

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

16th Congress
First Regular Session

HOUSE BILL NO. 658



Introduced by: **HON. MA. VICTORIA R. SY-ALVARADO**

EXPLANATORY NOTE

This bill seeks to increase the penalties provided under the Sanitation Code of the Philippines (Presidential Decree number 856) and add protection for the public against acts inimical to proper handling and preparation processes.

The element of trust is essential in the relationship between those who handles and prepares food and those who consume it. Sadly, this has been put to serious question in light of improper food handling and preparation exposed by members of the media, especially those of special interest investigative reporting news television shows. The terrifying and grossly discomfoting revelations by these reports are clear and evident acts contrary to and in violation of the Code on Sanitation of the Philippines and are now causing anxiety and loss of appetite to a significant number of our people. What is more distressing is that the danger posed by such violations is only meted with an insanely backward penalty system, as provided by the current state of law.

The sanctity of our food is a serious and ever present concern of our society. We should always endeavor to secure the lives and health of the general public. I need not remind others of the possible consequence of an indifferent attitude towards sanitary food handling and preparation. However, it is worth stressing the age old saying that an ounce of prevention is worth a pound of cure.

The poor and marginalized sectors of our society are the most vulnerable to any serious health issue arising from the improper food handling and preparation. In turn, the government health services stand to bear the brunt of providing adequate care and medication for them. It is clearly in the interest of the State that preventive measures be designed so as to punish those who unduly and directly cause danger to the public's lives and health. This bill is a preparatory step in curbing the dangers this problem pose and promote the well being of our people.

With these reasons, the immediate passage of this bill is earnestly sought.


MA. VICTORIA R. SY-ALVARADO
Representative
First District of Bulacan

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Introduced by HON. MA. VICTORIA R. SY-ALVARADO

AN ACT PENALIZING ACTS INIMICAL TO PROPER FOOD HANDLING AND PREPARATION REQUIREMENTS, AS PROVIDED BY CHAPTER III OF PRESIDENTIAL DECREE NO. 856, OTHERWISE KNOWN AS THE CODE ON SANITATION OF THE PHILIPPINES, FOR THE PURPOSE OF INCREASING THE PENALTY FOR VIOLATION THEREOF

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

Section 1. In the interest of protecting the public against acts inimical to proper for handling and preparation processes, Chapter III of Presidential Decree no. 856 is hereby amended for Sec.33 (A) to be inserted and read as follows:

CHAPTER III – Food Establishments

Sec.33 (A) Penal Provisions. –

- (i) **Penalty for persons committing violation/s in the proper handling and preparation of food, as provided in this chapter** – for placing the lives and health of the general public at risk, employees and/or other persons who directly commit violations in the proper handling and preparation of food, as provided by this chapter, shall be, without prejudice to other criminal and/or civil actions available to government and members of the general public, penalized by imprisonment for a period of not less than SIX (6) MONTHS AND ONE (1) Day but not exceeding FIVE THOUSAND PESOS (P 5,000.00) or BOTH, depending upon the discretion of the court.
- (ii) **Penalty for the owners, employers, supervisors, or persons otherwise performing similar tasks or functions in the establishments where violation/s in the proper handling and preparation of food, as provided in this chapter, occurred** – for placing lives and health of the general public at risk through their fault, negligence or otherwise, in hiring, supervising, or other acts falling short of the due diligence required by law in the management of food establishment, owners, employers, supervisors, managers, and other persons who are required by law to exercise due diligence in protecting the sanctity of food, and patently failing to exercise such as evident on the violation/s in the proper handling and preparation of food in the establishment they own, manage, supervise, or persons otherwise performing similar tasks or



functions, as provided by this chapter, shall be, without prejudice to other criminal and/or civil actions available to the government and members of the general public, penalized by imprisonment for a period of not less than SIX (6) MONTHS AND ONE DAY (1) but not exceeding FOUR (4) YEARS or by a fine not exceeding FIVE THOUSAND PESOS (P 5,000.00) or BOTH, depending upon the discretion of the court.

- (iii) **Penalty for the Provincial, City or Municipal Health officer in Charge of ensuring the implementation of this Code in the locality where the persons stated in the two preceding subsections who have done acts inimical to the sanitation requirements in violation/s of the proper handling and preparation of food, as provided by this chapter occurred** – for placing lives and health of the general public at risk through the GROSS NEGLIGENCE and/or DERELICTION OF THEIR DUTY, as provided by this chapter, the Provincial, City, or Municipal Health Officer shall be, without prejudice to other criminal and/or civil actions available to government and members of the general public, penalized by imprisonment for a period of not less than SIX (6) MONTHS AND ONE (1) DAY but not exceeding FIVE THOUSAND PESOS (P 5,000.00) or BOTH, Depending upon the discretion of the court.
- (iv) For Placing lives and health of the general public at risk through the WILLFUL, FELONIOUS AND CRIMINAL CONNIVANCE,, CONSPIRACY AND OTHER SIMILAR ACTS with the owners, employers, supervisors, or persons otherwise performing similar tasks or functions in the establishments where violation/s in the proper handling and preparation of food, as provided in this chapter, occurred, or with the persons committing violation/s in the proper handling and preparation of food, as provided in this chapter, the Provincial, City or Municipal Health Officer shall be, without prejudice to other criminal and/or civil actions available to government and members of the general public, penalized by imprisonment for a period of not less than SIX (6) MONTHS AND ONE (1) DAY but not exceeding SIX (6) YEARS or a fine not exceeding TEN THOUSAND PESOS (P 10,000.00) or BOTH, and shall be ABSOLUTELY DISQUALIFIED FROM HOLDING PUBLIC OFFICE, depending on the discretion of the court.

Section 2. This ACT shall take effect fifteen (15) days following its publication in the Official Gazette or in a Newspaper of General Circulation

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Approved

