

Republic Act No. 10611: Strengthening the Philippine Food Safety Regulatory System¹

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INTRODUCTION

Food, as one of the basic needs of man, provides the health requirements of a person in order to live. The availability of food on the plate of every Filipino is among the main concerns of the government in achieving food security. The Philippines has a number of policies being implemented that recognizes the pivotal role of improving food production and supply to meet the evergrowing food demand. However, more than achieving availability and sufficiency of supply, food security is also defined as access to safe and nutritious food (FAO, 2014). Food safety refers to the assurance that food will not cause harm, human health is protected and market access of locally produced foods and food products is facilitated.

In 23 August 2013, President Benigno S. Aquino III signed into law Republic Act (RA) No. 10611 otherwise known as the “Food Safety Act of 2013”. The law primarily adheres to the Philippine Constitution’s declaration to protect and promote the right of the people to health and keep its populace from the threat of trade malpractices and substandard and hazardous products. With these as pronouncements, the country shall support and advocate for a farm-to-fork food safety regulatory system which guarantees high level food safety, promotes fair trade and fosters the competitiveness of the country’s food and food products.

Food Safety Act of 2013

Republic Act (RA) No. 10611, also known as the “Food Safety Act of 2013” defines food as any substance or product whether processed, partially processed or unprocessed that is intended for human consumption. It includes drinks, chewing gum, water and other substances, which are intentionally incorporated into the food during its manufacture, preparation and treatment (Section 4.g). On the other hand, food safety refers to the assurance that food will not cause harm to the consumer when it is prepared or eaten according to its intended use (Section 4.n).

The law primarily aims to strengthen the food safety regulatory system in the country. Food safety regulatory system is the combination of regulations, food safety standards, inspection, testing, data collection, monitoring and other activities carried out by food safety regulatory agencies (FSRAs) and by the Local Government Units (LGUs) in the implementation of their responsibilities for the control of food safety risks in the food supply chain (Section 4.q).

¹ A short policy paper submitted to the Food and Fertilizer Technology Center (FFTC) for the project titled “Asia-Pacific Information Platform in Agricultural Policy”. Short policy papers, as corollary outputs of the project, describe pertinent Philippine laws and regulations on agriculture, aquatic and natural resources.

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Specifically, it aims to: protect the public from food-borne and water-borne illnesses and unsanitary, unwholesome, misbranded or adulterated foods; enhance industry and consumer confidence in the food regulatory system; and achieve economic growth and development by promoting fair trade practices and sound regulatory foundation for domestic and international trade (Section 3)³.

In general, RA 10611 works in the principles of achieving food safety to protect human life and health in the production and consumption of food and protect consumer interests through fair practices in the food trade. The protection of consumer interests shall be geared toward the prevention of adulteration, misbranding, fraudulent practices and other practices which mislead the consumer, and the prevention of misrepresentation in the labelling and false advertising in the presentation of food. In order to support this food legislation, standards for food safety measures shall be developed. Food safety standards refer to the formal documents containing the requirements that foods or food processors have to comply with to safeguard human health. It should be noted that the food safety standards shall be based on risk assessment which is anchored to sound scientific evidence.

Responsibilities on food safety

Food safety is a foremost responsibility of food business operators and key government agencies. The food business operators, a person engaged in the food business including one's agents, shall have the principal responsibility to ensure that food satisfies the requirements of food law relevant to their activities in the food supply chain and that control systems are in place to prevent, eliminate or reduce risks to consumers (Section 13).

On the other hand, among the key government agencies with the prime responsibility of ensuring food safety include the Department of Agriculture (DA), the Department of Health (DOH), the Department of Interior and Local Government (DILG) and the Local Government Units (LGUs). The following are the responsibilities of these government agencies:

- a. Department of Agriculture. The DA shall be responsible for food safety in the primary production and post harvest stages of food supply chain and foods locally produced or imported in this category. (Section 15.a). With DOH, DA shall serve as the forefront agency to set mandatory food safety standards (Section 9) and conduct cargo inspection and perform necessary clearance procedures to determine compliance with national regulations (Section 12).

The agencies under the DA with food safety regulatory functions are the following: (a) the Bureau of Animal Industry (BAI), for food derived from animals including eggs and honey production; (b) the National Dairy Authority (NDA), for milk production and post harvest handling; (c) the National Meat Inspection Service (NMIS), for meats; (d) the Bureau of Fisheries and Aquatic Resources (BFAR), for fresh fish and other seafoods including those grown by aquaculture; (e) the Bureau of Plant Industry (BPI), for plant foods; (f) the Fertilizer and Pesticide Authority (FPA), for pesticides and fertilizers used in the production of plant and animal food; (g) the Philippine Coconut Authority (PCA),

³ All Sections refer to RA No 10611, unless specified.

for fresh coconut; (h) the Sugar Regulatory Administration (SRA), for sugar cane production and marketing; and (i) the National Food Authority (NFA), for rice, corn and other grains. The Bureau of Agriculture and Fisheries Product Standards (BAFPS) shall develop food safety standards including those for organic agriculture (Section 16). In addition, oversight functions for the Food Safety Act shall be assigned to the Undersecretary for Policy and Planning, R&D and Regulations (Section 17).

- b. Department of Health. The DOH shall be responsible for the safety of processed and prepackaged foods, foods locally produced or imported under this category and the conduct of monitoring and epidemiological studies on food-borne illnesses (Section 15.b).

Specifically, the FDA Center for Food Regulation and Research shall be responsible for implementing a performance-based food safety control management system (Section 18.b). The Bureau of Quarantine (BOQ) shall provide sanitation and ensure food safety in its area of responsibility in both domestic and international ports and airports of entry, including in-flight catering, food service establishments, sea vessels and aircraft (Section 18.c). The National Epidemiology Center (NEC), the Research Institute of Tropical Medicine (RITM) and the National Center for Disease Prevention and Control (NCDPC) shall conduct and document epidemiological monitoring studies on food borne illnesses for use in risk-based policy formulation. Food safety risk assessment bodies shall be established for this purpose (Section 18.d). The National Center for Health Promotion (NCHP) shall be responsible for advocating food safety awareness, information and education to the public (Section 18.e). The NCDPC shall strategize actions to help ensure the safety of food, reduce the risk of food contamination and food-borne diseases, address the double burden of micronutrient deficiencies and non-communicable diseases and to regularly evaluate the progress made (Section 18.f).

- c. Department of Interior and Local Government. The DILG in collaboration with the DA, the DOH and other government agencies shall supervise the enforcement of food safety and sanitary rules and regulations as well as the inspection and compliance of business establishments and facilities within its territorial jurisdiction (Section 15.d)
- d. The LGUs shall be responsible for food safety in food businesses such as, but not limited to, activities in slaughterhouses, dressing plants, fish ports, wet markets, supermarkets, school canteens, restaurants, catering establishments and water refilling stations. The LGU shall also be responsible for street food sale, including ambulant vending (Section 15.c).

Food Safety Regulation Coordinating Board (FSRCB)

The Food Safety Regulation Coordinating Board is created to (a) monitor and coordinate the performance and implementation of the mandates of the DA, the DOH, the DILG and the LGUs in food safety regulation; (b) identify the agency responsible for enforcement based on their legal mandates when jurisdiction over specific areas overlap; (c) coordinate crisis management and planning during food safety emergencies; (d) establish the policies and procedures for

coordination among agencies involved in food safety; (e) continuously evaluate the effectiveness of enforcement of food safety regulations and research and training programs; (f) regularly submit reports to the Congressional Committees on Health, Agriculture and Food, and Trade and Industry; and (g) accept grants and donations from local and international sources (Section 20).

The Board shall be composed of the following: (1) DOH Secretary as chair with the Food and Drug Administration (FDA) Director General as alternate, (2) DA Secretary as co-chair with the Undersecretary for Policy and Planning, R&D and Regulations as alternate and (3) board members which include heads of the FSRA of the DA, the Director of the FDA Center for Food Regulation and Research, a representative field operator of the DILG with the rank of a Director, the heads of Leagues of Barangays, Municipalities, Cities and Provinces and a representative each from the Department of Trade and Industry (DTI) and the Department of Science and Technology (DOST) with the rank of a Director. Directors of other DOH agencies with food safety concerns shall join the meeting as it may be deemed necessary by the DOH (Section 21).

Implementation of food safety regulations

Official controls are established to verify compliance with food laws and regulations and shall be prepared by each agency (Section 26). Traceability shall be established for foods at relevant stages of production, post harvest handling, processing or distribution, when needed to ensure compliance with food safety requirements. The rule on traceability shall also cover production inputs such as feeds, food additives, ingredients, packaging materials and other substances expected to be incorporated into a food or food product (Section 27).

Appropriate authorizations shall be developed and issued in the form of a permit, license and certificate of registration or compliance that would cover establishments, facilities engaged in production, post harvest handling, processing, packing, holding or producing food for consumption in accordance with the mandated issuances of regulatory agencies issuing such authorizations (Section 28). Regular inspection of food business operators shall be performed by the FSRAs or the control bodies delegated to conduct the activity (Section 29).

Prohibited acts

The law also defines prohibited acts against its provisions. It shall be unlawful for any person to: (a) produce, handle or manufacture for sale, offer for sale, distribute in commerce, or import into the Philippines any food or food product which is not in conformity with an applicable food quality or safety standard promulgated in accordance with this Act; (b) produce, handle or manufacture for sale, offer for sale, distribute in commerce, or import into the Philippines any food or food product which has been declared as banned food product by a rule promulgated in accordance with this Act; (c) refuse access to pertinent records or entry of inspection officers of the FSRA; (d) fail to comply with an order relating to notifications to recall unsafe products; (e) adulterate, misbrand, mislabel, falsely advertise any food product which misleads the consumers and carry out any other acts contrary to good manufacturing practices; (f) operate a food business without the appropriate authorization; (g) connive with food business operators or food inspectors, which will result in food safety risks to the consumers; and (h) violate the implementing rules and regulations of this Act (Section 37).

Penalty

Any person who shall violate any provision of this Act shall suffer penalties which may include payment of fine of not less than Fifty thousand pesos (Php50,000.00), but not more than Five hundred thousand pesos (Php500,000.00); suspension or permanent revocation of appropriate authorization to operate a food business; payment of the hospitalization and rehabilitation cost of injured person; and imprisonment of not less than six (6) months and one (1) day but not more than six (6) years and one (1) day, depending on the number of conviction or injury/death caused (Section 38).

Conclusion

The Food Safety Act of 2013 embodies the Philippine commitment to achieve one of the twin-goals of food security which is access to safe food. The law provides comprehensive food safety provisions and offers a mechanism to uphold the people's general welfare through the promotion and protection of human life and health in the production and consumption of food. However, the achievement of its objectives relies heavily on the crafting of its implementing rules and regulations (IRR) which is a concerted effort of both DA and DOH. In line with this, DA Secretary Proceso J. Alcala has issued the Special Order No. 533 s. of 2013 designating National Meat Inspection Service (NMIS) Executive Director Dr. Minda S. Manantan as Chair of the Technical Working Group assigned to formulate the IRR of this Act.

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