

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 1265



Introduced by Rep. BERNADETTE "BH" HERRERA-DY

EXPLANATORY NOTE

In our version, we 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 botcho 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.

A handwritten signature in purple ink, appearing to read "Bernadette Herrera-Dy".

BERNADETTE HERRERA-DY

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AN ACT DECLARING AND DEFINING THE CRIME OF DISTRIBUTING "BOTCHA," "DOUBLE-DEAD MEAT," OR ANY MEAT TAKEN FROM ANY FOOD ANIMAL THAT HAS DIED OF DISEASE, 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 in the Senate and House of Representatives of the Philippines in the Congress assembled:

SECTION 1. Section 48, Ch. XII (Prohibited Acts) 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 captioned as Section 48(e), to read as follows:

"Section 48. Prohibited Acts. - No person, firm or corporation shall:

e) import, possess or store for purposes of distribution, transport, sell, exchange, barter, or distribute, whether for profit or for ostensibly nonprofit purposes, "double-dead" meat, "botcha," or any meat taken from any food Animal that has died of disease, regardless of whether such meat has previously passed ostensibly as Fresh Meat or has previously been cleared inspection processes, custom duties, and other national or local inspection and approval, which meat can cause illness of any degree and form to humans, lethal or non-lethal, endemic or non-endemic, or which can otherwise spread such diseases to humans or society at large, regardless of whether such meat is actually consumed, kept, or handled in any manner, including meat infested with foot and mouth disease (FMD), ill-quarantined meat or meat products, and meat derived from carcasses which otherwise ought to be disposed by burial, burning, or by appropriate methods of destruction under existing laws, and rules and regulations."

SEC. 2. Section 56 ("Administrative Fines") of Chapter XIV of the same Act ("Penalties and Sanctions") is likewise substituted and amended in its entirety, to henceforth read as follows:

"Section 56. Criminal and Administrative Liability. Any person, natural or juridical, foreign or domestic, found to have violated any of the provisions of this Act shall be subject to the penalty of imprisonment for a period of not less than six (6) months but not exceeding one (1) year, and a fine of not less than two-hundred fifty thousand pesos (P250,000.00) but not exceeding two million pesos (P2,000,000.00). If the violator is a juridical entity as defined under Philippine laws, or defined under the laws of its home state or place/s of business, including its representatives, agents, or offices wherever situated, 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 the provisions of this Act. Any person, natural or juridical, foreign or domestic, who/which assists, cooperates, or conspires in the commission of violations as defined in this Act shall be subject to the graduated penalties based on the aforementioned penalties, taking into consideration their participation and culpability under the regime of the Revised Penal Code.

The Secretary, by way of regulation, shall issue a schedule of administrative fines for the violation of any provision of this Act. When the Secretary finds, *motu proprio* or upon complaint, that a person, natural or juridical, holding a license to operate business, has violated any of the provisions of this Act, the Secretary is hereby authorized to revoke such license/s to operate business after notice and hearing, which proceeding shall be summary in nature, except in instances where the continued operation of such business causes imminent danger to public health in which case the Secretary may immediately revoke such license, subject to subsequent hearing.

In determining imposable penalty/ies, the Court, Secretary, or appropriate agency shall take into consider the nature and extent of the business, its market reach, and the extent to which it is syndicated or organized in its conduct of illegal operations both foreign and domestic.

SEC. 3. Severability Clause. — In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

SEC. 4. Repealing Clause. All laws, presidential decrees, letters of instructions, executive orders, administrative orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed or modified accordingly.

SEC. 5. Effectivity. This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,