



1 Republic of the Philippines

2
3 **House of Representatives**
4 Quezon City

5
6 *SIXTEENTH CONGRESS*
7 First Regular Session

8
9 HOUSE BILL NO. **2197**

10
11 **Introduced by Honorable Anthony M. Bravo and Honorable**
12 **Cresente C. Paez**

EXPLANATORY NOTE

The World Health Organization defines food safety as pertaining to "all conditions and measures that are necessary during the production, processing, storage, distribution and preparation of food to ensure that food is safe, sound, wholesome and fit for human consumption". Food is safe when it is free from biological, chemical or physical contaminant in amounts *or* levels that may represent a hazard to health. The Constitution embodies the goals of this bill in Article 2, Section 15 which provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

Food, however, can be contaminated biologically, chemically and physically through improper production, storage, handling, preparation and service. Harmful bacteria, viruses, parasites and fungi (molds) cause biological or microbial contamination. These pathologic organisms may cause infection or intoxication. Chemical contamination occurs when substances such as cleaning compound, additives or pesticides get into food. Physical contamination occurs when hair, broken objects, metal shaving, dirt, etc., get into the food.

Food should thus be kept clean at all stages - from production to consumption. It is therefore of paramount importance that food establishments be required to observe sanitation standards in the procurement and preparation of food. The interest of the state is in protecting

consumers who have no access or control over the food they are served before they eat them. Persons who produce or process food for human consumption have the responsibility to prevent or minimize food safety hazards related to their products. They should ensure that all fully processed or ready-to-eat food are processed in a sanitary manner in order to eliminate human pathogens or other potentially harmful substances likely to cause food-borne illness.

Hence, this bill seeks to establish a comprehensive program for the purpose of protecting human health, by ensuring that the food industry has effective programs in place to assure the safety of food products consumed in the Philippines.



HON. ANTHONY M. BRAVO



HON. CRESENTE C. PAEZ

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13 AN ACT
14 TO ESTABLISH A COMPREHENSIVE PROGRAM TO ENSURE THE SANITATION AND
15 SAFETY OF FOOD PRODUCTS INTENDED FOR HUMAN CONSUMPTION IN
16 ALL STAGES OF THE PRODUCTION PROCESS

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

17 SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Food and
18 Sanitation Safety Act of 2013”

19 SECTION 2. *Definitions.* – For purposes of this Act:

20 (A) The term “contaminants” includes bacteria, chemical contaminants, natural toxins,
21 viruses, parasites, and physical hazards that when found on or in food can cause human illness or
22 injury.

23 (B) The term “facility” shall include any factory, warehouse establishment, or importer
24 that handles or processes food.

25 (C) The term “process” means the harvesting, preparations, manufacture, and
26 transportation of food products.

27 (D) the term “Secretary” means the Secretary of Health.

28 **TITLE I - PHILIPPINE FOOD SAFETY PROGRAM**

29 SECTION 3. *Administration of a Philippine Food Sanitation and Safety Program.* – (A)

30 IN GENERAL - (1) Persons who produce or process food for human consumption have the

responsibility to prevent or minimize food safety hazards related to their products. The Secretary shall administer a national program for the purpose of protecting human health by ensuring that the food industry has effective programs in place to assure the safety of food products consumed in the Philippines.

(2) The program shall -

(a) be based on a comprehensive analysis of the hazards associated with different food products and with the harvesting, processing and handling of different food products, including the identification and evaluation of -

(i) the severity of the potential health risks;

(ii) the sources and specific points of potential contamination that may render food products unsafe for human consumption; and

(iii) the potential for persistence, multiplication or concentration of naturally occurring or added contaminants in foods and food products;

(iv) take into consideration the distinctive characteristics of food production and processing;

(v) establish inspection and oversight procedures to monitor that facilities are utilizing preventive controls to minimize or eliminate identifiable hazards; and

(vi) require each food processing facility to annually register with the Secretary.

(B) PROGRAM ELEMENTS - The program shall provide for: (1) implementation of a national system for the registration and quarterly inspection of facilities and importers. Quarterly inspections can be waived by plants that meet the Secretary's standards for exceptional or negligible-risk facilities or importers;

(2) development of a program to oversee the implementation of process controls in food processing facilities;

(3) the establishment and enforcement of health-based standards for (a) substances which may contaminate food; and (b) safety and sanitation in the processing and in food processing facilities;

1 (4) implementation of a sampling program to ensure that industry programs to
2 prevent food contamination are effective and that food products meet the standards
3 established in paragraph (1);

4 (5) implementation of procedures and requirements to ensure the safety of imported
5 food products;

6 (6) coordination with other agencies in carrying out inspection, enforcement, and
7 monitoring;

8 (7) implementation of a national surveillance system to assess the health risks
9 associated with the human consumption of food products, in cooperation with the
10 Secretary of Agriculture;

11 (8) development of public education and advisory programs; and

12 (9) implementation of a research program in furtherance of the purposes of this Act.

13 SECTION 4. *Registration of Processors and Importers.* - (A) IN GENERAL - Any
14 facility engaged in processing of food products and any person who imports food products shall
15 register with the Secretary. Application for registration shall be made to the Secretary using such
16 forms and containing such information as the Secretary shall prescribe by regulation within
17 twenty-four (24) months after the date of enactment of this Act. Upon receipt and review of a
18 completed application, the Secretary shall issue to the applicant a certificate of registration unless
19 good cause is shown why such application should be denied. The Secretary shall promptly notify
20 any applicant of such denial, include written explanation of the reasons for such denial, and
21 provide an opportunity for a hearing or reapplication upon request.

22 (B) SUSPENSION OF REGISTRATION -

23 (1) The registration may be suspended immediately by the Secretary for -

24 (a) failure to permit access for inspection under this Act;

25 (b) violation of this Act or regulation issued under this Act, where the Secretary
26 determines that such Suspension is likely to prevent a significant risk of adverse
27 health consequences;

1 (c) conviction of the applicant of registrant of -

2 (i) any felony other than a felony based upon the acquiring, handling, or
3 distribution of adulterated or misbranded food; or

4 (ii) more than one violation of any law other than a violation involving any
5 fraud in connection with transactions in food.

6 (2) Any registration suspended under paragraph (1) may be restricted whenever the
7 Secretary determines that suspension is no longer necessary.

8 (C) EXEMPTION AUTHORITY - The Secretary may by regulation exempt classes of
9 facilities from the requirements of paragraph (A) if the Secretary determines that the registration
10 of such facilities or persons is not needed for effective enforcement of this Act.

11 SECTION 5. *Process Controls To Reduce The Adulteration of Food Products.* -

12 (A) IN GENERAL - The Secretary shall, upon the basis of the best available scientific
13 and technological data, prescribe regulations to-

14 (1) limit the presence of human pathogens and other potentially harmful substances
15 in food products;

16 (2) ensure that all registered facilities implement appropriate measures to control
17 and reduce the presence and growth of human pathogens and other potential substances
18 on food products;

19 (3) ensure that all fully processed or ready-to-eat food products are processed in a
20 sanitary manner, using reasonably available techniques and technologies to eliminate any
21 human pathogens or other potentially harmful substances likely to cause food-borne
22 illness;

23 (4) ensure that food products intended for final processing outside commercial
24 establishments are labelled with instructions for handling and preparation for
25 consumption which, when adhered to, will destroy any human pathogens or other
26 potentially harmful substances likely to cause food-borne illness;

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1 (5) ensure that toxic and harmful food additives mixed with food or livestock feeds
2 be restricted and phased out if feasible; and

3 (6) ensure that plasticizers that are determined by the Secretary to be carcinogenic
4 and used for the packaging of food products be phased out within one (1) year from the
5 promulgation of this Act.

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7 (B) REGULATIONS - The Secretary shall, within one (1) year of the enactment of this
8 Act, issue regulations that require all registered facilities to adopt processing controls adequate to
9 protect public health and to limit the presence and growth of human pathogens and other
10 potentially harmful substances in food products prepared in any registered facility. Such
11 regulations shall-

- 12 (1) set standards for sanitation;
13 (2) set tolerances for biological, chemical and physical hazards as appropriate;
14 (3) require process controls to assure that food is safe and that relevant regulatory
15 and safety standards are met;
16 (4) require record-keeping to monitor compliance;
17 (5) require sampling to assure that processing controls are effective and that
18 regulatory standards are being met; and
19 (6) provide for agency access to records kept by official establishments and
20 submission of copies of such records to the Secretary as the Secretary deems appropriate.

21 The Secretary may, as the Secretary deems necessary, require any person, firm or
22 corporation with responsibility for or control over food ingredients to adopt processing
23 controls, where such processing controls are needed to assure the protection of public
24 health.

25 SECTION 6. *Inspections of Processors and Importers.* - (A) NATURE OF
26 INSPECTIONS -

27 (1) The inspection system shall provide for frequent unannounced inspections of
28 food processing and importing facilities to determine if such facilities are operated in a
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1 sanitary manner and if food products are unsafe for human consumption, or adulterated or
2 misbranded. Inspection shall include review of processing records and sample.

3 (2) Inspections shall be conducted at least quarterly, unless the Products determines
4 that the facility, is an exceptional or negligible-risk facility under standards established
5 by the Secretary.

6 (3) Standards for exceptional or negligible-risk facilities shall consider the hazards
7 associated with the type of product being produced; and the facility's history of
8 compliance, food safety problems and such other factors as the Secretary may deem
9 appropriate. The Secretary shall specify an alternative inspection frequency for each
10 facility which is deemed exceptional or negligible risk. Each inspection shall include an
11 examination of whether the facility continues to meet the standards for exceptional or
12 negligible-risk facilities.

13 (B) CONDUCT OF INSPECTIONS -

14 (1) An inspection under subsection (1) of any domestic, foreign or importing facility
15 shall extend to all things therein (including records required to be maintained under
16 subsection (5), processes, controls, and premises) that bear on whether food products are
17 in compliance with this Act. Access to records may include the copying of such records.

18 (2) In conducting such inspections, officers or employees duly designated by the
19 Secretary, upon presenting appropriate credentials to the owner, operator or agent in
20 charge, are authorized-

21 (a) to enter at reasonable times any facility in which persons are engaged in the
22 food processing or importing of food products, or to enter any vehicle being used to
23 transport or hold such food products;

24 (b) to inspect in a reasonable manner such facility or vehicle and all pertinent
25 equipment, finished and unfinished materials, containers, labelling, processes,
26 controls, and premises; and

27 (c) to collect and retain samples of food products or ingredients or of any other
28 items found during an inspection that may contribute to a finding of whether such
29 food products are unsafe for human consumption or adulterated or misbranded.

1 (3) Immediately after completion of inspection, the officer or employee making the
2 inspection shall give to the owner, operator, or agent in charge a report in writing setting
3 forth any conditions or practices observed which indicate that either processing controls
4 are inadequate to prevent or minimize food safety hazards or that any food from such
5 facility is unsafe for human consumption, or adulterated or misbranded.

6 (C) PRODUCT DETENTION AND CONDEMNATION

7 (1) If, during an inspection conducted under this section, an officer or employee
8 making the inspection has reason to believe that a food product is unsafe for human
9 consumption, or adulterated or misbranded, such officer or employee may order the food
10 product segregated, impounded, and if objection is not made within 48 hours,
11 condemned. If objection is made, such food products that are in perishable form may be
12 processed to the extent necessary to prevent spoilage, and a hearing shall be commenced
13 expeditiously.

14 (2) if the Secretary determines that, through re-labelling or other action, such food
15 products can be brought into compliance with this Act, the food may be released
16 following a determination by the Secretary that such re-labelling or other action as
17 specified by the Secretary has been performed.

18 (3) Any food product condemned without objection, or after hearing and judicial
19 review, shall be destroyed under supervision of the Secretary.

20 (D) OFFICIAL MARK - The Secretary shall prescribe by regulation the conditions under
21 which any food product shall display an official mark, when needed to facilitate exports, that
22 signifies that the food product has been processed in accordance with standards approved by the
23 Secretary. Such a mark may be subject to a fee.

24 (E) MAINTENANCE OF RECORDS - Each facility or person registered under this
25 section shall maintain and make available for inspection by the Secretary such records as the
26 Secretary may prescribe. Such records shall be maintained for a reasonable period of time as
27 determined by the Secretary. The records shall include, but are not limited to, information
28 concerning -

1 (1) the origin, receipt, delivery, sale, movement, holding, and disposition of food
2 products or ingredients; the identity and amount of ingredients used in the food; the
3 processing of the food; the results of laboratory, sanitation, or other quality control tests
4 performed on the food or in the facility; consumer complaints concerning the food or its
5 packaging; and

6 (2) other matters reasonably related to whether food products may be unsafe for
7 human consumption, or adulterated or misbranded.

8 SECTION 7. *Tolerance for Contaminants in Food.* –

9 (A) TOLERANCES - The Secretary shall establish tolerances limiting the quantity of
10 contaminants that, when found in food products, may render such products unsafe for human
11 consumption. Contaminants include, but are not limited to bacteria, chemical contaminants,
12 natural toxins, viruses and parasites that when found on or in food can cause human illness. Such
13 tolerances may include indicators (including indicator organisms) from which it may reasonably
14 be inferred that a contaminant is present in a food product. In developing a tolerance, the
15 Secretary shall take into account the extent to which consumers may be exposed to such
16 contaminant from sources other than food, and the extent to which such contaminant can be
17 avoided or minimized in the commercial handling and processing of such food.

18 (B) REGULATIONS - (1) The Secretary, after notice and an opportunity for comment,
19 shall promulgate regulations to implement paragraph (A) within forty-eight (48) months after the
20 date of enactment of this Act. In promulgating such regulations, the Secretary shall establish for
21 the contaminants that the Secretary determines are having the greatest public health impact⁶ as
22 early as feasible after implementation of this Act.

23 (2) A tolerance established under this section shall be based on -

24 (a) a scientific analysis of the health risks attributable to the contaminant for which
25 the tolerance is established; and

26 (b) analysis of the risk for sensitive groups, such as children, elderly, pregnant
27 women and the immune compromised.

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1 (3) The Secretary shall, in a timely manner, issue revisions to the regulations under
2 paragraph (A) which take into account new information.

3 (C) REPORT - The Secretary shall report to the Congress on the progress of the
4 Secretary in establishing tolerances under this section. The report shall include a description of
5 the research that has been conducted with respect to such tolerances and the research that must
6 be conducted before additional tolerances, a timetable for the establishment of such tolerances,
7 and the estimated cost, including costs of research, associated with the establishment of such
8 tolerances. The report shall be transmitted on or about the end of 18th month after the date of the
9 enactment of this Act, and biennially thereafter during the 6-year period that begins on such date
10 of enactment.

11 SECTION 8. *Imports.* - (A) ROLE OF SECRETARY - Within twenty-four (24) months
12 after the date of enactment of this Act, the Secretary shall establish and administer a
13 comprehensive and efficient system to ensure the safety of food imported into the Philippines.
14 The Secretary shall routinely inspect processing facilities in exporting nations and imports at
15 ports of entry into the country. The Secretary shall assure the effective operation; through
16 verification and other activities, as the Secretary considers necessary.

17 (B) IMPORT REQUIREMENTS - (1) No food product may enter the Philippines, or be
18 withdrawn from a warehouse, for consumption in the Philippines if such food product -

19 (a) appears unsafe for human consumption, or adulterated or misbranded;

20 (b) is not marked or labelled as required by regulations for domestic or imported
21 articles; or

22 (c) does not comply with the requirements of this Section.

23 (2) Upon entry for consumption in the Philippines, food products that are not
24 prohibited from entry or from withdrawal from a warehouse under paragraph (A) shall be
25 deemed to be treated as domestic food products, except that all labelling of such products
26 shall clearly identify the country of origin to facilitate the identification of products
27 linked to outbreaks of illness.

28 (C) INSPECTION OF IMPORTS - (1) Food products that are offered for importation,

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1 or withdrawn from a warehouse, for consumption in the Philippines, shall be subject to
2 examinations inspections, sampling, and such other procedures at the port of entry or in the
3 exporting nation by officers or employees duly designated by the Secretary. Such procedures
4 shall be conducted with such frequency and in such manner as the Secretary may prescribe by
5 regulation.

6 (2) Food products from a nation that is certified for such food products under
7 subsection (E) (3) shall be subject to random examinations, inspection, sampling, and
8 other procedures. Food products from a nation that is not certified for such food products
9 under subsection (E) (3) shall be subject to such intensified examinations, inspection,
10 sampling, and other verification procedures, including inspection in the country of origin,
11 as the Secretary determines are necessary to ensure compliance with this Act.

12 (D) DETENTION OF IMPORTED FOOD PRODUCT- If during an inspection or other
13 verification procedures came out under this section, an officer or employee conducting the
14 procedure has reason to believe that a food product is unsafe for human consumption, or
15 adulterated or misbranded, such officer or employee may order the food product segregated,
16 impounded, and if objection is not made within 48 hours, condemned. If objection is made, such
17 food products that are in perishable form may be processed to the extent necessary to prevent
18 spoilage, and a hearing shall be commenced expeditiously. The final condemnation or other
19 disposition of such food product shall be subject to the provisions of this Act.

20 (E) AGREEMENTS WITH FOREIGN NATIONS- (1) The Secretary may enter into an
21 agreement with any nation desiring to export food products to the Philippines. Prior to
22 concluding such an agreement, the Secretary shall evaluate the food safety program of the
23 foreign nation to determine if such program provides at least the same level of protection, with
24 respect to food products intended for export to the Philippines, as domestic laws that affect the
25 safety of the food supply. In such evaluation, the Secretary shall consider:

26 (a) the potential for health, sanitary, environmental, or other conditions within the
27 foreign nation to adversely affect the safety of food products exported from such nation;
28 and
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(b) how well the food safety programs of the foreign nation functions to minimize any adverse effects on such safety

(2) Any agreement under this subsection with a nation desiring to export food products to the Philippines shall-

(a) require that the exporting nation shall-

(i) establish and maintain a food safety system that is adequate to ensure that the food products intended for export to the Philippines are safe for human consumption, and not adulterated or misbranded; and

(ii) promptly notify the Secretary of any violations affecting the safety of food products exported or intended for export to the Philippines;

(b) provide for such activities (whether in the exporting nation or at the port of entry during importation) by the Secretary, including examinations, inspections, sampling and testing, at such stages in the growth or harvest of food, or in the processing or handling of food products, as the Secretary considers appropriate to ensure that the food safety program of the exporting nation continues to provide at least the same level of protection, with respect to food products intended for export to the Philippines, as domestic laws that affect the safety of the food supply; and

(c) provide for reciprocity with respect to the treatment of food imports and exports between the Philippines and the exporting nation.

(3) If the Secretary determines that a nation desiring to export food products to the Philippines has a program that provides at least the same level of protection, with respect to food products intended for export to the Philippines, as domestic laws that affect the safety of the food supply, the Secretary shall, upon entry into force of an agreement under subsection (E)(1), certify the types of food products for which the nation maintains such a program.

(4) The Secretary shall periodically or for good cause, and not less than once every three years, review certifications made under paragraph (3), and shall revoke the certification of any nation that the Secretary determines is not maintaining a food safety program that provides at least the same level of protection, with respect to food products intended for export to the Philippines, as domestic laws that affect the safety of the food supply.

1 (5) The Secretary shall review and modify, as needed, an agreement made under
2 paragraph (1) with any nation whose certification has been revoked under subparagraph (i) of this
3 paragraph.

4 TITLE II- EDUCATION, RESEARCH, AND ADVOCACY

6 SECTION 9. *Public Health Assessment System.* – (A) PUBLIC HEALTH SAMPLING –

7 (1) Within twelve (12) months after the date of enactment of this Act, the Secretary in
8 cooperation with the Secretary of Agriculture shall establish guidelines for a sampling system
9 under which the Secretary of Agriculture shall take and analyze samples of food products to
10 assist the Secretary in carrying out this Act and to more accurately assess the nature, frequency
11 of occurrence and amounts of contaminants in food products.

12 (2) Such sampling system shall provide-

13 (a) statistically valid monitoring, including market-basket studies, on the nature,
14 frequency of occurrence, and amounts of contaminants in food products available to
15 consumers; and

16 (b) at the request of the Secretary, such other information, including may analysis of
17 monitoring and verification samples, as the Secretary determines be useful in assessing
18 the occurrence of contaminants in food products.

19 (B) ASSESSMENT OF HEALTH HAZARDS - Through the surveillance system referred
20 to in subsection (A) (1) and the sampling system described in subsection (A) (2), the Secretary
21 shall rank food categories based on their hazard to human health and identify appropriate
22 industry and regulatory approaches to minimize hazards in the food supply. Such analysis could
23 include -

24 (1) the safety of commercial harvesting and processing, as compared with the health
25 hazards associated with food products that are harvested for recreational or subsistence
26 purposes and prepared non-commercially;

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1 (2) the safety of food products that are domestically harvested and processed, as
2 compared with the health hazards associated with food products that are harvested or
3 processed outside of the Philippines; and

4 (3) contamination originating from handling practices that occur prior to or after the
5 sale of food products to consumers.

6 SECTION 10. *Public Education and Advisory System.* –

7 (A) PUBLIC EDUCATION. - The Secretary, in cooperation with private and public
8 organizations, shall design and implement a national public education program on food safety.
9 The program shall provide -

10 (1) information to the public regarding standards and good practice require a
11 national public education program on food safety, promotion of public awareness
12 understanding, and acceptance of such standards and requirements;

13 (2) information to health professionals so that they may improve diagnosis and
14 treatment of food-related illness and advise individuals whose health conditions place
15 them in particular risk; and

16 (3) such other information or advice to consumers and other persons as the Secretary
17 determines will promote the purposes of this Act.

18 (B) HEALTH ADVISORIES-The Secretary, in consultation with the Secretary of
19 Agriculture and the Secretary of Environment and Natural Resources, shall work to-

20 (1) develop and distribute regional and national advisories concerning food safety;
21 and

22 (2) develop standardized formats for written and broadcast advisories.

23 SECTION 11. *Research.* - (A) IN GENERAL. - The Secretary shall conduct research to
24 assist in the implementation of this Act, including studies to-

25 (1) improve sanitation and food safety practices in the processing of food products;

26 (2) develop improved techniques for the monitoring of food and inspection of food
27 products;

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1 (3) develop efficient, rapid, and sensitive methods for determining and detecting the
2 presence of contaminants in food products;

3 (4) determine the sources of contamination of food and food products with
4 contaminants; and

5 (5) develop consumption date with respect to food products.

6 (B) CONTRACT AUTHORITY- The Secretary is authorized to enter into contracts and
7 agreements with the University of the Philippines or any state university or any other university,
8 other government agencies or other persons to carry out the activities under this Section.

9 TITLE III- MECHANISMS FOR ENFORCEMENT

10 SECTION 12. *Notification and Recall.* - (A) NOTICE TO SECRETARY OF
11 ADULTERATION OR MISBRANDING. - Any person (other than a household consumer or
12 other individual who is intended consumer of an article of food) that has a reasonable basis for
13 believing that any article of food introduced into or in interstate commerce, or held for sale
14 (whether or not the first sale) after shipment in interstate commerce, may be adulterated or
15 misbranded, or otherwise be in violation of appropriate laws shall immediately notify the
16 Secretary, in such manner and by such means as the Secretary may by regulation prescribe, or
17 the identity and location of such article.

18 (B) RECALL AND CONSUMER NOTIFICATION - (1) VOLUNTARY
19 PROCEDURES - If the Secretary finds, upon notification under subsection (A) or otherwise, that
20 any article of food is adulterated or misbranded when introduced into or while held for sale
21 (whether or not for first sale) after shipment in interstate commerce and there is a reasonable
22 probability that such article, if consumed, would present a threat to public health, as determined
23 by the Secretary shall provide the appropriate persons (including the manufacturers, importers,
24 distributors, or retailers) with an opportunity to -

25 (a) cease distribution of such articles;

26 (b) notify all persons-

27 (i) producing, manufacturing, packing, processing, preparing, treating,
28 packaging, distributing, or holding such article; or

(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article; or

(c) recall such article;

(d) provide, in consultation with the Secretary, notice to consumers to whom such article was, or may have been, distributed; or

(e) take any combination of the above measures, as appropriate in the circumstances.

(2) PRE-HEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE - If

such person refuses to or does not voluntarily cease distribution, make notification, recall such article, or provide notice to consumers, as applicable, within the time and in the manner prescribed by the Secretary, the Secretary shall, by order, require, as the Secretary deems necessary, such persons to -

(a) immediately cease distribution of such articles;

(b) immediately notify all persons -

(i) producing, manufacturing, packing, processing, preparing, treating, packaging, distributing, or holding such article; or

(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article; or

(iii) immediately take the actions specified in both subparagraphs (B)(1) and (B)

(2).

(3) NOTIFICATION OF CONSUMERS BY SECRETARY - The Secretary shall, as the Secretary deems necessary, provide notice to consumers to whom such article was, or may have been, distributed.

(4) HEARING ON ORDER - The Secretary shall provide any person subject to an order under subsection (b) with an opportunity for a hearing, to be held as soon as possible but not later than 2 days after the issuance of the order, on the action required by the order and on why the article that is the subject of the order should not be recalled.

(5) POST-HEARING RECALL ORDER -

(a) AMENDMENT OF ORDER - If, after providing opportunity for a hearing under subsection (3), the Secretary determines that there is a reasonable probability that

1 the article that is the subject of an order under subsection (2), if consumed, presents a
2 threat to public health, the Secretary, as the Secretary deems necessary, may –

3 (i) amend the order to require recall of such article or other appropriate action;

4 (ii) specify a timetable in which the recall shall occur;

5 (iii) require periodic reports to the Secretary describing the progress of the
6 recall; and

7 (iv) provide notice to consumers to whom such article was, or may have been,
8 distributed.

9 (b) VACATION OF ORDER - If, after such a hearing, the Secretary determines that
10 the adequate grounds do not exist to continue the actions required by the order, the
11 Secretary shall vacate the order.

12 (c) REMEDIES NOT EXCLUSIVE - The remedies provided in this section shall be
13 in addition to and not exclusive of other remedies that may be available.

14 SECTION 13. *Civil Penalties.* –

15 (A) IN GENERAL. - (1) ACTS SUBJECT TO PENALTY; PENALTY AMOUNT. -

16 Any person that commits an act that violates this Act may be assessed a civil penalty by the
17 Secretary, subject to review in accordance with the administrative code and - other pertinent
18 laws, of not more than One Hundred Thousand Pesos (P100,000.00) for such act. Each such act
19 and each day during which such act continues shall be a separate offense.

20 (2) NOTICE AND HEARING - No penalty shall be assessed by the Secretary under this
21 section unless such person is given notice and opportunity for a hearing on the record before the
22 Secretary in accordance with laws pertinent to administrative proceedings.

23 (3) OTHER REQUIREMENTS - The amount of such civil penalty shall be assessed by
24 the Secretary by written order, taking into account the gravity of the violation, degree of
25 culpability, size and type of business, and any history of prior offenses;

26 (B) COLLECTION ACTIONS - If any person fails to pay an assessment of a civil
27 penalty after it has become a final and unappealable order, the Secretary shall refer the matter to
28 the Solicitor General, who shall institute a civil action to recover the amount. In such collection

1actions, the validity and appropriateness of the Secretary's order imposing the civil penalty shall
2not be subject to review.

3 (C) SECRETARY'S DISCRETION TO PROSECUTE - Nothing in this Act shall be
4construed as requiring the Secretary to report for prosecution, or for the institution of libel or
5injunction proceedings, violations of this Act whenever the Secretary believes that interest will
6be adequately served by assessment of civil penalties.

7 SECTION 14. *Whistleblower Protection.* - (A) IN GENERAL - employee or other person
8may be harassed, prosecuted, held liable or discriminated against in any way because that
9person-

10 (1) has commenced, caused to be commenced, or is about to commence a the
11 public proceeding, testified or is about to testify at a proceeding, or assisted or
12 participated or is about to assist or participate in any manner in such a proceeding or in
13 any other action to carry out the purposes, actions or responsibilities set forth in this Act;

14 (2) is refusing to violate or assist in the violation of a law, rule or regulation.

15 SECTION 15. *Traceback.* - The Secretary may impose on a food product requirements
16for the traceability of such type or class of food product whenever such requirements are
17necessary to assure the protection of the public health. Traceability requirements shall be
18established in accordance with regulations and guidelines issued by the Secretary.

19 SECTION 16. *Citizen's Civil Action.* - Any person may against-

20 (A) any person who violated any rule, tolerance, order, or ensure the safety of food
21products; or

22 (B) the Secretary where there is alleged a failure of the Secretary to perform any act or
23duty to ensure the safety of food products, which is not discretionary.

24 TITLE IV- APPROPRIATION/ AUTHORIZATION

25 SECTION 17. *Authorization of Appropriations.* - (A) IN GENERAL-There are
26authorized to be appropriated such sums as may be necessary to carry out the provisions of this
27Act.

1 (B) RESEARCH PROGRAM AUTHORIZATION - Of the funds authorized to be
2 appropriated under subsection (I), there are authorized to be appropriated such sums as may be
3 necessary to carry out the research program authorized by this Act.

4 SECTION 18. *Separability Clause*. - If any provision, or part hereof, is held invalid or
5 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
6 valid and subsisting.

7 SECTION 19. *Repealing Clause*. - Any law, presidential decree or issuance, executive
8 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
9 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

10 SECTION 20. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its
11 publication in at least two (2) newspapers of general circulation.

Approved,