scientific evidence;

13 (bb) **Official Control** refers to all types of controls and control activities made
14 by regulatory agencies to verify compliance with standards, operating
15 procedures, practices and other regulatory requirements. It includes routine
16 monitoring of food establishments and more intensive checks involving
17 inspections, verifications, audits, sampling and testing of samples and recall
18 defective products;

19 (cc) **Person** refers to any person, natural or juridical, including but not limited
20 to the following persons: (i) food business operators; (ii) food safety officers
21 and other regulatory personnel of the DA, DOH and DILG;

22 (dd) **Post harvest stages** refer to the stages in the food supply chain
23 involving the minimal transformation of plant and animal foods after primary
24 production such as removal of field heat for fruits, slaughter of animals,

1 sorting, grading and cutting of fresh plant and animal foods, icing and
2 freezing, and the milling and storage of grain;

3 (ee) **Primary production** refers to the production, rearing or growing of
4 primary products including harvesting, milking and farmed animal production
5 up to slaughter; and the rearing and growing of fish and other seafood in
6 aquaculture ponds. It also includes fishing, and the hunting and catching of
7 wild products;

8 (ff) **Processing** refers to any action that substantially alters the initial raw
9 materials or product or ingredients including, but not limited to, heating,
10 smoking, curing, maturing, drying, marinating, extraction, extrusion and a
11 combination of those processes intended to produce food;

12 (gg) **Risk** refers to the likelihood of an adverse health effect and the severity of
13 this effect following exposure to a hazard;

14 (hh) **Risk Analysis** refers to a process consisting of three interrelated
15 components: risk assessment, risk management and risk communication;

16 (ii) **Risk Assessment** refers to the scientific evaluation of known or potential
17 adverse health effects resulting from human exposure to biological, chemical
18 and physical hazards;

19 (jj) **Risk Management** refers to the process of weighing policy alternatives to
20 accept, minimize or reduce assessed risks and if necessary, to select and
21 implement appropriate prevention and control measures;

22 (kk) **Risk Communication** refers to the interactive exchange of information
23 and opinions during the course of risk analysis on the hazards and risks
24 among risk assessors, risk managers, consumers, food and feed business
25 operators, academia and other stakeholders;

1 (ll) **Food Safety Standards** refer to the formal documents containing the
2 requirements that foods or food processors have to comply with to safeguard
3 human health. They are implemented by authorities and enforced by law; and
4 are usually developed and published under the auspices of a national
5 standards body;

6 (mm) **Traceability** refers to the ability to follow the movement of a food
7 through specified stages of production, processing, and distribution; and

8 (nn) **Monitoring** refers to the systematic gathering of data through the
9 sampling of commodities as well as monitoring of food borne diseases,
10 collation and interpretation of collected data.

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ARTICLE III

13

Basic Principles of Food Safety

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15 **SEC.5. Food Safety Requirements.** - To ensure food safety, the following
16 general guidelines shall be observed:

17 (a) In determining whether food is unsafe, the following shall be considered:

- 18 1. The normal conditions of the use of food by the consumer;
- 19 2. The normal conditions maintained at each stage of primary production,
20 processing, handling, storage and distribution;
- 21 3. The health of plants and animals from where the food is derived;
- 22 4. The effect of feeds, crop protection chemicals and other production
23 inputs on otherwise healthy plants and animals; and
- 24 5. The information provided to the consumer. This includes the information
25 provided on the label or any information generally available to the

1 consumer. This should aid consumers in avoiding specific health
2 effects from a particular food or category of foods.

3 (b) In determining whether food is injurious to health, regard shall be given to
4 the following:

- 5 1. The probable immediate, short term or long term effects on subsequent
6 generations of that food on health;
- 7 2. The probable cumulative effects; and
- 8 3. The particular health sensitivities of a specific category of consumers
9 where the food is intended for that category.

10 (c) In determining whether food is unfit for human consumption, regard shall
11 be given to the unacceptability of the food according to its intended use due to
12 contamination by extraneous matter or through putrefaction, deterioration or
13 decay;

14 (d) Where unsafe food is part of a batch, lot or consignment of food of the
15 same class or description, it shall be presumed that all food in that batch, lot
16 or consignment is also unsafe;

17 (e) Food that complies with specific national law or regulations governing food
18 safety shall be deemed safe insofar as the aspects covered by national law
19 and regulations are concerned. However, imported food that is declared
20 unsafe by the competent authority of the exporting country after entry into the
21 country shall be withdrawn from the market and distribution channels; and

22 (f) Compliance of a food product with specific standards applicable to a
23 specific food shall not prohibit the competent authorities to take appropriate
24 measures or to impose restrictions on entry into the market or to require its

1 withdrawal from the market, where there is reason to suspect that such food
2 product shows food safety related risks.

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ARTICLE IV

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General Principles

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7 **SEC. 6. *Food Law Objectives.*** - Food law shall aim for a high level of food
8 safety, protection of human life and health in the production and consumption
9 of food. It shall also aim for the protection of consumer interests through fair
10 practices in the food trade.

11

12 **SEC. 7. *Use of Science-based Risk Analysis.*** - The following shall guide the
13 use of science and risk analysis in food safety regulation:

14 (a) The development of food safety legislation and standards and the conduct
15 of inspection and other official control activities shall be based on the analysis
16 of risk, except where this approach is not feasible due to circumstances, or
17 due to the nature of the control measure;

18 (b) Risk assessment shall be based on sound scientific evidence and shall be
19 undertaken in an independent, objective and transparent manner. Scientific
20 information as obtained from scientific literature, epidemiological and
21 monitoring studies and other data that supports the risk assessment shall be
22 used;

23 (c) Risk management shall take into account the results of risk assessment
24 relevant to local conditions, potential for enforcement, cost of compliance and
25 others as may be relevant to the situation;

1 (d) Risk communication shall be carried out between risk assessors and risk
2 managers in a transparent manner. Food safety risks shall also be
3 communicated to farmers, fisher folk and food business operators to
4 encourage compliance with the implementation of control measures and to
5 relevant sectors of society affected by the law or the risks addressed in order
6 to strengthen confidence in its provisions; and

7 (e) Food business operators shall be encouraged to implement a HACCP –
8 based system for food safety assurance in their operations.

9

10 **SEC. 8. *Protection of Consumer Interests.*** – The protection of consumer
11 interest shall be geared towards the following:

12 (a) Prevention of adulteration, misbranding, fraudulent practices, and other
13 practices which mislead the consumer; and

14 (b) Prevention of misrepresentation in the labelling and false advertising in the
15 presentation of food, including their shape, appearance or packaging, the
16 packaging materials used, the manner in which they are arranged, the setting
17 in which they are displayed, and the product description including the
18 information which is made available about them through whatever medium.

19 Where relevant, the presentation of goods shall provide consumers a basis to
20 make informed choices in relation to the food they purchase.

21

22 **SEC. 9. *Setting of Food Safety Standards.*** – The DA and DOH shall set the
23 mandatory food safety standards. The following shall guide the setting of
24 standards:

25

- 1 (a) Standards shall be established on the basis of science, risk analysis,
2 scientific advice from expert body/bodies, standards of other countries,
3 existing Philippine National Standards (PNS) and the standards of the Codex
4 Alimentarius Commission (Codex), where these exist and are applicable;
- 5 (b) Codex standards shall be adopted except when these are in conflict with
6 what is necessary to protect consumers and scientific justification exists for
7 the action taken;
- 8 (c) The DA and the DOH shall establish the policies and procedures for
9 country participation at Codex and the incorporation of Codex standards into
10 national regulations. The current National Codex Organization (NCO) is
11 herein designated as the Body to serve this purpose. The DA and the DOH
12 shall designate a third level officer as coordinator for Codex activities for their
13 respective departments; and
- 14 (d) Participation at Codex shall be in accordance with the principles of this
15 Act and shall be financially supported by the government.

16

17 **SEC. 10. Precaution.** - In specific circumstances when the available relevant
18 information for use in risk assessment is insufficient to show that a certain
19 type of food or food product does not pose a risk to consumer health,
20 precautionary measures shall be adopted. When such precautionary
21 measures are issued, the following rules shall govern:

- 22 (a) The adopted measure shall remain enforced pending the submission of
23 additional scientific information based on the nature of the risk and type of
24 information needed to clarify the scientific uncertainty; and

25

1 (b) The measure shall be no more restrictive to trade than required and
2 should be proportionate to the level of protection required for consumers.

3

4 **SEC. 11. *Transparency.*** - The implementing agencies shall conduct public
5 consultation and disseminate relevant information to ensure the following:

6 Public consultation during the preparation, evaluation and revision of food
7 legislation shall be open, transparent and direct or through representative
8 bodies unless the urgency of the problem does not allow it; and

9 (a) In cases where it is suspected that food may pose a risk to human health,
10 regulatory authorities shall take appropriate steps to inform the general public
11 about the nature of the risk to health, the affected foods, types of food and
12 the necessary measures to prevent, reduce or eliminate the risk.

13

14 **SEC. 12. *Application to Trade.*** - Foods imported, produced, processed and
15 distributed for domestic and export markets shall comply with the following
16 requirements:

17 (a) Food to be imported into the country must come from countries with an
18 equivalent food safety regulatory system and shall comply with international
19 agreements to which the Philippines is a party;

20 (b) Imported foods shall undergo cargo inspection and clearance procedures
21 by the DA and the DOH at the first port of entry to determine compliance with
22 national regulations. This inspection by the DA and the DOH shall always take
23 place prior to assessment for tariff and other charges by the Bureau of
24 Customs (BOC). The BOC and the Association of International Shipping Lines
25 (AISL) shall provide the DA and DOH documents such as the Inward Foreign

1 Manifest of Arriving Vessels to enable the DA and DOH to identify shipments
2 requiring food safety inspection. Shipments not complying with national
3 regulations shall be disposed according to policies established by the DA and
4 the DOH; and

5 (c) Exported foods shall at all times comply with national regulations and
6 regulations of the importing country. Returned shipments shall undergo border
7 inspection clearance as provided in Section 12 (b) hereof.

8

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ARTICLE V

10

Responsibilities on Food Safety

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12 **SEC. 13.** *Principal Responsibility of Food Business Operators.* - Food
13 business operators shall ensure that food satisfies the requirements of food
14 law relevant to their activities in the food supply chain and that control
15 systems are in place to prevent, eliminate or reduce risks to consumers.

16

17 **SEC. 14.** *Specific Responsibilities of Food Business Operators.* - Food
18 business operators shall have the following responsibilities under this Act:

19 (a) Food business operators shall be knowledgeable of the specific
20 requirements of food law relevant to their activities in the food supply chain
21 and the procedures adopted by relevant government agencies that
22 implement the law. They shall adopt, apply and be well informed of codes
23 and principles for good practices. Micro and small industries shall be assisted
24 to facilitate their adoption of such practices;

25

1 (b) If a food business operator considers or has reason to believe that a food
2 which it produced, processed, distributed or imported is not safe or not in
3 compliance with food safety requirements, it shall immediately initiate
4 procedures to withdraw the food in question from the market and inform the
5 regulatory authority;

6 (c) Food business operators shall allow inspection of their businesses and
7 collaborate with the regulatory authorities on action taken to avoid risks posed
8 by the food product/s which they have supplied; and

9 (d) Where the unsafe or non-compliant food product may have reached the
10 consumer, the operator shall effectively and accurately inform the consumers
11 of the reason for the withdrawal, and if necessary, recall the same from the
12 market.

13

14 **SEC. 15. *Principal Responsibilities of Government Agencies.*** - The DA, DOH,
15 DILG and LGUs shall have the following responsibilities:

16 (a) The DA shall be responsible for food safety in the primary production and
17 post harvest stages of food supply chain and foods locally produced or
18 imported in this category;

19 (b) The DOH shall be responsible for the safety of processed and pre-
20 packaged foods, foods locally produced or imported under this category and
21 the conduct of monitoring and epidemiological studies on food – borne
22 illnesses;

23 (c) The LGUs shall be responsible for food safety in food businesses such as,
24 but not limited to, activities in slaughterhouses, dressing plants, fish ports, wet
25 markets, supermarkets, school canteens, restaurants, catering establishments

1 and water refilling stations. The LGU shall also be responsible for street food
2 sale, including ambulant vending;

3 (d) The Department of the Interior and Local Government (DILG), in
4 collaboration with the DA, DOH and other government agencies shall
5 supervise the enforcement of food safety and sanitary rules and regulations
6 as well as the inspection and compliance of business establishments and
7 facilities within its territorial jurisdiction;

8 (e) The LGUs may be called upon by the DOH and the DA to assist in the
9 implementation of food laws, other relevant regulations and those that will
10 hereafter be issued.

11 (f) The DA and the DOH shall capacitate the LGUs and provide necessary
12 technical assistance in the implementation of their food safety functions under
13 their jurisdiction. In compliance with this responsibility they shall provide
14 training to the DILG and LGUs and shall periodically assess the effectiveness
15 of these training programs in coordination with the DILG;

16 (g) The DA and DOH, in cooperation with the LGUs, shall monitor the
17 presence of biological, chemical, physical contaminants in food to determine
18 the nature and sources of food safety hazards in the food supply chain.

19

20 **SEC. 16. *Specific Responsibilities of the Department of Agriculture.*** – The DA
21 shall be responsible for the development and enforcement of food safety
22 standards and regulations for foods in the primary production and post
23 harvest stages of the food supply chain. It shall monitor and ensure that the
24 relevant requirements of the law are complied with by farmers, fisherfolks and
25 food business operators. Pursuant thereto, the DA Secretary shall ensure that

1 the food safety regulatory mandates and functions for fresh plant, animal,
2 fisheries and aquaculture foods of the DA agencies are clearly defined. The
3 agencies under the DA with food safety regulatory functions are the following:
4 (a) Bureau of Animal Industry (BAI), for food derived from animals including
5 eggs and honey production;
6 (b) National Dairy Authority (NDA), for milk production and post harvest
7 handling;
8 (c) National Meat Inspection Service (NMIS), for meats;
9 (d) Bureau of Fisheries and Aquatic Resources (BFAR), for fresh fish and
10 other seafoods including those grown by aquaculture.
11 (e) Bureau of Plant Industry (BPI), for plant foods;
12 (f) Fertilizer and Pesticide Authority (FPA), for pesticides and fertilizers used
13 in the production of plant and animal food;
14 (g) Philippine Coconut Authority (PCA), for fresh coconut;
15 (h) Sugar Regulatory Administration (SRA), for sugar cane production and
16 marketing; and
17 (i) National Food Authority (NFA), for rice, corn and other grains.

18 The Bureau of Agriculture and Fisheries Product Standards (BAFPS)
19 shall develop food safety standards including those for organic agriculture.
20 The BAFPS shall establish the mechanism for the development of science-
21 based food safety standards for fresh plant, animal, fisheries and
22 aquaculture foods and shall use the services of experts from the FSRA,
23 other government agencies, academe and private sector.

24 The Food Development Center (FDC) of the NFA shall provide
25 scientific support in testing, research and training.

1 When necessary and when funds allow, the appropriate food safety
2 units shall be created within the above-stated agencies. To strengthen
3 these organizations, they shall be provided with the necessary personnel
4 out of the existing manpower of the DA.

5 Finally, the DA shall, in coordination with other government agencies,
6 monitor the presence of contaminants in foods of plant, animal and fishery
7 origin and shall formulate and implement measures to address incidents of
8 food contamination.

9
10 **SEC. 17.** *The Undersecretary for Policy and Planning, R&D and Regulations*
11 – Oversight functions for the Food Safety Act shall be assigned to the
12 Undersecretary for Policy and Planning, R&D and Regulations.

13 The *Undersecretary for Policy and Planning, R&D and Regulations*
14 shall directly supervise the Food Development Center and the BAFPS and
15 shall be the coordinator for Codex activities at the DA and the Codex Contact
16 Point.

17 The *Undersecretary for Policy and Planning, R&D and Regulations*
18 shall be provided with the necessary manpower and funds from existing
19 resources to ensure the smooth and efficient discharge of its functions.

20 **SEC. 18.** *Specific Responsibilities of the DOH* - The DOH shall bear the
21 following specific responsibilities:

22

23 (a) The DOH shall ensure the safety of all food processing and product
24 packaging activities;

1 (b) The FDA Center for Food Regulation and Research shall be responsible
2 for implementing a performance-based food safety control management
3 system which shall include, but not limited to, the following:

- 4 i. Development of food standards and regulations;
- 5 ii. Post- market monitoring;
- 6 iii. Enforcement of HACCP and other risk based control measures;
- 7 iv. Strong participation in Codex and other international standard setting
8 bodies;
- 9 v. Communication of risks and development of interactive exchange
10 among stakeholders;
- 11 vi. Establishment of laboratories for food safety and strengthening the
12 capabilities of existing laboratories;
- 13 vii. Development of a database of food safety hazards and food- borne
14 illness from epidemiological data;
- 15 viii. Strengthening R&D capabilities on product safety and quality
16 standards; and
- 17 ix. Certification of food safety inspectors

18 (c) The Bureau of Quarantine (BOQ), shall provide sanitation and ensure food
19 safety in its area of responsibility in both domestic and international ports and
20 airports of entry, including In-flight catering, food service establishments, sea
21 vessels and aircraft as provided for in the Implementing Rules and
22 Regulations (IRR) of R.A. 9271 and P.D. 856, otherwise known as the
23 Sanitation Code of the Philippines.

24 (d) The National Epidemiology Center (NEC), Research Institute of Tropical
25 Medicine (RITM) and the National Center for Disease Prevention and Control

1 (NCDPC) shall conduct and document epidemiological monitoring studies on
2 food-borne illnesses for use in risk-based policy formulation. Food safety risk
3 assessment bodies shall be established for this purpose.

4 (e) The National Center for Health Promotion (NCHP) shall be responsible for
5 advocating food safety awareness, information and education to the public.

6 (f) The NCDPC shall strategize actions to help ensure the safety of food,
7 reduce the risk of food contamination and food-borne diseases, address the
8 double burden of micronutrient deficiencies and non-communicable diseases
9 and to regularly evaluate the progress made.

10 (g) The DOH and the FDA Center for Food Regulation and Research shall be
11 strengthened in terms of establishing food safety functional divisions and
12 incremental staffing of food safety officers and experts and be provided with
13 funds including the fees collected from services.

14

15 **SEC. 19.** *Specific Responsibilities of the DILG and LGUs* - The DILG and
16 local governments shall bear the following responsibilities:

17 (a) The LGUs shall be responsible for the enforcement of the Code of
18 Sanitation (PD No 856 December 23, 1975), food safety standards and food
19 safety regulations where food is produced, processed, prepared and/or sold in
20 their territorial jurisdiction. This shall include, but shall not be limited to, the
21 following:

- 22 1. Sanitation particularly in public markets, slaughterhouses, micro and
23 small food processing establishments and public eating places;
- 24 2. Codes of Practice for production, post harvest handling, processing
25 and hygiene;

- 1 3. Safe use of food additives, processing aids and sanitation chemicals;
2 and
3 4. Proper labelling of pre-packaged foods.
- 4 (b)The DILG shall support the DOH and the DA in the collection and
5 documentation of food-borne illness data monitoring and research.
- 6 (c) The DILG and LGUs shall participate in training programs, standards
7 development and other food safety activities to be undertaken by the DA, the
8 DOH and other concerned national agencies.

9

10

Article VI

11

Food Safety Regulation Coordinating Board (FSRCB)

12

13 **SEC. 20. Powers and Functions.** – There is hereby created a Food Safety
14 Regulation Coordinating Board, herein after referred to as the Board, with the
15 following powers and functions:

- 16 (a) Monitor and coordinate the performance and implementation of the
17 mandates of the DA, DOH, DILG and LGUs in food safety regulation;
- 18 (b) Identify the agency responsible for enforcement based on their legal
19 mandates when jurisdiction over specific areas overlap;
- 20 (c) Coordinate crisis management and planning during food safety
21 emergencies;
- 22 (d) Establish the policies and procedures for coordination among agencies
23 involved in food safety;
- 24 (e) Continuously evaluate the effectiveness of enforcement of food safety
25 regulations and research and training programs;

1 (f) Regularly submit reports to the Congressional Committees on Health,
2 Agriculture and Food, and Trade and Industry; and

3 (g) Accept grants and donations from local and international sources.
4

5 **SEC. 21. Organization.** – Within 30 days from the effectivity of this Act, the
6 Secretaries of the DA, DOH and the DILG shall organize the Board in
7 accordance with the following rules:
8

9 (a) The Board shall be chaired by the DOH Secretary and co- chaired by the
10 DA Secretary. The alternate chair for the DOH shall be the FDA Director
11 General and the alternate co-chair for the DA Secretary shall be the
12 Undersecretary for Undersecretary for Policy and Planning, R&D and
13 Regulations . The members of the Board shall be the Heads of the food
14 safety regulatory agencies of the DA, the Director of the FDA Center for Food
15 Regulation and Research, a representative field operator of the DILG with the
16 rank of a Director, the Heads of Leagues of Barangays, Municipalities, Cities
17 and Provinces and a representative each from the DTI and the DOST with the
18 rank of a Director. Directors of other DOH agencies with food safety concerns
19 shall join the meeting as it may be deemed necessary by the DOH;

20 (b) Within 12 months from the effectivity of this Act, the Board shall submit a
21 Manual of Procedures containing the rules for the conduct of meetings and
22 decision-making, among others;

23 (c) The Board shall be assisted by administrative and technical secretariat at
24 the DOH. Both the DOH and the DA shall establish functional divisions and
25 shall organize the administrative and technical personnel for the operation of

1 the Board. The personnel needed under this section shall be taken from the
2 existing manpower of each department;

3 (d) Funds shall be allocated by the respected agencies concerned with food
4 safety to pay for the organization of meetings, participation of Board
5 members, secretariat, experts and the expenses of a Working Group to be
6 created by the Board to prepare its manual of procedures.

7

8 **SEC. 22. *Accountability for Food Safety Regulation.*** - The FSRAs of the DA
9 & DOH, in coordination with the LGUs, shall be responsible in ensuring food
10 safety at various stages of the food supply chain within their specified
11 mandates.

12

13

ARTICLE VII

14

Crisis Management

15

16 **SEC. 23. *Rapid Alert System.*** - A rapid alert system for the notification of a
17 direct or indirect risk to human health due to food shall be established by the
18 FSRCB.

19 **SEC. 24. *Emergency Measures.*** - Where it is evident that food originating
20 from within the country or imported from another country is likely to constitute
21 serious risk to human health, the Board in coordination with the FSRAs of
22 DOH and DA shall immediately adopt one or more of the following measures,
23 depending on the gravity of the situation:

24 (a) In the case of food of national origin:

- 1 1. Suspension of its distribution in the market or the use of the food in
- 2 question;
- 3 2. Laying down special conditions for the food in question; and
- 4 3. Any other appropriate interim measure.

5 (b) In the case of food from another country:

- 6 1. Suspension of imports of the food from all or parts of the third country
- 7 concerned and, where applicable from the third country of transit;
- 8 2. Laying down special conditions for the food in question from all or
- 9 part of the third country concerned; and
- 10 3. Any other appropriate interim measures.

11

12 **SEC. 25. *Plan for Crisis Management.*** - The Board, in coordination with the
13 FSRAs and other relevant government agencies, shall prepare a general plan
14 for the management of a threat to food safety such as radiation contamination
15 of food, food shortage requiring coordinated action and other crisis situations
16 which may compromise food safety. This plan shall specify the situations
17 representing a direct or indirect risk to human health deriving from food which
18 are not likely to be prevented, eliminated or reduced to an acceptable level.

19

ARTICLE VIII

20

Implementation of Food Safety Regulations

21

22 **SEC. 26. *Policies on Official Controls.*** - Official controls are established to
23 verify compliance with food laws and regulations and shall be prepared by
24 each agency. The following shall govern the exercise of official controls:

- 1 (a) Official controls shall be implemented by way of regulations prepared by
2 the food safety regulatory agencies in accordance with the principles
3 established in this Act;
- 4 (b) The frequency of official controls shall be proportionate to the severity and
5 likelihood of occurrence of the food safety risks being controlled;
- 6 (c) Official controls shall be based on appropriate techniques, implemented by
7 an adequate number of suitably qualified and experienced personnel and
8 with adequate funds, facilities and equipment;
- 9 (d) The regulatory agency or body performing official controls shall meet
10 operational criteria and procedures established by the agencies to ensure
11 impartiality and effectiveness;
- 12 (e) Any personnel of food safety regulatory agencies such as, but not limited
13 to, food inspectors shall perform official controls at the highest level of
14 competence and integrity, ever mindful of conflict of interest situations;
- 15 (f) Policies and procedures for official controls shall be documented in a
16 Manual of Operations to ensure consistent, high quality, uniformity,
17 predictability and transparency;
- 18 (g) Provisions shall be made for official controls to be delegated to other
19 competent bodies as determined by the regulatory agency and of the
20 conditions under which this shall take place. When official controls are
21 delegated, appropriate coordination and other procedures including
22 oversight shall be in place and effectively implemented. The accountability
23 over the delegated function shall remain with the regulatory agency; and
- 24 (h) The agencies responsible for the implementation of official controls shall
25 be provided with the necessary funding and technical support out of their

1 existing budget to perform official controls according to the principles
2 indicated in this Act.

3

4 **SEC. 27. Traceability.** - Traceability shall be established for foods at relevant
5 stages of production, post harvest handling, processing or distribution, when
6 needed to ensure compliance with food safety requirements. The rule on
7 traceability shall also cover production inputs such as feeds, food additives,
8 ingredients, packaging materials, and other substances expected to be
9 incorporated into a food. To ensure traceability, food business operators are
10 required to:

11 (a) Be able to identify any person or company from whom they have been
12 supplied with:

- 13 1. Food;
- 14 2. A food-producing animal;
- 15 3. Production chemicals as pesticides and drugs; and
- 16 4. Production, post harvest handling and processing inputs such as
17 feeds, food additives, food ingredients, packaging materials, or any
18 substance expected to be incorporated into food or food product.

19 (b) Establish and implement systems and procedures which allow the above
20 information to be available to the regulatory authorities on demand, and

21 (c) Establish systems and procedures to identify the other businesses to
22 which their products have been supplied. This information shall be made
23 available to the regulatory authorities upon demand.

24 Traceability in case of food-borne disease outbreak shall be
25 established by the National Epidemiology Center (NEC) of the DOH.

1

2 **SEC. 28.** *Licensing, Registration of Establishments.* - Appropriate
3 authorizations shall be developed and issued in the form of a permit, license
4 and certificate of registration or compliance that would cover establishments,
5 facilities engaged in production, post harvest, handling, processing, packing,
6 holding or producing food for consumption in accordance with the mandated
7 issuances of regulatory agency issuing such authorizations. Special
8 derogations shall be provided due to geographical location and after an
9 assessment of risks, especially for micro, small and medium sized food
10 business operators and health products.

11

12 **SEC. 29.** *Inspection of Food Business Operators.* - Regular inspection of
13 food business operators shall be performed by the FSRAs or the control
14 bodies delegated to conduct the activity. In addition, the following rules shall
15 be followed in the conduct of inspections:

16 (a) Inspection shall take into account compliance with mandatory food safety
17 standards, the implementation of HACCP, good manufacturing practices and
18 other requirements of regulations;

19 (b) The frequency of inspections shall be based on the assessment of risks.
20 Establishments producing high risk foods or carrying out high risk activities
21 shall be inspected more frequently;

22 (c) Inspectors shall have defined skills on risk-based inspection and shall be
23 regularly evaluated based on suitable procedures to verify their continuing
24 competence; and

1 (d) Appropriate procedures shall be in place to ensure that the results of
2 inspection are interpreted in a uniform manner.

3

4 **SEC. 30.** *Food Testing Laboratories.* - The following shall guide the
5 management and operation of food testing laboratories:

6 (a) Food testing shall be carried out by laboratories accredited in accordance
7 with international standards. Those that are not currently accredited shall
8 apply for accreditation within a specified period of time;

9 (b) Testing shall be carried out using the internationally approved procedures
10 or methods of analysis that have been validated;

11 (c) Laboratories shall be organized and managed to prevent conflict of
12 interest in the conduct of testing;

13 (d) Laboratories shall be staffed with analysts with the required expertise and
14 professional competence; and

15 (e) FSRAs may recognize private testing laboratories accredited by the
16 Philippine Accreditation Office (PAO) of the Department of Trade and Industry
17 (DTI) to support their testing needs.

18

19

ARTICLE IX

20

Training and Consumer Education

21

22 **SEC. 31.** *Training.* – Skills training and other instructional/educational
23 activities shall be regularly provided to food business operators, food handlers
24 and to government personnel as follows:

25

1 (a) Food business operators particularly micro, small and medium scale
2 enterprises shall be trained on the requirements of food safety regulations and
3 the understanding of these requirements. Personnel shall be trained on
4 HACCP, on the codes of good practice and on technologies that will enable
5 them to comply with regulations;

6 (b) Mandatory training on safe food handling and similar courses shall be
7 implemented for food handlers of food businesses; and

8 (c) Government personnel shall be trained on the scientific basis for the
9 provisions of the law and on the conduct of official controls;

10 The different food safety regulatory agencies shall identify training
11 needs and the appropriate training programs. Mandatory training programs
12 shall be developed and implemented by accredited training providers.

13

14 **SEC. 32. *Consumer Education.*** - A consumer education program shall be
15 developed by the DA, DOH and LGU's in partnership with the Department of
16 Education, the implementation of which shall be carried out by the latter.

17

18 **SEC. 33. *Funding.*** - Funds shall be provided for the development and
19 implementation of training and consumer education programs.

20

ARTICLE X

21

Food-borne Illness Monitoring, Surveillance and Research

22

23 **SEC. 34. *Food-borne Illness Monitoring and Surveillance.*** - The government,
24 in support of risk analysis, shall implement the following programs:

1 (a) An integrated food borne disease monitoring system that links to the
2 sources of food contamination in collaboration with the DOH National
3 Epidemiology Center and the National Center for Disease Prevention and
4 Control;

5 (b) Identification of hazards in the food supply chain and assessment of levels
6 of exposure to the hazards.

7
8 **SEC. 35. Research.** - The government and academe shall develop and
9 implement a program of research on cost effective technologies and codes of
10 practice for assisting farmers, fisherfolks, micro, small and medium scale
11 enterprises and other stakeholders to enable them to comply with food safety
12 regulations.

13

14

ARTICLE XI

15

Policy on Fees

16

17 **SEC. 36. Collection of Fees.** - The DA, DOH and the LGUs, where
18 applicable, shall be allowed to collect fees for the inspection of food products,
19 production and processing facilities, issuance of import or export certificates,
20 laboratory testing of food samples and other fees as may be deemed
21 necessary.

22 Fees shall be based on an officially-approved procedure for estimating the
23 cost of the activity undertaken and shall be subject to government accounting
24 and auditing rules and regulations.

25

1 **SEC. 38. *Penalty.*** – Any person who shall violate any provision of this Act
2 shall suffer the penalties provided hereunder:

3 (a) For the first conviction, a fine of not less than Fifty thousand pesos
4 (P50,000.00) but not more than One hundred thousand pesos
5 (P100,000.00) and suspension of appropriate authorization for one (1)
6 month shall be imposed;

7 (b) For the second conviction, a fine of not less than One hundred
8 thousand pesos (P100,000.00) but not more than Two hundred
9 thousand pesos (P200,000.00) and suspension of appropriate
10 authorization for three (3) months shall be imposed;

11 (c) For the third conviction, a fine of not less than Two hundred thousand
12 pesos (P200,000.00) but not more than Three hundred thousand pesos
13 (P300,000.00) and suspension of appropriate athorization for six (6)
14 months shall be imposed;

15 (d) For violation resulting in slight physical injury of a person, upon
16 conviction, a fine of not less than Two hundred thousand pesos
17 (P200,000.00) but not more than Three hundred thousand pesos
18 (P300,000.00) and suspension of appropriate authorization for six (6)
19 months shall be imposed. The offender shall also pay the
20 hospitalization and rehabilitation cost of a person;

21 (e) For violation resulting in less serious or serious physical injury of a
22 person, upon conviction, a fine of not less than Two hundred thousand
23 pesos (P200,000.00) but not more than Three hundred thousand pesos
24 (P300,000.00) and suspension of appropriate authorization for one (1)

1 year shall be imposed. The offender shall also pay the hospitalization
2 and rehabilitation cost of a person;

3 (f) For violation resulting in death of a person, upon conviction, the penalty
4 of imprisonment of not less than six (6) months and one (1) day but not
5 more than six (6) years and one (1) day and a fine of not less than
6 Three hundred thousand pesos (P300,000.00) but not more than Five
7 hundred thousand pesos (P500,000.00) and permanent revocation of
8 appropriate authorization to operate a food business shall be imposed.

9 *If the offender does not have the appropriate authorization, the imposable*
10 *finer shall be doubled.*

11 *If the offender is a government personnel, in addition to the penalty*
12 *prescribed herein, said personnel shall be subjected to the appropriate civil*
13 *service laws.*

14 *If the offender is a naturalized citizen, in addition to the penalty prescribed*
15 *herein, the naturalization certificate and the registration in the civil register of*
16 *said citizen shall be cancelled. Immediate deportation after payment of fine*
17 *and service of sentence shall also be imposed.*

18 *If the offender is an alien, said alien shall be summarily deported after*
19 *payment of fine and service of sentence and perpetually barred from entering*
20 *the country.*

21 *Any director, officer or agent of a corporation who shall authorize, order or*
22 *perform any of the acts or practices constituting in whole or in part a violation*
23 *of Section 37 hereof, and who has knowledge or notice of non-compliance*
24 *received by the corporation from the concerned department, shall be*
25 *subjected to the penalties under this Section.*

1 In case the violation is committed by, or in the interest of a foreign juridical
2 person duly licensed to engage in business in the Philippines, such license to
3 engage in business in the Philippines shall immediately be revoked.

4

5

ARTICLE XIII

6

FINAL PROVISIONS

7

8 **SEC. 39. *Implementing Rules and Regulations.*** - The DA and the DOH shall
9 jointly issue the Implementing Rules and Regulations within ninety (90) days
10 after the effectivity of this Act.

11

12 **SEC. 40. *Separability Clause.*** - If any provision of this Act is declared invalid
13 or unconstitutional, the other provisions not affected thereby shall remain in
14 full force and effect.

15

16 **SEC. 41. *Repealing Clause.*** - All laws, presidential decrees, executive orders,
17 rules and regulations inconsistent with the provisions of this Act are hereby
18 repealed, amended or modified accordingly.

19 **SEC. 42. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
20 publication in two (2) newspapers of general circulation.

21

22 ***Approved.***