



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Fifteenth Congress

First Regular Session

House Bill No. 3595

Introduced by **HON. ROMEO M. ACOP**

EXPLANATORY NOTE

Around 700 kilos of *botcha*, the local term for double-dead pork, was confiscated Monday at the Balintawak Market in Quezon City in a raid conducted by the City Veterinary Office and the Quezon City Police District. This is the ninth raid conducted on the market since September 3. In that period of time, around 10 tons of double-dead meat have already been confiscated. No one was arrested in Monday's raid.¹ (underscoring supplied)

This is a news story that has become too familiar, and it keeps coming back.

Double-dead meat is the local appellation for meat taken from an animal that has died of disease, or causes other than slaughter, and which is illegally cut up for sale and consumption. This meat has usually dark hide and the hairs of the skin remain stuck to the fat even if it is dipped in boiling water. It is pale in color with a greenish-gray tint, a sticky consistency, foul-smelling and cold, a sign that the meat has been frozen.

¹ Philippine Daily Inquirer, posted October 4, 2010

Consumption of double-dead meat is a health hazard and may cause infections of amoeba and salmonella resulting in diarrhea and food poisoning among others. Persons infected with salmonella develop fever, vomiting and abdominal cramps and the infection may spread from the intestines to the blood streams and other body sites and can cause death. Several cases of poisoning from consumption of double-dead meat have been officially reported. Undoubtedly, it has become a public health concern.

There is a notable high demand for the contraband products as they are passed on as fresh and are priced significantly lower than their 'genuine' counterparts. With a false sense of saving and economizing, many ordinary people fall prey to buying them, thus aggravating the problem

Section 15, Article II of the 1987 Constitution mandates that 'the State shall protect and promote the right to health of the people and instil health consciousness among them.' Pursuant to this constitutional directive, Republic Act No. 7394, otherwise known as the 'Consumer Protection Act', was enacted prohibiting the sale of adulterated products, among them double-dead meat as included in its definition:

ARTICLE 23. – Adulterated Food – A food shall be deemed adulterated :

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(5) if it is, in whole or part, the product of a diseased animal or of an animal which has died other than slaughter

ARTICLE 40 – Prohibited Acts – The following acts and the causing thereof are hereby prohibited

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(a) The manufacture, importation, exportation, sale, offering for sale, distribution or transfer of any food, drug, device or cosmetic that is *adulterated* or mislabelled.(underscoring supplied)

While Republic Act No. 7394 is a special law, a *mala prohibita*, it is also a general law which deals with the subject of consumer protection. Double-dead meat of food animals is passed as a kind of an adulterated food. This general treatment of the problem of proliferation of double-dead meat reflects in Article 41 of said law a leeway through which violators can bargain for lighter imposable penalties :

ARTICLE 41 - Penalties - Any person who violates the provision of Article 40 hereof, shall upon conviction, be subject to imprisonment of not less than 1 year but not more than 5 years, or a fine of not less than P 5,000 but not more than P 10,000, or both such imprisonment and fine, in the discretion of the court.(underscoring ours) xxxxxxx

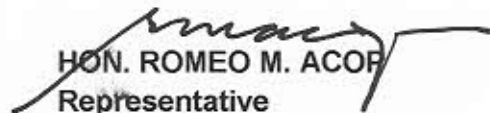
The language of Article 41 in imposing the penalty allows for the discretion of the court in determining which among the alternative penalties will be imposed, alternative penalties which are, comparatively, of great and significant differences in degree and gravity. As such, plea bargaining for the lighter penalties is an open opportunity for the offender, but is a countervailing weight against deterrence to discourage the commission of the offense.

On the other hand, Republic Act No. 9296, also known as the Meat Inspection Code, created the National Meat Inspection Service tasked to monitor the meat industry from the slaughterhouse to the markets. It has the power to confiscate meat products that do not pass the standards provided by law and by its implementing regulations. However, it only provides for administrative penalties for the violation of its provisions.

Given the critical nature of the problem as a public health concern, the proposed measure seeks to impose higher penalties to strengthen the deterrent character of the law. For one, the proposed minimum penalty of 6 years and 1 day will disqualify a convicted violator for probation. The proposed penalties also narrow judicial discretion in favour of further deterrence. Furthermore, the bill provides for qualifying circumstances to justify imposition of the maximum penalty to violators to address the potentially dangerous and fatal consequences of consuming double-dead meat by the unsuspecting consuming public.

Finally, the bill enumerates specific punishable acts under its terms, expanded and more clear-cut compared to the provisions of existing laws generally covering the subject, making the proposed measure a specific special law truly armed to the teeth against unscrupulous violators.

For these reasons, the immediate passage of the foregoing measure is earnestly sought.


HON. ROMEO M. ACOP
Representative
2nd District, Antipolo City



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AN ACT

PROVIDING STIFFER PENALTIES FOR THE SLAUGHTERING, PROCESSING, TRANSPORTATION, DISTRIBUTION, IMPORTATION, SALE, AND DISPOSITION OF MEAT PRODUCTS OF DISEASED FOOD ANIMALS OR WHICH HAVE DIED OTHER THAN SLAUGHTER, ALSO KNOWN AS 'DOUBLE-DEAD MEAT'

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

SECTION 1. - Title - This Act shall be known as the 'Anti-Double-Dead Meat Law'.

SECTION 2. - Definition of Terms - For purposes of this Act, the following terms shall be defined as follows :

- a) **Food Animals** - all domestic animals slaughtered for human consumption such as but not limited to hogs, cattle, carabaos, buffaloes, horses, sheep, goats, deer, rabbits and poultry;
- b) **Meat Products** - any product capable of use as human food made wholly or in part from any meat or any other portion of the carcass of any food animal;

- c) **Diseased** - suffering from any pathological change or abnormality which may or may not cause the death of the victim;
- d) **Slaughter** - the act of killing and dressing a food animal for human consumption;
- e) **Double-Dead Meat** - in whole or in part, the product of a diseased animal or of an animal which has died other than by slaughter.

SECTION 3. - Punishable Acts - No person, firm or corporation shall :

- a) Slaughter, or handle in connection with slaughter, any diseased food animal, or which have died other than by slaughter, for human consumption or for distribution, sale, or other forms of disposition whether for value or not;
- b) Prepare or process meat products from any diseased food animal or which have died other than by slaughter for human consumption or for distribution, sale, or other forms of disposition whether for value or not;
- c) Sell, import, distribute, transport, offer for sale or transportation or distribution, for commercial purposes, or other forms of disposition whether for value or not, meat products of any diseased food animal or which have died other than by slaughter.

SECTION 4. - Penalties - Any person who violates any of the provisions of Section 3 hereof shall after conviction suffer the penalty of SIX (6) YEARS and ONE (1) DAY to TEN (10) YEARS imprisonment and a fine of TWENTY THOUSAND PESOS (P 20,000.00).

If the offense is committed by a juridical person, the Chairman of the Board of Directors, the President, General Manager, the Chief Executive Officer, or partners as the case may be, or persons directly responsible therefor shall be penalized.

Any meat product or parts of carcasses of food animals found to have been produced, processed, transported, distributed, sold or disposed in violation of the provisions of this Act shall be confiscated and disposed of at the expense of the person, firm or corporation found to be in violation thereof.

SECTION 5. - Qualifying Circumstances - If the violation of Section 3 of this Act is attended by any of the following circumstances, the maximum penalty shall be imposed :

- a) The disease suffered by the food animal at the time it was slaughtered, or the cause of the death of the food animal subject of the violation, has been established to be contagious to humans;
- b) When poisoning, injuries or death have occurred and established as a direct result of the consumption of the meat product or parts thereof which are subject of the violation.

SECTION 6. - Separability Clause - If any part or provision of this Act is declared invalid or unconstitutional, the other parts or provisions not affected thereby shall continue to be in full force and effect.

SECTION 7. - *Repealing Clause* - Article 40, paragraph (a), and Article 41 of Republic Act No. 7394, otherwise known as the 'Consumer Protection Act,' are hereby modified accordingly, and all other existing laws, decrees and executive orders and rules and regulations or parts thereof inconsistent with the provisions of this Act are also hereby repealed or modified.

SECTION 8. - *Effectivity* - This Act shall take effect thirty (30) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.