

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

'04 JUN 30 P12:01

SENATE
S. NO. 52

RECEIVED BY: 

Introduced by Senator Juan M. Flavier

EXPLANATORY NOTE

Technology has indeed wrought magnificent developments in our time. Most of these developments started in developed countries, like the United States, and have been introduced in developing countries, like the Philippines. While these technologies have enormously benefited our country, some may be harmful to us as a people- to our health, environment and even to our patrimonial right to our natural resources.

One such technological wonder is the one used in Genetically Modified Organisms (GMOs), also referred to as Transgenics. GMOs are manifested in plants., animals, or organisms that have been genetically altered (or engineered, manipulated) to express specific traits that do not occur naturally.

By the end of 1997, 48 transgenic crop products, involving 12 crops and 6 traits, were approved for commercialization in several countries worldwide. Some agricultural products exhibiting the GMO technology are potatoes, corn, rice, soybeans, canola, or rapeseed, tobacco, cotton, and tomato.

There is already some information on food products in the market that contain GMOs. Some brands cited include Kikkoman soy sauce, Pringles potato chips, Fritos corn-based chips, and such infant formulas, as Insomil and Enfamil Prosbee sold in the US. The leading countries in the GMO technology are the USA, China Argentina, Canada, Australia, Japan and Mexico, which incidentally are sources of most of our agricultural imports.

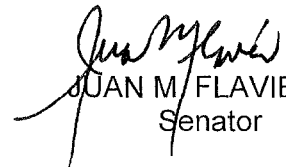
While production of GMOs is fast increasing, as demonstrated by the increasing land area planted to GMO varieties in the above cited countries, the debate on whether GMOs are harmful to human health or not has also been equally fierce. Several implications of GMOs, going even to extent of banning them. Several cases are being cited that GMOs have caused allergy and have the potential of destroying antibiotics beneficial effects on humans. The GMO technology highly utilizes antibiotics in its engineering process.

The debate going on in developed countries point to the fact that GMOs prose a lot of uncertainties to human health. And while the debate

has been raging on, food and food products coming into the country through imports may contain GMOs or maybe products of GMO technologies. Some reports indicate that even some institutes in the Philippines are embarking on field experimentation on the GMO technology, with the assistance of multinational agri-business companies.

This legislative proposal acknowledges the fact that the Philippines lacks the necessary laws and regulations to address the GMO and GMO technology issue, particularly on the health aspect. This bill therefore aims to provide the necessary consumer protection against the uncertainties of GMO and GMO technology produced food and food products.

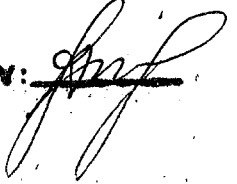
Early approval of this bill is earnestly sought.


JUAN M. FLAVIER
Senator

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**AN ACT
REQUIRING THE MANDATORY LABELING OF FOOD
AND FOOD PRODUCTS CONTAINING GENETICALLY-MODIFIED
ORGANISMS, INCLUDING THOSE PRODUCED BY GENETIC
ENGINEERING TECHNOLOGIES, AMENDING FOR THE
PURPOSE REPUBLIC ACT THREE THOUSAND SEVEN HUNDRED
AND TWENTY, OTHERWISE KNOWN AS THE FOOD, DRUGS,
AND COSMETICS ACT AND REPUBLIC ACT SEVEN
THOUSAND AND THREE HUNDRED NINETY FOUR,
OTHERWISE KNOWN AS THE CONSUMER'S ACT OF THE
PHILIPPINES AND FOR OTHER PURPOSES.**

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

Section 1. Declaration of Policy – It is hereby declared the policy of the State to protect and promote the right to health of the people and to instill health consciousness among them. It shall endeavor to provide to the Filipino people safe and healthy food and food products that will not put their health at risk and place the environment in jeopardy, resulting from fast-paced developments in food manufacturing that utilizes the process and products of genetic engineering technologies.

Section 2. Mandatory Labeling of Food and Food products containing Genetically Modified Organisms. – It is hereby declared that food and food products containing genetically-modified organisms, including those produced by genetic engineering technologies shall be

labeled in accordance with the provisions of this Act and the existing regulations issued by the concerned department.

Section 3. Minimum Labeling Requirements – Article seventy-seven (77) of Republic Act Seven thousand Three Hundred Ninety Four (RA7394), otherwise known as the Consumers' act of the Philippines Is hereby amended to contain the following provision:

Art. 77. Minimum Labeling Requirements for Consumer Products-
All consumer products domestically sold whether manufactured locally or imported shall indicate the following in their respective labels of packaging:

- a) XXXXXXXXX
- b) XXXXXXXXX
- c) XXXXXXXXX
- d) XXXXXXXXX
- e) Its genera make or active ingredients , INDICATING PARTICULARLY WHETHER IT CONTAINS GENETICALLY-MODIFIED ORGANISMS OR IS A PRODUCT OF GENETIC ENGINEERING TECHNOLOGIES;
- f) XXXXXXXXX

g) XXXXXXXXX

h) XXXXXXXXX

The following may be concerned department in accordance with the rules and regulations they will promulgate under authority of this act:

a) XXXXXXXXX

b) XXXXXXXXX

c) Warning of toxicity AND ALLERGENICITY ESPECIALLY IF IT CONTAINS GENETICALLY-MODIFIED ORGANISMS OR IS A PRODUCT OF GENETIC ENGINEERING TECHNOLOGIES;

d) XXXXXXXXX

e) XXXXXXXXX

Section 4. Additional Labeling Requirements – Article Eighty Four (84) of Republic Act Seven Thousand Three Hundred ninety four (RA 7394), otherwise known as the Consumers' Act of the Philippines is hereby amended to contain the following provision:

Art. 84. The concerned department for food and FOOD PRODUCTS shall impose additional labeling requirements;

a) XXXXXXXXXXXX

b) Whether the consumer product is NATURAL OR UNPROCESSED, WITH GENETICALLY MODIFIED ORGANISMS OR PROCESSED USING GENETIC ENGINEERING TECHNOLOGIES, semi-processed, fully processed, ready-to-cook, ready-to-eat, prepared food or just plain mixture.

c) XXXXXXXXXXXX

Section 5. **Misbranded Food** – Section 15 (section 15) of Republic Act Three Thousand Seven Hundred twenty (RA 3720), otherwise known as the Food, Drug, and Cosmetic Act is hereby amended to contain the following provision:

Section 15 Misbranded Food- A food shall be deemed misbranded:

a) XXXXXXXXXXXX

b) XXXXXXXXXXXX

c) If it is an imitation of another food, unless its label bears in types of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated AND IF IT PURPORTS OR CLAIMS TO BE A NATURALLY-GROWN/FRESH FOOD OR FOOD PRODUCT WHEN IT IS IN FACT CONTAINING GENETICALLY-MODIFIED ORGANISMS OR IS A PRODUCT OF GENTIC ENGINEERING TECHNOLOGIES;

d) XXXXXXXXXXXX

e) If in a package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, distributor: and (2) an accurate statement of the quantity of the contents in terms of weight, measure, numerical count: Provided, that the under clause (2) of this paragraph reasonable variations shall be permitted, and exemption as to small packages shall be established, by regulation prescribed by the secretary BUT NOT IN THE CASE OF FOOD OR FOOD PRODUCTS CONTAINING GENETICALLY-MODIFIED ORGANISMS OR THOSE PRODUCED FROM THE GENETIC ENGINEERING TECHNOLOGIES;

f) XXXXXXXXXXXX

g) XXXXXXXXXXXX

h) XXXXXXXXXXXX

i) XXXXXXXXXXXX

j) XXXXXXXXXXXX

k) XXXXXXXXXXXX

l) IF IT BEARS OR CONTAINS ANY GENETICALLY MODIFIED ORGANISM OR IS PRODUCED FROM GENTIC ENGINEERING

TECHNOLOGIES, UNLESS IT BEARS LABELING STATING THAT FACT.

Section 6 Inapplicability of Regulations-Making Exemptions – due to the urgent and extreme public necessity of this Act and the need to keep the public adequately informed and to preserve the right of consumers to choose. The power of the Secretary to make exemptions to the regulation as specified in the Consumer Act of the Philippines and the Food, Drug and Cosmetic Act is hereby rendered inapplicable unless it can be shown that public order, public health and public safety are not in jeopardy with its actual application and implementation

Section 7 Penalties – any person who shall violate any provision of this Act or its implementing rules and regulations shall upon conviction be subject to a fine of not less than one hundred thousand (100,000) pesos and imprisonment ranging from six years and one day to twelve years or both, at the discretion of the court.

In case of judicial persons, the penalty shall be imprisonment upon its president, manager or head. If the offender is an alien, he shall, after payment of fine and serving his term of conviction be deported without need of any other proceedings.

Section 8 Implementing Rules and Regulations – the Secretary, in consultation with the concerned business and industry representatives, government agencies, civil society organizations, shall promulgate the necessary regulation for the effective implementation of this act.

Section 9 **Separability Clause**- if any provision of this act or the application thereof to any person or circumstance is held invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected hereby.

Section 10 **Effectivity Clause** – this Act shall take effect fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

Approved.