

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Third Regular Session

HOUSE BILL No. 6400



Introduced by Congressman Alfredo D. Vargas III

EXPLANATORY NOTE

The State has a duty, a mandate, a responsibility to promote the general welfare of the people. This duty makes it imperative that the State makes this also its policy.

In pursuit of this policy, this measure requires food establishments in the country to comply with sanitation standards which the Secretary of Health shall promulgate.

The measure mandates that the Secretary of Health, within sixty (60) days from the approval of this Act, shall promulgate rules and regulations relating to sanitation that he/ she may deem advisable with reference to any food business and with reference to the premises, property, equipment and utensils used in connection with any food business.

The measure prohibits the selling or possession with intent to sell for human consumption any food which has not been processed, transported or sold in compliance with this Act's provisions and the subsequent implementing rules and regulations.

Any food believed to have not been processed, transported or sold in compliance with this Act and its rules and regulations may be confiscated

The Secretary of Health, if he deems it necessary in the interest of public health, may direct any food business to cease operating. The Health Secretary may do so by serving written notice upon the owner or manager. The said owner or manager shall be given an opportunity to show cause why the food business should not cease operating.

If found guilty of violating this Act, a food establishment shall be fined an amount of not more than One Hundred Thousand Pesos. Also, the penalty of imprisonment of *arresto mayor* may be imposed, if found guilty, on the entity's responsible officer/s, including but not limited to:

- a) president,
- b) vice president,
- c) chief executive officer,
- d) general manager,
- e) managing director or officer directly responsible.

Exemptions from the provisions of this Act shall be granted to the following:

a) special events sponsored by city or town or non-profit civic organizations such as but not limited to school sporting events, picnics, food booths, church suppers and fairs;

b) temporary food services which have a frequency of less than six events a year such as bazaars, bake sales, and suppers;

c) itinerant vendors and other food establishments that serve only commercially pre-packaged foods, beverages, and commercially pre-cooked potentially hazardous foods requiring no manual handling of the food product;

d) retail businesses and food vending machines limited solely to selling or dispensing ice and/ or non-perishable foods, including but not limited to gumballs, unopened bottled or canned beverages and prepackaged candy, nuts, gum, popcorn, chips, pretzels, cookies and crackers.

This measure, if enacted into law, will definitely safeguard the health of our people. For the abovementioned reasons, approval of this bill is earnestly sought.



ALFREDO D. VARGAS III

REPUBLIC OF THE PHILIPPINES

House of Representatives

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AN ACT

REQUIRING FOOD ESTABLISHMENT TO COMPLY WITH SANITATION STANDARDS

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

SECTION 1. Short Title. – This Act shall be known as the “Food Establishment Sanitation Act of 2016”.

SECTION 2. Declaration of Policy. – It is the policy of the State to promote the general welfare of the people. Pursuant to this policy, This Act requires food establishments to comply with the sanitation standards that the Secretary of Health shall promulgate.

SECTION 3. Definition of Terms. – For purposes of this Act, the term:

- a. “Commissary” means a central processing establishment where food is prepared for sale or service off the premises or by mobile vendor.
- b. “Department” means the Department of Health.
- c. “Food” means:
 1. Articles used for food or drink for people or other animals;
 2. Articles used for components of any food or drink article, and
 3. Chewing gum.
- d. “Food business” means and includes any establishment or place, whether fixed or mobile, where food or ice is held, processed, manufactured, packaged, prepared displayed, served, transported, or sold.

- e. "Food service establishment" means any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial feeding establishment, private, public or non-profit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without change.
- f. "Mobile food service unit" means a unit that prepares and/or sells food products for direct consumption.
- g. "Person" means any individual firm, co-partnership, association, or private or municipal corporation.
- h. "Processor" means one who combines, handles, manufactures or prepares, packages, and stores food products.
- i. "Operator" in relation to food vending machines means any person who by contract, agreement, lease, rental, or ownership sells food from vending machines.
- j. "Retail" means when eighty percent (80%) or more of sales are made directly to consumers.
- k. "Retail peddler" means a food business which sells meat, seafood, and dairy products directly to the consumer, house to house or in a neighbourhood.

SECTION 4. *Sanitary Regulations.* – Within 60 days from the approval of this Act, the Secretary of Health promulgates rules and regulations relating to sanitation that he may or she may deem advisable with reference to any food business and with reference to the premises, property, equipment, and utensils used in connection with any food business.

SECTION 5. *Food Businesses Required to Comply.* – No person shall operate any food business except in compliance with the provisions of this Act and the implementing rules and regulations adopted in accordance with this Act.

SECTION 6. *Prohibition against Sale of Food Not Handled in Compliance with Act: Confiscation.* – No person shall sell or possess with intent to sell for human consumption

any food which has not been processed, transported, or sold in compliance with the provisions of this Act and the implementing rules and regulations adopted in accordance with this Act.

Any food which the director shall have reasonable cause to believe has not been processed, transported, or sold in compliance with the provisions of this Act and the implementing rules and regulations adopted in accordance with this Act may be confiscated.

SECTION 7. *Notice to Cease Business.* – Whenever the Secretary deems it necessary in the interests of public health to cause any food business to cease operating, he may do so by serving written notice upon the owner or manager shall have been given an opportunity to show cause why the food business should not cease operating.

Written notice to cease operating a food business shall remain until the Secretary serves further notice permitting the resumption of operation of the food business.

SECTION 8. *Penalties.* – Any food establishment found guilty of violating Section 5 and 6 above shall be fined an amount not more than One Hundred Thousand Pesos (Php100,000.00).

In addition, a penalty of imprisonment of *arresto mayor* may be imposed on the entity's responsible officer, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director or officer directly responsible therefore, if any of them are found to have knowingly consented to such sale or possession with intent to sell for human consumption any food which has not been processed, transported, or sold in compliance with the provisions of this Act and the rules and regulations adopted in accordance with this Act.

In both cases, the court shall take into consideration all attending circumstances.

SECTION 9. *Businesses Exempt.* – The provisions of this Act shall not apply to the following:

- a. Special events sponsored by city or town or non-profit civic organizations such as, but not limited to, school sporting events, picnics, food booths, church suppers, and fairs;
- b. Temporary food services which have a frequency of less than six events a year such as bazzars, bake sales, and suppers;
- c. Itinerant vendors, and other food establishments that serve only commercially pre-packaged foods, beverages, and commercially pre-cooked potentially hazardous foods requiring no manual handling of the food product;

- d. Retail food businesses and food vending machines limited solely to selling or dispensing ice and/or non-perishable foods, including, but not limited to, gumballs, unopened bottled or canned beverages, and prepackaged candy, nuts, gum, popcorn, chips, pretzels, cookies, and crackers;

SECTION 10. *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 11. *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 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,