

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

House Bill No. 5323



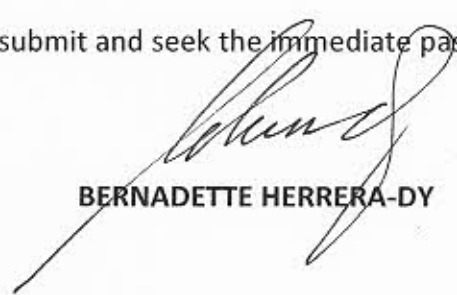
Introduced by Rep. BERNADETTE HERRERA-DY

Explanatory Note

This bill seeks to introduce a comprehensive definition of the crime of unlawfully distributing *botcha*, double-dead meat, in all its forms, modes of transmission, and variations or derivatives. We propose increasing the penalties of the distribution and sale of *botcha* in light of the escalation of abuses, through syndication and otherwise, of proprietors who capitalize on the institutional weaknesses of our importation processes and who increasingly exploit growing market demand of *botcha* in the Philippines.

Botcha is double-dead meat, or meat taken from an animal that has died of a disease. The appropriate method of dealing with such diseased and contaminated carcasses is disposal by burial, burning, or other allowable forms of destruction without compromising health and safety. We notice that under current scenarios, double-dead meat passes surreptitiously through meat inspection processes – even through formal government channels – individually, wholesale, or retail, to avoid business losses which the proprietor would otherwise incur had he complied with the appropriate, if not mandatory, process of burning, burying, or otherwise disposing or destroying these diseased carcasses. We note that the crime is increasingly perpetrated on a cross-border scale, forming an organized but illicit trade between and among businesses in China, Taiwan, Australia, and other neighboring countries, because these entrepreneurs know fully well, and thus take advantage, of the lax (and perceptively corrupt) importation requirements and approval processes under customs and domestic meat inspection systems, and seek to capitalize on an unmistakable emerging but illicit market demand in the Philippines. Hence, this measure.

In view of the foregoing, we respectfully submit and seek the immediate passage of this measure.


BERNADETTE HERRERA-DY

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

H.B. No. 5323

Introduced by HON. BERNADETTE HERRERA-DY

AN ACT
DECLARING THE IMPORTATION, SELLING AND DISTRIBUTION OF "BOTCHA" OR
MEAT WITH FOOD AND MOUTH DISEASE (FMD) VIRUS OR ANY
ILL-QUARANTINED MEAT OR MEAT-PRODUCTS AS A CRIMINAL OFFENSE
AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9296 OTHERWISE KNOWN AS
"THE MEAT INSPECTION CODE OF THE PHILIPPINES" AND FOR OTHER
PURPOSES

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

SECTION 1. Section 48 of Chapter XII 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:

XXXXXXXXXXXXXXXXXXXXX

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

SECTION 2. Chapter XIV of the same Act entitled "Penalties and Sanctions" is
likewise hereby amended by adding the following sections to read as follows:

SECTION 59. 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 SIX (6) MONTHS AND ONE (1) DAY BUT NOT EXCEEDING SIX (6) YEARS AND A FINE OF NOT LESS THAN ONE MILLION PESOS (P1,000,000.00) BUT NOT EXCEEDING SIX MILLION PESOS (P6,000,000.00). IF THE VIOLATOR IS A FIRM, CORPORATION OR ANY JURIDICAL ENTITY, INCLUDING THOSE WHICH REPRESENT THEMSELVES AS SUCH, THE PENALTY SHALL BE IMPOSED UPON 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 ABOVE-MENTIONED PENALTIES TAKING IN CONSIDERATION THEIR PARTICIPATION AND CULPABILITY ACCORDING TO THE REVISED PENAL CODE TO BE DETERMINED BY A COURT OF COMPETENT JURISDICTION.

SECTION 60. 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 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,