

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2712

HOUSE OF REPRESENTATIVES

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BILLS AND INDEX SERVICE

Introduced by REPRESENTATIVE ARTHUR C. YAP

EXPLANATORY NOTE

The flooding of markets with “double dead” meat, or in the vernacular, “*botcha*”, has been a staple of news reports lately. This has raised a great level of concern as the adulterated meat poses unreasonable risk of injury and health hazards to the consuming public.

The National Meat Inspection Service (NMIS) and its deputized Local Government Unit (LGU) partners, while being very vigilant in inspecting, pursuing, apprehending and filing criminal cases against these unscrupulous “hot meat” vendors, dealers and importers complain of the lack of teeth of the existing law. Thus, there is no deterrent for this new brand of criminals.

The law in issue is Republic Act No. 9296 or the National Meat Inspection Code. And indeed, the said law is very weak in terms of penalties for violations of prohibited acts thereof.

Under Section 56 of said law, the Secretary of Agriculture is merely empowered to issue a schedule of administrative fines. R. A. 9296 does not provide for a schedule of criminal penalties.

Presently, the NMIS files criminal complaints, not for violation of R. A. 9296, but of Article 18 of R. A. 7394, also known as the Consumer Act. The said article prohibits the manufacture for sale, offer for sale, distribution in commerce or importation into the Philippines of any consumer product that is not in conformity with an applicable consumer product quality or safety standard.

However, the said law imposes a mere fine of not less than P1,000 but not more than P10,000. Depending on the discretion of the court, an imprisonment of not less than two months but not more than one year may

also be imposed. Thus, usually, the persons charged plea guilty, in exchange for the imposition of the penalty of fine only and without imprisonment.

Moreover, the enumerated prohibited acts under R. A. 9296 are incomplete. Under Section 48 to 54, the prohibited acts are non compliance with requirements for slaughter of food animal, or meat or meat product preparation; sale and transport of carcasses or parts thereof, meat or meat product without prior inspection; illegal printing of official marks; forging or counterfeiting of official certificates; absence of ante-mortem inspection; interference in the conduct of inspection; and, importation without veterinary quarantine clearance.

There is no specific prohibition for the sale, distribution, transport, storage of “hot meat” or adulterated meat and meat products.


Finally, while R. A. 9296 prohibits the trading by the NMIS or deputized LGU meat inspectors of meat and meat products, there is no penalty if such persons conspire with the “hot meat” dealer in selling or distributing his meat products.

Under this measure, R. A. 9296 is sought to be amended as follows:

- As to the prohibited acts:
 - for the first offense to impose imprisonment of 6 months to 1 year, and/or fine from P10,000 to P50,000 and 30 day suspension of NMIS accreditation;
 - for the second offense, imprisonment of 1 year to 6 years, and/or fine from P50,000 to P100,000.00, and 60 day suspension of NMIS accreditation;
 - for the subsequent offenses, imprisonment from 6 to 12 years and/or fine from no P100,000 to P500,000 and permanent revocation of the NMIS accreditation;
- The act of selling, distributing, transporting and storing adulterated meat, meat products, carcasses, or parts thereof, shall be penalized with 6 to 12 years and/or fine from no P100,000 to P500,000 and permanent revocation of the NMIS accreditation;
- A person whose NMIS accreditation has been revoked shall not be allowed to be have new accreditation, whether under another name or as proprietor, partner, stockholder, officer or director of another entity;
- Any officer or employee of the NMIS, the deputized LGU, the Bureau of Customs or any other public official, found guilty of being in conspiracy with or abetting any person found guilty of violating any provision of this act, shall suffer the same criminal penalties as the said person.

In these trying economic times, when even small discounts for basic needs would entice consumers, even to the point of compromising their own health security, despicable traders of these "hot meat" would thrive. There is thus an impending need to stop them.

This draft measure, which was previously filed as House Bill No. 194 in the Sixteenth Congress by the undersigned, would go a long way in deterring these criminals. It is in this view that the immediate passage of the bill is earnestly sought.



ARTHUR C. YAP
Representative

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Introduced by REPRESENTATIVE ARTHUR C. YAP

AN ACT
PRESCRIBING HIGHER PENALTIES FOR THE SALE,
DISTRIBUTION, TRANSPORT AND STORAGE OF
HOT MEAT, AND OTHER ADULTERATED MEAT AND
MEAT PRODUCTS, CARCASSES OR PARTS THEREOF
AND OTHER PROHIBITED ACTS, AMENDING FOR
THE PURPOSE PERTINENT SECTIONS OF REPUBLIC
ACT NO. 9296, OTHERWISE KNOWN AS THE
NATIONAL MEAT INSPECTION CODE, AND FOR
OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Anti Hot
2 Meat Act of 2016”.

3 **SECTION 2. *Declaration of Policy.*** – It is hereby declared the policy
4 of the State to impose higher penalties to deter the sale, distribution,
5 transport and storage of hot meat and other adulterated meat and meat
6 products, and to provide utmost the protection for the consuming public.

7 **SECTION 3. *Amendment of the National Meat Inspection Code.*** –
8 Section 56 of Republic Act No. 9296, otherwise known as the National Meat
9 Inspection Code, is hereby amended to read as follows:

1 Penalties and Sanctions

2 SECTION 56. *Administrative Fines AND*

3 **CRIMINAL PENALTIES.** — The Secretary, by way of
4 regulation, shall issue a schedule of administrative fines for
5 violations of any provision of this Act.

6 IN ADDITION TO THE ADMINISTRATIVE FINES,
7 ANY PERSON FOUND GUILTY OF VIOLATING ANY OF
8 THE PROVISIONS OF THIS ACT SHALL BE PUNISHED
9 WITH:

10 a. FOR THE FIRST OFFENSE, IMPRISONMENT
11 RANGING FROM SIX (6) MONTHS TO ONE (1)
12 YEAR, OR FINE RANGING FROM TEN THOUSAND
13 PESOS (P10,000.00) TO FIFTY THOUSAND PESOS
14 (P50,000.00), OR BOTH, AT THE DISCRETION OF
15 THE COURT, AND SUSPENSION OF NMIS
16 ACCREDITATION FOR A PERIOD OF THIRTY (30)
17 DAYS;

18 b. FOR THE SECOND OFFENSE, IMPRISONMENT
19 RANGING FROM ONE (1) YEAR AND ONE (1) DAY
20 TO SIX (6) YEARS, OR FINE RANGING FROM NO
21 MORE THAN FIFTY THOUSAND PESOS
22 (P50,000.00) TO ONE HUNDRED THOUSAND
23 PESOS (P100,000.00), OR BOTH, AT THE
24 DISCRETION OF THE COURT, AND SUSPENSION

1 OF NMIS ACCREDITATION FOR A PERIOD OF SIX
2 (6) MONTHS;

3 c. FOR THE THIRD AND SUBSEQUENT OFFENSES,
4 IMPRISONMENT RANGING FROM SIX (6) YEARS
5 AND ONE (1) DAY TO TWELVE (12) YEARS, OR
6 FINE RANGING FROM NO MORE THAN ONE
7 HUNDRED THOUSAND PESOS (P100,000.00) TO
8 FIVE HUNDRED THOUSAND PESOS (P500,000.00),
9 OR BOTH, AT THE DISCRETION OF THE COURT,
10 AND PERMANENT REVOCATION OF THE NMIS
11 ACCREDITATION.

12 THE ACT OF SELLING, DISTRIBUTING,
13 TRANSPORTING AND STORING ADULTERATED MEAT,
14 MEAT PRODUCTS, CARCASSES, OR PARTS THEREOF,
15 SHALL BE PENALIZED WITH IMPRISONMENT
16 RANGING FROM SIX (6) YEARS AND ONE (1) DAY TO
17 TWELVE (12) YEARS, OR FINE RANGING FROM NO
18 MORE THAN ONE HUNDRED THOUSAND PESOS
19 (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS
20 (P500,000.00), OR BOTH, AT THE DISCRETION OF THE
21 COURT, AND PERMANENT REVOCATION OF THE NMIS
22 ACCREDITATION

23 IF THE ESTABLISHMENT IS A JURIDICAL
24 PERSON, THE PENALTY OF IMPRISONMENT SHALL BE
25 IMPOSED AGAINST THE RESPONSIBLE OFFICER.

1 A PERSON, NATURAL OR JURIDICAL, OR A
2 PROPRIETOR, PARTNER, STOCKHOLDER, OFFICER OR
3 DIRECTOR OF AN ENTITY, WHOSE NMIS
4 ACCREDITATION HAS BEEN REVOKED UNDER
5 PARAGRAPH C HEREOF, SHALL NOT BE ALLOWED TO
6 BE GRANTED A NEW NMIS ACCREDITATION,
7 WHETHER UNDER ANY OTHER NAME OR AS
8 PROPRIETOR, PARTNER, STOCKHOLDER, OFFICER OR
9 DIRECTOR OF ANY OTHER ENTITY.

10 IN ADDITION TO VIOLATION OF THE
11 PROVISIONS OF REPUBLIC ACT NO. 3019, OR THE ANTI
12 GRAFT AND CORRUPT PRACTICES ACT, AS
13 AMENDED, AND OTHER RELATED LAWS, ANY
14 OFFICER OR EMPLOYEE OF THE NMIS, THE
15 DEPUTIZED LOCAL GOVERNMENT UNIT, THE
16 BUREAU OF CUSTOMS OR ANY OTHER PUBLIC
17 OFFICIAL, FOUND GUILTY OF BEING IN CONSPIRACY
18 WITH OR ABETTING ANY PERSON FOUND GUILTY OF
19 VIOLATING ANY PROVISION OF THIS ACT, SHALL
20 SUFFER THE SAME CRIMINAL PENALTIES AS THE
21 SAID PERSON.

22 **SECTION 4. *Separability Clause.*** - If any provision of this Act, or
23 any parts thereof, is declared unconstitutional, the same shall not affect the
24 validity and effectivity of the other portions.

1 **SECTION 5. *Repealing Clause.*** - All laws, executive orders,
2 presidential decrees, proclamations, rules, regulations, issuances and
3 enactments of parts thereof inconsistent with this Act are hereby repealed or
4 modified accordingly.

5 **SECTION 6. *Effectivity.*** - This Act shall take effect fifteen (15) days
6 from its complete publication in the Official Gazette or in a newspaper of
7 general circulation in the Philippines, whichever comes earlier.

APPROVED.