

THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session }

SEP -9 1921

SENATE

Senate Bill No. 1763

Introduced by Senator Madrigal

EXPLANATORY NOTE

In light of current advances and developments in the field of biotechnology, the food that we human beings currently consume is atypical due to the fact that such is no longer produced the traditional way.

Through the process of genetic engineering, where the genetic makeover of materials are manipulated via biochemical techniques so as to imbue the same with specific genes producing desired traits – genetically modified organisms (GMOs) are thus “engineered” so as to produce higher crop yields, reducing crop losses to insects, disease and pos-harvest storage problems, and enhancing its nutritional value.

However, in producing such GMOs, it is beyond contestation that some of the genes or components introduced to provide the mentioned results are “foreign” in the sense that they are taken or sourced from “non-food” organisms. Typically expressed at high levels, is it likewise uncontroverted that unexpected interactions do occur between such “foreign genes” and the genes of the host organisms which, as a result, creates new toxins or allergens, or modifies the concentration of existing ones *inter alia*.

In view of the same, more and more evidences are arising which reflects the existence of potential risks in consuming such GMOs as food. For as advanced as the technology in genetic engineering may seem, it nevertheless admits that it is still deficient in accurately predicting the long-term impacts such GMOs has on human health.

Hence, in light of the policy of the State embodied in Article II Section 15 of the 1987 Philippine Constitution which provides that, “the State shall protect and promote the right to health of the people and instill health consciousness among them” – it is imperative that the precautionary measure of informing consumers that food products they are purchasing contains or is composed of GMOs and likewise, of the potential risks consuming the same begets be undertaken.

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


M.A. MADRIGAL

THIRTEENTH CONGRESS OF THE }
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34 SEP -9 2:13

SENATE

1763

Senate Bill No. _____

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

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

1 SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the
2 State to protect and promote the right to health of the people and to instill health
3 consciousness among them. It shall also protect and advance the right of the people to
4 a balanced and healthful ecology in accord with the rhythm and harmony of nature.
5 To this end, the State shall endeavor to provide to the Filipino people safe and
6 healthy food and food products that will not put their health at risk and place the
7 environment in jeopardy as a result of fast-paced development in food manufacturing
8 that utilizes the process and products of genetic engineering technologies.

9 SEC. 2. *Mandatory Labeling of Food and Food Products Containing Genetically*
10 *Modified Organisms.* – It is hereby declared that food and food products containing
11 genetically modified organisms as well as those produced by genetic engineering

1 technologies shall be labeled in accordance with the provisions of this Act and the
2 existing regulations issued by the concerned department.

3 SEC. 3. *Minimum Labeling.* – Article 77 of Republic Act No. 7394, otherwise
4 as the Consumers Act of the Philippines, is hereby amended to read as follows:

5 “ART. 77. *Minimum Labeling Requirements for Consumer*
6 *products.* – All consumer products domestically sold whether
7 manufactured locally or imported shall indicate the following in their
8 respective labels of packaging:

- 9 a) its correct and registered trade name or band name;
- 10 b) its duly registered trademark;
- 11 c) its duly registered business name;
- 12 d) the address of the manufacturer, importer, re-packer of the
13 consumer product in the Philippines.
- 14 e) Its general make or active ingredients, INDICATING
15 PARTICULARLY WHETHER IT CONTAINS
16 GENETICALLY-MODIFIED ORGANISMS OR IS A
17 PRODUCT OF GENETIC ENGINEERING
18 TECHNOLOGIES;
- 19 f) The net quantity of contents, in terms of weight, measure or
20 numerical count rounded to at least the nearest tenths in the
21 metric systems;
- 22 g) Country of manufacture, if imported; and
- 23 h) Is a consumer product is manufactured, refilled or repacked
24 under license from a principal, the label shall so state the
25 fact.”

1 “The following may be required by the concerned department
2 in accordance with the rules and regulations they will promulgate
3 under authority of this Act:

- 4 a) whether it is flammable or inflammable;
5 b) directions for use, if necessary;
6 c) warning of toxicity, AND ALLERGICITY ESPECIALLY IF
7 ITS CONTAINS GENETICALLY-MODIFIED
8 ORGANISMS OR IS A PRODUCT OF GENETIC
9 ENGINEERING TECHNOLOGIES;
10 d) wattage, voltage or amperes; or
11 e) process of manufacture used, ESPECIALLY IF IT
12 INVOLVES GENETIC ENGINEERING
13 TECHNOLOGIES.

14 “Any word, statement or other information required by or
15 under authority of the preceding paragraph shall appear on the label or
16 labeling with such conspicuousness as compared with other words
17 statements, designs or devices therein, and in such terms as to render it
18 likely to be read and understood by the ordinary individual under
19 customary conditions of purchase and use.”

20 “The above requirements shall form an integral part of the label
21 without danger of being erased or detached under ordinary handling of
22 the product.”

23 SEC. 4. *Additional Labeling Requirements.* – Article 84 of Republic Act No. 7394,
24 otherwise known as the Consumers Act of the Philippines, is hereby amended to read
25 as follows:

26 “ART. 84. *Additional Labeling requirements for Food AND*
27 FOOD PRODUCTS – The following additional labeling

1 requirements shall be imposed by the concerned department for food
2 AND FOOD PRODUCTS:

- 3 a) expiry or expiration date, where applicable;
- 4 b) whether the consumer product is NATURAL OR
5 UNPROCESSED, WITH GENETICALLY-MODIFIED
6 ORGANISMS OR PROCESSED USING GENETIC
7 ENGINEERING TECHNOLOGIES, semi-processed, fully
8 processed, ready-to-cook, ready-to-eat, prepared food or just
9 plain mixture;
- 10 c) nutritive value, if any;
- 11 d) whether the ingredients used are natural, [or] synthetic, OR
12 CONTAINING GENETICALLY-MODIFIED
13 ORGANISMS OR PROCESSED FROM GENETIC
14 ENGINEERING TECNOLOGIES, as the case may be;
- 15 e) such other labeling requirements as the concerned
16 department may deem necessary and reasonable.”

17 ~~SEC. 5. *Misbranded Food*~~ – Section 15 of Republic Act No. 3720, otherwise
18 known as the Food, Drugs and Cosmetic Act, is hereby amended to read as follows:

19 “SEC. 15. *Misbranded Food*. – A food shall be deemed
20 misbranded:

- 21 a) if its labeling is false or misleading in any particular;
- 22 b) it is offered for sale under the name of another food;
- 23 c) if it is an imitation of another food, unless its label bears in
24 types of uniform size and prominence, the word “imitation”
25 and, immediately thereafter, the name of the food imitated
26 AND IF IT PURPORTS OR CLAIMS TO BE A
27 NATURALLY-GROWN/FRESH FOOD OR FOOD

1 PRODUCT WHEN IT IS IN FACT CONTAINING
2 GENETICALLY-MODIFIED ORGANISMS OR IS A
3 PRODUCT OF GENETIC ENGINEERING
4 TECHNOLOGIES;

5 d) if its container is so made, formed or filled as to be
6 misleading;

7 e) if in package form unless it bears a label containing (1) the
8 name and place of business of the manufacturer, packer,
9 distributor; and (2) an accurate statement of the quantity of
10 the contents in terms of weight, measure, numerical count:

11 *Provided,* That under clause (2) of this paragraph reasonable
12 variations shall be permitted, and exemptions as to small
13 packages shall be established, by regulations to be prescribed
14 by the Secretary BUT NOT IN CASE OF FOOD OR
15 FFOR PRODUCTS CONTAINING GENETICALLY-
16 MODIFIED ORGANISMS O THOSE PRODUCED
17 FROM GENETIC ENGINEERING TECHNOLOGIES;

18 f) if any word, statement, or other information required by or
19 under authority of this Act to appear on the label or labeling
20 is not prominently placed thereon with such
21 conspicuousness (as compared with other words, statements,
22 designs, or devices in the labeling), and in such terms as to
23 render it likely to be read and understood by the ordinary
24 individual under customary conditions of purchase and use;

25 g) If it purports to be or is represented as a food for which a
26 definition and standard of identity has been prescribed
27 unless (1) it conforms to such definitions and standard, and

1 (2) its label bears the name of the food specific in the
2 definition and standard, in so far as may be required by such
3 regulations, the common names of optional ingredients
4 (other than spices, flavoring, and coloring) present in such
5 food;

6 h) If it supports to be or is represented as –

7 1. a food for which a standard of quality has been
8 prescribed by regulations as provided by Section
9 thirteen (SEC 13), and its quality falls below such
10 standard, unless its label bears, in such manner and
11 form as such regulations specify, a statement, that it falls
12 below such standard; or

13 2. a food for which a standard of fill of container have
14 been prescribed by regulations as provided by Section
15 thirteen (SEC 13) and it falls below standard of fill of
16 container applicable thereto, unless the label bears, in
17 such manner and form as such regulations specify,
18 statement that it falls below such standard.

19 i) if is not subject to the provisions of paragraph (g) if this
20 section unless its label bears (1) the common or usual name
21 of the food, if there be any, and (2) in case it is fabricated
22 from two or more ingredients, the common or usual name
23 of the ingredients; except that spices, flavorings and
24 colorings, other than those sold as such, may be designated
25 as spices, flavorings and colorings without naming each;
26 *Provided,* That to the extend that compliance with the
27 requirements of clause (2) of this paragraph is impracticable

1 or deception or unfair competition, exemptions shall be
2 established by regulations promulgated by the Secretary;

3 j) If it is not subject to the provisions of paragraph (g) of this
4 section unless its label bears the common or usual name of
5 the food, if there be any, and (2) in case it is fabricated from
6 two or more ingredients, the common or usual name of each
7 such ingredient; except that spices, flavorings and colorings,
8 other than those sold as such, may be designated as spices,
9 flavorings or colorings without naming each: *Provided*, That
10 to the extent that compliance with the requirements of
11 clause (2) of this paragraph is impracticable or deception or
12 unfair competition, exemptions shall be established by
13 regulations promulgated by the Secretary;

14 k) If it bears or contains any artificial flavoring, artificial
15 coloring, or chemical preservatives, unless it bears labeling
16 stating that fact: *Provided*, That to the extent that
17 compliance with the requirements of this paragraph or
18 paragraphs (g) and (l) with respect to artificial coloring shall
19 not apply in the case of butter, cheese or ice cream.

20 l) IF IT BEARS OR CONTAINS ANY GENETICALLY-
21 MODIFIED ORGANISM (S) OR IS PRODUCED
22 FROM GENETIC ENGINEERING TECHNOLOGIES,
23 UNLESS IT BEARS LABELING STATING THAT
24 FACT.”

25 --SEC. 6. *Inapplicability of Regulation-Making Exemptions.* – Due to the urgent
26 and extreme public necessity of this Act and the need to keep the public adequately
27 and to preserve the right of the consumers to choose, the power of the Secretary to

1 make exemptions to the regulations as specified in the Consumer Act of the
2 Philippines and the Food, Drugs and Cosmetic Act is hereby rendered inapplicable
3 unless it can be shown that public order, public health and public safety is not placed
4 in jeopardy with its actual application and implementation.

5 SEC. 7. *Penalties.* – Any person who shall violate any provision of this Act or
6 its implementing rules and regulations shall upon conviction, be subject to a fine of
7 not less than one hundred thousand pesos (P100,000.00) and imprisonment ranging
8 from six years and one day to twelve years, or both, subject to the discretion of the
9 Court.

10 SEC. 8. *Implementing Rules and Regulations.* – The Secretary, in consultation
11 with the concerned business and industry representatives, government agencies, civil
12 society organizations and peoples organizations, shall promulgate the necessary
13 regulations for the effective implementation of this Act.

14 SEC. 9. *Repealing Clause.* – All laws, decrees, orders, rules and regulations,
15 policies, programs or parts thereof, that are inconsistent with any of the provisions of
16 this Act, are hereby repealed, amended or modified accordingly.

17 SEC. 10. *Separability Clause.* – If for any reason, any section or provisions of
18 this Act is declared to be unconstitutional or invalid, the other sections or provisions
19 hereof, which are not affected hereby, shall continue in full force and effect.

20 SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days following its
21 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,