

FIFTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
FIRST REGULAR SESSION

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HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.

House Bill No. 4437

EXPLANATORY NOTE

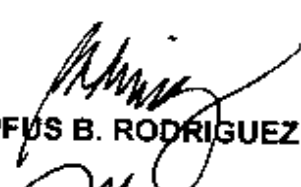
"Botcha" or hot meat is the Filipino term for meat taken from an animal which has died of disease or the meat of a dying or sick animal. Local hog or poultry owners slaughter these animals which died of diseases or before they die and sell the meat goods at a cheap price to willing meat vendors.

This practice has now become prevalent in the country specially in Metro Manila which is very unfortunate because this jeopardizes both consumers and producers, by endangering health and disturbing market stability. Double-dead meat contains germs and micro-organisms that could cause illnesses like diarrhea and food poisoning.

Despite the serious consequences however of the trade and the consumption of these types of animals, penalties under RA No. 9296 or the Meat Inspection Code of the Philippines are insufficient. According to the National Meat Inspection Commission (NMIC), the current National Meat Inspection Code has failed to serve as a deterrent against the sale of double dead meat because the penalties are just too low.

Under the law, the penalty for the sale of hot meat is confiscation and the imposition of administrative fines.

These sanctions are not enough. In view of the foregoing, immediate passage of this bill is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

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AN ACT

AMENDING REPUBLIC ACT NO. 9296 OTHERWISE KNOWN AS "THE MEAT INSPECTION CODE OF THE PHILIPPINES" BY DECLARING THE IMPORTATION, SELLING AND, DISTRIBUTION OF "BOTCHA" AS A CRIMINAL OFFENSE WITH PROVISIONS FOR IMPRISONMENT AND FOR OTHER PURPOSES

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

SECTION 1. Section 48 of Republic Act No. 9296 otherwise known as "The Meat Inspection Code of the Philippines" is hereby amended in part by adding a subsection to be denominated as Section 48 (e) to read as follows:

"Section 48. *Prohibited Acts* - No person, firm or corporation shall:

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E) IMPORT, SELL OR DISTRIBUTE DOUBLE-DEAD MEAT OR "BOTCHA", OR MEAT WITH FOOD AND MOUTH DISEASE (FMD) OR ANY OTHER VIRUS OR ANY ILL-QUARANTINED MEAT OR MEAT-PRODUCTS."

SECTION 2. Three new Sections are hereby added after Section 58 of RA 9296 to be denominated as Section 58-A, Section 58-B and Section 58-C to read as follows:

"SEC. 58-A. *CRIMINAL LIABILITY* - ANY PERSON/S, FIRM OR CORPORATION FOUND TO HAVE VIOLATED ANY OF THE PROVISIONS OF THIS ACT SHALL BE SUBJECT TO IMPRISONMENT FOR A PERIOD OF NOT LESS THAN ONE (1) YEAR BUT NOT EXCEEDING TWO (2) YEARS AND A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000) BUT NOT EXCEEDING FIVE HUNDRED THOUSAND PESOS (P500,000).

IF THE VIOLATOR IS A FIRM, CORPORATION, OR ANY JURIDICAL ENTITY, INCLUDING THOSE WHICH REPRESENT THEMSELVES AS SUCH, THE PENALTY SHALL BE IMPOSED UPON THE PRESIDENT, CHAIRMAN, CHIEF EXECUTIVE OFFICER, OR ANY OF THE TOP OFFICERS AND MANAGEMENT OF THE ENTITY OR ANY PERSON OR OFFICER

THEREOF WHO KNOWS OR OUGHT TO HAVE KNOWN THE COMMISSION OR EXISTENCE OF THE VIOLATION OF THIS ACT.

ANY PERSON/S, FIRM OR CORPORATION WHO ASSIST, COOPERATE OR CONSPIRE IN THE COMMISSION OF ACTS IN VIOLATION OF THIS ACT AS HEREIN ENUMERATED SHALL BE SUBJECT TO THE GRADUATED PENALTIES BASED ON THE AFOREMENTIONED PENALTIES TAKING IN CONSIDERATION THEIR PARTICIPATION AND CULPABILITY ACCORDING TO THE REVISED PENAL CODE TO BE DETERMINED BY A COURT OF COMPETENT JURISDICTION."

"SECTION 58-B. *AUTOMATIC REVOCATION OF LICENSE TO OPERATE BUSINESS* – THE SECRETARY IS HEREBY AUTHORIZED TO REVOKE ANY LICENSE TO OPERATE BUSINESS AFTER PROPER NOTICE AND HEARING WHICH SHALL BE SUMMARY IN NATURE, OF ANY PERSON/S, FIRM OR CORPORATION FOUND TO HAVE VIOLATED ANY OF THE PROVISIONS OF THIS ACT."

"SECTION 58-C. *LIABILITY OF PUBLIC OFFICERS* – THE LIABILITY OF PUBLIC OFFICERS TASKED WITH THE IMPLEMENTATION OF THIS ACT, WHO BY THEMSELVES OR IN CONSPIRACY WITH OTHERS, VIOLATE THE PROVISIONS OF CHAPTER XII UNDER THIS ACT, SHALL BE WITHOUT PREJUDICE TO LIABILITIES UNDER OTHER PENAL LAWS."

SECTION 3. *Separability Clause* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 4. *Repealing Clause* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 5. *Effectivity Clause* – This Act shall take effect fifteen (15) days from the date of the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,