

25 September 2019

REPRESENTATIVE WESLIE GATCHALIAN

Chairperson
Committee on Trade and Industry
House of Representatives
Batasan Complex, Batasan Hills
Quezon City

Dear Representative Gatchalian:

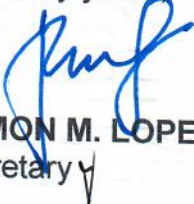
We are pleased to submit the Department's position on House Bill No. 979, entitled:

An Act Amending Section 38 of Republic Act 10611, 'Otherwise Known as the Food Safety Act of 2013', to Fortify Food Safety Regulatory System in the Country, Providing for Stiffer Penalties and Sanctions, and For Other Purposes

This is without prejudice to the Department's submission of additional inputs.

With my best regards.

Very truly yours,


RAMON M. LOPEZ
Secretary



OFFICE OF THE SECRETARY

DTI Position on

House Bill No. 979

An Act Amending Section 38 of Republic Act 10611, 'Otherwise Known as the Food Safety Act of 2013', to Fortify Food Safety Regulatory System in the Country, Providing for Stiffer Penalties and Sanctions, and For Other Purposes

The Department expresses its support on the imposition of stiffer penalties and sanctions to violators of the Food Safety Act of 2013 given the State's duty to "protect and promote the right to health of the people" and "protect consumers from trade malpractices and from substandard or hazardous products." Consistent with Republic Act (RA) No. 7394 or the Consumer Act of the Philippines, the proposed legislation would help "ensure safe and good quality of food xxx to protect the health of the consumer."

According to the Food and Agriculture Organization (FAO), more than 275 million people in the Asia-Pacific region succumb to foodborne diseases brought about by poor hygiene and food mishandling every year.¹ Food exposure to contaminants (e.g., street food and fresh produce left out for hours in open-air markets and hot climates) also lead to foodborne illnesses.

While recent data from the Philippine Statistics Authority (PSA)² shows that "99% of establishments implements [sic] prevention and control measures against work safety and health hazards," the FAO and World Health Organization (WHO) state that there remain challenges in the "enforcement and implementation of food safety regulations, capacity-building of food safety inspectors."³

In line with these, the Department views that higher penalties alone may not solve the problem. A study of reported foodborne disease outbreaks (FBDOs) in the Philippines⁴ showed that "food service eating facilities and home-prepared food are more prone to outbreak occurrences." Of the 209 FBDO cases, there were 74 occurrences reported in food service eating facilities that include schools, canteens, restaurants, and hotels, while 102 occurrences were reported in households (single and multiple households' involvement).

Researchers pose the "need to officially monitor, document, and validate FBDOs to promote public health and safety," and for the "Department of the [sic] Interior and Local

¹ "Foodborne illnesses in Asia-Pacific 'needlessly' sicken 275 million annually and threaten trade," Food and Agriculture Organization (FAO), July 06, 2019, <http://www.fao.org/asiapacific/news/detail-events/en/c/1197008/>. (accessed September 12, 2019).

² Occupational Safety and Health Practices in Establishments: CY 2015. 2015/2016 Integrated Survey on Labor and Employment (ISLE). Philippine Statistics Authority (PSA). Released 29 June 2018. Survey conducted every two (2) years.

³ Gundo Weiler and José Luis Fernandez, "Food safety is everybody's responsibility," *Inquirer.net*, June 05, 2019, <https://opinion.inquirer.net/121777/food-safety-is-everybodys-responsibility>. (accessed September 12, 2019).

⁴ Azanza, M. P. V., Membrebe, B. N. Q., Sanchez, R. G. R., Estilo, E. E. C., Dollete, U. G. M., Feliciano, R. J., and Garcia, N. K. A., "Foodborne Disease Outbreaks in the Philippines (2005–2018)," *Philippine Journal of Science*, 148 (2): 317-336, June 2019. http://philjournalsci.dost.gov.ph/images/pdf/pjs_pdf/vol148no2/foodborne_disease_outbreaks_in_the_Philippines_.pdf. (accessed September 12, 2019).

Government (DILG), along with the local government units, to re-evaluate their roles in the implementation of the food safety regulation.”

Notwithstanding the abovementioned comments, the Department does not discount the probability of higher penalties somehow deterring violators of the Food Safety Act of 2013. The imposition of stiffer penalties may also induce businesses to faithfully comply with international standards/guidelines and adopt the World Trade Organization (WTO) Agreement on Sanitary and Phytosanitary Measures (SPS) that would allow facilitation of international trade.

The Department recommends adding a provision on penalties for repeat offenders/violators and those convicted for four (4) or more times. However, we defer to the Department of Agriculture (DA), Department of Health (DOH), and the DILG in providing comments and/or recommendations on the adequacy of the penalties proposed, as covered by their respective mandates.

Layapinchay

Bureau of Trade and Industrial Policy Research

16 September 2019

Ref: BTIPR-092019-74

/avmr