

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5692**



INTRODUCED BY REPRESENTATIVE ARTHUR C. YAP

EXPLANATORY NOTE

Under this proposed measure, a Food Packaging Industry Development and Promotion Program shall be adopted. There shall be a comprehensive set of objectives, targets, strategies and activities for the growth of food packaging industries, that shall result to increased exports of Philippine agricultural produce and processed food and other food products.

A Board, attached to the Department of Trade and Industry, will be created. It shall set the overall direction for the implementation of the Food Packaging Industry Development and Promotion Program.

There shall be certification of food packaging facilities. A Philippine National Standards for food packaging shall primarily be made by the Bureau of Philippine Standards (BPS) of the DTI. A Philippine Food Packaging Logo shall be affixed or used after complying with set conditions.

There will be enhancement of the capabilities and global competitiveness of food packaging products, processes and services. A provision for and/or upgrade of necessary common service facilities such as warehouses, refrigeration facilities, and laboratory facilities and equipment, in strategic production, processing and manufacturing areas shall be had. Designated government agencies will be mandated to promote the growth of food packaging industries and be granted fiscal and non-fiscal incentives to attract investments. A program to develop products and technologies and to improve and expand the number of food packaging products, processes and services, shall be made, with focus on environment friendly alternatives sources as raw materials. There will also be a Food Packaging Credit and Loan Package Program to be instituted by the Land Bank of the Philippines (LBP), extending low interest loans to small and medium enterprises seeking to venture into the food packaging industry.

According to a report of the Philippine Statistics Authority, in February 2017, the Philippine exports from agro-based products, amounted to \$309.51 million. This accounts for 6.5 percent share to total exports. Most of these agro based products are food products, such as agricultural produce and processed foods.

The potential of Filipino food products for export to further grow cannot be overemphasized. One hindrance is the food packaging industry that needs to grow and develop faster than the food, food processing, agriculture and allied industries. The packaging sector should meet international market requirements, if only for our food products to gain access to more markets abroad.

In the view of the foregoing, the passage of the bill is hereby being earnestly sought.



ARTHUR C. YAP
Representative

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AN ACT
INSTITUTING THE FOOD PACKAGING INDUSTRY
DEVELOPMENT AND PROMOTION PROGRAM,
CREATING FOR THE PURPOSE THE FOOD
PACKAGING INDUSTRY DEVELOPMENT AND
PROMOTION BOARD, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Title.*** – This Act shall be known as the “Food
2 Packaging Industry Development and Promotion Act of 2017”.

3 **SEC. 2. *Declaration of Policy.*** – Recognizing the significant role of
4 exports, especially Philippine agricultural produce, processed food and
5 related products, to national economic development, and the potential
6 contribution of the food packaging industry therein, it is hereby declared the
7 policy of the State to promote the growth and development of the food
8 packaging industry and ensure the integrity and quality of food packaging
9 materials and products, for local consumption and export, to meet the
10 international standards in food packaging, and to make locally produced
11 food packaging products and services competitive in both the local and
12 international markets.

13 **SEC. 3. *Definition of Terms.*** – As used in this Act, the following
14 terms shall have the following definition:

15 (a) *Accreditation* refers to the procedure by which a government agency
16 having jurisdiction formally attests to the competence of an inspection
17 and/or certification body to provide inspection and certification
18 services;

19 (b) *Certification* refers to third party attestation of conformance to
20 standards and guidelines related to products, processes, systems or
21 persons;

22 (c) *Food Packaging Industry* shall include plastic, paper, glass,
23 composites, flexibles, canning, caps and closures, label printers,
24 packaging machines, packaging designers, packing, preservation,

1 distribution, storage, and other related or allied industries for food
2 packaging.

3 (d) *Recognition* refers to the acknowledgment of the validity of a
4 conformity assessment result provided by a person or body.

5 **SEC. 4. *The Food Packaging Industry Development and Promotion***

6 ***Program.*** – There is hereby established the Food Packaging Industry
7 Development and Promotion Program, which shall refer to the
8 comprehensive set of objectives, targets, strategies and activities for the
9 growth of food packaging industries resulting to increased exports of
10 Philippine agricultural produce and processed food and other food products.

11 It shall include, but not be limited to, the following areas of concern:
12 the development of food packaging manufacturing standards and practices;
13 the organization and development of accredited certification bodies through,
14 among others, capacity building and the formulation and application of
15 internationally-accepted accreditation standards; identification and
16 expansion of markets for food packaging products, processes and services;
17 forging of international and bilateral agreements especially on
18 harmonization of standards; compliance of producers, manufacturers, service
19 providers, traders and exporters to established local or international
20 standards; industry development and promotion, including expansion into
21 nonfood packaging products and services; consumer awareness and fair
22 trade practices; and provision of common service facilities.

23 **SEC. 5. *Creation of Food Packaging Industry Development and***

24 ***Promotion Board.*** – To ensure the attainment of the objectives of this Act,
25 there is hereby created the Food Packaging Industry Development and

1 Promotion Board, herein referred to as the Board. The Board shall be the
2 policy-making body on food packaging development and shall set the
3 overall direction for the implementation of the Food Packaging Industry
4 Development and Promotion Program. It shall be attached to the Department
5 of Trade and Industry.

6 **SEC. 6. Powers and Functions.** – The Board shall have the following
7 powers and functions:

- 8 (a) Formulate, advocate, coordinate, oversee and assess the implementation
9 of the Food Packaging Industry Development and Promotion Program;
- 10 (b) Direct and coordinate the development and harmonization of Philippine
11 National Standards for food packaging by standard setting agencies, and
12 monitor, through the government regulatory agencies, the application
13 thereof on products, processes and services;
- 14 (c) Spearhead and support the forging of international agreements, and the
15 recognition of accredited food packaging certification bodies in other
16 countries, to open new and expand existing markets for food packaging
17 products, processes and services;
- 18 (d) Issue the Philippine Food Packaging Logo and the guidelines on the
19 proper use thereof: *Provided*, That the use of logos of certification bodies
20 on certified products, processes and services shall be without
21 prejudice: *Provided, further*, That all other government agencies are
22 prohibited to issue a logo and require the use of such logo as proof of
23 compliance to a standard or regulation as food packaging: *Provided*,
24 *finally*, That the use of logos previously issued by government agencies

1 involved in food packaging development and promotion is hereby
2 disallowed;

3 (e) Encourage and support the establishment of a single umbrella
4 organization of food packaging certification bodies, which can be tapped
5 by standard setting and regulatory agencies to assist in the development
6 and in monitoring the application of internationally-accepted food
7 packaging certification standards;

8 (f) Promulgate policies and guidelines as necessary or proper for the
9 accomplishment of the objectives of this Act, including the Board's
10 operation;

11 (g) Create technical panels, working groups, or task forces that will assist the
12 Board in the performance of its functions;

13 (h) Investigate and make recommendations on complaints, controversies, or
14 disputes arising out of the implementation or enforcement of standards,
15 guidelines, rules and procedures adopted to promote and develop food
16 packaging industries, the export of food products and the provision of
17 food packaging processes and services;

18 (i) Request the assistance and cooperation of any department, bureau, office,
19 agency or instrumentality of the government, or private entities and
20 organizations in the implementation of its functions and the attainment of
21 the objectives of this Act, including the carrying out of recommendations
22 as a result of investigations and studies made pursuant to paragraphs (g)
23 and (h) hereof; and

24 (j) Perform such other powers and functions as may be prescribed by law, or
25 may be necessary, incidental, or proper to its mandate.

1 **SEC. 7. *Composition of the Board.*** – The Board shall be composed
2 of:

3 a) The Secretary of the Department of Trade and Industry (DTI) as
4 Chairperson;

5 b) The Secretary of the Department of Agriculture (DA) as Vice
6 Chairperson

7 c) The Secretary of the Department of Health (DOH);

8 d) The Secretary of the Department of Science and Technology (DOST);

9 e) One representative from the private sector as appointed by the
10 President and nominated by business organizations in the Philippines
11 from the agricultural produce, food products and/or food packaging
12 industry.

13 The *ex officio* members of the Food packaging Board may designate
14 their respective alternates who shall be at least Bureau Director in rank and
15 their acts shall be considered the acts of their principals.

16 **SEC. 8. *Secretariat of the Board.*** – The DTI Secretary, as
17 Chairperson of the Board, shall establish an interagency secretariat from the
18 different bureaus of the DTI concerned with agricultural produce, food
19 products and/or food packaging export development, the DA, the DOH and
20 the DOST. The Secretariat shall be headed by the Director of the Export
21 Marketing Bureau. For this purpose, the Export Marketing Bureau shall be
22 strengthened and is hereby authorized to create a section that will serve as
23 the nucleus of the Secretariat of the Board.

24 The Secretaries of the DA, the DOH and the DOST shall assign
25 technical staff of their offices as staff of the Secretariat. Other member

1 agencies shall provide additional staff support upon the determination of the
2 necessity by the Chairperson and conformity of the Board.

3 **SEC. 9. Accreditation of Food Packaging Certification Bodies.** – As
4 the agency mandated to handle the accreditation of certification bodies,
5 inspection bodies, and testing and calibration laboratories, the Philippine
6 Accreditation Bureau (PAB) is hereby empowered to: (a) formulate
7 accreditation policies and guidelines which shall govern the accreditation of
8 food packaging certification bodies; and (b) grant or deny accreditation of
9 food packaging certification bodies and suspend or withdraw such
10 accreditation in accordance with established policies and guidelines.

11 In the formulation of accreditation policies and guidelines, and in the
12 performance of its accreditation function, the PAB shall consult and, when
13 necessary, collaborate with the Board, its member agencies, and agricultural
14 produce, food products and/or food packaging industry stakeholders.

15 **SEC. 10. Philippine National Standards for Food Packaging.** – The
16 development of Philippine National Standards for food packaging shall be
17 the mandate of the Bureau of Philippine Standards (BPS) under the DTI.

18 Other products, processes and services that would necessitate the
19 development of the corresponding Philippine National Standards not
20 covered by the BPS shall be under the specific mandates of the Bureau of
21 Agriculture and Fisheries Standards (BAFS) of the DA; Food and Drug
22 Administration (FDA) and the Bureau of Food and Drugs of the DOH; or as
23 may be assigned by the Board to appropriate government agencies.

24 **SEC. 11. Export and Trade Regulation of Food Packaging**
25 **Products, Processes and Services.** – The following conditions shall apply in

1 the export and trade of agricultural produce and food products using food
2 packaging products, processes and services:

3 (a) All Philippine agricultural produce and food products products that
4 will be exported using food packaging, and processes and services
5 whose outputs or benefits shall accrue or flow within or outside of the
6 Philippine territory, shall (i) undergo certification from an accredited
7 food packaging certification body, (ii) comply with the appropriate
8 Philippine National Standards for food packaging as developed, or
9 with international or foreign standards recognized, by standard
10 setting agencies identified or mandated under Section 10 of this Act,
11 and (iii) be registered with the national regulatory agency concerned;

12 (b) The Philippine Food Packaging Logo, with the permission of the
13 relevant regulatory agency, shall be affixed or used by producers,
14 manufacturers, processors, traders, exporters, and service providers
15 on their products, packaging, letterheads, brochures, leaflets and
16 other forms of media after complying with the conditions set in
17 paragraph (a) hereof;

18 (c) Food packaging certification of products, processes and services for
19 domestic consumption or use is voluntary on the part of the producer,
20 manufacturer, trader, retailer, or service provider; and

21 (d) Producers, manufacturers, traders, retailers, and service providers
22 catering the domestic market and have undergone voluntary
23 certification from accredited food packaging certification bodies may
24 apply and be granted permission to use the Philippine Food
25 Packaging Logo on their products, establishments, or facilities.

1 **SEC. 12. *Export Promotion.*** – The DTI, particularly the Export
2 Marketing Bureau, in coordination with the DA, the DOST and the DOH,
3 and other concerned government agencies, shall enhance the capabilities and
4 global competitiveness of existing and potential exporters of agricultural
5 produce, food products using food packaging products, processes and
6 services, through business matching; provision of trade and market
7 information; organization of trade fairs and business missions; conduct of
8 seminars, workshops, conferences and symposium on export-related
9 subjects, including export documentation and procedures; product design
10 and development; market consultancy; and product consultancy.

11 To assist exporters find new and expand existing markets for
12 agricultural produce and food products using Philippine food packaging
13 products, the DTI and the DA shall task their Foreign Trade Service Corps
14 and Foreign Agriculture Service Corps, respectively, to conduct commercial
15 intelligence works and marketing activities. In addition, the DTI, together
16 with the Department of Foreign Affairs shall pursue the recognition of
17 accredited food packaging certification bodies and certified food packaging
18 products, processes and services by accreditation and certification bodies of
19 other countries.

20 **SEC. 13. *Infrastructure Support and Incentives.*** – To enhance the
21 growth of food packaging industries and assist farmers and producers in
22 complying with the relevant food packaging standards, the government,
23 especially the DA, shall provide and/or upgrade necessary common service
24 facilities such as slaughterhouses, warehouses, refrigeration facilities, and

1 laboratory facilities and equipment, in strategic production, processing and
2 manufacturing areas.

3 The Board of Investments, the Philippine Economic Zone Authority,
4 and other investment promotion agencies are hereby mandated to promote
5 the growth of food packaging industries in the different economic zones and
6 strategic locations in the country. They shall, as their charters allow, grant
7 fiscal and non-fiscal incentives to attract investments in pioneering and
8 essential industries to increase exports of Food packaging products or as raw
9 materials or ingredients in the production of Food packaging products.

10 SEC. 14. *Institutional and Human Resource Development.* – The DTI,
11 the DA, the DOH, the DOST, the Commission on Higher Education
12 (CHED), the Technical Education and Skills Development Authority
13 (TESDA), state universities and colleges (SUCs), certification bodies, the
14 private sector, and Muslim Filipino organizations shall establish and
15 implement an institutional and human resource development program for
16 food packaging industry development which shall include, but not limited to:

17 (a) Capacity building for producers, manufacturers and processors to
18 enable them to comply with certification standards, including
19 knowledge on facilities upgrading and retrofitting, adoption of
20 accepted manufacturing practices, product and packaging
21 development, marketing and product distribution, and business
22 enterprise development;

23 (b) Skills trainings for Food packaging industry workers, farmers,
24 fishermen, and producers to actively contribute in productivity, the
25 practice of good agricultural, animal husbandry and manufacturing

1 practices, and compliance to food safety, health, hygiene and
2 sanitation standards;

3 (c) Scholarship program for the underprivileged but deserving college
4 and post graduate students who are taking up courses in relevant field
5 of disciplines in SUCs which have programs in agriculture and
6 fisheries; and for technical- vocational courses for farmers, fishermen,
7 farm technicians, and skilled workers in processing and
8 manufacturing plants producing or providing Food packaging
9 products, processes and services;

10 (d) Formulation and implementation of competency standards and
11 training regulations for technical-vocational education and training
12 for the Food packaging industry by the TESDA; and

13 (e) Upgrading of facilities, faculty development and strengthening of the
14 on-the-job training program of higher education institutions in Food
15 packaging technology and standards towards the build-up of
16 competent graduates needed by Food packaging industries.

17 **SEC. 15. *Research, Development and Extension (RDE).*** – The Board, in
18 coordination with the DTI, the DA, the DOH, the DOST, the CHED, SUCs,
19 the Food and Nutrition Research Institute (FNRI), the Bureau of Agricultural
20 Synthesis under the DA, the Philippine National Food Packaging Laboratory
21 and Science Center under the DOST, and private organizations, shall
22 formulate and implement a national research, development and extension
23 program to develop, propagate, or commercialize products and technologies
24 and to improve and expand the number of food packaging products,
25 processes and services.

1 There shall be focus on the conduct of extensive research and
2 development study on the structure, durability, usage, efficiency,
3 environment friendly alternatives sources as raw materials of packaging,
4 container, and products of similar nature in order to develop the same and
5 ensure its compliance with internationally accepted standards on food and
6 safety, and promotion of greener and environment friendly raw materials for
7 the production of the same.

8 SUCs with the capability to support RDE for food packaging shall be
9 identified and assisted by the CHED, in coordination with the DOST, the
10 DA, the DTI and the DOH, the private sector to become centers of
11 development and excellence in food packaging.

12 The DOST shall upgrade the capability of the BPS, the FDA, the
13 BAFS, other regulatory agencies, food packaging certification bodies,
14 producers, manufacturers and service providers in ensuring integrity and
15 compliance to standards by imparting scientific and technical knowledge on
16 Food packaging standards and in conducting laboratory analyses through its
17 Philippine National Food Packaging Laboratory and Science Center.

18 **SEC. 16. *Applicability of Fair Trade, Consumer Protection and***
19 ***Copyright Laws and Regulatory Agency Charters.*** The relevant
20 provisions of fair trade, consumer protection and copyright laws, and their
21 implementing rules or orders, as well as the charters of regulatory and
22 standard setting agencies shall be applied in the implementation of this Act
23 to ensure compliance with Philippine National Standards on Food Packaging
24 and the use of the Philippine Food Packaging Logo. Nothing herein shall be

1 construed as limiting any department, agency or bureau from imposing,
2 applying or enforcing the necessary fines and penalties under these laws.

3 The appropriate agencies of the DTI, the DA, the DOST and the DOH
4 shall conduct consumer protection and advocacy programs to create
5 awareness among consumers on Food packaging products, processes and
6 services, and enable them to determine and complain unfair trade practices.

7 **SEC 17. *Product Container and Packaging Credit and Loan***

8 ***Package Program.*** – The Land Bank of the Philippines (LBP) is hereby
9 mandated to formulate a Product Container and Packaging Credit and Loan
10 Package Program, which shall extended low interest loans to small and
11 medium enterprises seeking to venture into the food packaging industry.

12 Within six (6) months from the date of effectivity of this Act, the LBP
13 is mandated to formulate the necessary guideless, procedures, and the
14 requirements for the various stakeholders to avail of the Program as
15 provided in the section.

16 **SEC. 18. *Authority to Receive Donations and/or Grants.*** – The
17 Board is hereby authorized to accept grants, contributions, endowments,
18 bequests, from local and foreign sources in support of the development and
19 growth of Philippine food packaging industries, including the development
20 of Philippine National Standards for Food Packaging, institutional
21 development of certification bodies, producers, manufacturers and service
22 providers, and consumer advocacy campaigns: *Provided, That* such
23 donations shall not be used to fund personal services and other operating
24 expenses of the Board.

1 **SEC. 19. Appropriations.** – The amount necessary for the initial
2 implementation of this Act shall be charged against the current
3 appropriations of the DTI. Thereafter, such amount as may be necessary for
4 the continuous operation of the Food packaging Board and the
5 implementation of the Program shall be included in the annual General
6 Appropriations Act.

7 **SEC. 20. Implementing Rules and Regulations.** The Board, in
8 consultation with the DTI, DOH, DOST, and agricultural produce, food
9 products and/or food packaging industry stakeholders, shall issue the
10 implementing rules and regulations of this Act within ninety (90) days
11 starting from the effectivity of this Act.

12 **SEC. 21. Repealing Clause.** – All laws, decrees, executive orders and
13 rules and regulations or part or parts thereof inconsistent with any provision
14 of this Act are hereby repealed, modified or amended accordingly.

15 **SEC. 22. Separability Clause.** – If any provision of this Act is
16 declared unconstitutional, the validity of the remaining provisions hereof
17 shall remain in full force and effect.

18 **SEC. 23. Effectivity.** – This Act shall take effect fifteen (15) days
19 after its publication in the *Official Gazette* or in a newspaper of general
20 circulation.

APPROVED.