

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
First Regular Session

House Bill No. **569**



Introduced by Hon. Hussin U. Amin

EXPLANATORY NOTE

The ASEAN region, as one of the primary food production centers in the Asia-Pacific, has nurtured ambitions of becoming a major food supplier to the world population, including some 1.3 billion Muslim consumers.

But with the advances made in technology, food and product manufacturing, particularly the acquisition of ingredients or raw materials, has become so much more complicated. Alteration of the physical, chemical as well as generic characteristics of materials has rendered it difficult to ascertain their origin or source. This difficulty has posed serious challenges on Islamic scholars in terms of determining whether or not a food product or any consumer commodity is *Halal* under the Shariah Law of Islam.

In the Philippines, the promotion of *Halal* products has been undertaken with much excitement because of growing recognition that a global market, valued at about US\$80 Billion in 1997, awaits to be conquered. Despite the enthusiasm, however, the Philippines is one of very few remaining ASEAN countries that have yet to establish a *Halal* certification and accreditation system.

What is *Halal*? It is a Muslim word that means permissible. *Halal* products refer to commodities, particularly food, permitted to Muslims under Islamic Law (but even for clothing and cosmetics, the basic law on forbidden sources also apply). *Halal* is the opposite of *Haram*, another Muslim word which means prohibited or forbidden by Allah, or God.

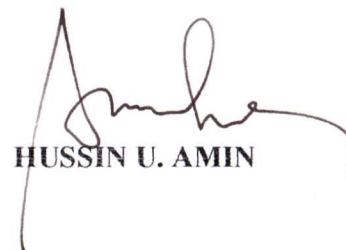
Under Islamic Law, for instance, food derived from forbidden sources like pork and predators which have talons and fangs (i.e., dogs, domesticated monkeys, eagles and other birds of prey, etc.) are *Haram*, not *Halal*.

Yet *Halal* food and other products do not serve the Muslim interest alone. The growing concern over physical fitness and well-being as well as the swelling ranks of health-conscious people worldwide provides *Halal* products with an expanded and unique non-Islamic market. As countries with established *Halal* systems or policies have discovered, other communities have no objections to consuming *Halal* food or using *Halal* products.

The primary reason that the Philippines has lagged behind the manufacturing or processing, storage, packaging and marketing of *Halal* food and other products is the absence of a system acceptable to Muslims for certifying such food and other products. This absence has denied Filipino Muslims their basic rights under the Consumer Act, encouraged an illicit *Halal* smuggling trade in the Southern Philippines, contributed to depletion of our dollar reserves and kept us firmly out of a distinctly profitable source of export trade.

In recognition of all the above, this bill seeks to institutionalize a competent and internationally-acceptable *Halal* certification and accreditation system that will not only substantiate the Consumer Act's universal assurance of protection, but assist in the promotion of a potential dollar-earning export industry.

Because of its import and significance, therefore, approval of this measure is earnestly requested.



HUSSIN U. AMIN

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AN ACT
ESTABLISHING THE GENERAL GUIDELINES FOR THE PHILIPPINE
HALAL SYSTEM, CREATING FOR THE PURPOSE THE PHILIPPINE HALAL
EXECUTIVE COUNCIL AND CONVERTING THE SAME INTO A BOARD
AFTER THE TRANSITION PERIOD, AND FOR OTHER PURPOSES.

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

Section 1. **Title** - This Act shall be known as the "Halal Act of 2004."

Section 2. **Declaration of Policy.** - It is the policy of the State to protect and promote the right of the people to health and to the free exercise of religion. Towards this end, the State shall endure that the religious practices of the Islamic community are respected, safeguarded and promoted by institutionalizing a Halal certification and accreditation system for food, non-food and service products consumed and patronized by Muslims.

It shall be the purpose of this Act to institute the Halal system in order to promote Philippine Halal products and services for export.

Section 3. **Definition of Terms.** - As used in this Act:

- a. Shariah Law – means the Islamic Law based on the Al-Quran, Al-Hadith (Traditions of the Messenger of Allah), Ijma (Consensus of Islamic Scholars) and Qiyas (Legal Deduction or Analogy) according to the Shafei or any one of the Hanafi, Maliki or Hanbali Schools of Thought which have been practiced by countries where these guidelines have been implemented.
- b. Halal – means "lawful," as pertaining to food or products permitted for human consumption under Shariah Law.

- c. Carrion – as defined by Shariah Law, means the flesh of swine and dogs; flesh of dead animals that have been sacrificed to idols; flowing blood; flesh partly consumed by beasts and birds of prey; and dead or decaying flesh of animals felled by strangulation, beating or goring.
- d. Najis – as defined by Shariah Law, means things that are themselves filthy and cannot be cleaned like: pork, blood and carrion, as well as lawful food that has been contaminated or has come in contact with filth.

Section 4 **General Guidelines.** – There shall be established for the food, beverage, cosmetics, garments and textile, and other concerned industries the following general guidelines on the preparation, handling, storage and verification of Halal products to serve as basic requirements for certification as well as the accreditation of Halal abattoirs, outlets and other service establishments:

- a. The food or product, or their ingredients, does not contain any components of animals and carrion that are prohibited under Shariah Law, or animals that are not slaughtered according to Shariah Law.
- b. The food or product does not contain ingredients that are considered Najis by Shariah Law.
- c. The food or product is not prepared, processed or manufactured using equipment that has been contaminated with Najis.
- d. During its preparation, processing, storage or transportation, the food or product is fully separated from, and does not come in contact with, any other food or product that has been decreed Najis by Shariah Law or does not meet the requirements stated in items (a), (b) or (c) above.
- e. Service establishments such as, but not limited to, hotels, restaurants, resorts And similar service facilities purposely established for and catering to Muslim patrons and abattoirs, factories, and similar establishments purposely producing Halal goods shall conform to the national standards on Halal certification and accreditation.
- f. Labels of products that are certified Halal shall contain the word “Halal” or its equivalent term and should not be used in ways which could give rise to doubt about the safety of similar food or claims that halal foods are nutritionally superior to, or healthier than, other foods.

These guidelines shall be used together with the country’s existing provisions of law on the preparation, processing, manufacturing of food and non-food and other products in accordance with health, hygiene and sanitation standards and good manufacturing practices.

Section 5. **Philippine Halal Executive Council.** – A Philippine Halal Executive Council, hereinafter referred to as the Council, is hereby created and shall exist for a transitory period of five (5) years pending its transformation into the Philippine Halal Certification and Accreditation Board established under Section 8 hereof.

The Council shall be chaired by the Secretary of the Department of Trade and Industry (DTI) and co-chaired by the Secretary of the Department of Agriculture (DA). The Executive Director of the Office on Muslim Affairs shall be the Vice-Chairman and the Chief Operating Officer. The Council shall have as members the following representatives:

- a. Two (2) representatives from the DTI composed of one (1) representative each from the Bureau of Export Trade and Promotion (BETP) and the Bureau of Product Standards (BPS) of the DTI;
- b. Two (2) representatives from the Department of Agriculture composed of one (1) representative each from Bureau of Agriculture and Fisheries Product Standards (BAFPS) and the National Meat Inspection Commission (NMIC) of the DA;
- c. One (1) representative from the Department of Health – Bureau of Food and Drugs (BFAD);
- d. One (1) representative from the Department of Science and Technology (DOST);
- e. One (1) representative from the National Food Authority – Food Development Center (NFA-FDC);
- f. One (1) representative from the Office of the Muslim Affairs (OMA) – Bureau of External Relations;
- g. One (1) representative from the Islamic Da'wah Council of the Philippines;
- h. One (1) representative from the Ulama Council of the Philippines;
- i. Two (2) representatives from the private sector to be nominated by the Philippine Exporter's Confederation, Inc.

Section 6. **Function of the Council.** – The Council shall establish the certification scheme for Halal food and non-food products and services and the accreditation system for establishments engaged in the manufacture, distribution and provision of the same and shall oversee the initial implementation of both programs. For this purpose, the Council shall issue Halal certification and/or accreditation which shall be valid for a period of one (1) year and renewable every year thereafter.

The Council shall promulgate such rules and regulations necessary for the effective implementation of this Act.

Section 7. **Halal Certification and Accreditation.** - The system guidelines established by the Council shall be called the Philippine Halal Certification and Accreditation Standards, hereinafter referred to as the Standards.

The Standards shall provide the specific guidelines for a comprehensive and integrated Philippine Halal certification and accreditation system that will govern the extraction, preparation, processing, manufacture and production, packaging, labeling, transportation, storage, marketing and distribution of Halal foods and products as well as the accreditation of Halal abattoirs, outlets, hotels, restaurants and concerned service establishments.

The Standards shall confirm to existing international standards and guidelines on Halal.

The Council shall submit a final copy of the Standards to the President and to Congress within one (1) year from its creation.

Section 8. **Transition Period.** - The Council shall be deemed abolished five (5) years from its creation and shall be replaced by the Philippine Halal Certification and Accreditation Board, hereinafter referred to as the Board, which shall undertake the functions of the Council and continue to oversee the implementation of the Standards and this Act. The Board shall be an independent body, attached to the Office of the President, and shall be subject to existing laws, rules and regulations.

Section 9. **Composition of the Board.** - The Board shall be headed by a Chairman and assisted by two (2) Vice-Chairmen, all appointed by the President. The representatives from agencies in the defunct Council shall automatically constitute the Technical Advisory Committee of the Board.

The Chairman shall be the Chief Executive Officer.

Section 10. **Board Secretariat.** - The Board shall have a Secretariat, herein created, headed by an Executive Director who shall assist the Chairman in the day-to-day operations.

Section 11. **Congressional Oversight Committee.** - Three (3) years from the effectivity of this Act, a Congressional Oversight Committee composed of Senate Committees on Trade and Commerce and Cultural Communities, and the House of Representatives' Committees on Trade and Industry and Muslim Affairs, shall be constituted for the purpose of evaluating the implementation of the Philippine Halal certification and accreditation system under the supervision of the Council and if warranted, recommend the appropriate legislative measures to support, complement, supplement or amend this Act.

Section 12. **Appropriations.** - The amount necessary to carry out the effective implementation of this Act shall be charged against the current appropriations of the DTI, and where covered by specific provisions of this Act, the Department of Agriculture, Health, Science and Technology, the Office of Muslim Affairs and other appropriate agencies. Thereafter, and after the creation of the Board, such funds as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

Section 13. **Separability Clause.** - Should any provision of this Act be subsequently declared unconstitutional, the other provisions not so declared shall remain in full force and effect.

Section 14. **Repealing Clause.** - All laws, decrees, orders, rules and regulations, or any part thereof, which are inconsistent herewith, are hereby repealed or amended accordingly.

Section 15. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,