

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



House Bill No. **3792**

Introduced by Rep. BERNADETTE R. 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 *botcha* 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


BERNADETTE R. 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:

x x x x

e) import, possess or store for purposes of distribution, transport, sell,
exchange, barter, or distribute, whether for profit or for ostensibly non-
profit 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."

42
43 **SEC. 2.** Section 56 ("Administrative Fines") of Chapter XIV of the same Act
44 ("Penalties and Sanctions") is likewise substituted and amended in its entirety, to
45 henceforth read as follows:
46

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

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

74 In determining imposable penalty/ies, the Court, Secretary, or
75 appropriate agency shall take into consider the nature and extent of the
76 business, its market reach, and the extent to which it is syndicated or
77 organized in its conduct of illegal operations both foreign and domestic.
78

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

82 **SEC. 4. Repealing Clause.** - All laws, presidential decrees, letters of instructions,
83 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,