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SENATE

S. NO. 2085

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

This bill is submitted bearing in mind that it is the policy of the State to protect the interest of the people for clean, pure, and healthy food. Likewise, the recognition that the government must ensure compliance with international standards of good manufacturing and hygienic practices by institutionalizing a Halal System for food, non-food products and services is one way of fulfilling the commitment with the State policy. Most important of all is the fact that this bill is accorded in recognition in respect to the rich tradition and way of life of the Filipino Muslims.

Among the highlights of this legislation are as follows:

- The establishment of a Philippine Halal Accreditation and Regulatory Board which will be responsible for the formulation, drafting, management and implementation of programs relevant to manufacturing, production, distribution, preparation, handling, storage, and verification of halal approved-food, non-food merchandise, and services;
- It provides as well as informs the people of the basic culture characterizing the Muslims society, which includes 1) that food or products or their ingredients must not contain any components of animals and carrion that are prohibited under Sharia'h Law or animals that are not slaughtered according to the Sharia'h Law; 2) that the food or products does not contain ingredients that are considered Haram or Najis by Sharia'h Law; 3) that the food or product is not prepared, processed, or manufactured using equipment that has been contaminated with Haram or Najis; 4) the labeling of products that are certified as Halal or its equivalent term and should not be used in ways which could give rise to doubt about the safety of similar food or to claims that Halal foods are nutritionally superior to or healthier than other foods.
- It institutionalizes a national standard at par with the world accepted Halal standards ordained in advanced Muslim societies and the same to be observed in all abattoirs, outlets, hotels, restaurants, and other service establishments.

Early cognizance of this bill and earnest immediate enactment is requested.


ANTONIO "SONNY" F. TRILLANES IV
Senator

8 FEB 18 P6 12

SENATE

S. NO. 2085

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AN ACT
CREATING THE PHILIPPINE HALAL ACCREDITATION AND
REGULATORY BOARD AND FOR OTHER PURPOSES

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

1 **SECTION 1. Title.** – This Act shall be known as the “*Philippine Halal Act of*
2 *2008.*”

3
4 **SEC. 2. Declaration of Policy.** – It is the policy of the State to protect the interest
5 for clean and pure food. Towards this end, the State shall ensure compliance with
6 international standards of good manufacturing and hygienic practices by institutionalizing
7 a Halal system for food, non-food products and services, in response to the growing
8 demands for Halal products both in the local and international market.

9
10 **SEC. 3. Definition of Terms.** – As used in this Act:

11
12 a. **Shariah Law** – means the Islamic law based on the Al-Quran, Al-hadith
13 (Traditions of the Messenger of Allah), Ijma (Consensus of Islamic Scholars), and
14 Qiyas (Legal Deduction or Analogy) according to the Shafei or anyone of the
15 Hanafi, Maliki, or Hanbali Schools of Thought which have been practiced by
16 countries where these guidelines have been implemented.

17 b. **Halal** – means “lawful,” as pertaining to food and other products for human
18 consumption and services permitted under Shariah Law.

- 1 c. **Haram** – means “unlawful,” as pertaining to food, beverage, and other products
2 not allowed for human consumption such as carrion, najis, intoxicating
3 preparations containing alcohol as well as services prohibited under Shariah Law.
- 4 d. **Halal system** – means the comprehensive systems, standards, and procedures
5 providing the mechanism for the development, promotion, monitoring, and
6 regulation of halal trade.
- 7 e. **Accreditation** – the procedure by which an authoritative body grants formal
8 recognition, under duly established guidelines and rules, to another body that it is
9 competent to carry out specific tasks.
- 10 f. **Certification** – third party attestation related to products, processes, systems, or
11 persons.
- 12 g. **Islamic organization** – means qualified Muslim organization engaged in the
13 inspection, audit, and halal certification of food and non-food products,
14 establishments, and services.
- 15 h. **Carrion** – as defined by Shariah Law, means the flesh of swine, dogs, cats,
16 reptiles, amphibians and predatory animals; flesh of dead animals that have been
17 sacrificed to idols, blood; flesh partly consumed by beasts and birds of prey; and
18 dead or decaying flesh of animals felled by strangulation, beating, or goring.
- 19 i. **Najis** – as defined by Shariah Law, means things that are themselves filthy and
20 cannot be cleaned like: pork, blood, and carrion, as well as lawful food that has
21 been contaminated or has come in contact with filth.

22

23 **SEC. 4. General Guidelines.** – For purposes of this Act, the following are established
24 *General Guidelines for the food, beverage, cosmetics, garments and textile, and other*
25 *concerned industries on the preparation, handling, storage and verification of Halal*
26 *products to serve as basic requirements for certification including Halal abattoirs, outlets,*
27 *and other service establishments:*

- 1 a. The food or product or their ingredient must not contain any components of
2 animals and carrion that are prohibited under Shariah Law or animals that are not
3 slaughtered according to Shariah Law.
- 4 b. The food or product does not contain ingredients that are considered Haram or
5 Hajis by Shariah Law,
- 6 c. The food or product is not prepared, processed, or manufactured using equipment
7 that has been contaminated with Haram or Najis.
- 8 d. During its preparation, processing, storage, or transportation, the food or product
9 is fully separated from, and does not come in contact with, any other food or
10 product that has been decreed Haram or Najis by Shairah Law or does not meet
11 the requirements stated in items (a), (b), or (c) above.
- 12 e. Service establishments such as, but not limited to, hotels, restaurants, resorts, and
13 similar service facilities purposely established for and catering to the public,
14 particularly Muslim patrons; and abattoirs, factories, and similar establishment
15 purposely producing Halal goods shall conform to the Philippine National
16 Standards for Halal as provided for under Section 12 of this Act.
- 17 f. Labels of products that are certified Halal shall contain the word "Halal" or its
18 equivalent term and should not be used in ways which could give rise to doubt
19 about safety of similar food or to claims that Halal foods are nutritionally superior
20 to, or healthier than, other foods.

21 These guidelines shall be used together with the country's existing provisions of law
22 on the preparation, processing, manufacturing of food and non-food and other products in
23 accordance with health, hygiene, and sanitation standards and good manufacturing
24 practices.

25

1 **SEC. 5. *Philippine Halal Accreditation and Regulatory Board.*** – There is hereby
2 created a Philippine Halal Accreditation and Regulatory Board, hereinafter referred to as
3 the Board.

4 The Board shall be primarily responsible for the formulation, management, and
5 implementation of the Philippine Halal Accreditation and Regulation Standards in the
6 country. It shall be attached to the Office of the President and shall be composed of the
7 Governing Council, Accreditation Committee and the Board Secretariat.

8
9 **SEC. 6. *Governing Council.*** - The Governing Council shall be composed of the
10 following:

- 11
12 a.. Two (2) Muslim scholars appointed by the President upon the recommendation
13 of concerned Islamic organizations;
- 14 b. Secretary of Trade and Industry or his duly authorized representative;
- 15 c. Secretary of Agriculture or his duly authorized representative; and
- 16 d. Executive Director of the Office on Muslim Affairs or his duly authorized
17 representative. The two (2) Muslim scholars shall serve for a term of two (2)
18 years and may be re-appointed by the President; *Provided*, That no person may be
19 appointed to serve for more than two (2) consecutive terms.

20 The Governing Council shall be headed by the Secretary of Trade and Industry as
21 Chairman and a Co-Chairman who shall be appointed by the President from the two (2)
22 Muslim scholar members of the Governing Council.

23
24 **SEC. 7. *Powers and Functions of the Governing Council.*** – The Governing
25 Council shall have the following powers and functions:

- 1 a. Promulgate rules and regulations as necessary or proper for the
2 accomplishment of its purposes and objectives, including guidelines and
3 standards for the board's operation and the success of the Halal voluntary
4 accreditation and regulation scheme;
- 5 b. Issue criteria to be used in the assessment and review for the voluntary
6 accreditation of applicant Islamic organization.
- 7 c. Supervise, regulate, grant, and deny or cancel Halal accreditation of any
8 Islamic organization or order its temporary suspension for failure to comply
9 with or violation of the provisions of this Act, or any law, order, rules or
10 regulations, whenever such action is necessary to the best interest of the
11 public;
- 12 d. Investigate, decide, and settle all complaints, controversies, or disputes arising
13 out of or connected with Halal system in accordance with the rules and
14 procedures that may be adopted;
- 15 e. Levy, assess and collect, and periodically adjust and/or revise the rates of fees
16 and charges for the issuance of accreditation;
- 17 f. Oversee the funds for the operation of the Board;
- 18 g. Establish and prescribe policies on complaints and appeals regarding
19 accreditation activities;
- 20 h. Represent the Philippines in regional or international meetings;
- 21 i. Form committee(s) to assist the Board on technical matters; and
- 22 j. Perform such other powers and functions as may be prescribed by law, or as
23 may be necessary, incidental, or proper to its mandate.

24 In the event that an Islamic organization lodges an appeal against any
25 accreditation-related decision of the Board, the Governing Council shall establish a three-
26 man panel among its members to act on the appeal.

27

1 **SEC. 8. Accreditation Committee.** - The Board shall have an Accreditation
2 Committee with five (5) members appointed by the Governing Council. It shall be
3 composed of three (3) Muslim scholars and two (2) qualified technical personnel. The
4 three (3) Muslim scholars shall come from different Muslim religious organizations. The
5 two (2) technical personnel shall come from the National Meat Inspection Service
6 (NMIS) of the Department of Agriculture and the Bureau of Food and Drugs (BFAD) of
7 the Department of Health, and other government agencies as may be required.

8
9 **SEC. 9. Functions of the Accreditation Committee.** - The Accreditation
10 Committee shall have the following functions:

- 11
- 12 a. Assist in the formulation of accreditation policies and guidelines;
 - 13 b. Ensure strict implementation and compliance with Halal accreditation criteria
14 by applicant Islamic organizations;
 - 15 c. Conduct technical briefings to applicants for Halal accreditation;
 - 16 d. Review assessment reports submitted by the accreditation assessment division;
 - 17 e. Recommend to the Executive Director the granting or refusal of accreditation to
18 applicant Islamic organizations; and
 - 19 f. Assist the Executive Director and the Secretariat of the Board as may be
20 required.

21

22 **SEC. 10. Board Secretariat.** - The Board shall have a Secretariat which shall
23 furnish the necessary administrative, secretariat, and other support services shall be under
24 the direction and supervision of the Executive Director appointed by the President upon
25 the recommendation of the Governing Council. The personnel of the Secretariat shall be
26 appointed, and their compensation fixed by the Governing Council upon the

1 recommendation of the Executive Director in accordance with Civil Service laws, rules,
2 and regulations.

3 The Secretariat shall consist of the Assessment Division and the Operations
4 Division.

5 The Assessment Division shall be composed of qualified assessors to be
6 employed by the Board or may be contracted from other non-governmental organization
7 or government agencies, depending upon the availability of qualified personnel within the
8 Board to perform such function.

9 The Operations Division shall be responsible for the administrative and financial
10 functions of the Board as may be assigned by the Executive Director.

11

12 **SEC. 11. *Executive Director; Duties and Responsibilities.*** – The Executive
13 Director shall have the following duties and responsibilities:

14

15 a. Execute, direct, and implement the policies, regulations, and resolutions issued
16 by the Board;

17 b. Sign under authority of the Governing Council accreditation certificates issued
18 to Islamic Organization.

19 c. Supervise the Board Secretariat and maintain official records, files, and
20 proceedings of the Board; and

21 d. Perform other duties as may be required by the Board.

22

23 **SEC. 12. *Philippine National Standards for Halal.*** - The system guidelines
24 established by the Board shall be called the Philippine National Standards for Halal
25 hereinafter referred to as the PNS for Halal.

26 The PNS for Halal shall provide the specific guidelines for a comprehensive and
27 integrated Philippine Halal system that will govern the extraction, preparation,

1 processing, manufacture and production, packaging, labeling, transportation, storage,
2 marketing, and distribution of Halal foods and products as well as the certification of
3 Halal abattoirs, outlets, hotels, restaurants, and other service establishments.

4 The PSN for Halal shall conform to existing international Halal standards, where
5 applicable, and guidelines on Halal shall be the basis for a voluntary accreditation
6 system: *Provided*, That the Board shall submit the Standards to the Bureau of Product
7 Standards of the Department of Trade and Industry for promulgation as the official
8 Philippine National Standards for Halal.

9 *Provided, further*, That the Board shall submit a final copy of the Philippine
10 National Standards for Halal to the Official Gazette for publication.

11
12 **SEC. 13. *Sanctions*.** - The Board shall be empowered to formulate rules and
13 regulations and impose sanctions to ensure compliance to the Philippine Halal System:
14 *Provided*, That the Board shall take into consideration the pertinent provisions of
15 Republic Act No. 4109 otherwise known as the Bureau of Standards Law in the
16 formulation and eventual implementation of said rules and regulations.

17
18 *Provided, further*, that the Board, in the formulation of said rules and regulations
19 and imposition of sanctions, shall maintain the voluntary character of the Halal
20 accreditation system.

21
22 **SEC. 14. *Transition Period*.** - There shall be a transition period of two (2) years
23 wherein personnel from the Department of Trade and Industry shall be utilized to
24 exercise the functions of the Secretariat. The amount necessary shall be charged against
25 the current of the concerned appropriation agencies: *Provided*, That after such period, the
26 amount necessary for its continued implementation shall be appropriated and charged
27 against the General Appropriations Act.

1 **SEC. 15. *Office.*** - The Board shall hold office at the Department of Trade and
2 Industry during the transition period or until such time that a permanent office for the
3 Board is established.

4
5 **SEC. 16. *Congressional Oversight Committee.*** - Two (2) years from the
6 effectivity of this Act, a Congressional Oversight Committee composed of the Senate
7 Committees on Trade and Commerce, Agriculture and Food, Cultural Communities, and
8 Finance, and the House of Representatives' Committees on Trade and Industry,
9 Agriculture and Food, Muslim Affairs, and Appropriations shall be constituted for the
10 purpose of evaluating the implementation of the Philippine Halal system under the
11 supervision of the Board and if warranted, recommend the appropriate legislative
12 measures to support, complement, supplement, or amend this Act.

13
14 **SEC. 17. *Implementing Rules.*** - The Department of Trade and Industry, in
15 coordination with the National Meat Inspection Service (NMIS) and the Bureau of Food
16 and Drugs (BFAD) and other concerned government and nongovernment organizations,
17 shall, within ninety (90) days from the effectivity of this Act, promulgate the necessary
18 rules and regulations for the enforcement of the provisions of this Act.

19
20 **SEC. 18. *Separability Clause.*** - Should any provision of this Act be subsequently
21 declared unconstitutional, the other provisions not so declared shall remain in full force
22 and effect.

23
24 **SEC. 19. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations, or
25 any part thereof, which are inconsistent herewith, are hereby repealed or amended
26 accordingly.

1 **SEC. 20. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or in newspaper of general circulation in the
3 Philippines.

Approved,