

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

6 JUL 31 1951

SENATE  
S. B. No. 2420

RECEIVED BY: Jay

---

Introduced by Senator Miriam Defensor Santiago

---

#### EXPLANATORY NOTE

Food safety, as defined by World Health Organization, pertains to "all conditions and measures that are necessary during the production, processing, storage, distribution and preparation of food to ensure that food is safe, sound, wholesome and fit for human consumption". Food is safe when it is free from biological, chemical or physical contaminant in amounts or levels that may represent a hazard to health.

Food, however, can be contaminated biologically, chemically and physically through improper production, storage, handling, preparation and service. Harmful bacteria, viruses, parasites and fungi (molds) cause biological or microbial contamination. These pathologic organisms may cause infection or intoxication. Chemical contamination occurs when substances such as cleaning compound, additives or pesticides get into food. Physical contamination occurs when hair, broken objects, metal shaving, dirt, etc., get into the food.

Food should thus be kept clean at all stages - from production to consumption. It is therefore of paramount importance that food establishments be required to observe sanitation standards in the procurement and preparation of food. The interest of the state is in protecting consumers who have no access nor control over the food they are served before they eat them.

This bill seeks to promote food safety and protect the people's health by requiring food establishments to comply with the sanitation standards that the Secretary of Health shall promulgate within sixty (60) days from the passage of this bill into law.

  
MIRIAM DEFENSOR SANTIAGO

HIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Third Regular Session )

6 JUL 31 P5:5

SENATE  
S. B. No. 2420

RECEIVED BY: July

---

Introduced by Senator Miriam Defensor Santiago

---

AN ACT  
REQUIRING FOOD ESTABLISHMENTS TO COMPLY WITH SANITATION  
STANDARDS

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

SECTION 1. *Short Title.* – This Act shall be known as the “Food Establishment Sanitation Act of 2006”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the general welfare of the people. Pursuant to this policy, this Act requires food establishments to comply with the sanitation standards that the Secretary of Health shall promulgate.

SECTION 3. *Definition of Terms.* – For purposes of this Act, the term:

- (A) “Commissary” means a central processing establishment where food is prepared for sale or service off the premises or by mobile vendor.
- (B) “Department” means the *Department of Health*.
- (C) “Food” means:
- (1) articles used for food or drink for people or other animals,
  - (2) articles used for components of any food or drink article, and
  - (3) chewing gum.
- (D) “Food business” means and includes any establishment or place, whether fixed or mobile, where food or ice is held, processed, manufactured, packaged, prepared, displayed, served, transported, or sold.

- (E) "Food service establishment" means any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial feeding establishment, private, public or nonprofit organization or institution routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.
- (F) "Mobile food service unit" means a unit that prepares and/or sells food products for direct consumption.
- (G) "Person" means any individual, firm, co-partnership, association, or private or municipal corporation.
- (H) "Processor" means one who combines, handles, manufactures or prepares, packages, and stores food products.
- (I) "Operator" in relation to food vending machines means any person who by contract, agreement, lease, rental, or ownership sells food from vending machines.
- (J) "Retail" means when eighty percent (80%) or more of sales are made directly to consumers.
- (K) "Retail peddler" means a food business which sells meat, seafood, and dairy products directly to the consumer, house to house or in a neighborhood.

SECTION 4. *Sanitary Regulations.* – Within sixty (60) days from the approval of this Act, the Secretary of Health shall promulgate rules and regulations relating to sanitation that he or she may deem advisable with reference to any food business and with reference to the premises, property, equipment, and utensils used in connection with any food business.

SECTION 5. *Food Businesses Required to Comply.* – No person shall operate any food business except in compliance with the provisions of this Act and the implementing rules and regulations adopted in accordance with this Act.

SECTION 6. *Prohibition against Sale of Food Not Handled in Compliance with Act; Confiscation.* – No person shall sell or possess with intent to sell for human consumption any food which has not been processed, transported, or sold in compliance with the provisions of this Act and the implementing rules and regulations adopted in accordance with this Act.

Any food which the director shall have reasonable cause to believe has not been processed, transported, or sold in compliance with the provisions of this Act and the implementing rules and regulations adopted in accordance with this Act may be confiscated.

SECTION 7. *Notice to Cease Business.* – Whenever the Secretary deems it necessary in the interests of public health to cause any food business to cease operating, he may do so by serving written notice upon the owner or manager of the food business; Provided, that before the notice is given the owner or manager shall have been given an opportunity to show cause why the food business should not cease operating.

Written notice to cease operating a food business shall remain in effect until the Secretary serves further notice permitting the resumption of operation of the food business.

SECTION 8. *Penalties.* – Any food establishment found guilty of violating Section 5 and 6 above shall be fined an amount not more than One Hundred Thousand Pesos (P100,000.00).

In addition, a penalty of imprisonment of *arresto mayor* may be imposed on the entity's responsible officers, including, but not limited to, the president, vice-president, chief executive officer, general manager, managing director or officer directly responsible therefore, if any of them are found to have knowingly consented to such sale or possession with intent to sell for human consumption any food which has not been processed, transported, or sold in compliance with the provisions of this Act and the rules and regulations adopted in accordance with this Act.

In both in cases, the court shall take into consideration all attending circumstances.

SECTION 9. *Businesses Exempt.* – The provisions of this Act shall not apply to the following:

- (A) Special events sponsored by city or town or nonprofit civic organizations such as, but not limited to, school sporting events, picnics, food booths, church suppers, and fairs;
- (B) Temporary food services which have a frequency of less than six (6) events a year such as bazaars, bake sales, and suppers;
- (C) Itinerant vendors and other food establishments that serve only commercially pre-packaged foods, beverages, and commercially precooked potentially hazardous foods requiring no manual handling of the food product;
- (D) Retail food businesses and food vending machines limited solely to selling or dispensing ice and/or non-perishable foods, including, but not limited to, gumballs, unopened bottled or canned beverages, and prepackaged candy, nuts, gum, popcorn, chips, pretzels, cookies, and crackers;

SECTION 10. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 11. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this act is hereby repealed, modified or amended accordingly.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

/rgs