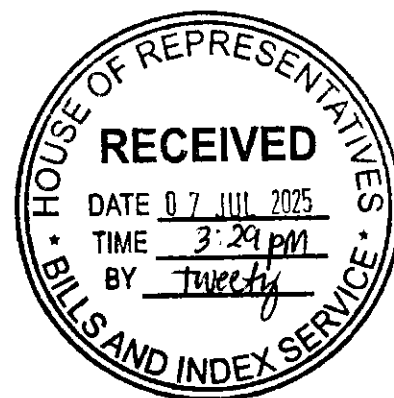




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **1477**



Introduced by Representative Crispin Diego “Ping” D. Remulla

AN ACT
TO PROTECT FILIPINOS FROM THE HARMFUL EFFECTS OF TRANS-FATTY
ACIDS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution mandates that “The State shall protect and promote the right to health of the people and instill health consciousness among them.” This provision ensures that the physical well-being of all Filipinos is safeguarded and that the government should foster greater awareness about healthy living.

Trans fats are found in many everyday products like margarine, fried and baked goods, and snack foods. Some trans fats occur naturally in meat and dairy, but many are man-made through a process called hydrogenation. However, studies have shown that trans fats are detrimental to health. According to the World Health Organization (WHO), eating food with trans fat raises the risk of dying from any cause by 34%, increases deaths from heart disease by 28%, and raises the chances of getting heart disease by 21%. It also says that more than 278,000 people around the world die every year because of industrially produced trans fats. However, even with all these, it was found that trans fat has no health benefits at all.

In the Philippines, the same problem is happening. A 2023 study by the Department of Science and Technology – Food and Nutrition Research Institute (DOST-FNRI) tested 564 food products sold in stores and markets. They found that 17% of these products had too much

trans fat. This exceeds the safe limit. Unfortunately, most of these are ready-to-eat and readily available, which means many people, including children, may be consuming more trans fats than they realize. Furthermore, heart disease is still one of the leading causes of death in the country, and trans fat plays a significant role in that. Removing it from our food supply is a simple, cost-effective step toward a healthier population.

In 2021, the Department of Health (DOH) issued Administrative Order 39, which limits the amount of trans fat allowed in food. The Food and Drug Administration (FDA) also stepped in by banning the use of partially hydrogenated oils and requiring food labels to clearly show trans fat content through FDA Circular No. 2021-028. These were necessary steps, but they were issued only as department orders, not as a law. With this, we need to institutionalize this so that there will be A law that ensures consistent enforcement, stronger compliance, and better public health for all.

This measure seeks to ban the use of trans fat and partially hydrogenated oils in all food products. It will also prohibit misleading labels that falsely claim a product is “trans-fat-free” when it still contains harmful amounts of trans fat.

In view of the foregoing, the approval of this measure is earnestly sought.



CRISPIN DIEGO “PING” D. REMULLA



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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the "*Trans Fat Free Philippines Act.*"

SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. The State recognizes the right of people to safe and nutritious food, free from substances like trans-fatty acids (TFA) that increase their risk of contracting deadly diseases.

The State shall prioritize health promotion and preventive care as it progresses towards universal health care. In this regard, the State shall protect Filipinos from the threat of death and diseases linked to TFA consumption by progressively removing industrially-produced TFA from the food supply.

SEC. 3. *Definitions of Terms.* – For the purposes of this Act, the following terms shall be defined as follows:

- (a) "*Certificate of Product Registration*" (CPR) an authorization issued by the Food and Drug Authority (FDA) for specific health products including food, after evaluation and approval of submitted registration requirements.

- (b) "*Distributor*" means any person to whom a consumer product is delivered or sold for purposes of distribution in commerce, but excluding the manufacturer or retailer of such product. Distributors may be importers, exporters, traders and wholesalers.
- (c) "*Food*" any substance or product, whether processed, partially processed or unprocessed that is intended for human consumption. It includes drinks, chewing gum, water and other substances that were used as an ingredient or a component in the manufacture, preparation or treatment of food, such as oils and fats, whether sold alone or Incorporated in processed food and/or prepackaged food.
- (d) "*Food Service Establishment*" means any establishment that prepares, serves, markets, sells, or offers for sale, food or drink to be consumed within the establishment or taken out.
- (e) "*Healthy Alternative Oils, Fats, and Oilseeds*" oils, fats, and oilseeds rich in polyunsaturated fatty-acids or monounsaturated fatty-acids and with low levels of saturated fatty-acids.
- (f) "*Importer*" the consignee or the Philippine agent or representative of a foreign owner or consignee of raw materials, ingredients and/or finished products at the time of entry of such article into the Philippines.
- (g) "*Industrially-Produced TFA*" trans-fatty acids created as a byproduct when fats and oils are modified by the use of industrial processing techniques.
- (h) "*License to Operate*" (LTO) a license granted by the FDA to establishments involved in the manufacturing, packaging, repackaging, importation, exportation, distribution, and retailing of processed foods, drugs, medical devices, in vitro diagnostic reagents, cosmetics, and household hazardous substance products.
- (i) "*Manufacturer*" means any person who manufactures, assembles or processes food products, including any person who attaches one's own brand name to a consumer product manufactured, assembled, or processed for them. In the case of imported products, the manufacturer's representatives or, in their absence, the importer shall be deemed the manufacturer.
- (j) "*Micro, small and medium enterprise*" (MSME) any business activity or enterprise engaged In industry, agribusiness and/or services, whether single proprietorship, cooperative, partnership or corporation whose total assets, inclusive of those arising from loans but exclusive of the land on which the particular business entity's office, plant and equipment are situated, and must have value falling under the following categories: (i) Micro: not more than P3/000,000; (ii) Small: P3,000,001 -

1 15,000,000; and (iii) Medium: P15,000,001 - P100,000,000. The above definitions
2 shall be subject to review and adjustments by the Micro, Small and Medium
3 Enterprises Development (MSMED) Council under Section 6 of RA 9501 or the
4 Magna Carta for Micro, Small and Medium Enterprises, or upon recommendation
5 of sectoral organizations concerned, taking into account inflation and other
6 economic indicators.

7 (k) "*Partially Hydrogenated Oil*" (PHO) fat or oil that has been hydrogenated, but not
8 to complete or near complete saturation, and with an iodine value greater than 4, as
9 determined by a method that is suitable for this analysis.

10 (l) "*Prepackaged Food*" processed food prepared in advance and placed in a container,
11 labelled and ready for sale or distribution, or for catering purposes.

12 (m) "Processed Food" any food that has been subjected to any action that substantially
13 alters the initial raw materials or product or ingredients.

14 (n) "*Retailer*" any establishment that sells or offers to sell any food product directly to
15 the general public.

16 (o) "*Trans-fatty acids*" (TFA) all fatty acids with a double bond in the trans
17 configuration, regardless of whether they are produced industrially or come from
18 ruminant sources.

19 **SEC. 4. *Scope of Application.*** – This Act shall apply to all food business operators as
20 defined under Republic Act No. 10611 or the Food Safety Act.

21 **ARTICLE II**

22 **ROLES AND RESPONSIBILITIES**

23 **SEC. 5. *Lead Agency.*** – The Department of Health (DOH) shall be responsible for
24 ensuring that the provisions of this Act are implemented. As lead agency, the DOH shall
25 perform the following functions:

26 (a) Convene and lead the inter-agency TFA Task Force composed of the following
27 agencies for the Implementation of this Act:

28 I. National Nutrition Council (NNC);

29 II. FDA;

30 III. Department of the Interior and Local Government (DILG);

31 IV. Department of Trade and Industry (DTI);

32 V. Department of Science and Technology (DOST);

33 VI. Department of Agriculture (DA);

34 VII. Department of Finance; and

- VIII. Other agencies identified by the DOH;
- (b) Issue policies, rules, regulations and standards for the implementation of this Act;
- and
- (c) Oversee and monitor the implementation of this Act.

SEC. 6. *Assistance and Capacity Building for Local Implementation and Enforcement.* –The FDA, in coordination with DILG and other relevant agencies, shall strengthen the capacity of local government units (LGUs) in implementing and enforcing the provisions of this Act with regard to prepackaged and processed food produced and marketed in traditional markets and food service establishments.

The FDA shall assist LCDs in regulating food service establishments, upon request of the LGU. Such assistance shall include the use of laboratories for testing and the sharing of information relevant to products registered with the FDA.

SEC. 7. *Research and Development.* – The DOST shall:

- (a) Conduct continuing research to identify and develop Healthy Alternative Oils and food products such as:

- I. Healthy Alternative Oilseeds through crop diversification programs and agricultural research, in coordination with the DA;
- II. Healthy oils and fats through the application of oil modification techniques and other methods; and
- III. Healthy food products through product reformulation, research and development; and

- (b) In coordination with the FDA, develop or adopt technology to reduce the cost of TFA testing.

SEC. 8. *Oilseeds Crop Diversification.* – The DA shall implement an oilseeds crop diversification program and conduct continuing research and development to support the production of Healthy Alternative Oilseeds in coordination with DOST.

SEC. 9. *Trainings and Seminars on Reformulation.* – The DOH, in coordination with FDA, DTL, DOST-Philippine Council for Health Research and Development, DOST-Food and Nutrition Research Institute (DOST-FNRI), DILG, and the Technical Education and Skills Development Authority, shall conduct trainings and seminars for food business operators and food service establishments on the reformulation of food products to comply with the provisions of this Act, and the use of health alternatives of oils.

ARTICLE III

PROHIBITED ACTS

SEC. 10. *Prohibition on the Manufacture, Importation, Distribution, and Sale of PHOs and Oils and Fats with High TFA Content.* – The manufacture, importation, distribution and sale of the following are prohibited:

- (a) PHOs to be consumed alone or used in the preparation of food products;
- (b) Oils and fats made or blended with PHOs; and
- (c) Oils and fats with TFA content of more than 2g per 100g.

No registration, license, or permit shall be issued to any food manufacturer, importer, or distributor that manufactures, imports, distributes, or sells food in violation of this provision.

SEC. 11. *Prohibition on the Manufacture, Importation, Distribution, and Sale of Processed and Prepackaged Food with PHOs and High TFA Content.* – The manufacture, importation, distribution, and sale of the following are prohibited:

- (a) Processed and prepackaged food prepared with PHOs, including food prepared by food service establishments;
- (b) Processed and prepackaged food prepared with oils and fats made or blended with PHOs, including food prepared by food service establishments; and
- (c) Processed and prepackaged food with TFA content of more than 2g per 100g of total fat.

No registration, license, or permit shall be issued to any food manufacturer, importer, or distributor for any processed or prepackaged food manufactured, imported, distributed, or sold in violation of this provision.

SEC. 12. *Prohibition on Trans-fat Free Claims.* – Claims on the packaging, labelling, marketing, or advertising that a food product is TFA-free are prohibited.

A TFA free claim is any claim that states or suggests that the food product does not contain TFA, such as "Trans Fat Free," with "0g Trans Fat" or any other similar claim.

SEC. 13. *Material Misrepresentation.* – Any material misrepresentation with regard to the requirements mandated by the FDA in the application for a CPR shall be a ground for the imposition of appropriate penalties prescribed under this Act. For purposes of this Act, there is material misrepresentation when the applicant makes a false representation of a material fact in the application for a CPR, tending directly to induce the FDA to grant the application when otherwise it will be denied.

ARTICLE IV

ENFORCEMENT

SEC. 14. *Enforcement Agencies.* – The FDA and LGUs shall be responsible for the enforcement of this Act with regard to the following food products:

1 (a) Processed and prepackaged food - The FDA shall enforce the provisions of this Act
2 in relation to prepackaged and processed food, including oils and fats, whether
3 domestic or imported.

4 (b) Food produced and marketed in traditional markets and food service establishments
5 - The LGUs shall enforce the provisions of this Act with regard to prepackaged and
6 processed food produced and marketed in traditional markets and food service
7 establishments within their jurisdiction.

8 **SEC. 15. *Inspection Powers and Record-Keeping.*** – The FDA, through its authorized
9 agents, shall have the power to inspect the premises and records of food manufacturers to
10 determine compliance with this Act. The FDA shall issue guidelines on record-keeping and
11 inspection procedures.

12 **SEC. 16. *Enforcement Procedure for Processed and Prepackaged Food.*** – The
13 existing rules of procedure in administrative proceedings of the FDA shall apply in the handling
14 of cases and violations committed under this Act with regard to processed and prepackaged
15 food.

16 **SEC. 17. *Enforcement for Traditional Markets and Food Service Establishments.*** –
17 LGUs, through an appropriate issuance, shall establish a mechanism to enforce the provisions
18 of this Act with regard to prepackaged and processed food produced and marketed in traditional
19 markets and food service establishments within their jurisdiction and shall impose penalties for
20 violations thereof.

21 **SEC. 18. *Civil Society Participation in Monitoring and Surveillance.*** – The FDA shall
22 implement programs encouraging citizen participation in the conduct of post-market
23 monitoring and surveillance of TFA content in food and reporting violations of this Act. For
24 this purpose, the FDA shall develop and publicize a web-based, user-friendly consumer
25 complaints portal to encourage citizen participation.

26 **ARTICLE V**

27 **FINES AND PENALTIES**

28 **SEC. 19. *Administrative Penalties.*** – The following administrative penalties shall be
29 imposed on food business operators found to be in violation of Sections 10, 11, and 12 of this
30 Act:

31 (a) For the first violation, a fine of not less than Fifty Thousand Pesos (P50,000.00) but
32 not more than One Hundred Thousand Pesos (P100,000.00) and suspension of the
33 CPR and/or LTO for one (1) month;

(b) For the second violation, a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) and suspension of CPR and/or LTO for three (3) months; and

(c) For the third violation, a fine of not less than Two Hundred Thousand Pesos (P200,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00). Suspension of CPR and/or LTO for one (1) year or revocation of the CPR, LTO, and other relevant licenses and permits.

The following administrative penalties shall be imposed on food business operators found to be in violation of Section 13 of this Act:

(a) For the first violation, a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Two Hundred Thousand Pesos (P200,000.00) and suspension of the CPR and/or LTO one (1) year; and

(b) For the second violation, a fine of not less than Two Hundred Thousand pesos (P200,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00) and revocation of CPR and/or LTO.

The imposition of fines shall take into consideration the annual gross sales, capital investment, and employee size of the food business operator.

SEC. 20. Imprisonment. – In addition to administrative penalties, the following penalties of imprisonment may be imposed on food business operators:

(a) For violations under Sections 10,11, and 12, imprisonment of not less than one (1) month but not more than six (6) months; and

(b) For violations under Section 13, imprisonment of not less than six (6) months but not more than one (1) year.

Criminal and administrative actions for violations of this Act may be instituted separately and independently from one another. Should the offense be committed by a juridical person, the Chair of the Board of Directors, the President, General Manager, or the partners and/or the persons directly responsible therefor shall be penalized.

If the offender is an alien, he shall be deported after service of sentence and payment of fine without further deportation proceedings.

In case the violation is committed by, or in the interest of, a foreign juridical person duly licensed to engage in business in the Philippines, such license to engage in business in the Philippines shall immediately be revoked.

The above penalties shall not preclude the Imposition of applicable penalties by LGUs, and any other sanctions under applicable laws, rules, and regulations.

SEC. 21. *Other Penalties.* – In addition to the foregoing fines and penalties, the following sanctions may also be imposed:

- (a) Seizure and condemnation, destruction and/or appropriate disposition of noncompliant food products by the FDA; and/or
- (b) Closure of the establishment by the LGUs having jurisdiction.

ARTICLE VI

TFA TESTING AND ENFORCEMENT CAPACITY

SEC. 22. Accredited Laboratories and Testing Centers. – The FDA and the DTI-Philippine Accreditation Board (PAB) shall jointly accredit public and private laboratories capable of testing TFA content in food. The FDA and DTI-PAB shall develop, issue, and publish accreditation procedures and qualification requirements for testing facilities within six (6) months from the effectivity of this Act. The FDA shall adopt mechanisms to reduce the cost of TFA testing in all accredited laboratories and testing centers.

SEC. 23. *Regional Laboratories and Testing Centers.* – Regional laboratories and testing centers shall assist LGUs in monitoring and enforcing the provisions of this Act within their respective jurisdictions as provided in Section 14.

SEC. 24. *Resources and Manpower.* – The FDA shall determine and ensure the sufficient number of resources and manpower needed for the implementation of this Act.

In coordination with DOST, the FDA shall ensure that all FDA and DOST regional laboratories have the equipment and resources to conduct testing of TFA content in food.

In coordination with relevant agencies, the FDA shall determine and ensure the adequacy of personnel trained on TFA regulation, testing, monitoring and surveillance.

SEC. 25. *Duty-free Importation of TFA Testing Equipment.* – The Importation of laboratory equipment for testing TFA shall be exempt from payment of customs duties and taxes.

ARTICLE VII

INCENTIVES FOR REPLACING TFA

SEC. 26. *Early Compliance Incentives for MSMEs.* – The DTI and LGUs, through their business processes and licensing offices, shall develop and implement policies and programs providing incentives for MSMEs to encourage early voluntary compliance with this Act.

SEC. 27. *Expedited Processing for CPR Applications on Reformulated Products.* – The FDA shall expedite the assessment of new CPR applications for food products reformulated in compliance with this Act.

1 **SEC. 32. *Appropriations and Use of Fees, Charges, and Penalties.*** – The initial
2 amount necessary for the implementation of this Act shall be charged against the current
3 appropriation of all concerned agencies. Such funds necessary for the continued
4 implementation of this Act shall be included in the annual General Appropriations Act.

5 All fines and fees that may be collected from the enforcement of this Act
6 shall be used exclusively for its implementation.

7 **SEC. 33. *Conflict of Interest.*** – Pursuant to the fundamental objective of this Act to
8 advance public health, the implementation and enforcement of this Act and the development
9 of related policies shall promote multisectoral coordination while safeguarding against
10 potential conflicts of interest.

11 **SEC. 34. *Separability Clause.*** – If any provision or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
13 valid and subsisting.

14 **SEC. 35. *Repealing Clause.*** – Any law, presidential decree or issuance, executive
15 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
16 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

17 **SEC. 36. *Effectivity Clause.*** – Notwithstanding the non-issuance of the IRR, this Act
18 shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a
19 newspaper of general circulation.

Approved,