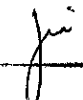




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SENATE

S. NO. 1130

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

This bill is being submitted bearing in mind 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 and respect to the rich tradition and way of life of the Filipino Muslims.

Among the highlights of this legislation are to wit:

- 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;
- The provision of information to 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 not slaughtered according to the Sharia'h Law; 2) that the food or product does not contain ingredients that are considered Haram or Najis by Sharia'h Law; 3) that the food or products is not prepared, processed, or manufacturing using equipment that has been contaminated with Haram or Najis; 4) that the labelling 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 safety of similar food or to claims that Halal foods are nutritionally superior to or healthier than other foods;
- The institutionalization of a national standard at par with the world accepted Halal standards ordained in advanced Muslim societies and that the same shall be observed in all abattoirs, outlets, hotels, restaurants, and other service establishments.

In view of the foregoing, early cognizance of this bill and earnest immediate enactment is requested.


ANTONIO "SONNY" F. TRILLANES IV
Senator



13 JUL 29 A9:04

SENATE

S. NO. 1130

RECEIVED BY:

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

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

- 1 **SECTION 1. Title.** – This Act shall be known as the “*Philippine Halal Act of 2013.*”
- 2 **SEC. 2. Declaration of Policy.** – It is the policy of the State to protect the interest for clean and
- 3 pure food. Towards this end, the State shall ensure compliance with international standards of good
- 4 manufacturing and hygienic practices by institutionalizing a Halal system for food, non-food products and
- 5 services, in response to the growing demands for Halal products both in the local and international
- 6 market.
- 7 **SEC. 3. Definition of Terms.** – As used in this Act:
- 8 a. *Sharia’h Law* – means the Islamic Law based on the Al-Quran, Al-hadith (Traditions of the
- 9 Messenger of Allah), Ijma (Concensus of Islamic Scholars), and Qiyas (Legal Deduction or
- 10 Analogy) according to the Shafei or anyone of the Hanafi, Maliki, or Hanbali Schools of Thought
- 11 which have been practiced by countries where these guidelines have been implemented.
- 12 b. *Halal* – means “lawful,” as pertaining to food and other products for human consumption and
- 13 services permitted under Sharia’h Law.
- 14 c. *Haram* – means “unlawful,” as pertaining to food, beverage and other products not allowed for
- 15 human consumption such as carrion, najis, intoxicating preparations containing alcohol as well
- 16 services prohibited under Shariah Law.
- 17 d. *Halal System* – means the comprehensive systems, standards, and procedures providing the
- 18 mechanism for the development, promotion, monitoring, and regulation of halal trade.

- 1 e. **Accreditation** – the procedure by which an authoritative body grants formal
2 recognition, under duly established guidelines and rules, to another body that it is
3 competent to carry out specific tasks.
- 4 f. **Certification** – third party attestation related to products, processes, systems, or
5 persons.
- 6 g. **Islamic organization** – means qualified Muslim organization engaged in the
7 inspection, audit, and halal certification of food and non-food products,
8 establishments, and services.
- 9 h. **Carrion** – as defined by Shariah Law, means the flesh of swine, dogs, cats,
10 reptiles, amphibians and predatory animals; flesh of dead animals that have been
11 sacrificed to idols, blood; flesh partly consumed by beasts and birds of prey; and
12 dead or decaying flesh of animals felled by strangulation, beating, or goring.
- 13 i. **Najis** – as defined by Shariah Law, means things that are themselves filthy and
14 cannot be cleaned like: pork, blood, and carrion, as well as lawful food that has
15 been contaminated or has come in contact with filth.
- 16

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

- 22 a. The food or product or their ingredient must not contain any components of
23 animals and carrion that are prohibited under Shariah Law or animals that are not
24 slaughtered according to Shariah Law.
- 25 b. The food or product does not contain ingredients that are considered Haram or
26 Hajis by Shariah Law,
- 27 c. The food or product is not prepared, processed, or manufactured using equipment
28 that has been contaminated with Haram or Najis.
- 29 d. During its preparation, processing, storage, or transportation, the food or product
30 is fully separated from, and does not come in contact with, any other food or
31 product that has been decreed Haram or Najis by Shairah Law or does not meet
32 the requirements stated in items (a), (b), or (c) above.
- 33 e. Service establishments such as, but not limited to, hotels, restaurants, resorts, and
34 similar service facilities purposely established for and catering to the public,
35 particularly Muslim patrons; and abattoirs, factories, and similar establishment

1 purposely producing Halal goods shall conform to the Philippine National
2 Standards for Halal as provided for under Section 12 of this Act.

- 3 f. Labels of products that are certified Halal shall contain the word "Halal" or its
4 equivalent term and should not be used in ways which could give rise to doubt
5 about safety of similar food or to claims that Halal foods are nutritionally superior
6 to, or healthier than, other foods.

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

11
12 **SEC. 5. *Philippine Halal Accreditation and Regulatory Board.*** – There is hereby
13 created a Philippine Halal Accreditation and Regulatory Board, hereinafter referred to as
14 the Board.

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

19
20 **SEC. 6. *Governing Council.*** - The Governing Council shall be composed of the
21 following:

- 22 a. Two (2) Muslim scholars appointed by the President upon the recommendation
23 of concerned Islamic organizations;
24 b. Secretary of Trade and Industry or his duly authorized representative;
25 c. Secretary of Agriculture or his duly authorized representative; and
26 d. Executive Director of the Office on Muslim Affairs or his duly authorized
27 representative. The two (2) Muslim scholars shall serve for a term of two (2)
28 years and may be re-appointed by the President; *Provided*, That no person may be
29 appointed to serve for more than two (2) consecutive terms.

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

33
34 **SEC. 7. *Powers and Functions of the Governing Council.*** – The Governing
35 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
28 **SEC. 8. Accreditation Committee.** - The Board shall have an Accreditation
29 Committee with five (5) members appointed by the Governing Council. It shall be
30 composed of three (3) Muslim scholars and two (2) qualified technical personnel. The
31 three (3) Muslim scholars shall come from different Muslim religious organizations. The
32 two (2) technical personnel shall come from the National Meat Inspection Service
33 (NMIS) of the Department of Agriculture and the Bureau of Food and Drugs (BFAD) of
34 the Department of Health, and other government agencies as may be required.

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

- 3 a. Assist in the formulation of accreditation policies and guidelines;
- 4 b. *Ensure strict implementation and compliance with Halal accreditation criteria*
5 *by applicant Islamic organizations;*
- 6 c. Conduct technical briefings to applicants for Halal accreditation;
- 7 d. Review assessment reports submitted by the accreditation assessment division;
- 8 e. Recommend to the Executive Director the granting or refusal of accreditation to
9 applicant Islamic organizations; and
- 10 f. Assist the Executive Director and the Secretariat of the Board as may be
11 required.

12
13 **SEC. 10. *Board Secretariat.*** - The Board shall have a Secretariat which shall
14 *furnish the necessary administrative, secretariat, and other support services shall be under*
15 *the direction and supervision of the Executive Director appointed by the President upon*
16 *the recommendation of the Governing Council. The personnel of the Secretariat shall be*
17 *appointed, and their compensation fixed by the Governing Council upon the*
18 *recommendation of the Executive Director in accordance with Civil Service laws, rules,*
19 *and regulations.*

20 The Secretariat shall consist of the Assessment Division and the Operations
21 Division.

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

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

28
29 **SEC. 11. *Executive Director; Duties and Responsibilities.*** - The Executive
30 Director shall have the following duties and responsibilities:

- 31 a. Execute, direct, and implement the policies, regulations, and resolutions issued
32 by the Board;
- 33 b. Sign under authority of the Governing Council accreditation certificates issued
34 to Islamic Organization.
- 35 c. Supervise the Board Secretariat and maintain official records, files, and
36 proceedings of the Board; and

1 d. Perform other duties as may be required by the Board.
2

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

6 The PNS for Halal shall provide the specific guidelines for a comprehensive and
7 integrated Philippine Halal system that will govern the extraction, preparation,
8 processing, manufacture and production, packaging, labeling, transportation, storage,
9 marketing, and distribution of Halal foods and products as well as the certification of
10 Halal abattoirs, outlets, hotels, restaurants, and other service establishments.

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

16 *Provided, further*, That the Board shall submit a final copy of the Philippine
17 National Standards for Halal to the Official Gazette for publication.
18

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

24 *Provided, further*, that the Board, in the formulation of said rules and regulations
25 and imposition of sanctions, shall maintain the voluntary character of the Halal
26 accreditation system.
27

28 **SEC. 14. *Transition Period.*** - There shall be a transition period of two (2) years
29 wherein personnel from the Department of Trade and Industry shall be utilized to
30 exercise the functions of the Secretariat. The amount necessary shall be charged against
31 the current of the concerned appropriation agencies: *Provided*, That after such period, the
32 amount necessary for its continued implementation shall be appropriated and charged
33 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.

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

Approved,