

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

First Regular Session

BTA PARLIAMENT
BTA Bill No.: 164

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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AN ACT REQUIRING ALL BRANCHES OF POPULAR CHAINS OF FAST FOOD RESTAURANTS OPERATING IN THE BANGMORO AUTONOMOUS REGION IN MUSLIM MINDANAO TO PROPERLY LABEL THEIR FOOD PRODUCTS AND CONDIMENTS AS "WITH PORK" TO DISTINGUISH THEM FROM FOOD PRODUCTS AND CONDIMENTS WHICH ARE NON-PORK, WITHOUT PORK OR WITHOUT PORK BY-PRODUCTS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The right to be given the facts about a food product needed to make an informed choice and the right to be protected against unfair and deceptive business practices are two of the fundamental rights of a consumer which the State is duty-bound to protect and promote as enshrined in Article 2 of Republic Act No. 7394 or the "Consumer Act of the Philippines."

The advancement of the consumer rights is no less relevant in the Bangsamoro Autonomous Region especially in light of the steady grow of popular fast food chains and the need for their regulation in order to cater to the dietary restrictions of the Bangsamoro populace, majority of which are Muslims.

As these popular fast food chains continue to further widen their customer base in the region, questions like "Does Jollibee gravy contain pork?" have been lingering in the minds of their patrons.

This Act seeks to finally resolve this matter through mandatory proper labeling of food products of popular fast food chains as "WITH PORK" to distinguish them from food products that do not have pork or pork byproducts. It is the most important and direct means of communicating information to the consumer that a certain fast food product or condiment has pork or pork byproducts. It will guarantee consumers that these food products are they are as we think they are.

We note that this Act is different from Halal labeling laws. Halal label on food products following the certification procedure prescribed in our laws and jurisprudence ensures that the food is lawful to Muslim consumers while this Act is focused only on requiring popular fast food chains to properly label their food products as "WITH PORK"

when they contain pork, lard or any of its byproducts to facilitate sound choice for consumers.

This Act is designed to protect the interest of the Bangsamoro people and their freedom of choice regarding consumption of fast food products, consistent with the common good. It is in consonance with the Bangsamoro's assertion to have a system of life that is reflective of its people's identity, struggles and aspiration within the framework of the Constitution.

Hence, it is hereby proposed and its enactment earnestly sought.


HASHEM N. DILANGALEN, MD, CHA
Member of the Parliament

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MP Hashemi N. Dilangalen, MD, CHA

AN ACT REQUIRING ALL BRANCHES OF POPULAR CHAINS OF FAST FOOD RESTAURANTS OPERATING IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO TO PROPERLY LABEL THEIR FOOD PRODUCTS AND CONDIMENTS AS “WITH PORK” TO DISTINGUISH THEM FROM FOOD PRODUCTS AND CONDIMENTS WHICH ARE NON-PORK, WITHOUT PORK OR WITHOUT PORK BY-PRODUCTS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

Section 1. SHORT TITLE. This Act shall be known as the “Bangsamoro Fast Food Labeling Act”.

Sec. 2. DECLARATION OF POLICIES. It is a policy of the Bangsamoro Government to promote consumer education, protect the rights and general welfare of the consumers. Towards this end, it shall regulate activities relating to the labeling, display and advertisement of food products and condiments of popular chains of fast food restaurants operating within the territorial jurisdiction of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

Sec. 3. COVERAGE. This Act shall apply to all fast food restaurants as defined under Section 4(c) of this Act including but not limited to Jollibee, McDonalds, Chowking, Greenwich Pizza, Mang Inasal, KFC, Goldilocks, Red Ribbon, Pizza Hut, and Shakeys whether inside or outside malls, mart and centers operating within the territorial jurisdiction of the Bangsamoro Autonomous Region in Muslim Mindanao.

Sec. 4. DEFINITION OF TERMS.

- a. *Advertisement* - means the prepared and through any form of mass medium, subsequently applied, disseminated or circulated advertising matter.
- b. *eMenu* – refers to the list of food and beverages offered to customers in a digital form displayed on a website or a software application.
- c. *Fast food restaurant* – as defined in this Act, an eating or drinking establishment is considered a quick service restaurant or simply “fast food restaurant” when it possesses the following characteristics:
 1. Quick food service is offered and sales transactions are completed within a short period of time;
 2. Food is already prepared and held for service, or able to be prepared quickly;
 3. Food is generally served in disposable wrappings or containers, with disposable utensils;

4. The manner of preparation, packaging, and service of the food products enables and/or encourages its consumption outside the premises;
 5. Orders are not generally taken at a customer's table; and
 6. It has an asset size of five P5,000,000.00 or above.
- d. *Label/Labeling* – refers to the display of written, printed or graphic matter on any consumer product, its immediate container, tag, literature or other suitable material affixed thereto for the purpose of giving information as to the identity, components, ingredients, attributes, directions for use, specifications and such other information as may be required by applicable laws or regulations.
 - e. *Menu* – refers to a list of food and beverages offered to customers. They may be printed on paper sheets provided to the diners, put on a large poster or display board inside the establishment, displayed outside the restaurant, or put on a digital screen.
 - f. *Online food service* – refers to the food and grocery services for ordering or pick-up made available online through a website or an application software such as but not limited to GrabFood and foodpanda.
 - g. *Promotional/Marketing materials* – refer to materials electronic or otherwise which are intended to promote a brand, service or product.

Sec. 5. GENERAL GUIDELINES. For the purpose of this Act, the following guidelines in the labeling of food products of fast food restaurants as “WITH PORK” are hereby established:

- a. Food items and condiments are presumed not to contain pork, lard or any of its by-products, as part of its ingredients, unless they are labelled otherwise. The lack of label is equivalent to a claim on the absence of the aforementioned ingredients;
- b. Food items and condiments that contain pork, lard or any of its by-products, must be labelled “WITH PORK”, or any statement to this effect, to clearly indicate the presence of pork, lard or any of its by-products. This shall be reflected on advertisements, promotional and marketing materials distributed in municipalities, cities and provinces within the BARMM. This shall also be reflected in menus found in fast food branches and in eMenus of online food services platforms operating in the BARMM; and
- c. The fast food management shall be responsible for ensuring the proper labeling of their food items and condiments. It must be printed or shown conspicuously, rendering it likely to be read and understood by an ordinary person.

Sec. 6. PROHIBITED ACTS. It shall be unlawful for fast food restaurants to:

- a. Fail to properly label the food item that contains pork, lard or any of its byproducts in their advertisements, marketing and promotional materials, menus and eMenus as “WITH PORK” or any other words or symbol to this effect in such a way that men of common intelligence must necessarily understand;
- b. Falsely claim or advertise that a certain food item or condiment does not contain pork, lard or any of its byproducts; and
- c. Violate the implementing rules and regulations of this Act.

Sec. 7. PENALTIES. – The following are the penalties for violation of any prohibited acts under Section 5 of this Act:

First Offense	Fine not less than P10,000.00 but not more than P20,000.00
Second Offense	Fine not less than P20,000.00 but not more than P50,000.00
Third Offense	Fine not less than P50,000.00 but not more than P100,000.00

The penalty prescribed shall be imposed upon the owner of the fast food restaurant. In the case of corporation, partnership, association, cooperative or other juridical entities, the penalty provided for by law shall be imposed upon the directors, officers, employees or other persons responsible for the offense.

The Fast Food Labeling Council may likewise recommend suspension of operations of the fast food restaurants who have been found guilty of violating any of the prohibited acts under Section 5 of this Act for the third time or oftener for a period not exceeding six (6) months or cancellation of their licenses or permits to conduct business, depending on the gravity of the infractions, to the concerned Local Government Units.

Sec. 8. FAST FOOD LABELING COUNCIL. There is hereby created a Fast Food Labeling Council mandated to ensure that the provisions of this Article shall be strictly implemented and complied with by popular fast food chains operating in the BARMM.

Sec. 9. COMPOSITION. The Fast Food Labeling Council shall be composed of the following:

Chairperson – Minister of the Ministry of Trade, Investments and Tourism
Vice Chairperson – Minister of the Ministry of Health

Members:

Minister of the Ministry of Interior and Local Government
Minister of the Ministry of Agriculture, Fisheries and Agrarian Reform
A representative from BARMM business sector
A representative from BARMM consumer group

Sec. 10. MEETINGS. The Fast Food Labeling Council shall convene ninety (90) days after the effectivity of this Act without prior call at any place the chairperson may determine. Thereafter, it may hold regular or special meetings as often as necessary in accordance with its duly published rules.

Sec. 11. APPOINTMENT OF MEMBERS. The members of the Fast Food Labeling Council who come from the government shall be *ex officio* in nature without the requirement of appointment. The members from the business sector and the consumer group shall be respectively recommended by a legally established business organization and consumer organization based in BARMM.

Sec. 12. POWERS AND FUNCTIONS. The Fast Food Labeling Council shall perform the following functions:

- a. To promulgate, in consultation with the representatives of establishments covered by this act and other concerned agencies and associations, rules and regulations necessary for the effective implementation of this Act which shall include the rules and procedures governing the investigation and disposition of cases filed before the Fast Food Labeling Council;
- b. To ensure that the food products and condiments on the menus, e-menus, marketing and promotional materials of the covered establishments are properly labelled in such a manner that they can be easily identified as "WITH PORK";
- c. Coordinate and cooperate with other government agencies and entities concerned with any aspect involving labeling of fast food products as "WITH PORK" with the end view of effecting continuing improvement of such services;

- d. To impose or effect the penalties provided under Section 7 of this Act; and
- e. Perform such other duties and functions as may be provided by law, or as may be necessary, or incidental to the purposes and objectives of this Act.

Sec. 13. COMPENSATION. The members of the Fast Food Labeling Council shall not receive compensation except in the form of per diems and necessary expenses in attending the meetings and activities of the Council.

Sec. 14. COMPLAINTS. The Fast Food Labeling Council shall, on its own instance or upon a verified complaint by any aggrieved consumer, commence investigation of violation of any of the prohibited acts under Section 5 of this Act.

Sect. 15. DECISION. The Fast Food Labeling Council shall sit and render its decision en banc. Its decision must be unanimous. Every such decision, order, or resolution must bear the concurrence and signature of at least three (3) members.

Sec. 16. APPEAL. The decision, order or resolution of the Council shall be appealable to the Office of the Chief Minister within thirty (30) days from receipt or tender of the copy of the decision to the parties. The Chief Minister shall decide the appeal within thirty (30) days from receipt thereof. In the case of inaction, the decision of the Fast Food Labeling Council shall become final and executory after the lapse of said period.

Sec. 17. ANNUAL REPORT. The Fast Food Labeling Council shall submit a report on the status of the implementation of the provisions of this Act to the Parliament within thirty (30) days from the start of every regular session.

Sec. 17. APPROPRIATIONS. The amount needed for the initial implementation of this Act shall be charged against the 2023 appropriations of the MTIT including any available funds in the Bangsamoro Treasury that may be appropriated for the implementation of this Act. Thereafter, the sum needed for the operation and maintenance of the Council shall be included in the annual budget of the MTIT.

Sec. 18. PRESCRIPTION. The period of prescription for all causes of action accruing under the provisions of this Act and the rules or regulations issued pursuant thereto shall be one (1) year. It shall commence to run from the day on which the violation is discovered by the Fast Food Labeling Council, the authorities, or their agents, and shall be interrupted by filing of the complaint, and shall commence to run again if the proceedings are dismissed for reasons not constituting jeopardy.

Sec. 19. SEPARABILITY CLAUSE. The provisions of this Act shall be separable so that if for any reason any provision or part hereof is declared invalid or unconstitutional, the remainder of this Act or the provisions not otherwise affected shall remain in full force and effect.

Sec. 20. REPEALING CLAUSE. All regional laws, executive orders, rules or regulations, or any part thereof, which are inconsistent herewith, are hereby repealed, amended or modified accordingly.

Sec. 21. EFFECTIVITY CLAUSE. This Act shall take effect fifteen (15) days after the completion of its publication in a newspaper of general circulation in the Bangsamoro Autonomous Region in Muslim Mindanao.

Approved,

AUTHOR:


DR. HASHEMI N. DILANGALEN
Member of the Parliament

Certified Correct:

PROF. RABY ANGKAL
Secretary General

Attested by:

ATTY. PANGALIAN M. BALINDONG
Speaker