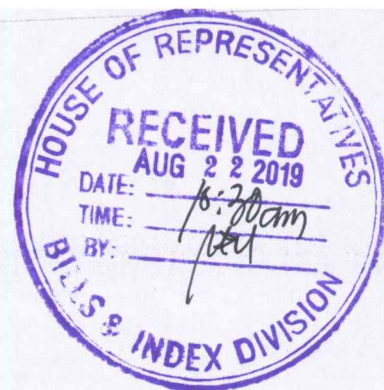


EIGHTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez*

House Bill No. **4102**

EXPLANATORY NOTE

Republic Act No. 10611, otherwise known as the "Food Safety Act of 2013", is a general law which vests upon the Department of Health/Food and Drug Administration jurisdiction over processed meat products, among others.

Prior to its enactment, jurisdiction over processed meats was exercised by the National Meat Inspection Service (NMIS) under the Department of Agriculture.

Jurisdiction over processed meats was transferred from DA/NMIS to DOH/FDA on February 20, 2015 under a Joint DA-DOH Administrative Circular detailing the implementing rules and regulations of the Act.

FDA jurisdiction is derived from a broad provision of RA No. 10611 which gives it responsibility for the "safety of processed and prepackaged foods" as provided in Section 15 (b) Art. V of the said Act.

Unfortunately however, the said provision caused the unintended, indirect and implied repeal or amendment of the charter of NMIS, specifically Section 5 of RA 9296 as amended. RA 9296, also known as the "Meat Inspection Code of the Philippines", is a special law which created NMIS for the sole purpose of regulating meats and meat products.

Section 5 of RA 9296 vests NMIS with the power and responsibility to be the "sole national controlling authority on all matters pertaining to meat and meat product inspection and meat hygiene" as a specialized regulatory agency attached to the Department of Agriculture.

The transfer of jurisdiction has led to confusion and complaints by stakeholders in the meat processing industry who pointed out that they now have become overregulated as they have to simultaneously deal with two regulatory agencies in the manufacture of meat products.

To illustrate the incongruity of dual jurisdictions in a simple meat processing facility: The cold storage and the preparation area where frozen meat raw materials are thawed and prepared for processing, are under the jurisdiction of NMIS; a few meters away in the same building are the manufacturing and packaging areas which are under the supervision and control of FDA. After packing, the finished products which are under FDA are then moved and kept in cold storage under NMIS prior to delivery to customers.

By way of reference, in other jurisdictions such as the US Department of Agriculture after which many of our food safety policies are patterned, supervision and control over meats and meat products rest with the Food Safety Inspection Service of the USDA, not with FDA.



When it comes to certification of facilities that they are compliant with good manufacturing practices or with food safety protocols and the like, the issue of who issues which certification becomes muddled.

Certifications are usually issued for the whole facility, not just for portions of it. Should the issuer be NMIS or FDA?

Taking cognizance of the problem, in 2016, the Department of Agriculture under then Secretary Emmanuel Pinol and the Department of Health under Secretary Paulyn Rosell-Ubial signed a joint memorandum asking the President to defer the transfer of jurisdiction over processed meats from NMIS to FDA.

However, the Office of the President advised that since the transfer had already been effected, it would be best for both agencies to just ask Congress to amend the Food Safety Act.

Stakeholders also pointed out that under the set-up, another bureaucratic layer has been added which is not in consonance with the recently passed RA 11032, otherwise known as the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018".

The meat processing industry has been steadfastly asking the government to simplify regulations and unify control and supervision over their sector.

This Amendment aims to do just that by restoring jurisdiction over processed meats to NMIS under the Department of Agriculture.

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



RUFUS B. RODRIGUEZ

EIGHTEENTH CONGRESS                    )  
REPUBLIC OF THE PHILIPPINES        )  
First Regular Session                    )

HOUSE OF REPRESENTATIVES

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*Introduced by Representative Rufus B. Rodriguez*

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House Bill No. 4102

AN ACT

AMENDING SECTIONS 15 AND 16 OF ARTICLE V OF RA NO. 10611, OTHERWISE  
KNOWN AS THE "FOOD SAFETY ACT OF 2013"

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

SECTION 1. Section 15 subsections (a) and (b) of RA No. 10611, otherwise known as the  
"Food Safety Act of 2013", hereinafter referred to as the "Act" are hereby amended to read  
as follows:

"SEC. 15. Principal Responsibilities of Government Agencies – xxxxx

"(a) The DA shall be responsible for food safety in the primary  
production, post harvest stages of food supply, ***and in the  
processing and distribution of meat and meat products whether  
locally produced or imported;***

"(b) The DOH shall be responsible for the safety of processed and  
prepackaged foods, ***except processed meat products;*** foods locally  
produced or imported under this category and the conduct of  
monitoring and epidemiological studies on food-borne illnesses;

xxxxx

SEC. 2. Section 16 subsection (c) of this Act is hereby amended to read as follows:

"SEC. 16. Specific Responsibilities of the Department of Agriculture – xxxx

"(c) The National Meat Inspection Service (NMIS), for meats ***and  
processed meat products;***

SEC. 3. If, for any reason, any provision of this Act is declared to be unconstitutional or  
invalid, the other sections or provisions hereof which are not affected shall continue to be in  
full force and effect.

SEC. 4. All laws, decrees, executive orders and other administrative issuances and parts  
thereof which are inconsistent with the provisions of this Act are hereby deemed repealed,  
amended or modified accordingly.

SEC. 5 This Act shall take effect after fifteen (15) days from its publication in the Official  
Gazette or in two newspapers of general circulation.

Approved,