

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
FIRST REGULAR SESSION)

5 MAR -1 1942

RECEIVED BY: _____

SENATE
S.B. No. 1942

Introduced by Senator Magsaysay, Jr.

EXPLANATORY NOTE

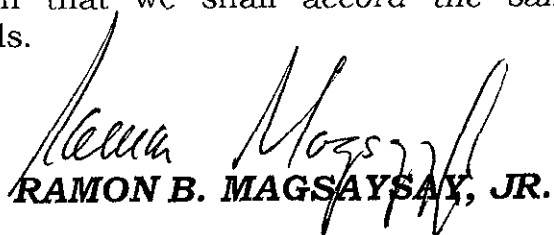
Food is a basic necessity of man. It nourishes. It sustains. It invigorates.

Aside from food production, the assurance that it is safe and protected from any harmful substance or spoilage is man's perennial quest for healthy living. To achieve this objective, the Philippine Legislature is submitting for enactment a policy measure which recognizes the importance of food technologists in nation building. As visioned in this bill, the country would develop and nurture competent, virtuous, productive, and well-rounded professional food technologists, whose standards of practice and service shall be excellent, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and through regulatory measures, programs and activities that foster their continuing professional growth.

Under this bill, it updates and redefines the practice of food technology' as "as not being limited to, the specification of raw materials and supervision of their procurement; supervision of production product quality assurance; quality control; quality improvement and product evaluation; including the evaluation of the microbiological, physical, chemical, and functional properties of food, and the conduct of basic and applied research towards development and/or improvement of the safety and quality of food toward products. It shall also include teaching, lecturing and reviewing of subjects in Food Technology.

The other salient provisions of this policy measure as follows:

- The creation of a Board composed of a Chairperson and two (2) Members who shall be appointed by the President of the Philippines from a list three (3) recommendees for each position recommended by the PRC and those submitted by the integrated and accredited association of food technologists
- It adapts the food technologists profession to the requirements of the modern age;
- The provision for foreign reciprocity which allows a food technologist from the Philippines to practice their profession overseas on the condition that we shall accord the same privilege to foreign nationals.


RAMON B. MAGSAYSAY, JR.

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AN ACT
PROVIDING FOR THE REGISTRATION, LICENSURE AND PRACTICE
OF FOOD TECHNOLOGY IN THE PHILIPPINES, PROVIDING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

ARTICLE 1
TITLE, STATEMENT OF POLICY, AND DEFINITION OF TERMS

SECTION 1. Title - This Act shall be known as the "**Philippine Food Technology of 2005.**"

SEC. 2. Statement of Policy - The State recognizes the importance of food technologists in nation building. Hence, it shall develop and nurture competent, virtuous, productive, and well-rounded professional food technologist, whose standards of practice and service shall be excellent, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and through regulatory measures, programs and activities that foster their continuing professional growth.

SEC. 3. Definition of Terms - As used in this Act, the following terms shall mean:

- a. *Food Technology* is the application of the physical, biological and behavioral sciences to the conversion of raw materials into safe, stable, palatable and nutritious foods. It includes the processes of handling, storage, processing, packaging, distribution and utilization of food;
- b. *Food Technologist* refers to a person qualified to practice and technology as provided in this Act and who is a holder of a valid certificate of registration and a valid professional license issued by the Professional Regulatory Board of Food Technology and the Professional Regulation Commission;
- c. *The Scope Of The Practice of Food Technology* within the meaning and intent of this Act shall include, but not be limited to, the specification of raw materials and supervision of their procurement; supervision of production product quality assurance; quality control; quality improvement and product evaluation; including the evaluation of the microbiological,

physical, chemical, and functional properties of food, and the conduct of basic and applied research towards development and/or improvement of the safety and quality of food products. It shall also include teaching, lecturing and reviewing of subjects in Food Technology.

ARTICLE II CREATION OF THE PROFESSIONAL REGULATORY BOARD OF FOOD TECHNOLOGY

SEC. 4. Creation and Composition of the Board - There is hereby created a Professional Regulatory Board of Food Technology, hereinafter called the Board, under the administrative supervision of the Professional Regulation Commission, hereinafter referred to as the Commission, to be composed of a Chairperson and two (2) Members who shall be appointed by the President of the Philippines from a list of three (3) recommendees for each position recommended by the Commission, from a list of five (5) nominees for each position chosen and ranked by the integrated and accredited association of food technologists. The Board shall be organized not later than six (6) months the effectivity of this act.

SEC. 5. Powers and Functions of the Board - The Board shall have the following powers and functions:

- a. Promulgate, administer and enforce rules and regulations necessary for carrying out the provisions of this Act;
- b. Supervise and regulate the registration, licensure and practice of food technology in the Philippines;
- c. Administer oaths in connection with the administration of this Act;
- d. Adopt an official seal of the Board;
- e. Maintain a roster of food technologists indicating therein the basic information about the registered professionals;
- f. Issue, reinstate, suspend or revoke the certificate of registration and/or professional license or cancel special permits for the practice of food technology;
- g. Monitor the conditions affecting the practice of food technology and adopt such measures as may be deemed proper for the enhancement of the profession and/or the maintenance of high professional, ethical and technical standards;
- h. Ensure, in coordination with the Commission on Higher Education (CHED), that all educational institutions offering food technology education comply with the policies, standards and requirements of the course prescribed by CHED in the areas of curriculum, faculty, library and facilities;

- i. Prescribe and/or adopt a Code of Ethics and a Code of Technical Standards for the practice of food technology;
- j. Hear or investigate any violation of this Act, its implementing rules and regulations and the Code of Ethics for food technologists as shall come to the knowledge of the Board, and for this purpose, to issue *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith: Provided, That the decision of the Board shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of judgment or decision;
- k. Prescribe guidelines and criteria in the Continuing Professional Education (CPE) program for food technologists;
- l. Adopt a program for the full computerization of the licensure examination;
- m. Prepare, adopt and issue the syllabi of the subjects for examinations by determining and preparing the questions which shall strictly be within the scope of the syllabus of the subject for examination;
- n. Grant registration without examination subject to approval by the Commission;
- o. Issue special permits to persons admitted to the practice of food technology for a specific duration of time, and certificates of recognition for advanced studies researches and accomplishments that contribute to the enrichment of the profession;
- p. Discharge such other powers and functions as the Board may deem necessary for the practice of the profession and the upgrading, enhancement, development and growth of food technology in the Philippines.

The policies, resolution, rules and regulations, orders or decision issued or promulgated by the Board shall be subject to the review and approval of the Commission.

SEC. 6. Qualifications of the Chairman and Members of the Board - The Chairman and Members of the Board shall, at the time of their appointment, possess the following qualifications:

- a. Must be a natural born citizen and resident of the Philippines for the last five years;
- b. Must be a holder of a Bachelor of Science in Food Technology degree as conferred by a school, college or university in the Philippines or abroad whose food technology program is recognized by CHED;

- c. Must be a duly registered food technologist under this Act, with a valid certificate of registration and professional license and has been in the active practice of the profession in the Philippines for at least five years prior to his appointment;
- d. Must be a member in good standing of the integrated and accredited association of food technologists;
- e. Must not have any pecuniary interest, directly or indirectly, in any school, academy, college, university or institution conferring an academic degree necessary for admission to the practice of food technology or where review classes in preparation for the licensure examination are being offered or conducted, nor shall he be a member of the faculty or of the administration thereof at the time of his appointment to the Board; and
- f. Must not have been convicted by any competent court of an offense involving moral turpitude.

SEC. 7. Term of Office - The Chairman and members of the Board shall hold office for a term of three (3) years or until their successors shall have been appointed and duly qualified: *Provided*, That members of the first appointed Board shall hold office for the following terms: One (1) member as chairman for three (3) years, one (1) member for two (2) years and one (1) member for one (1) year.

The chairman or member of the Board may be reappointed for another term but in no case shall he serve continuously for more than six (6) years. Any vacancy in the Board be filled for the unexpired portion of the term only. Each member of the board shall automatically be registered as food technologist and issued certificate of registration and professional license and shall take the proper oath of office prior to assumption of duty.

SEC. 8. Compensation and Allowance of the Board - The Chairman and Members of the Board shall receive compensation and allowances comparable to that being received by the Chairmen and Members of existing regulatory boards under the Commission as provided for in the General Appropriations Act.

SEC. 9. Removal of Board Members - Any vacancy in the Board shall be filled for the unexpired portion of the term only.

The Chairperson or any member of the Board may be suspended or removed by the President of the Philippines upon the recommendation of the Commission for neglect of duties, incompetence, malpractice, commission or tolerance of irregularities in any examination given by the Board, or manipulation or rigging of the said examination's or tampering of questions prior to the conduct of the said examinations or tampering of grades, unprofessional or unethical conduct, after due notice and hearing where his right to be heard, to defend himself and to be assisted by counsel shall be respected in a proper administrative investigation, or final judgment involving criminal offense.

SEC. 10. Supervision of the Board, Custodian of its Records, Secretariat and Support Services - The Board shall be under the administrative supervision of the Commission. All records of the Board, including applications for examination papers and results, minutes of deliberation, administrative cases, and other investigations involving food technologists shall be kept by the Commission.

The Commission shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

SEC. 11. Annual Report - The Board shall, at the close of each calendar year, submit an annual report to the Commission, giving detailed account of its proceedings and accomplishments during the year and recommending measures to be adopted, with the end in view of upgrading and improving the conditions affecting the practice of food technology in the Philippines.

ARTICLE III EXAMINATION AND REGISTRATION

SEC. 12. Licensure Examination - Except as otherwise provided in this Act, every applicant seeking to be a registered and licensed food technologist shall undergo an examination to be given by the Board in such places and dates as the Commission may designate.

SEC. 13. Qualification for Examinations - An applicant for the licensure examination for food technologist shall establish to the satisfaction of the Board that:

- a. He is a citizen of the Philippines or a foreigner whose country has a reciprocity agreement with the Philippines;
- b. He has not been convicted of an offense involving moral turpitude;
- c. He must be a graduate of a Bachelor of Science in Food Technology degree from a school, college or university in the Philippines or abroad whose food technology program is recognized by the Commission on Higher Education.

SEC. 14. Scope of Examination - The licensure examination shall cover the following subjects:

- a. Physical, Chemical, Biological and Microbiological Principles
- b. Food Processing, Preservation and Food Engineering
- c. Quality Evaluation of Food
- d. Food Laws and Regulations

The Board may revise or exclude any of the above subjects and add new ones in case a need arise.

SEC. 15. Release of the Results of Examination - The Board and the Commission shall correct and rate the licensure examination

papers and shall release the examination results within ten days after the said examination.

SEC. 16. Ratings in the Examination - To pass the licensure examination, a candidate for food technologist must obtain a passing rating of seventy five percent (75%) in each subject given during the examination. *Provided, However,* that, a candidate who obtains a passing rating in the majority of the subjects but obtains a rating in the other subjects/s below seventy five percent (75%) but not lower than sixty percent (60%), shall be allowed to take one removal examination on the subjects/s where he failed to obtain the passing rating. *Provided, Finally,* that should the examinee fail to obtain a passing rating in the removal examination, he shall be considered as having failed the entire licensure examination.

SEC. 17. Issuance of the Certificate of Registration and Professional License - A certificate of registration shall be issued to examinees who pass the licensure examination for food technologists subject to payment of fees prescribed by the Commission. The certificate of registration shall bear the signature of the Chairman of the Commission and the Members of the Board, stamped with the official seal, indicating that the person named therein is entitled to practice the profession with all the privileges appurtenant thereto. This certificate shall remain in full force and effect until revoked or suspended in accordance with this Act.

A professional license bearing the registration number, date of issuance, expiry date, duly signed by the Chairman of the Commission, shall likewise be issued to every registrant who has paid the required registration fees. This license will serve as evidence that the licensee can lawfully practice his profession until the expiration of its validity.

SEC. 18. Refusal to Register - The Board shall not register any successful examinee who has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or has been found guilty of immoral or dishonorable conduct after investigation by the Board, or has been declared to be of unsound mind. The reason for the refusal shall be set forth in writing.

SEC. 19. Registration Without Examination - The Commission shall issue a certificate of registration and professional license to the Chairman and members of the first Board of Food Technology and to those who, on the date of the effectivity of this Act, have passed the examination for food technologists given by the Civil Service Commission.

The same privilege shall be granted to qualified applicants who shall apply for registration without taking the prescribed licensure examination and who are holders of a Bachelor's Degree in Food Technology or allied fields of Nutrition, Agriculture, Biochemistry or Molecular Biology, Chemistry, Fishery, Chemical Engineering, and who have been actively practicing the profession of food technology for a period of at least five (5) years immediately preceding the effectivity of this Act.

Qualified applicants shall file their applications in the form prescribed for the purpose no later than two (2) years from the date of the effectivity of this Act.

SEC. 20. Revocation or Suspension of the Certificate of Registration and Cancellation of Special Permit - The Board may, after giving proper notice of hearing to the party concerned, revoke the practitioner's certificate of registration or suspend him from the practice of his profession cancel his special permit for any professional or unethical conduct, malpractice, violation of any of the provisions of this Act, its rules and regulations, the Code of Ethics and the Code of Technical Standards for food technologists.

SEC. 21. Reinstatement, Reissuance or Replacement of Certificate of Registration and Professional License - Two years after the date of revocation, the Board may, upon application and for reasons deemed proper and sufficient, reinstate any revoked certificate of registration and reissue a professional license, and in so doing, may, in its discretion, exempt the applicant from taking another examination.

A new certificate of registration or professional license or special permit, to replace lost, destroyed or mutilated ones may be issued subject to the rules as implemented by the Board.

SEC. 22. Roster of Food Technologists - The Board shall prepare, update and maintain a roster of food technologists which shall contain the name of each registered food technologist, his residence and office addresses, the date of registration and issuance of certificates, and other data which the Board may deem pertinent. The roster shall be open to the public, copies of which shall be mailed to each person listed therein.

SEC. 23. Issuance of Temporary or Special Permits - Without prejudice to the requirements of existing laws on the practice by foreigners in the Philippines, the following foreigners may be issued temporary or special permits to practice food technology in the Philippines. Provided, However, that this practice of the profession shall be limited to the particular work for which they are commissioned: *Provided, Further*, that the said temporary or special permit shall be renewed every year:

- a. Food scientists or technologists called to the Philippines to provide consultancy services;
- b. Food scientists or technologists employed as exchange professors or instructors in recognized local schools, universities, colleges, or instructors to teach Food Science and Technology subjects; and
- c. Food scientists or technologists attached to international agencies or organizations assigned to perform certain work in the Philippines relative to the practice of food technology.

ARTICLE IV
PRACTICE OF FOOD TECHNOLOGY

SEC. 24. Prohibition on the Practice of Food Technology. - No person shall practice or offer to practice food technology in the Philippines or offer himself as food technologist, or use the title, word, letter, figure, or any sign tending to convey the impression that he is a food technologist or advertise or indicate in any manner whatsoever that he is qualified to perform the work of food technologist unless he has satisfactorily passed the licensure examination given by the Board, except as otherwise provided in this act, and is a holder of a valid certificate of registration and a valid professional license or a valid temporary/special permit duly issued to him by the Board and the Commission.

SEC. 25. Prohibited Acts - No person shall:

- a. engage in the practice of food technology by representing himself as a food technologist without a valid professional license or a valid certificate of registration, or a valid temporary/special permit granted by the Board pursuant to this Act;
- b. represent himself as a food technologist during the time that his professional license is not valid or that his certificate of registration has been suspended or revoked, or that his temporary/special permit is cancelled;
- c. allow anybody to use his certificate of registration and/or professional license or temporary/special permit as a food technologist to enable such unqualified individual to engage in the practice of food technology;
- d. use as his own the certificate of registration and/or professional license or special/temporary permit of another.

SEC. 26. Oath - All successful examinees or those allowed to register without licensure examination given by the Board and the Commission shall be required to take their oath before the Board or any member thereof and/or any official of the Commission or any person authorized by law prior to the practice of food technology.

Sec. 27. Code of Ethics and Code of Technical Standards for Food Technologists - The Board shall adopt and promulgate the Code of Ethics and Code of Technical Standards for food technologists prescribed and issued by the integrated and accredited national association of food technologists.

SEC. 28. Continuing Professional Education (CPE) Program - The CPE guidelines shall be prescribed and promulgated by the Commission upon consultation with the Board, which shall consult the integrated and accredited association of food technologists, affiliated association of food technologists, and other concerned sectors. The Board shall created a CPE Council that shall be composed of a chairman

coming from the Board, a member from the integrated and accredited association of food technologists and a member from the academe.

SEC. 29. Integration of Food Technologists -All food technologists shall be integrated into one (1) national organization, which shall be recognized by the Board and by the Commission as the one and only integrated and accredited association of food technologists. A food technologist duly registered with the Board shall automatically become a member of the integrated and accredited association of food technologists, and shall receive the benefits and privileges thereto, upon payment of the required fees and dues. Membership in the integrated and accredited association shall not be a bar to membership in other association of food technologists.

SEC. 30. Foreign Reciprocity - No foreign food technologist shall be admitted to the examination or be given a certificate of registration and a professional license or be entitled to any of the privileges under this Act unless the country of which he is a subject or citizen specifically permits Filipino food technologists to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

SEC. 31. Indication of License and Privilege Tax Receipt - The food technologist shall be required to indicate his registration/professional number and date of issuance, the duration of validity, including the privilege tax receipt number on the documents he signs, or issues in connection with the practice of his profession.

ARTICLE V FINAL PROVISIONS

SEC. 32. Funding Provision - Such sums as may be necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 33. Penal Provisions - Any person who shall violate any of the provisions of this Act or any of its implementing rules and regulations as promulgated by the Board subject to the approval of the Commission shall, upon conviction, be punished by a fine of not less than Forty Thousand Pesos but not more than One Hundred Fifty Thousand Pesos or by imprisonment of not less than (6) months nor more than four (4) years, or both, at the discretion of the court.

SEC. 34. Implementing Rules and Regulation - To implementing the provisions of this Act, the Board shall, subject to the approval of the Commission, promulgate the rules and regulations and the Code of Ethics for food technologists within thirty (30) days after the effectivity of this Act.

SEC. 35. Separability Clause - If any section or provision of this Act shall be declared invalid or unconstitutional, such shall not invalidate any other section or provision of this Act.

SEC. 36. Repealing Clause - All laws, decrees, orders, issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 37. Effectivity - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a major daily newspaper of national circulation whichever comes earlier.

Approved,