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SENATE  
P.S.R. No. 211

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED PRESENCE OF HOUSEFLY MAGGOTS IN A CHICKEN DISH SERVED BY A FASTFOOD RESTAURANT, TO IMPOSE STRICTER PRODUCT QUALITY CONTROL AND SAFETY STANDARDS ON RESTAURANTS, FASTFOOD CHAINS, CANTEENS, AND OTHER ESTABLISHMENTS SERVING FOOD TO THE PUBLIC

WHEREAS, the Constitution, Article 2, Section 15, states: "The State shall protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, Republic Act No. 7394, otherwise known as the Consumer Act of the Philippines, Article 2 (a), states: "It is the policy of the State to protect the interests of the consumer, promote his general welfare and to establish standards of conduct for business and industry. Towards this end, the State shall implement measures to achieve the following objectives: (a) protection against hazards to health and safety";

WHEREAS, R.A. No. 7394, Article 20, states: "The State shall ensure safe and good quality of food, drugs, cosmetics and devices, and regulate their production, sale, distribution and advertisement to protect the health of the consumer";

WHEREAS, R.A. No. 7394, Article 23 (4), states: "A food shall be deemed to be adulterated: (4) if it has been prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby, it may have been rendered injurious to health";

WHEREAS, R.A. No. 7394, Article 40 (a), states: "The following acts and the causing thereof are hereby prohibited: (a) the manufacture, importation, exportation, sale, offering for sale, distribution or transfer of any food, drug, device or cosmetic that is adulterated or mislabeled";

WHEREAS, R.A. No. 7394, Article 159, states: "The concerned department may commence an investigation upon petition or upon letter-complaint from any consumer: *Provided*, That, upon a finding by the department of *prima facie* violation of any provisions of this Act or any rule or regulation promulgated under its authority, it may *motu proprio* or upon verified complaint commence formal administrative action against any person who appears responsible therefore. The department shall establish procedures for systematically logging in, investigating and responding to consumer complaints into the development of consumer policies, rules and regulations, assuring as far as practicable simple and easy access on the part of the consumer to seek redress for his grievances";

WHEREAS, last 5 October 2007, Mr. Arturo Ilagan Jr., a senior citizen, went to the author's office in Quezon City, to report about a "horrible experience" he had in Goldilock's, a fastfood chain with branches all over the country;

WHEREAS, in his written statement, Ilagan narrated that last 29 September 2007, he and his wife went to Goldilock's in Scout Borromeo, Quezon City to have their lunch; he ordered the restaurant's "value food" promotional item consisting of rice, pancit canton, chicken honey, and a drink;

WHEREAS, Ilagan noticed that the chicken looked "dry and black," but because he was really hungry, he started eating the drumstick; after taking a second spoonful of chicken meat, his wife noticed maggots crawling below his lips; his wife took the drumstick to look at it closely, and saw hundreds of "small, white worms" moving in and out the chicken meat;

WHEREAS, Ilagan immediately asked to speak to the restaurant manager, a certain Cathy Claravall; upon being shown the chicken drumstick with maggots, Claravall pierced the chicken meat with a pointed metal instrument, and more maggots came crawling out;

WHEREAS, upon Ilagan's request, Claravall gave him part of the chicken infested with maggots to serve as evidence and as specimen for testing by an independent laboratory technician;

WHEREAS, Claravall issued a filled-up form with the heading "acknowledgment letter for complaint: with product return," which states: "This is to acknowledge the receipt by this store of chix honey w/ worm you have returned today, Sept. 29. We shall investigate this matter to your fullest satisfaction. We wish to reassure you that Goldilocks is committed to provide products of the highest quality as we have been doing in the past"; the form was signed by Claravall, and Goldilocks staff members Roneco Peconio, Eric Pelayo, and Joiet de Vera;

WHEREAS, according to Ilagan, Claravall promised to have the chicken tested or examined for "other viruses, microbes and/or bacteria that could be harmful to human beings," and to promptly call him for the results of the examination;

WHEREAS, since no attempt was made by Claravall to bring or accompany Ilagan to a hospital, he went to his personal physician after leaving the restaurant; his doctor gave him anti-parasitic and anthelmintic tablets to kill all common worms in his system;

WHEREAS, on the following day, 30 September 2007, Goldilock's store managers Claravall and a certain Lei Sauson came to see Ilagan to apologize for the trouble he went through, and offered to reimburse him for his medical expenses;

WHEREAS, Ilagan told them that Goldilock's should come up with measures to improve their quality control system; he volunteered his services for free to help Goldilock's towards this end;

WHEREAS, Ilagan called up Goldilock's on 1 October 2007 to inquire whether his suggestions were taken up by the company's management; a certain area manager named Ortiz told him that the management vetoed his suggestions;

WHEREAS, on 2 October 2007, Ilagan filed a complaint with Barangay South Triangle, Quezon City against Goldilock's regarding the incident; the following day, he also filed a complaint with Quezon City health officer Dr. Antonieta V. Inumerable for selling adulterated food;

WHEREAS, Ilagan brought the infected chicken to the Natural Sciences Research Institute (NSRI) of the University of the Philippines for testing; in its service report dated 4 October 2007, the NSRI found the following: "The larvae were similar in characteristics to the larvae of housefly. The maggots were live and burrowing into the internal junction of the muscle and bone of the chicken leg. The presence of maggots presupposes the presence of previously laid eggs of the housefly on/in the chicken leg. The eggs hatched to maggots which in turn became pupae that hatch to young housefly. The presence of maggots in the flesh indicate[s] the

inadequacy of the low-temperature storage to keep the food material in safe and edible state”; the service report was signed by Sonia Sp. Bulaong, Vina B. Argayosa, Celia A. Cereno, and Maria Auxilia T. Siringan;

WHEREAS, an article on the whole incident was published by the *Manila Bulletin* on 8 October 2007, entitled “A citizen’s complaint”;


WHEREAS, incidents like this demonstrate the need to impose stricter product quality control and safety standards on restaurants, fastfood chains, canteens, and other establishments serving food to the public to protect the health of consumers;

WHEREAS, city and municipal health officers must also regularly hold inspections of restaurants, fastfood chains, canteens, and other establishments to ensure that the food they prepare and serve are not contaminated with filth, or are injurious to health;

WHEREAS, city and municipal health offices must implement mechanisms to better respond to and address consumer complaints against restaurants and other establishments which serve food unfit for human consumption and injurious to health;

WHEREFORE, it is hereby resolved by the Philippine Senate to direct the proper committee to conduct an inquiry, in aid of legislation, on the reported presence of housefly maggots in a chicken dish served by a fastfood restaurant, to impose stricter product quality control and safety standards on restaurants, fastfood chains, canteens, and other establishments serving food to the public.

Adopted,

  
MIRIAM DEFENSOR SANTIAGO

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