

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH (15TH) CONGRESS
First Regular Session

House Bill No. 3970

Introduced by **Hon. AGAPITO H. GUANLAO**

EXPLANATORY NOTE

The proliferation of hot or double dead meat more popularly known as "botcha" and over-importation continue to threaten the existence of the local meat and poultry industry. At the backdrop of the issues of over-importation of meat and poultry is the equally important issue of safety. As much as local meat, imported meat and poultry products that now flood our public markets should be subject to inspection and laboratory tests.

Lost in the media noise about double dead meat being intercepted in transit is the fact that a more than significant amount of "double dead" meat being sold and confiscated are actually imported. This casts doubts over safety measures being implemented by the National Meat Inspection Service (NMIS) and the Bureau of Customs, now that the country's public markets are flooded with imported hog meat and choice cuts poultry meat.

Notwithstanding the presence of phyto-sanitary laboratories in the country's major ports, the conduct of tests is not mandatory and undertaken upon discretion of the Bureau of Customs, that only relies on the "safety" vouched by importing countries.

The issue here is self-protection that demands full inspection and testing of all imported foodstuffs to make sure that all are indeed safe for consumption. At this point in time, the Filipino people may have consumed most of the 69.3 million cheaper, imported and frozen choice-cut of chicken meat available in public markets, perhaps unmindful of the laxity in safety inspection by authorities.

On the other hand, The widespread and unmitigated trade of meat and meat products from dead or diseased animals continue and unabated, thus posing serious health hazard to the population and the industry itself. Despite penalties imposed by the NMIS on the sale, distribution and transport of "hot meat" or "botcha", the practice is largely unchecked. It has just become very easy or still "economically viable" for perpetrators to continue with their trade with the present fine of P1,000 to P10,000 and the imprisonment of not less than six (6) months but not more than five (5) years when apprehended and convicted. In fact, proceeds from sale of successful transport and distribution of "botcha" are more than enough to cover the fines.

This Representation strongly believes that providing for stricter phyto-sanitary measures and the provision for stiffer penalties for the sale of "hot meat" is a matter of protecting the safety of the population, as much such provide protection to local meat and poultry industries. Phyto-sanitary tests on imported meat and poultry products that enter the country should therefore be subject to regular inspection and laboratory examination. Unless these measures are undertaken, the Filipino people will never be certain that the meat and poultry they consume are safe.

In view of the foregoing, immediate approval of this bill is earnestly sought.

REP. AGAPITO H. GUANLAO
Butil Farmers Party (Partylist)

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AN ACT

PROVIDING FOR THE REGULAR PHYTO-SANITARY LABORATORY TESTING AND EXAMINATION ON ALL IMPORTED MEAT AND POULTRY PRODUCTS AND PROVIDING FOR STIFFER PENALTIES IN THE SALE, TRANSPORT AND DISTRIBUTION OF "HOT MEAT" AMENDING FOR THIS PURPOSE REPUBLIC ACT 9296 OR THE NATIONAL MEAT INSPECTION CODE OF THE PHILIPPINES, AND FOR OTHER RELEVANT PURPOSES

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

Section 32 of Republic Act 9296 is hereby amended to read as follows:

Section 32: Examination and Laboratory Analysis. - The NMIS shall conduct **REGULAR EXAMINATION AND** [examination and when necessary], laboratory analysis of **ALL** imported meat and meat products **BEFORE** [after] the products are approved for release by the National Veterinary Quarantine Service at the ports of entry. THE TERM REGULAR IS DEFINED IN THIS ACT, IS THE ACTUAL TIME OF ENTRY OF IMPORATED MEAT AND MEAT PRODUCTS.

Section 35 of Republic Act 9296 is hereby amended to read as follows:

Sec. 35. Compliance Prior to Shipment. - Meat exporters to the Philippines must comply with all other Philippine import requirements **AND LABORATORY TESTING OR LABORATORY EXAMINATION FOR PHYTO-SANITARY STANDARDS** prior to the shipment of meat and meat products into the country.

Section 36 of Republic Act 9296 is hereby amended to read as follows:

Sec. 36. Import Requirements. - Imported meat and meat products shall be refused entry if they do not meet Philippine import requirements **AND PHYTO-SANITARY STANDARDS AS A RESULT OF LABORATORY EXAMINATION**. The refused entry items shall be re-exported to the country of origin or destroyed at the expense of the importer or owner in order to protect public health and the local animal population.

Section 48 of Republic Act 9296 is hereby amended to include the following:

Sec. 48. Prohibited Acts. - No person, firm or corporation shall:

- a) slaughter any food animal or prepare meat or meat product in any meat establishment except in compliance with the requirements of this Act;
- b) slaughter or handle in connection with slaughter, any food animal in a manner not considered humane;

c) sell, transport, offer or receive for sale or transportation in commerce carcasses or parts thereof, meat or meat product required to be inspected under this Act unless they have been so inspected and passed;

d) **SELL, OFFER OR RECEIVE FOR SALE, FROZEN IMPORTED MEAT OR PARTS THEREOF IN PUBLIC MARKET; WITHOUT PROPER AND ADEQUATE FACILITY FOR STORAGE;** and,

e) do any act while they are being transported in commerce or held for sale, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

Section 56 of Republic Act 9296 is hereby amended to read as follows:

Sec. 56. — [Administrative Fines] **PENALTIES AND FINES - ANY PERSON, EITHER FOR HIMSELF OR IN BEHALF OF ANOTHER PERSON, FIRM, CORPORATION, OR PARTNERSHIP, WHO SHALL SLAUGHTER ANY ANIMAL, WHICH HAS NOT UNDERGONE AN ANTE-MORTEM EXAMINATION AS PRESCRIBED IN THIS ACT AND SHALL STORE, TRANSPORT, SELL OR OTHERWISE DISPOSE OF CARCASSES, ORGANS OR PARTS THEREOF FOR FOOD OR WHO SHALL FALSIFY, FORGE, COUNTERFEIT, ALTER, DEFACE OR DESTROY ANY CERTIFICATE, PASS, TAG OR OTHER DOCUMENT OR PAPER ISSUED OR MARKED BY VIRTUE OF THIS ACT SHALL, UPON CONVICTION, SUFFER IMPRISONMENT RANGING FROM A PERIOD OF NOT LESS THAN SIX (6) YEARS AND ONE (1) DAY BUT NOT MORE THAN TWELVE (12) YEARS OR PAY A FINE OF NOT LESS THAN TWENTY THOUSAND PESOS (Php20,000.00) BUT NOT MORE THAN TWO "HUNDRED THOUSAND PESOS (Php200,000.00), OR BOTH, AT THE DISCRETION OF THE COURT.**

Section 58 of Republic Act 9296 is hereby amended to include the following:

Sec. 58. Confiscation. - Any carcasses, parts of carcasses or products of carcasses found to have been prepared, handled, packed, stored, transported or offered for sale as human food not in accordance with any provisions of this Act shall be confiscated and disposed of as provided in the Implementing Rules and Regulations at the expense of the person, firm or corporation found to be in violation thereof.

a) **ANY FROZEN IMPORTED MEAT AND MEAT PRODUCTS SOLD, OFFERED OR RECEIVED FOR SALE IN PUBLIC MARKETS WITHOUT PROPER AND ADEQUATE FACILITY THEREIN SHALL BE CONFISCATED AND DISPOSED OF AS PROVIDED IN THE IMPLEMENTING RULES AND REGULATIONS AT THE EXPENSE OF THE PERSON, FIRM OR CORPORATION TO BE IN VIOLATION THEREOF; AND,**

b) **ANY PERSON, FIRM OR CORPORATION FOUND IN VIOLATION OF THIS PROVISION SHALL BE FINED AN AMOUNT IN ACCORDANCE TO THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT.**

Sec. 60. Separability Clause. - if any portion or provision of this Code is declared invalid or unconstitutional, the other portions or provisions not affected thereby shall continue to be in full force and effect.

Sec. 61. Repealing Clause. - All existing laws, decrees, executive orders and rules and regulations or Parts thereof which are inconsistent with this Code, are hereby repealed or modified accordingly.

Sec. 62. Effectivity. - This Code shall take effect thirty (30) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes first.