

1 (b) *Adulteration* refers to an intentional act which leads to the
2 production of food which:

3 (1) Bears or contains any poisonous or deleterious substance that may
4 render it injurious to the health of the public;

5 (2) Bears or contains any added poisonous or deleterious substance in
6 amounts exceeding established maximum limits or standards for good
7 manufacturing practice;

8 (3) Contains in whole or in part filthy, putrid or decomposed substance
9 that is unfit for human consumption;

10 (4) Has been prepared, packed or held under unsanitary conditions;

11 (5) In whole or in part, is the product of a diseased animal or an animal
12 which has died through ways other than slaughter;

13 (6) Is in a container having in whole or in part any poisonous or
14 deleterious substance;

15 (7) Has been intentionally subjected to radiation unless the use of
16 radiation is in conformity with an existing regulation or exemption;

17 (8) Becomes injurious to health because of the omission or abstraction
18 of a valuable constituent; or if any substance has been substituted wholly or in
19 part; or if damaged or made inferior which has been concealed in any manner;
20 or if any substance has been added thereto or mixed or packed therewith so as
21 to increase its bulk or weight or reduce its strength or to make it appear better
22 or greater than it is;

23 (9) Has not been prepared in accordance with current acceptable
24 manufacturing practice as promulgated by way of regulation; and

25 (10) Uses expired ingredients.

26 (c) *Authorization* refers to the permission embodied in a document
27 granted by a regulatory agency to a natural or juridical person who has
28 submitted an application for a food business operation from primary

1 production, post harvest handling, distribution, processing, manufacture,
2 importation, exportation, sale and offer for sale, distribution, transfer and
3 preparation for human consumption. The authorization can take the form of a
4 permit, license, certificate of registration and certificate of compliance or
5 exemption or any similar document.

6 (d) *Contaminant* refers to any substance not intentionally added to food
7 which is present in such food as a result of the production (including
8 operations carried out in crop industry, animal husbandry and veterinary
9 medicine) manufacturing, processing, preparation, treatment, packing,
10 packaging, transport or holding of such food as a result of environmental
11 contamination.

12 (e) *Control measure* refers to any action and activity that can be used
13 to prevent or eliminate food safety hazard or to reduce it to an acceptable level.

14 (f) *Crisis management* refers to a proactive approach of addressing a
15 situation, where a risk to consumers, animal or plant health cannot be
16 controlled by normal existing mechanisms, through a plan which can be
17 activated when such emergency arises.

18 (g) *Food* refers to any substance or product whether processed,
19 partially processed or unprocessed that is intended for human consumption. It
20 includes drinks, chewing gum, water and other substances which are
21 intentionally incorporated into the food during its manufacture, preparation and
22 treatment.

23 (h) *Feed* refers to any substance or product, including additives,
24 intended to be used for oral feeding to animals.

25 (i) *Food-borne illnesses* refer to diseases, usually either infectious or
26 toxic in nature, caused by agents that enter the body through the ingestion of
27 food.

1 (j) *Food business* refers to any undertaking, whether public or private,
2 that carries out, any of the activities related to, or any of the stages of the food
3 supply chain.

4 (k) *Food business operator* refers to a person engaged in the food
5 business including one's agents and is responsible for ensuring that the
6 requirements of this Act are met by the food business under one's control.

7 (l) *Food hygiene* (hereinafter referred to as hygiene) refers to the
8 measures and conditions necessary to control hazards that could lead to
9 food-borne illnesses and to ensure fitness for human consumption of a food of
10 plant or animal origin taking into account its intended use.

11 (m) *Food law* refers to the laws, regulations and administrative
12 provisions governing food in general, donated food and food safety at any
13 stage of production, processing, distribution and preparation for human
14 consumption.

15 (n) *Food safety* refers to the assurance that food will not cause harm to
16 the consumer when it is prepared or eaten according to its intended use.

17 (o) *Food Safety Regulatory Agencies (FSRAs)* refer to the following
18 national government agencies:

19 (1) Under the Department of Agriculture (DA) – the Bureau of Animal
20 Industry (BAI), the National Meat Inspection Service (NMIS), the Bureau of
21 Fisheries and Aquatic Resources (BFAR), the Bureau of Plant Industry (BPI),
22 the Fertilizer and Pesticide Authority (FPA), the Philippine Coconut Authority
23 (PCA), the Sugar Regulatory Administration (SRA) and the National Food
24 Authority (NFA); and

25 (2) Under the Department of Health (DOH) – the Food and Drug
26 Administration (FDA), the Center for Food Regulation and Research and the
27 Bureau of Quarantine (BOQ).

1 (p) *Food safety officer* refers to a professionally qualified and properly
2 trained officer appointed by a food safety regulatory agency or by the local
3 government units (LGUs) in accordance with the appropriate civil service rules
4 and regulations.

5 (q) *Food safety regulatory system* refers to the combination of
6 regulations, food safety standards, inspection, testing, data collection,
7 monitoring and other activities carried out by food safety regulatory agencies
8 and by the LGUs in the implementation of their responsibilities for the control
9 of food safety risks in the food supply chain.

10 (r) *Food supply chain* refers to all stages in the production of food
11 from primary production, post harvest handling, distribution, processing and
12 preparation for human consumption. Preparation is the cooking or other
13 treatments to which food is subjected prior to its consumption.

14 (s) *Good agricultural practices (GAP)* refer to the practices that
15 address environmental, economic and social sustainability for on-farm
16 processes, and which result in safe and quality food and nonfood agricultural
17 products.

18 (t) *Good manufacturing practices* refer to a quality assurance system
19 aimed at ensuring that products are consistently manufactured, packed,
20 repacked or held to quality standards appropriate for the intended use. It is
21 thus concerned with both manufacturing and quality control procedure.

22 (u) *Good hygienic practices* refer to all practices regarding the
23 conditions and measures necessary to ensure the safety and suitability of food
24 at all stages of the food chain.

25 (v) *Hazard Analysis at Critical Control Points (HACCP)* refer to a
26 science-based system which identifies, evaluates and controls hazards which
27 are significant for food safety at critical points during a given stage in the food
28 supply chain.

1 (w) *Hazard* refers to a biological, chemical or physical agent in food
2 with a potential to cause adverse effect on health.

3 (x) *Inspection* refers to the examination of food, food production
4 facilities or establishments, and the management and production systems of
5 food businesses, including the examination of documents, finished product
6 testing and of the origin and destination of production inputs and outputs to
7 verify compliance with legal requirements by an agency mandated to perform
8 food safety regulatory and/or enforcement functions.

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

14 (z) *Micro, small and medium enterprise (MSME)* refers to food
15 businesses as defined within the classification of industries by the Department
16 of Trade and Industry (DTI).

17 (aa) *Misbranding* refers to deliberate labelling or advertising of food
18 that is misleading, where the labelling and/or advertising claims certain food
19 properties that cannot be supported by a reliable source, a certifying body or
20 by scientific evidence.

21 (bb) *Official control* refers to all types of controls and control activities
22 made by regulatory agencies to verify compliance with standards, operating
23 procedures, practices and other regulatory requirements. It includes routine
24 monitoring of food establishments and more intensive checks involving
25 inspections, verifications, audits, sampling and testing of samples.

26 (cc) *Post harvest stages* refer to the stages in the food supply chain
27 involving the minimal transformation of plant and animal foods after primary
28 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 freezing,
2 and the milling of grain.

3 (dd) *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 (ee) *Processing* refers to any action that substantially alters the initial
9 raw 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 (ff) *Risk* refers to the likelihood of an adverse health effect and the
13 severity of this effect following exposure to a hazard.

14 (gg) *Risk analysis* refers to a process consisting of three (3) interrelated
15 components: risk assessment, risk management and risk communication.

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

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

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

1 (1) The probable immediate, short-term or long-term effects on
2 subsequent generations of that food on health;

3 (2) The probable cumulative effects; and

4 (3) The particular health sensitivities of a specific category of
5 consumers where the food is intended for that category.

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

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

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

19 (f) Compliance of a food product with specific standards applicable to
20 a specific food shall not prohibit the competent authorities to take appropriate
21 measures or to impose restrictions on entry into the market or to require its
22 withdrawal from the market, where there is reason to suspect that such food
23 product shows food safety-related risks.

24 ARTICLE IV

25 GENERAL PRINCIPLES

26 SEC. 6. *Food Law Objectives.* – Food law shall aim for a high level of
27 protection of human life and health in the production and consumption of food.

1 It shall also aim for the protection of consumer interests through fair practices
2 in the food trade.

3 *SEC. 7. Use of Science-Based Risk Analysis.* – The following shall
4 guide the use of science and risk analysis in food safety regulation:

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

9 (b) Risk assessment shall be based on sound scientific evidence and
10 shall be undertaken in an independent, objective and transparent manner.
11 Scientific information as obtained from scientific literature, epidemiological
12 and monitoring studies and other data that supports the risk assessment shall be
13 used;

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

17 (d) Risk communication shall be carried out between risk assessors and
18 risk managers in a transparent manner. Food safety risks shall also be
19 communicated to farmers, fisherfolk and food business operators to encourage
20 compliance with the implementation of control measures and to relevant
21 sectors of society affected by the law or the risks addressed in order to
22 strengthen confidence in its provisions; and

23 (e) Food business operators shall be encouraged to implement a
24 HACCP-based system for food safety assurance in their operations.

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

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

1 (b) Prevention of misrepresentation in the labelling and false
2 advertising in the presentation of food, including their shape, appearance or
3 packaging, the packaging materials used, the manner in which they are
4 arranged, the setting in which they are displayed, and the product description
5 including the information which is made available about them through
6 whatever medium. Where relevant, the presentation of goods shall provide
7 consumers a basis to make informed choices in relation to the food they
8 purchase.

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

12 (a) Standards shall be established on the basis of science, risk analysis,
13 scientific advice from expert body/bodies, standards of other countries,
14 existing Philippine National Standards (PNS) and the standards of the Codex
15 Alimentarius Commission (CAC), where these exist and are applicable;

16 (b) Codex standards shall be adopted except when these are in conflict
17 with what is necessary to protect consumers and scientific justification exists
18 for the action taken;

19 (c) The DA and the DOH shall establish the policies and procedures
20 for country participation at Codex and the incorporation of Codex standards
21 into national regulations. The current National Codex Organization (NCO) is
22 herein designated as the Body to serve this purpose. The DA and the DOH
23 shall designate a third level officer as coordinator for Codex activities for their
24 respective departments; and

25 (d) Participation at Codex shall be in accordance with the principles of
26 this Act and shall be financially supported by the government.

27 SEC. 10. *Precaution.* – In specific circumstances when the available
28 relevant information for use in risk assessment is insufficient to show that a

1 certain type of food or food product does not pose a risk to consumer health,
2 precautionary measures shall be adopted. When such precautionary measures
3 are issued, the following rules shall govern:

4 (a) The adopted measure shall remain enforced pending the submission
5 of additional scientific information based on the nature of the risk and type of
6 information needed to clarify the scientific uncertainty; and

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

9 SEC. 11. *Transparency.* – The implementing agencies shall conduct
10 public consultation and disseminate relevant information to ensure the
11 following:

12 (a) Public consultation during the preparation, evaluation and revision
13 of food legislation shall be open, transparent and direct or through
14 representative bodies unless the urgency of the problem does not allow it; and

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

19 SEC. 12. *Application to Trade.* – Foods imported, produced,
20 processed and distributed for domestic and export markets shall comply with
21 the following requirements:

22 (a) Foods to be imported into the country must come from countries
23 with an equivalent food safety regulatory system and shall comply with
24 international agreements to which the Philippines is a party;

25 (b) Imported foods shall undergo cargo inspection and clearance
26 procedures by the DA and the DOH at the first port of entry to determine
27 compliance with national regulations. This inspection by the DA and the DOH
28 shall always take place prior to assessment for tariff and other charges by the

1 Bureau of Customs (BoC). The BoC and the Association of International
2 Shipping Lines (AISL) shall provide the DA and the DOH documents such as
3 the Inward Foreign Manifest of Arriving Vessels to enable the DA and the
4 DOH to identify shipments requiring food safety inspection. Shipments not
5 complying with national regulations shall be disposed according to policies
6 established by the DA and the DOH; and

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

10 ARTICLE V

11 RESPONSIBILITIES ON FOOD SAFETY

12 SEC. 13. *Principal Responsibility of Food Business Operators.* –
13 Food business operators shall ensure that food satisfies the requirements of
14 food 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 SEC. 14. *Specific Responsibilities of Food Business Operators.* – Food
17 business operators shall have the following responsibilities under this Act:

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

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

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

4 (d) Where the unsafe or noncompliant food product may have reached
5 the consumer, the operator shall effectively and accurately inform the
6 consumers of the reason for the withdrawal, and if necessary, recall the same
7 from the market.

8 SEC. 15. *Principal Responsibilities of Government Agencies.* – The
9 DA, the DOH, the Department of the Interior and Local Government (DILG)
10 and the LGUs shall have the following responsibilities:

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

14 (b) The DOH shall be responsible for the safety of processed and
15 prepackaged foods, foods locally produced or imported under this category
16 and the conduct of monitoring and epidemiological studies on food-borne
17 illnesses;

18 (c) The LGUs shall be responsible for food safety in food businesses
19 such as, but not limited to, activities in slaughterhouses, dressing plants, fish
20 ports, wet markets, supermarkets, school canteens, restaurants, catering
21 establishments and water refilling stations. The LGU shall also be responsible
22 for street food sale, including ambulant vending;

23 (d) The DILG, in collaboration with the DA, the DOH and other
24 government agencies shall supervise the enforcement of food safety and
25 sanitary rules and regulations as well as the inspection and compliance of
26 business establishments and facilities within its territorial jurisdiction;

1 (e) The LGUs may be called upon by the DOH and the DA to assist in
2 the implementation of food laws, other relevant regulations and those that will
3 hereafter be issued;

4 (f) The DA and the DOH shall capacitate the LGUs and provide
5 necessary technical assistance in the implementation of their food safety
6 functions under their jurisdiction. In compliance with this responsibility, they
7 shall provide training to the DILG and the LGUs and shall periodically assess
8 the effectiveness of these training programs in coordination with the DILG;
9 and

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

14 SEC. 16. *Specific Responsibilities of the Department of Agriculture*
15 *(DA)*. – The DA shall be responsible for the development and enforcement of
16 food safety standards and regulations for foods in the primary production and
17 post harvest stages of the food supply chain. It shall monitor and ensure that
18 the relevant requirements of the law are complied with by farmers, fisherfolks
19 and food business operators. Pursuant thereto, the DA Secretary shall ensure
20 that the food safety regulatory mandates and functions for fresh plant, animal,
21 fisheries and aquaculture foods of the DA agencies are clearly defined. The
22 agencies under the DA with food safety regulatory functions are the following:

23 (a) The Bureau of Animal Industry (BAI), for food derived from
24 animals including eggs and honey production;

25 (b) The National Dairy Authority (NDA), for milk production and post
26 harvest handling;

27 (c) The National Meat Inspection Service (NMIS), for meats;

1 (d) The Bureau of Fisheries and Aquatic Resources (BFAR), for fresh
2 fish and other seafoods including those grown by aquaculture;

3 (e) The Bureau of Plant Industry (BPI), for plant foods;

4 (f) The Fertilizer and Pesticide Authority (FPA), for pesticides and
5 fertilizers used in the production of plant and animal food;

6 (g) The Philippine Coconut Authority (PCA), for fresh coconut;

7 (h) The Sugar Regulatory Administration (SRA), for sugar; and

8 (i) The National Food Authority (NFA), for rice, corn and other grains.

9 The Bureau of Fisheries and Agriculture Product Standards (BFAPS)
10 shall develop food safety standards including those for organic agriculture.
11 The BFAPS shall establish the mechanism for the development of
12 science-based food safety standards for fresh plant, animal, fisheries and
13 aquaculture foods and shall use the services of experts from the FSRA, other
14 government agencies, academe and the private sector.

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

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

21 Finally, the DA shall, in coordination with other government agencies,
22 monitor the presence of contaminants in foods of plant, animal and fishery
23 origin and shall formulate and implement measures to address incidents of
24 food contamination.

1 SEC. 17. *The Office of the Undersecretary for Food Safety and*
2 *Sanitary and Phytosanitary Regulation.* – There shall be designated a
3 permanent Undersecretary out of the existing Undersecretaries of the DA to
4 head the Office for Food Safety and Sanitary and Phytosanitary Regulation and
5 who shall exercise the oversight functions of food safety regulatory activities.

6 The Undersecretary for Food Safety and Sanitary and Phytosanitary
7 Regulation shall directly supervise the FDC and the BFAPS and shall be the
8 coordinator for Codex activities at the DA and the Codex Contact Point.

9 The Office of the Undersecretary for Food Safety and Sanitary and
10 Phytosanitary Regulation shall be provided with the necessary manpower and
11 funds from existing resources to ensure the smooth and efficient discharge of
12 its functions.

13 SEC. 18. *Specific Responsibilities of the DOH.* – The DOH shall bear
14 the following specific responsibilities:

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

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

20 (1) Development of food standards and regulations;

21 (2) Post-market monitoring;

22 (3) Enforcement of the HACCP and other risk-based control measures;

23 (4) Strong participation in Codex and other international standard
24 setting bodies;

25 (5) *Communication of risks and development of interactive exchange*
26 *among stakeholders;*

27 (6) Establishment of laboratories for food safety and strengthening
28 the capabilities of existing laboratories;

1 (7) Development of a database of food safety hazards and food-borne
2 illness from epidemiological data;

3 (8) Strengthening research and development (R&D) capabilities on
4 product safety and quality standards; and

5 (9) Certification of food safety inspectors.

6 (c) The BOQ, shall provide sanitation and ensure food safety in its area
7 of responsibility in both domestic and international ports and airports of entry,
8 including in-flight catering, food service establishments, sea vessels and
9 aircraft as provided for in the implementing rules and regulations (IRR) of
10 Republic Act No. 9271 and Presidential Decree No. 856, otherwise known as
11 the "Code on Sanitation of the Philippines";

12 (d) The National Epidemiology Center (NEC), the Research Institute of
13 Tropical Medicine (RITM) and the National Center for Disease Prevention and
14 Control (NCDPC) shall conduct and document epidemiological monitoring
15 studies on food-borne illnesses for use in risk-based policy formulation. Food
16 safety risk assessment bodies shall be established for this purpose;

17 (e) The National Center for Health Promotion (NCHP) shall be
18 responsible for advocating food safety awareness, information and education to
19 the public;

20 (f) The NCDPC shall strategize actions to help ensure the safety of
21 food, reduce the risk of food contamination and food-borne diseases, address
22 the double burden of micronutrient deficiencies and noncommunicable
23 diseases and to regularly evaluate the progress made; and

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

1 (a) Monitor and coordinate the performance and implementation of the
2 mandates of the DA, the DOH, the DILG and the LGUs in food safety
3 regulation;

4 (b) Identify the agency responsible for enforcement based on their legal
5 mandates when jurisdiction over specific areas overlap;

6 (c) Coordinate crisis management and planning during food safety
7 emergencies;

8 (d) Establish the policies and procedures for coordination among
9 agencies involved in food safety;

10 (e) Continuously evaluate the effectiveness of enforcement of food
11 safety regulations and research and training programs;

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

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

15 SEC. 21. *Organization.* – Within thirty (30) days from the effectivity of
16 this Act, the Secretaries of the DA, the DOH and the DILG shall organize the
17 Board in accordance with the following rules:

18 (a) The Board shall be chaired by the DOH Secretary and co-chaired
19 by the DA Secretary. The alternate chair for the DOH Secretary shall be the
20 FDA Director General and the alternate co-chair for the DA Secretary shall be
21 the Undersecretary for Food Safety and Sanitary and Phytosanitary Regulation.
22 The members of the Board shall be the heads of the food safety regulatory
23 agencies of the DA, the Director of the FDA Center for Food Regulation and
24 Research, a representative field operator of the DILG with the rank of a
25 Director, and a representative each from the DTI and the Department of
26 Science and Technology (DOST) with the rank of a Director. Directors of
27 other DOH agencies with food safety concerns shall join the meeting as it may

1 be deemed necessary by the DOH. The heads of leagues of barangays,
2 municipalities, cities and provinces shall be invited as needed;

3 (b) Within twelve (12) months from the effectivity of this Act, the
4 Board shall submit a manual of procedures containing the rules for the conduct
5 of meetings and decision-making, among others;

6 (c) The Board shall be assisted by administrative and technical
7 secretariat at the DOH. Both the DOH and the DA shall establish functional
8 divisions and shall organize the administrative and technical personnel for the
9 operation of the Board. The personnel needed under this section shall be taken
10 from the existing manpower of each department; and

11 (d) Funds shall be allocated by the respective agencies concerned with
12 food safety to pay for the organization of meetings, participation of Board
13 members, secretariat, experts and the expenses of a working group to be
14 created by the Board to prepare its manual of procedures.

15 *SEC. 22. Accountability for Food Safety Regulatory Agencies (FSRAs).*

16 – The FSRAs of the DA and the DOH, in coordination with the LGUs, shall
17 be responsible in ensuring food safety at various stages of the food supply
18 chain within their specified mandates.

19 **ARTICLE VII**

20 **CRISIS MANAGEMENT**

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

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

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

2 (1) Suspension of its distribution in the market or the use of the food in
3 question;

4 (2) Laying down special conditions for the food in question; and

5 (3) Any other appropriate interim measures.

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

7 (1) Suspension of imports of the food from all or parts of the third
8 country concerned and, where applicable, from the third country of transit;

9 (2) Laying down special conditions for the food in question from all or
10 part of the third country concerned; and

11 (3) Any other appropriate interim measures.

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

20 ARTICLE VIII

21 IMPLEMENTATION OF FOOD SAFETY REGULATIONS

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

26 (a) Official controls shall be implemented by way of regulations
27 prepared by the FSRAs in accordance with the principles established in this
28 Act;

1 (b) The frequency of official controls shall be proportionate to the
2 severity and likelihood of occurrence of the food safety risks being controlled;

3 (c) Official controls shall be based on appropriate techniques,
4 implemented by an adequate number of suitably qualified and experienced
5 personnel and with adequate funds, facilities and equipment;

6 (d) The regulatory agency or body performing official controls shall
7 meet operational criteria and procedures established by the agencies to ensure
8 impartiality and effectiveness;

9 (e) Any personnel of the FSRAs such as, but not limited to, food
10 inspectors shall perform official controls at the highest level of competence
11 and integrity, ever mindful of conflict of interest situations;

12 (f) Policies and procedures for official controls shall be documented in
13 a manual of operations to ensure consistent, high quality, uniformity,
14 predictability and transparency;

15 (g) Provisions shall be made for official controls to be delegated to
16 other competent bodies as determined by the regulatory agency and of the
17 conditions under which this shall take place. When official controls are
18 delegated, appropriate coordination and other procedures including oversight
19 shall be in place and effectively implemented. The accountability over the
20 delegated function shall remain with the regulatory agency; and

21 (h) The agencies responsible for the implementation of official controls
22 shall be provided with the necessary funding and technical support out of their
23 existing budget to perform official controls according to the principles
24 indicated in this Act.

25 *SEC. 27. Traceability.* – Traceability shall be established for foods at
26 relevant stages of production, post harvest handling, processing or distribution,
27 when needed to ensure compliance with food safety requirements. The rule on
28 traceability shall also cover production inputs such as feeds, food additives,

1 ingredients, packaging materials and other substances expected to be
2 incorporated into a food. To ensure traceability, food business operators are
3 required to:

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

6 (1) Food;

7 (2) A food-producing animal;

8 (3) Production chemicals such as pesticides and drugs; and

9 (4) Production, post harvest handling and processing inputs such as
10 feeds, food additives, food ingredients, packaging materials or any substance
11 expected to be incorporated into food or food product.

12 (b) Establish and implement systems and procedures which allow the
13 above information to be available to the regulatory authorities on demand; and

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

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

19 *SEC. 28. Licensing, Registration of Establishments.* – Appropriate
20 authorizations shall be developed and issued in the form of a permit, license
21 and certificate of registration or compliance that would cover establishments,
22 facilities engaged in production, post harvest handling, processing, packing,
23 holding or producing food for consumption in accordance with the mandated
24 issuances of regulatory agencies issuing such authorizations. Special
25 derogations shall be provided due to geographical location and after an
26 assessment of risks, especially for micro, small and medium-sized food
27 business operators and health products.

1 SEC. 29. *Inspection of Food Business Operators.* – Regular inspection
2 of food business operators shall be performed by the FSRA's or the control
3 bodies delegated to conduct the activity. In addition, the following rules shall
4 be followed in the conduct of inspections:

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

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

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

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

16 SEC. 30. *Food Testing Laboratories.* – The following shall guide the
17 management and operation of food testing laboratories:

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

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

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

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

ARTICLE X

FOOD-BORNE ILLNESS MONITORING, SURVEILLANCE AND RESEARCH

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

(a) An integrated food-borne disease monitoring system that links to the sources of food contamination in collaboration with the DOH-NEC and the NCDPC; and

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

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

ARTICLE XI

POLICY ON FEES

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

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

ARTICLE XII

PROHIBITIONS, PENALTIES AND SANCTIONS

SEC. 37. *Prohibited Acts.* – It shall be unlawful for any person to:

(a) Manufacture for sale, offer for sale, distribute in commerce, or import into the Philippines any food or food product which is not in conformity with an applicable food quality or safety standard promulgated in accordance with this Act;

(b) Manufacture for sale, offer for sale, distribute in commerce, or import into the Philippines any food or food product which has been declared as banned food product by a rule promulgated in accordance with this Act;

(c) Refuse access to pertinent records or entry of inspection officers of the FSRA;

(d) Fail to comply with an order relating to notifications to recall unsafe products;

(e) Adulterate, misbrand, mislabel, falsely advertise any food product which misleads the consumers and carry out any other acts contrary to good manufacturing practices;

(f) Operate a food business without the appropriate authorization;

(g) Connive with food business operators or food inspectors, which will result in food safety risks to the consumers; and

(h) Violate the IRR of this Act.

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

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

1 (b) For the second conviction, a fine of not less than One hundred
2 thousand pesos (P100,000.00) but not more than Two hundred thousand pesos
3 (P200,000.00) and suspension of appropriate authorization for three (3)
4 months shall be imposed.

5 (c) For the third conviction, a fine of not less than Two hundred
6 thousand pesos (P200,000.00) but not more than Three hundred thousand
7 pesos (P300,000.00) and suspension of appropriate authorization for six (6)
8 months shall be imposed.

9 (d) For violation resulting in slight physical injury of a person, upon
10 conviction, a fine of not less than Two hundred thousand pesos (P200,000.00)
11 but not more than Three hundred thousand pesos (P300,000.00) and
12 suspension of appropriate authorization for six (6) months shall be imposed.
13 The offender shall also pay the hospitalization and rehabilitation cost of a
14 person.

15 (e) For violation resulting in less serious or serious physical injury of a
16 person, upon conviction, a fine of not less than Two hundred thousand pesos
17 (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00)
18 and suspension of appropriate authorization for one (1) year shall be imposed.
19 The offender shall also pay the hospitalization and rehabilitation cost of a
20 person.

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

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

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

Approved,

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