

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
SECOND REGULAR SESSION

5 AUG -2 P5:12

SENATE
S.B. _____ 2013

RECEIVED BY: _____

Introduced by Senator Magsaysay, Jr.


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. Most important of all, however, is the fact that this bill is accorded recognition in respect to the rich tradition and way of life of the Filipino Muslims.

Among the highlights of this piece of 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 Muslim 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 product 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 by the Committee and its earnest immediate enactment is requested.


RAMON B. MAGSAYSAY, JR.

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
FIRST REGULAR SESSION

5 AUG -2 P5:12

SENATE
S.B. No. 2008

RECEIVED BY: _____

INTRODUCED BY SENATOR MAGSAYSAY, JR.

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:

SECTION 1. Title - This Act shall be known as the "Philippine Halal Act of 2005."

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

SEC. 3. Definition of Terms - As used in this Act:

- a. *Shariah Law* - means the Islamic law based on the Al-Quran, Al-hadith (Traditions of the Messenger of Allah), Ijma (Consensus of Islamic Scholars) and Qiyas (Legal Deduction or Analogy) according to the Shafei or anyone of the Hanafi, Maliki or Hanbali Schools of Thought which have been practiced by countries where these guidelines have been implemented.
- b. *Halal* - means "lawful," as pertaining to food and other products for human consumption and services permitted under Shariah Law.
- c. *Haram* - means "unlawful", as pertaining to food, beverage and other products not allowed for human consumption such as carrion, najis, intoxicating preparations containing alcohol as well as services prohibited under Shariah Law.

- d. *Halal system* - means the comprehensive systems, standards and procedures providing the mechanism for the development, promotion, monitoring and regulation of halal trade.
- e. *Accreditation* - the procedure by which an authoritative body grants formal recognition, under duly established guidelines and rules, to another body that it is competent to carry out specific tasks.
- f. *Certification* - third party attestation related to products, processes, systems, or persons.
- g. *Islamic organization* - means qualified Muslim organization engaged in the inspection, audit and halal certification of food and non-food products, establishments and services.
- h. *Carrion* - as defined by Shariah Law, means the flesh of swine, dogs, cats, reptiles, amphibians and predatory animals; flesh of dead animals that have been sacrificed to idols; blood; flesh partly consumed by beasts and birds of prey; and dead or decaying flesh of animals felled by strangulation, beating or goring.
- i. *Najis* - as defined by Shariah Law, means things that are themselves filthy and cannot be cleaned like: pork, blood and carrion, as well as lawful food that has been contaminated or has come in contact with filth.

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

- a. The food or product or their ingredient must not contain any components of animals and carrion that are prohibited under Shariah Law or animals that are not slaughtered according to Shariah Law.
- b. The food or product does not contain ingredients that are considered Haram or Najis by Shariah Law.
- c. The food or product is not prepared, processed or manufactured using equipment that has been contaminated with Haram or Najis.
- d. During its preparation, processing, storage or transportation, the food or product is fully separated from, and does not come in contact with,

- any other food or product that has been decreed Haram or Najis by Shariah Law or does not meet the requirements stated in items (a), (b) or (c) above.
- e. Service establishments such as, but not limited to, hotels, restaurants, resorts and similar service facilities purposely established for and catering to the public, particularly Muslim patrons; and abattoirs, factories, and similar establishments purposely producing Halal goods shall conform to the Philippine National Standards for Halal as provided for under Section 12 of this Act.
 - f. Labels of products that are certified Halal shall contain the word "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.

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

SEC. 5. Philippine Halal Accreditation and Regulatory Board - There is hereby created a Philippine Halal Accreditation and Regulatory Board, hereinafter referred to as the Board.

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

SEC. 6. Governing Council - The Governing Council shall be composed of the following:

- a. Two (2) Muslim scholars appointed by the President upon the recommendation of the concerned Islamic organizations;

- b. Secretary of Trade and Industry or his duly authorized representative;
- c. Secretary of Agriculture or his duly authorized representative; and
- d. Executive Director of the Office on Muslim Affairs or his duly authorized representative. The two (2) Muslim scholars shall serve for a term of two (2) years and may be re-appointed by the President; *Provided*, That no person may be appointed to serve for more than two (2) consecutive terms.

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

SEC. 7. Powers and Functions of the Governing Council - The Governing Council shall have the following powers and functions:

- a. Promulgate rules and regulations as are necessary or proper for the accomplishment of its purposes and objectives, including guidelines and standards for the board's operation and the success of the Halal voluntary accreditation and regulation scheme;
- b. Issue criteria to be used in the assessment and review for the voluntary accreditation of applicant Islamic organization.
- c. Supervise, regulate and grant, deny or cancel Halal accreditation of any Islamic organization or order its temporary suspension for failure to comply with or violation of the provisions of this Act, or any law, order, rules or regulations, whenever such action is necessary to the best interest of the public;
- d. Investigate, decide and settle all complaints, controversies or disputes arising out of or connected with Halal system in accordance with the rules and procedures that may be adopted;
- e. Levy, assess and collect, and periodically adjust and/or revise the rates of fees and charges for the issuance of accreditation;
- f. Oversee the funds for the operation of the Board;
- g. Establish and prescribe policies on complaints and appeals regarding accreditation activities;

- h. Represent the Philippines in regional or international meetings;
- i. Form committee(s) to assist the Board on technical matters; and
- j. Perform such other powers and functions as may be prescribed by law, or as may be necessary, incidental or proper to its mandate.

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

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

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

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

SEC. 10. Board Secretariat - The Board shall have a Secretariat which shall furnish the necessary administrative, secretariat and other support services to the Board. The Secretariat shall be under the direction and supervision of the

Executive Director appointed by the President upon the recommendation of the Governing Council. The personnel of the Secretariat shall be appointed, and their compensation fixed by the Governing Council upon the recommendation of the Executive Director in accordance with Civil Service laws, rules and regulations.

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

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

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

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

- a. Execute, direct and implement the policies, regulations and resolutions issued by the Board;
- b. Sign under authority of the Governing Council accreditation certificates issued to Islamic Organization.
- c. Supervise the Board Secretariat and maintain official records, files and proceedings of the Board; and
- d. Perform other duties as may be required by the Board.

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

The PNS for Halal shall provide the specific guidelines for a comprehensive and integrated Philippine Halal system that will govern the extraction, preparation, processing, manufacture and production, packaging,

labeling, transportation, storage, marketing and distribution of Halal foods and products as well as the certification of Halal abattoirs, outlets, hotels, restaurants and other service establishments.

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

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

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

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

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

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

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

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

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

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

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

Approved,