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OF THE PHILIPPINES )  
First Regular Session )

OFFICE OF THE SECRETARY

10 JUL 15 P2:24

SENATE  
S. No. **1471**

RECEIVED BY

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides that:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

Persons who produce or process food for human consumption have the responsibility to prevent or minimize food safety hazards related to their products. They should ensure that all fully processed or ready-to-eat food are processed in a sanitary manner in order to eliminate human pathogens or other potentially harmful substances likely to cause food-borne illness.

Hence, this bill seeks to establish a comprehensive program for the purpose of protecting human health, by ensuring that the food industry has effective programs in place to assure the safety of food products consumed in the Philippines.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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S. No. **1471**

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1 AN ACT  
2 TO ESTABLISH A COMPREHENSIVE PROGRAM TO ENSURE THE SAFETY OF  
3 FOOD PRODUCTS INTENDED FOR HUMAN CONSUMPTION

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Consumer Food Safety Act.”

5 SECTION 2. *Definitions.* – For purposes of this Act:

6 (A) The term “contaminants” includes bacteria, chemical contaminants, natural toxins,  
7 viruses, parasites, and physical hazards that when found on or in food can cause human illness or  
8 injury.

9 (B) The term “facility” shall include any factory, warehouse establishment, or importer  
10 that handles or processes food.

11 (C) The term “process” means the harvesting, preparations, manufacture, and  
12 transportation of food products.

13 (D) the term “Secretary” means the Secretary of Health.

14 TITLE I - NATIONAL FOOD SAFETY PROGRAM

15 SECTION 3. *Administration of National Program.* – (A) IN GENERAL - (1) Persons  
16 who produce or process food for human consumption have the responsibility to prevent or  
17 minimize food safety hazards related to their products. The Secretary shall administer a national  
18 program for the purpose of protecting human health by ensuring that the food industry has  
19 effective programs in place to assure the safety of food products consumed in the Philippines.

20 (2) The program shall -

1 (a) be based on a comprehensive analysis of the hazards associated with different  
2 food products and with the harvesting, processing and handling of different food  
3 products, including the identification and evaluation of -

4 (i) the severity of the potential health risks;

5 (ii) the sources and specific points of potential contamination that may render  
6 food products unsafe for human consumption; and

7 (iii) the potential for persistence, multiplication or concentration of naturally  
8 occurring or added contaminants in foods and food products;

9 (iv) take into consideration the distinctive characteristics of food production  
10 and processing;

11 (v) establish inspection and oversight procedures to monitor that facilities are  
12 utilizing preventive controls to minimize or eliminate identifiable hazards; and

13 (vi) require each food processing facility to annually register with the  
14 Secretary.

15 (B) PROGRAM ELEMENTS - The program shall provide for: (1) implementation of a  
16 national system for the registration and quarterly inspection of facilities and importers. Quarterly  
17 inspections can be waived by plants that meet the Secretary's standards for exceptional or  
18 negligible-risk facilities or importers;

19 (2) development of a program to oversee the implementation of process controls in  
20 food processing facilities;

21 (3) the establishment and enforcement of health-based standards for (a) substances  
22 which may contaminate food; and (b) safety and sanitation in the processing and in food  
23 processing facilities;

24 (4) implementation of a sampling program to ensure that industry programs to  
25 prevent food contamination are effective and that food products meet the standards  
26 established in paragraph (1);

27 (5) implementation of procedures and requirements to ensure the safety of imported  
28 food products;

1 (6) coordination with other agencies in carrying out inspection, enforcement, and  
2 monitoring;

3 (7) implementation of a national surveillance system to assess the health risks  
4 associated with the human consumption of food products, in cooperation with the  
5 Secretary of Agriculture;

6 (8) development of public education and advisory programs; and

7 (9) implementation of a research program in furtherance of the purposes of this Act.

8 SECTION 4. *Registration of Processors and Importers.* – (A) IN GENERAL - Any  
9 facility engaged in processing of food products and any person who imports food products shall  
10 register with the Secretary. Application for registration shall be made to the Secretary using such  
11 forms and containing such information as the Secretary shall prescribe by regulation within  
12 twenty-four (24) months after the date of enactment of this Act. Upon receipt and review of a  
13 completed application, the Secretary shall issue to the applicant a certificate of registration unless  
14 good cause is shown why such application should be denied. The Secretary shall promptly notify  
15 any applicant of such denial, include written explanation of the reasons for such denial, and  
16 provide an opportunity for a hearing or reapplication upon request.

17 (B) SUSPENSION OF REGISTRATION -

18 (1) The registration may be suspended immediately by the Secretary for -

19 (a) failure to permit access for inspection under this Act;

20 (b) violation of this Act or regulation issued under this Act, where the Secretary  
21 determines that such Suspension is likely to prevent a significant risk of adverse  
22 health consequences;

23 (c) conviction of the applicant of registrant of -

24 (i) any felony other than a felony based upon the acquiring, handling, or  
25 distribution of adulterated or misbranded food; or

26 (ii) more than one violation of any law other than a violation involving any  
27 fraud in connection with transactions in food.

1 (2) Any registration suspended under paragraph (1) may be restricted whenever the  
2 Secretary determines that suspension is no longer necessary.

3 (C) EXEMPTION AUTHORITY - The Secretary may by regulation exempt classes of  
4 facilities from the requirements of paragraph (A) if the Secretary determines that the registration  
5 of such facilities or persons is not needed for effective enforcement of this Act.

6 SECTION 5. *Process Controls To Reduce The Adulteration of Food Products.* -

7 (A) IN GENERAL - The Secretary shall, upon the basis of the best available scientific  
8 and technological data, prescribe regulations to-

9 (1) limit the presence of human pathogens and other potentially harmful substances  
10 in food products;

11 (2) ensure that all registered facilities implement appropriate measures to control  
12 and reduce the presence and growth of human pathogens and other potential substances  
13 on food products;

14 (3) ensure that all fully processed or ready-to-eat food products are processed in a  
15 sanitary manner, using reasonably available techniques and technologies to eliminate any  
16 human pathogens or other potentially harmful substances likely to cause food-borne  
17 illness; and

18 (4) ensure that food products intended for final processing outside commercial  
19 establishments are labelled with instructions for handling and preparation for  
20 consumption which, when adhered to, will destroy any human pathogens or other  
21 potentially harmful substances likely to cause food-borne illness.

22 (B) REGULATIONS - The Secretary shall, within one (1) year of the enactment of this  
23 Act, issue regulations that require all registered facilities to adopt processing controls adequate to  
24 protect public health and to limit the presence and growth of human pathogens and other  
25 potentially harmful substances in food products prepared in any registered facility. Such  
26 regulations shall-

27 (1) set standards for sanitation;

28 (2) set tolerances for biological, chemical and physical hazards as appropriate;

1 (3) require process controls to assure that food is safe and that relevant regulatory  
2 and safety standards are met;

3 (4) require record-keeping to monitor compliance;

4 (5) require sampling to assure that processing controls are effective and that  
5 regulatory standards are being met; and

6 (6) provide for agency access to records kept by official establishments and  
7 submission of copies of such records to the Secretary as the Secretary deems appropriate.

8 The Secretary may, as the Secretary deems necessary, require any person, firm or  
9 corporation with responsibility for or control over food ingredients to adopt processing  
10 controls, where such processing controls are needed to assure the protection of public  
11 health.

12 SECTION 6. *Inspections of Processors and Importers.* – (A) NATURE OF  
13 INSPECTIONS -

14 (1) The inspection system shall provide for frequent unannounced inspections of  
15 food processing and importing facilities to determine if such facilities are operated in a  
16 sanitary manner and if food products are unsafe for human consumption, or adulterated or  
17 misbranded. Inspection shall include review of processing records and sample.

18 (2) Inspections shall be conducted at least quarterly, unless the Products determines  
19 that the facility, is an exceptional or negligible-risk facility under standards established  
20 by the Secretary.

21 (3) Standards for exceptional or negligible-risk facilities shall consider the hazards  
22 associated with the type of product being produced; and the facility's history of  
23 compliance, food safety problems and such other factors as the Secretary may deem  
24 appropriate. The Secretary shall specify an alternative inspection frequency for each  
25 facility which is deemed exceptional or negligible risk. Each inspection shall include an  
26 examination of whether the facility continues to meet the standards for exceptional or  
27 negligible-risk facilities.

28 (B) CONDUCT OF INSPECTIONS -

1           (1) An inspection under subsection (1) of any domestic, foreign or importing facility  
2 shall extend to all things therein (including records required to be maintained under  
3 subsection (5), processes, controls, and premises) that bear on whether food products are  
4 in compliance with this Act. Access to records may include the copying of such records.

5           (2) In conducting such inspections, officers or employees duly designated by the  
6 Secretary, upon presenting appropriate credentials to the owner, operator or agent in  
7 charge, are authorized-

8           (a) to enter at reasonable times any facility in which persons are engaged in the  
9 food processing or importing of food products, or to enter any vehicle being used to  
10 transport or hold such food products;

11           (b) to inspect in a reasonable manner such facility or vehicle and all pertinent  
12 equipment, finished and unfinished materials, containers, labelling, processes,  
13 controls, and premises; and

14           (c) to collect and retain samples of food products or ingredients or of any other  
15 items found during an inspection that may contribute to a finding of whether such  
16 food products are unsafe for human consumption or adulterated or misbranded.

17           (3) Immediately after completion of inspection, the officer or employee making the  
18 inspection shall give to the owner, operator, or agent in charge a report in writing setting  
19 forth any conditions or practices observed which indicate that either processing controls  
20 are inadequate to prevent or minimize food safety hazards or that any food from such  
21 facility is unsafe for human consumption, or adulterated or misbranded.

## 22 (C) PRODUCT DETENTION AND CONDEMNATION

23           (1) If, during an inspection conducted under this section, an officer or employee  
24 making the inspection has reason to believe that a food product is unsafe for human  
25 consumption, or adulterated or misbranded, such officer or employee may order the food  
26 product segregated, impounded, and if objection is not made within 48 hours,  
27 condemned. If objection is made, such food products that are in perishable form may be  
28 processed to the extent necessary to prevent spoilage, and a hearing shall be commenced  
29 expeditiously.

1 (2) if the Secretary determines that, through re-labelling or other action, such food  
2 products can be brought into compliance with this Act, the food may be released  
3 following a determination by the Secretary that such re-labelling or other action as  
4 specified by the Secretary has been performed.

5 (3) Any food product condemned without objection, or after hearing and judicial  
6 review, shall be destroyed under supervision of the Secretary.

7 (D) OFFICIAL MARK - The Secretary shall prescribe by regulation the conditions under  
8 which any food product shall display an official mark, when needed to facilitate exports, that  
9 signifies that the food product has been processed in accordance with standards approved by the  
10 Secretary. Such a mark may be subject to a fee.

11 (E) MAINTENANCE OF RECORDS - Each facility or person registered under this  
12 section shall maintain and make available for inspection by the Secretary such records as the  
13 Secretary may prescribe. Such records shall be maintained for a reasonable period of time as  
14 determined by the Secretary. The records shall include, but are not limited to, information  
15 concerning -

16 (1) the origin, receipt, delivery, sale, movement, holding, and disposition of food  
17 products or ingredients; the identity and amount of ingredients used in the food; the  
18 processing of the food; the results of laboratory, sanitation, or other quality control tests  
19 performed on the food or in the facility; consumer complaints concerning the food or its  
20 packaging; and

21 (2) other matters reasonably related to whether food products may be unsafe for  
22 human consumption, or adulterated or misbranded.

23 SECTION 7. *Tolerance for Contaminants in Food.* -

24 (A) TOLERANCES - The Secretary shall establish tolerances limiting the quantity of  
25 contaminants that, when found in food products, may render such products unsafe for human  
26 consumption. Contaminants include, but are not limited to bacteria, chemical contaminants,  
27 natural toxins, viruses and parasites that when found on or in food can cause human illness. Such  
28 tolerances may include indicators (including indicator organisms) from which it may reasonably



1 be inferred that a contaminant is present in a food product. In developing a tolerance, the  
2 Secretary shall take into account the extent to which consumers may be exposed to such  
3 contaminant from sources other than food, and the extent to which such contaminant can be  
4 avoided or minimized in the commercial handling and processing of such food.

5 (B) REGULATIONS - (1) The Secretary, after notice and an opportunity for comment,  
6 shall promulgate regulations to implement paragraph (A) within forty-eight (48) months after the  
7 date of enactment of this Act. In promulgating such regulations, the Secretary shall establish for  
8 the contaminants that the Secretary determines are having the greatest public health impact<sup>6</sup> as  
9 early as feasible after implementation of this Act.

10 (2) A tolerance established under this section shall be based on -

11 (a) a scientific analysis of the health risks attributable to the contaminant for which  
12 the tolerance is established; and

13 (b) analysis of the risk for sensitive groups, such as children, elderly, pregnant  
14 women and the immune compromised.

15 (3) The Secretary shall, in a timely manner, issue revisions to the regulations under  
16 paragraph (A) which take into account new information.

17 (C) REPORT - The Secretary shall report to the Congress on the progress of the  
18 Secretary in establishing tolerances under this section. The report shall include a description of  
19 the research that has been conducted with respect to such tolerances and the research that must  
20 be conducted before additional tolerances, a timetable for the establishment of such tolerances,  
21 and the estimated cost, including costs of research, associated with the establishment of such  
22 tolerances. The report shall be transmitted on or about the end of 18th month after the date of the  
23 enactment of this Act, and biennially thereafter during the 6-year period that begins on such date  
24 of enactment.

25 SECTION 8. *Imports.* - (A) ROLE OF SECRETARY - Within twenty-four (24) months  
26 after the date of enactment of this Act, the Secretary shall establish and administer a  
27 comprehensive and efficient system to ensure the safety of food imported into the Philippines.  
28 The Secretary shall routinely inspect processing facilities in exporting nations and imports at

1 ports of entry into the country. The Secretary shall assure the effective operation; through  
2 verification and other activities, as the Secretary considers necessary.

3 (B) IMPORT REQUIREMENTS - (1) No food product may enter the Philippines, or be  
4 withdrawn from a warehouse, for consumption in the Philippines if such food product -

5 (a) appears unsafe for human consumption, or adulterated or misbranded;

6 (b) is not marked or labelled as required by regulations for domestic or imported  
7 articles; or

8 (c) does not comply with the requirements of this Section.

9 (2) Upon entry for consumption in the Philippines, food products that are not  
10 prohibited from entry or from withdrawal from a warehouse under paragraph (A) shall be  
11 deemed to be treated as domestic food products, except that all labelling of such products  
12 shall clearly identify the country of origin to facilitate the identification of products  
13 linked to outbreaks of illness.

14 (C) INSPECTION OF IMPORTS - (1) Food products that are offered for importation,  
15 or withdrawn from a warehouse, for consumption in the Philippines, shall be subject to  
16 examinations inspections, sampling, and such other procedures at the port of entry or in the  
17 exporting nation by officers or employees duly designated by the Secretary. Such procedures  
18 shall be conducted with such frequency and in such manner as the Secretary may prescribe by  
19 regulation.

20 (2) Food products from a nation that is certified for such food products under  
21 subsection (E) (3) shall be subject to random examinations, inspection, sampling, and  
22 other procedures. Food products from a nation that is not certified for such food products  
23 under subsection (E) (3) shall be subject to such intensified examinations, inspection,  
24 sampling, and other verification procedures, including inspection in the country of origin,  
25 as the Secretary determines are necessary to ensure compliance with this Act.

26 (D) DETENTION OF IMPORTED FOOD PRODUCT- If during an inspection or other  
27 verification procedures came out under this section, an officer or employee conducting the  
28 procedure has reason to believe that a food product is unsafe for human consumption, or  
29 adulterated or misbranded, such officer or employee may order the food product segregated,

1 impounded, and if objection is not made within 48 hours, condemned. If objection is made, such  
2 food products that are in perishable form may be processed to the extent necessary to prevent  
3 spoilage, and a hearing shall be commenced expeditiously. The final condemnation or other  
4 disposition of such food product shall be subject to the provisions of this Act.

5 (E) AGREEMENTS WITH FOREIGN NATIONS- (1) The Secretary may enter into an  
6 agreement with any nation desiring to export food products to the Philippines. Prior to  
7 concluding such an agreement, the Secretary shall evaluate the food safety program of the  
8 foreign nation to determine if such program provides at least the same level of protection, with  
9 respect to food products intended for export to the Philippines, as domestic laws that affect the  
10 safety of the food supply. In such evaluation, the Secretary shall consider:

11 (a) the potential for health, sanitary, environmental, or other conditions within the  
12 foreign nation to adversely affect the safety of food products exported from such nation;  
13 and

14 (b) how well the food safety programs of the foreign nation functions to minimize  
15 any adverse effects on such safety

16 (2) Any agreement under this subsection with a nation desiring to export food products  
17 to the Philippines shall-

18 (a) require that the exporting nation shall-

19 (i) establish and maintain a food safety system that is adequate to ensure that the  
20 food products intended for export to the Philippines are safe for human consumption, and  
21 not adulterated or misbranded; and

22 (ii) promptly notify the Secretary of any violations affecting the safety of food  
23 products exported or intended for export to the Philippines;

24 (b) provide for such activities (whether in the exporting nation or at the port of entry  
25 during importation) by the Secretary, including examinations, inspections, sampling and testing,  
26 at such stages in the growth or harvest of food, or in the processing or handling of food products,  
27 as the Secretary considers appropriate to ensure that the food safety program of the exporting  
28 nation continues to provide at least the same level of protection, with respect to food products

1 intended for export to the Philippines, as domestic laws that affect the safety of the food supply;  
2 and

3 (c) provide for reciprocity with respect to the treatment of food imports and exports  
4 between the Philippines and the exporting nation.

5 (3) If the Secretary determines that a nation desiring to export food products to the  
6 Philippines has a program that provides at least the same level of protection, with respect to  
7 food products intended for export to the Philippines, as domestic laws that affect the safety of the  
8 food supply, the Secretary shall, upon entry into force of an agreement under subsection (E)(1),  
9 certify the types of food products for which the nation maintains such a program.

10 (4) The Secretary shall periodically or for good cause, and not less than once every three  
11 years, review certifications made under paragraph (3), and shall revoke the certification of any  
12 nation that the Secretary determines is not maintaining a food safety program that provides at  
13 least the same level of protection, with respect to food products intended for export to the  
14 Philippines, as domestic laws that affect the safety of the food supply.

15 (5) The Secretary shall review and modify, as needed, an agreement made under  
16 paragraph (1) with any nation whose certification has been revoked under subparagraph (i) of this  
17 paragraph.

18 TITLE II-RESEARCH AND EDUCATION

19 SECTION 9. *Public Health Assessment System.* – (A) PUBLIC HEALTH SAMPLING -

20 (1) Within twelve (12) months after the date of enactment of this Act, the Secretary in  
21 cooperation with the Secretary of Agriculture shall establish guidelines for a sampling system  
22 under which the Secretary of Agriculture shall take and analyze samples of food products to  
23 assist the Secretary in carrying out this Act and to more accurately assess the nature, frequency  
24 of occurrence and amounts of contaminants in food products.

25 (2) Such sampling system shall provide-

26 (a) statistically valid monitoring, including market-basket studies, on the nature,  
27 frequency of occurrence, and amounts of contaminants in food products available to  
28 consumers; and

1 (b) at the request of the Secretary, such other information, including may analysis of  
2 monitoring and verification samples, as the Secretary determines be useful in assessing  
3 the occurrence of contaminants in food products.

4 (B) ASSESSMENT OF HEALTH HAZARDS - Through the surveillance system referred  
5 to in subsection (A) (1) and the sampling system described in subsection (A) (2), the Secretary  
6 shall rank food categories based on their hazard to human health and identify appropriate  
7 industry and regulatory approaches to minimize hazards in the food supply. Such analysis could  
8 include -

9 (1) the safety of commercial harvesting and processing, as compared with the health  
10 hazards associated with food products that are harvested for recreational or subsistence  
11 purposes and prepared non-commercially;

12 (2) the safety of food products that are domestically harvested and processed, as  
13 compared with the health hazards associated with food products that are harvested or  
14 processed outside of the Philippines; and

15 (3) contamination originating from handling practices that occur prior to or after the  
16 sale of food products to consumers.

17 SECTION 10. *Public Education and Advisory System.* -

18 (A) PUBLIC EDUCATION. - The Secretary, in cooperation with private and public  
19 organizations, shall design and implement a national public education program on food safety.  
20 The program shall provide -

21 (1) information to the public regarding standards and good practice require a  
22 national public education program on food safety, promotion of public awareness  
23 understanding, and acceptance of such standards and requirements;

24 (2) information to health professionals so that they may improve diagnosis and  
25 treatment of food-related illness and advise individuals whose health conditions place  
26 them in particular risk; and

27 (3) such other information or advice to consumers and other persons as the Secretary  
28 determines will promote the purposes of this Act.

1 (B) HEALTH ADVISORIES-The Secretary, in consultation with the Secretary of  
2 Agriculture and the Secretary of Environment and Natural Resources, shall work to-

3 (1) develop and distribute regional and national advisories concerning food safety;

4 and

5 (2) develop standardized formats for written and broadcast advisories.

6 SECTION 11. *Research.* - (A) IN GENERAL. - The Secretary shall conduct research to  
7 assist in the implementation of this Act, including studies to-

8 (1) improve sanitation and food safety practices in the processing of food products;

9 (2) develop improved techniques for the monitoring of food and inspection of food  
10 products;

11 (3) develop efficient, rapid, and sensitive methods for determining and detecting the  
12 presence of contaminants in food products;

13 (4) determine the sources of contamination of food and food products with  
14 contaminants; and

15 (5) develop consumption date with respect to food products.

16 (B) CONTRACT AUTHORITY- The Secretary is authorized to enter into contracts and  
17 agreements with the University of the Philippines or any state university or any other university,  
18 other government agencies or other persons to carry out the activities under this Section.

### 19 TITLE III-ENFORCEMENT

20 SECTION 12. *Notification and Recall.* - (A) NOTICE TO SECRETARY OF  
21 ADULTERATION OR MISBRANDNG. - Any person (other than a household consumer or  
22 other individual who is intended consumer of an article of food) that has a reasonable basis for  
23 believing that any article of food introduced into or in interstate commerce, or held for sale  
24 (whether or not the first sale) after shipment in interstate commerce, may be adulterated or  
25 misbranded, or otherwise be in violation of appropriate laws shall immediately notify the  
26 Secretary, in such manner and by such means as the Secretary may by regulation prescribe, or  
27 the identity and location of such article.

1 (B) RECALL AND CONSUMER NOTIFICATION - (1) VOLUNTARY  
2 PROCEDURES - If the Secretary finds, upon notification under subsection (A) or otherwise, that  
3 any article of food is adulterated or misbranded when introduced into or while held for sale  
4 (whether or not for first sale) after shipment in interstate commerce and there is a reasonable  
5 probability that such article, if consumed, would present a threat to public health, as determined  
6 by the Secretary shall provide the appropriate persons (including the manufacturers, importers,  
7 distributors, or retailers) with an opportunity to -

8 (a) cease distribution of such articles;

9 (b) notify all persons-

10 (i) producing, manufacturing, packing, processing, preparing, treating,  
11 packaging, distributing, or holding such article; or

12 (ii) to which such article has been distributed, transported, or sold, to  
13 immediately cease distribution of such article; or

14 (c) recall such article;

15 (d) provide, in consultation with the Secretary, notice to consumers to whom such  
16 article was, or may have been, distributed; or

17 (e) take any combination of the above measures, as appropriate in the circumstances.

18 (2) PRE-HEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE - If  
19 such person refuses to or does not voluntarily cease distribution, make notification, recall such  
20 article, or provide notice to consumers, as applicable, within the time and in the manner  
21 prescribed by the Secretary, the Secretary shall, by order, require, as the Secretary deems  
22 necessary, such persons to -

23 (a) immediately cease distribution of such articles;

24 (b) immediately notify all persons -

25 (i) producing, manufacturing, packing, processing, preparing, treating,  
26 packaging, distributing, or holding such article; or

27 (ii) to which such article has been distributed, transported, or sold, to  
28 immediately cease distribution of such article; or

1 (iii) immediately take the actions specified in both subparagraphs (B)(1) and (B)

2 (2).

3 (3) NOTIFICATION OF CONSUMERS BY SECRETARY - The Secretary shall, as the  
4 Secretary deems necessary, provide notice to consumers to whom such article was, or may have  
5 been, distributed.

6 (4) HEARING ON ORDER - The Secretary shall provide any person subject to an order  
7 under subsection (b) with an opportunity for a hearing, to be held s soon as possible but not later  
8 than 2 days after the issuance of the order, on the action ,required by the order and on why the  
9 article that is the subject of the order should not be recalled.

10 (5) POST-HEARING RECALL ORDER -

11 (a) AMENDMENT OF ORDER - If, after providing opportunity for a hearing  
12 under subsection (3), the Secretary determines that there is a reasonable probability that  
13 the article that is the subject of an order under subsection (2), if consumed, presents a  
14 threat to public health, the Secretary, as the Secretary deems necessary, may –

15 (i) amend the order to require recall of such article or other appropriate action;

16 (ii) specify a timetable in which the recall shall occur;

17 (iii) require periodic reports to the Secretary describing the progress of the  
18 recall; and

19 (iv) provide notice to consumers to whom such article was, or may have been,  
20 distributed.

21 (b) VACATION OF ORDER - If, after such a hearing, the Secretary determines that  
22 the adequate grounds do not exist to continue the actions required by the order, the  
23 Secretary shall vacate the order.

24 (c) REMEDIES NOT EXCLUSIVE - The remedies provided in this section shall be  
25 in addition to and not exclusive of other remedies that may be available.

26 SECTION 13. *Civil Penalties.* –

27 (A) IN GENERAL. - (1) ACTS SUBJECT TO PENALTY; PENALTY AMOUNT. -

28 Any person that commits and act that violates this Act may be assessed a civil penalty by the



1 Secretary, subject to review in accordance with the administrative code and - other pertinent  
2 laws, of not more than One Hundred Thousand Pesos (P100,000.00) for such act. Each such act  
3 and each day during which such act continues shall be a separate offense.

4 (2) NOTICE AND HEARING - No penalty shall be assessed by the Secretary under this  
5 section unless such person is given notice and opportunity for a hearing on the record before the  
6 Secretary in accordance with laws pertinent to administrative proceedings.

7 (3) OTHER REQUIREMENTS - The amount of such civil penalty shall be assessed by  
8 the Secretary by written order, taking into account the gravity of the violation, degree of  
9 culpability, size and type of business, and any history of prior offenses;

10 (B) COLLECTION ACTIONS - If any person fails to pay an assessment of a civil  
11 penalty after it has become a final and unappealable order, the Secretary shall refer the matter to  
12 the Solicitor General, who shall institute a civil action to recover the amount. In such collection  
13 actions, the validity and appropriateness of the Secretary's order imposing the civil penalty shall  
14 not be subject to review.

15 (C) SECRETARY'S DISCRETION TO PROSECUTE - Nothing in this Act shall be  
16 construed as requiring the Secretary to report for prosecution, or for the institution of libel or  
17 injunction proceedings, violations of this Act whenever the Secretary believes that interest will  
18 be adequately served by assessment of civil penalties.

19 SECTION 14. *Whistleblower Protection.*- (A) IN GENERAL - employee or other person  
20 may be harassed, prosecuted, held liable or discriminated against in any way because that  
21 person-

22 (1) has commenced, caused to be commenced, or is about to commence a the  
23 public proceeding, testified or is about to testify at a proceeding, or assisted or  
24 participated or is about to assist or participate in any manner in such a proceeding or in  
25 any other action to carry out the purposes, actions or responsibilities set forth in this Act;

26 (2) is refusing to violate or assist in the violation of a law, rule or regulation.

27 SECTION 15. *Traceback.* - The Secretary may impose on a food product requirements  
28 for the traceability of such type or class of food product whenever such requirements are

1 necessary to assure the protection of the public health. Traceability requirements shall be  
2 established in accordance with regulations and guidelines issued by the Secretary.

3 SECTION 16. *Citizen's Civil Action.* – Any person may against-

4 (A) any person who violated any rule, tolerance, order, or ensure the safety of food  
5 products; or

6 (B) the Secretary where there is alleged a failure of the Secretary to perform any act or  
7 duty to ensure the safety of food products, which is not discretionary.

8 TITLE IV-AUTHORIZATION

9 SECTION 17. *Authorization of Appropriations.* – (A) IN GENERAL-There are  
10 authorized to be appropriated such sums as may be necessary to carry out the provisions of this  
11 Act.

12 (B) RESEARCH PROGRAM AUTHORIZATION - Of the funds authorized to be  
13 appropriated under subsection (I), there are authorized to be appropriated such sums as may be  
14 necessary to carry out the research program authorized by this Act.

15 SECTION 18. *Separability Clause.* - If any provision, or part hereof, is held invalid or  
16 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
17 valid and subsisting.

18 SECTION 19. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
19 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent  
20 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

21 SECTION 20. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
22 publication in at least two (2) newspapers of general circulation.

Approved,