

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**FIFTEENTH CONGRESS
Second Regular Session**

HOUSE BILL No. 5247

**Introduced by Representatives
TEDDY A. CASIÑO, IMELDA QUIBRANZA DIMAPORO,
ROBERT RAYMUND M. ESTRELLA, FLORENCIO T. FLORES, JR.
RAFAEL V. MARIANO, EMMANUEL D. PACQUIAO**

EXPLANATORY NOTE

This bill seeks to uphold the Filipino consumers' rights to be informed of the contents of what they are buying and eating. This right to an informed choice will only be possible if proper labeling is present in food products, particularly those containing or have undergone genetic modification.

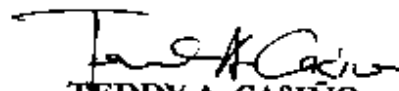
Genetic engineering in food crops is relatively new. However, there have been many cases discovered which should tell us that genetically modified products could seriously harm human beings and the environment. Several studies abroad have raised the problems of toxicity, allergy and environmental damage. Cases of contamination of crops have also been recorded in farms here in the Philippines adjacent to those raising genetically engineered crops. The scientific community is divided between those who think genetically-modified organisms are safe for human consumption while another camp is claiming that there is not enough proof to say that genetically-modified organisms pose no risk to health and environment. As long as there is no general consensus yet as to the harmlessness and safety of genetically-modified organisms, it is best to take the precautionary principle in dealing with these genetically-modified organisms. The country has no strict regulations nor advanced technology to deal with the genetically-modified organisms' impact on the consuming public.

Republic Act No. 7394, or the Consumer Act of the Philippines, states that it is the policy of the State "to protect the interests of the consumer, promote his general welfare and to establish standards of conduct for business and industry." RA No. 7394 further states that, "provision of information and education to facilitate sound choice and the proper exercise of rights by the consumer" shall be implemented by the State.

We cannot underestimate the known and suspected environmental and health risks inherent in genetically-modified organisms to embrace the unproven technology of genetic engineering. Other countries in the world have acted through legislation to protect their citizens and environment from the threat of genetically engineered crops and food. Clearly, we must do the same. While waiting for stricter regulations on the entry of patented genetically-modified genes and food products in the Philippines, we must make sure that consumers are not exposed to the possible risks by untested technology.

Thus, early approval of this bill is earnestly sought.

Approved,


TEDDY A. CASINO
Bayan Muna Party-List


IMELDA QUIBRANZA DIMAPORO
1st District- Lanao del Norte


ROBERT RAYMUND M. ESTRELLA
Abono Party-List


FLORENCIO T. FLORES, JR.
2nd District - Bukidnon


RAFAEL V. MARIANO
Anakpawis Party-List

EMMANUEL D. PACQUIAO
Lone District- Saranggani

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AN ACT
REQUIRING THE MANDATORY LABELING OF FOOD AND FOOD PRODUCTS
CONTAINING GENETICALLY-MODIFIED ORGANISMS

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

SECTION 1. *Short Title.* This Act shall be known as “Genetically-Modified (GM) Food Labeling Act of 2011.”

SEC. 2. *Declaration of Policy.* It is the policy of the State to protect the interests of the consumer, promote his general welfare and to establish standards of conduct for business and industry as stated in In Republic Act 7394 or the Consumer Act of the Philippines. Towards this end, the State shall implement measures to achieve the following objectives: a) protection against hazards to health and safety; b) protection against deceptive, unfair and unconscionable sales acts and practices; c) provision of information and education to facilitate sound choice and the proper exercise of rights by the consumer; and d) provision of adequate rights and means of redress. Likewise, the Constitution provides that the State shall “protect and promote the right to health of the people and instill health consciousness among them.”

It is hereby declared the policy of the State that consumers have the right to know the materials with which their food is produced. Proper and instructive labeling of food products allows consumers to evaluate consumption risks and have informed choice when purchasing these products.

SEC. 3. *Mandatory Labeling Requirement.* All food and food products containing genetically-modified organisms, as well as those produced by genetic engineering technologies, shall

be labeled in accordance with the provisions of this Act. For this purpose, Article 84 of RA 7394, otherwise known as the Consumers' Act of the Philippines, is hereby amended as follows:

"Article 84. Additional Labeling Requirements for Food. – The following additional labeling requirements shall be imposed by the concerned department for food:

- a) expiry or expiration date, where applicable;
- b) whether the consumer product is semi-processed, fully processed, ready-to-cook, ready-to-eat, prepared food or just plain mixture;
- c) nutritive value, if any;
- d) whether the ingredients use are natural or synthetic, as the case may be;
- e) whether the product or any of the ingredients are genetically-engineered;

All food and food products domestically sold, whether manufactured locally or imported, and which contain genetically-modified organisms, including those produced by genetic engineering technologies; shall indicate in their respective labels of packaging the notice, 'THIS PRODUCT CONTAINS GENETICALLY-MODIFIED ORGANISMS, OR WAS PRODUCED WITH GENETICALLY-ENGINEERED MATERIAL. GMO CODE #####' The notice must be clearly legible and conspicuous and shall indicate the source of the foreign gene spliced and/or the genetic engineering process used on the food or food product concerned.

- f) [e)] such other labeling requirements as the concerned department may deem necessary and reasonable.

For purposes of the above sub-section, the following definitions shall apply:

- “(1) ‘genetic engineering’, also called genetic modification, is the direct human manipulation of an organism's genome using modern DNA technology. It involves the introduction of foreign DNA or synthetic genes into the organism;
- “(2) ‘genetically-modified organism’ (GMO) - means an organism, with the exception of human beings, in which the genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination;
- “(3) ‘genetically modified food’ means food from crops or livestock containing and consisting of GMOs or have undergone genetic engineering;
- “(4) ‘genetically modified food products’ means food which have undergone a manufacturing process and which contain ingredients containing, consisting of or produced from GMOs;
- “(5) ‘GMO identification code’ (GMO ID) - a simple numeric or alpha-numeric code which serves to identify the type of genetically-modified material present in the food or food products;

“(6) ‘ingredient’ shall mean any substance, including additives, used in the manufacture or preparation of a foodstuff and still present in the finished product, even if in altered form.

SEC. 4. *Misbranding of Food and Food Products.* All food and food products which do not comply with the provisions of this Act shall be considered as misbranded. For this purpose, Section 15 of RA 3720, otherwise known as the Food, Drugs and Drug Devices, and Cosmetic Act, is hereby amended by adding the following subsections:

“Section 15. A food shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular;

x x x x

(l) If it purports or claims to be naturally-grown food or food product when in fact it contains genetically-modified organism or is product of genetic engineering technology;

(m) If it contains any genetically-modified organism or is a product of genetic engineering, unless it bears labeling stating this fact pursuant to the provisions of R.A. 7394, as amended; and

(n) The provisions in Section 15(e)(2) of this Act shall in no case apply to food and food products containing genetically-modified organisms, including those produced with genetic engineering technologies.”

SEC. 5. *Genetically Modified Organism (GMO) Traceability.* In order to facilitate the monitoring of genetically-modified crops and livestock as they are transported from the farm to the markets, the Department of Agriculture, through its plant and animal bureaus, shall devise a system for identifying the type of genetically-modified material introduced on the crops and livestock. This genetically-modified organism identification code (GMO ID) must be unique and specific to each type of genetically-modified material. GMO ID shall be made publicly available in order for consumers to identify the type of genetically-modified material contained in their food.

All genetically-modified crops or livestock in the market, particularly those sold in bulk, shall have transmission information in writing which states:

(a) that the product contains GMOs

(b) the GMO ID code

The GMO ID shall be present in all stages of production and should be on the label of the product sold to consumers.

SEC. 6. *Genetically-Modified Organism (GMO) Threshold for all foods and food products.* Presence of trace amounts of genetically-modified organisms in non-GMO food and food products is technically unavoidable. It is therefore necessary to fix a threshold of the amount of genetically modified material content in the food and food-products purporting to be produced or sourced from non-GM crops or livestock. Food and food products found to contain genetically-

modified material above Zero Point Nine Percent (0.9%) shall bear the label as indicated in Section 3 of this Act.

SEC. 7. *Inapplicability of Provisions on Regulations-Making Exceptions.* The power of the Secretary of Health to make exemptions from the rules and regulations implementing R.A. 7394 and R.A. 3720, shall in no case apply to food or food products containing genetically-modified organism, including those produced using genetic engineering technologies.

SEC. 8. *Information-Dissemination.* The Department of Health (DOH), through the Food and Drugs Administration (FDA), shall cause to be disseminated to the general public all available information concerning food and food products containing genetically-modified organism, including those produced using genetic engineering technologies.

SEC. 9. *Importation of Offer of Information of Food and Food Products Containing Genetically- Modified Organisms or Produced Using the Genetic Engineering Technologies.* The provisions of Section 30 of R.A. 3720, as amended, shall apply to all importation or offers of importation of food and food products containing genetically-modified organism, including those produced using genetic engineering technologies.

SEC. 10. *Food and Food Products Already on the Market.* All food and food products containing genetically-modified organism, including those produced using genetic engineering technologies, already on the market at the effectivity date of this Act which have not yet complied with the provisions hereof, shall so comply with the mandatory labeling requirement in Section 3 of this Act within a period of one (1) year from the date of effectivity of this Act.

SEC. 11. *Penal Provisions.* Without prejudice to any civil action for damages that may be instituted by any private offended party, any person who shall violate the provisions of this Act or its implementing rules and regulations shall, upon conviction, be subject to imprisonment of not less than six (6) months and one day but not more than six (6) years, or a fine of not less than One Hundred Fifty Thousand Pesos (P150,000.00) nor more than One Million Pesos (P1,000,000.00), or both, at the discretion of the court.

If the offender is a juridical person, the penalty shall be imposed upon its president, manager, or head. If the offender is an alien, he shall, after service of sentence, be immediately deported without a need of any further proceedings.

SEC. 12. *Implementing Rules and Regulations.* The Department of Trade and Industry (DTI), in consultation with appropriate government agencies, industry representatives, civic organizations, non-government organizations, people's organizations and other professionals, shall promulgate the necessary rules and regulations for the effective implementation of this Act within ninety (90) days from the date of effectivity thereof.

SEC. 13. *Separability Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SEC. 14. *Effectivity.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

Approved,