



Republic of the Philippines
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

Second Parliament
First Regular Session

Parliament Bill No. 268

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
RECEIVED
Name: ADELTA D. DIAZ Signature: [Signature]
Date: DEC 14 2023 Time: 10:22M

AN ACT PROVIDING FOR THE HALAL CONSUMERS ACT

EXPLANATORY NOTE

The 2020-2022 Bangsamoro Regional Development Plan (BRDP) envisioned industry development in Bangsamoro where halal criteria is embedded in its process and system. Accordingly, halal principles will be integrated starting at the production level to the value-adding process. The National Government has also listed the Establishment of Halal Industry as one of its priority investment areas.

In light of the general policies and the economic goals of the country, this Halal Consumer's Act for the Bangsamoro Region is being proposed in order to lay down the groundwork of establishing a halal industry in the country. The Bangsamoro Region should take precedence in leading the nation towards this pursuit as the Bangsamoro people has the greatest interest in promoting halal.

In the present, there are various agency issuances relating to halal but none of them provides penalty clauses for those that are arbitrarily using the halal seal without going through the process of certification. There is also no active monitoring process for products that have undergone the procedure of halal certification. Thus, the enforcement of halal in the country is still loose as there are no existing mechanisms by which the agencies and private establishments can follow to regulate their sale of halal products and services.

This proposed legislation is, thus, being submitted to define the rights of the Bangsamoro people to consume halal. This proposal is a major breakthrough that wishes to expand the Consumer Act of the Philippines by defining the halal standards and the rights of the consumers to be protected from non-halal products.

Hence, its passage is earnestly sought.

ROMEO K. SEMA, DPA
Member of the Parliament



Republic of the Philippines
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

Second Parliament
First Regular Session

Parliament Bill No. 268

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
RECEIVED
Name: ADILAH DIRATUN Signature: [Signature]
Date: DEC 14 2023 Time: 10:32 AM

Introduced by:
MP ROMEO K. SEMA, DPA

Co-authors:

MP ALI MONTAHA D. BABAO | MP MUSLIMIN A. JAKILAN | MP ALBAKIL D. JIKIRI | MP FAISAL G. KARON | MP TARHATA M. MAGLANGIT | MP HAMID U. MALIK | MP ABDULKALIM T. MISUARI | MP NURREDHA I. MISUARI | MP ADZAFAR H. USMAN, MP SUHARTO M. AMBOLODITO | MP SUSANA S. ANAYATIN | MP MATARUL M. ESTINO | MP ABDULLAH E. GAYAK | MP HATIMIL E. HASSAN | MP DENMARTIN A. KAHALAN | MP ISHAK V. MASTURA | MP AMILBAHAR S. MAWALIL | MP FROILYN T. MENDOZA | MP RASOL Y. MITMUG, JR., | MP NABILA MARGRAITA P. PANGANDAMAN | MP RANDOLPH C. PARCASIO | MP RAMON A. PIANG, SR. | MP ALI B. SANGKI | MP BASSIR D. UTTO | MP ABDULWAHAB M. PAK | MP JOSE I. LORENA

AN ACT PROVIDING FOR THE HALAL CONSUMERS ACT

Be it enacted by the Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao Assembled:

SECTION 1. Title. This law shall be known as the "Halal Consumers Act."

SEC. 2. Purpose. This law is intended to protect Muslim consumers from consuming and availing of products and services that are not in accordance with their faith and belief.

SEC. 3. Definition of Terms.

- a) *Halal* refers to the way of life of Muslims that is guided by *halalan tayyib*, namely purity, hygiene, and healthy living.
- b) *Halal food* refers to those foods that are permitted under the Shariah law, specifically having the attributes/conditions as follows:

- i. food and/or its ingredients that do not contain any parts or products of animals that are not halal or do not contain products or animals that are not prepared and slaughtered according to Sha'riah law;
 - ii. food that does not contain any ingredients that are '*najs*';
 - iii. food that is not prepared, processed, or manufactures using equipment that is contaminated with things that are '*najs*';
 - iv. food or its ingredients that do not contain any human parts or its derivatives;
 - v. the food that is physically separated during its preparation, processing, packaging, storage or transportation from any other food that does not meet the requirements as stated in the aforementioned items or any other things that fall as '*najs*';
- c) **Halal Slaughter** refers to the slaughter of a halal animal by severing the trachea (halqum), oesophagus (mari), and both the carotid arteries and jugular veins (wadajain) to hasten the bleeding and death of the animal.
- d) *Najs* refer to the following:
- i. things that are themselves not permissible such as pig (khinzir) and all its derivatives, blood and carrion;
 - ii. halal foods that are contaminated with products that are non-halal;
 - iii. halal foods that comes into direct contact with products that are non-halal;
 - iv. any liquid and objects discharged from the orifices of human beings or animals such as urine, excrement, blood, vomit, pus, sperm, and ova of pigs and dogs except sperm and ova of other animals; and
 - v. carrion or halal animals that are not slaughtered according to the Shariah standard.

HALAL STANDARDS

SEC. 4. Sources of Halal Food and Drinks. The following are the sources of halal food and drinks:

- a) All land animals are halal as food except the following:
 - i. Animals that are not slaughtered according to Shariah law;
 - ii. Pigs (*khinzir*) and dogs and their descendants;
 - iii. Animals with long pointed teeth or tusks which are used to kill prey such as tigers, bears, elephants, cats, monkeys, etc.;
 - iv. Birds with talons or predator birds;
 - v. Pests such as rats, centipedes, scorpions, and others;
 - vi. Animals that forbidden to be killed in Islam such as bees (*al-nahlah*), woodpeckers (*hud-hud*), and others;
 - vii. Creatures that are considered as repulsive such as lice, flies, etc.,
- b) Aquatic animals that live in water and cannot survive outside it, such as fish. Thus, animals that live both on land and water such as crocodiles, turtles and frogs are not halal. Aquatic animals that are poisonous,

- intoxicating, or hazardous to health shall also not be considered as halal unless the toxin or poison has been eliminated during processing;
- c) All types of plants and plant products and their derivatives are halal except those that are poisonous, intoxicating or hazardous to health, provided that it shall be considered as halal if the toxin or poison has been eliminated;
 - d) All natural minerals and chemicals except those that are poisonous, intoxicating or hazardous to health.
 - e) All kinds of water and beverage except those that are poisonous, intoxicating, or hazardous to health
 - f) Foods and drinks containing products and/or by-products of Genetically Modified Organisms (GMOs) or ingredients made by the use of genetic material of animals are not halal.

SEC. 5. Halal Standards for Agricultural Products. Without prejudice to additional guidelines that may be issued by the Bangsamoro Government and of the NCMF, this law adopts the following standards issued by the Bureau of Agriculture and Fisheries Standards of the Department of Agriculture for purposes of determining whether a food or product is halal:

- a) PNS BAFS 101 2016 Halal Agriculture and Fisheries Products
- b) PNS BAFS 102-2016 Halal Slaughtering Practice for Ruminants
- c) PNS BAFS 103-2016 Halal Slaughtering Practice for Poultry
- d) BAFS PNS 139 2016 for Halal Feeds

SEC. 6. Halal Procedure. The halal standard in relation to other goods that are not covered by the preceding section should consider the composition, contents, manufacture, processing, packaging, and storing of the goods. The goods or products shall be tested during and after manufacture including the form, content of markings, and seal that accompany the goods.

SEC. 7. Halal Control System in Slaughter Houses - Slaughter houses which supplies certified halal meat, shall adopt a halal control system to maintain the purity and genuineness of their products. The Control System shall comprise of the following:

- a) *Halal Head Checker* - There shall be a Halal Head Checker on Houses that uses Pneumatic Percussive Stunner. He or she must be a practicing Muslim and is registered, trained, and supervised as such by Halal Certifying Bodies. The Halal Head Checker shall assess the skull damage on ruminants and identify those that are not qualified as halal.
- b) *Halal Checker* - There shall be a Halal Checker who must be a practicing Muslim and is registered, trained, and supervised as such by Halal Certifying Bodies. He or she shall be present at the slaughter hall to check the stunning operation, to ensure the halal slaughter, proper bleeding, determination of death prior to dressing operations, handling of non-compliant carcasses.
- c) *Halal Supervisor* - The shall be a Halal Supervisor who must be a practicing Muslim and one who fully understands the fundamental rules and conditions

related to the slaughter of animals in Islam. He or she shall be responsible for the effectiveness of the internal halal control system in the establishment and must ensure that the slaughterman, head checker, and checker are in accordance with the halal standards. He or shall shall also supervise and make records of the:

- a. Stunning equipment verification and calibration;
- b. Slaughtering record;
- c. Non-conformance record;
- d. Chiller room, freezer, and blast freezer record;
- e. Deboning Activity Record; and
- f. Packaging and Storage Record.

SEC. 8. Segregation of Halal from Non-Halal Products in Preparation, Processing, Packaging, Storing, and Transportation - During the preparation, processing, packaging, storing, and transportation, halal products shall be physically separated from non-halal products. Halal products should have separate devices, utensils, machines, processing aids, and personnel. On no occasion would there be a contact, whether direct or indirect, between halal products and non-halal products.

SEC. 9. Segregation of Halal from Non-Halal Products for Supermarkets - The designated area for halal and non-halal products must not be alongside each other and must be clearly labeled. It is preferable that halal products have their own section in the supermarket store. To avoid all possible contamination, the person handling the halal products must not come into contact with non-halal products. The baskets and carts for raw halal products should be exclusive to it. There shall also be designated halal lanes where non-halal products are strictly not catered.

SEC. 10. Halal Restaurants - Restaurants that are purporting to be halal restaurants should meet the halal, hygiene, and safety standards for the preparation and handling of raw materials. All its products and raw materials used in its cooking shall be certified halal and it shall also be prohibited in the use of alcohol, wine, and the likes.

SEC. 11. Labeling - All halal foods that are stored, displayed, sold, or served shall be categorized and labeled as halal. It shall also be segregated at every stage so as to prevent them from being mixed or contaminated with things that are non-halal.

SEC. 12. Hygiene and Sanitation - Hygiene, sanitation, and food safety are prerequisites in the preparation of halal food. It includes the personal hygiene and clothing of the attending personnel; the cleanliness of equipment and the working premises for processing or manufacturing halal food.

SEC. 13. Prohibition to Supply Non-Halal Products. No person shall supply or offer to supply any goods or products which do not comply with the safety standards but are purporting to be halal.

HALAL REGISTRATION & MONITORING

SEC. 14. Halal Registration – The Ministry of Trade and Industry shall assist shall formulate a program to assist MSME’s in BARMM to register or renew their products as halal with accredited halal-certifying bodies in the country.

SEC. 15. Halal Monitoring – For purposes of maintaining and assuring the genuineness of halal sealed products, the Halal Monitoring Committee shall conduct regular monitoring of establishments that have obtained halal certification of their goods and products. The Monitoring may include physical site visit of the premises and testing of products sold. It shall be conducted annually or at any given time when special circumstances arise.

SEC. 16. Halal Monitoring Committee. – A Halal Monitoring Committee shall be created within the organizational structure of the Ministry of Trade and Industry and the Ministry of Science and Technology. The Board Committee shall make its own rules and guidelines in relation to Halal Monitoring and shall be primarily responsible for Halal Monitoring.

SEC. 17. Recall of Defective or Contaminated Halal Products. – The Halal Monitoring Committee shall establish a recall procedure to facilitate complete and timely recall or withdrawal of purporting halal products which are found out to be defective or contaminated during the monitoring.

**MISLEADING & DECEPTIVE NON-HALAL PRODUCTS/ESTABLISHMENTS,
FALSE REPRESENTATION AS HALAL, AND PROHIBITED ACTS**

SEC. 18. Misleading, Deceptive, and False representation. It refers to conduct, representation, practice, and declaration as halal of products and services that are not accredited as halal and are capable of leading a consumer into believing that the product or establishment is halal.

SEC. 19. Misleading Conduct. It shall be unlawful for any person to engage in conduct that is misleading or deceptive or is likely to mislead or deceive the public as to the halal nature and the halal manufacturing process of a product.

SEC. 20. Misleading Representation. It shall be unlawful for any person to make a false or misleading representation that

- A) the goods or products are halal by source;
- B) the animal sold, grown, or offered for sale is grown in a halal way;
- C) the goods or products were manufactured, processed, and stored, in accordance to halal standards;
- D) the goods came from a place or establishment that is renowned as halal-compliant;

SEC. 21. Unlawful Sale and Importation. It shall be unlawful for any person to sell, offer for sale, distribute in commerce, or import into the Philippines products that are purporting to be halal-certified;

SEC 22. Removal of Halal Identification. It shall be unlawful for any person to remove, destroy, or cause to be removed or destroyed, the original means of identification affixed to food commodities to indicate that the food commodities are halal, except that this paragraph may not be construed to prevent the removal of the halal identification if the commodity is offered for sale as non-halal.

SEC. 23. Unauthorized Use of the Seal. Unauthorized usage of the seal halal, when the product has not been certified as halal, shall be unlawful. This shall include the usage of an expired accreditation to use halal seal.

SEC 24. Unlawful Labeling. It shall be unlawful for any person either as principal or agent, engaged in the labeling, or printing of labels or packaging of any consumer product that is purporting to be accredited as halal.

SEC. 25. Declaration Order. The Ministry of Trade and Industry through its Minister may, upon the recommendation of Halal Monitoring Board, declare any goods or products as non-halal and order the enjoinder of the usage of the halal seal. The Order may require the manufacturer and supplier, in such manner and within such period as may be specified in the order, to do any or all of the following:

- (a) recall the non-halal goods and products that are purporting to be halal;
- (b) stop the supply of non-halal goods and products that are purporting to be halal;
- (c) stop the advertisement of non-halal goods and products that are purporting to be halal;
- (d) disclose to the public the information and circumstances which render the products or goods as non-halal;
- (e) rectify or replace the non-halal products or goods;
- (f) refund to any person to whom the non-halal goods or products were supplied the value of the consideration given for the non-halal products.

SEC. 26. Presumption for Liability for Advertisement. Where the conduct or representation in relation to purporting halal goods or product is made or published in an advertisement, the advertisement shall be deemed to have been made by (1) the person who directly or indirectly claims to supply the goods or products, (2) the person on whose behalf the advertisement is made; (3) or both of them, as the case may require unless the contrary is proven.

SEC. 27. Revocation - Establishments that are found guilty of the aforementioned prohibited acts, after due investigation from the Halal Monitoring Committee, shall have their halal accreditation revoked.

SEC. 30. Penalties - Any person who shall violate any provision in this Chapter shall upon conviction, be subject to a fine of not less than One thousand pesos (Php 1,000.00)

but not more than Ten thousand pesos (10,000.00) or imprisonment of not less than two (2) months but not more than one (1) year, or both upon the discretion of the court.

HALAL CONSUMER'S RIGHTS

SEC. 31. Guarantee of Halal. The usage of halal seal and among other forms of halal representation is an express guarantee on the part of the manufacturer that its goods are certified as halal and are free from *najs*. The same also includes the guarantee that the manufacture, processing, and storage of the products is in accordance with halal standards.

SEC. 32. Right for Replacement and Refund - Where a consumer has purchased products or goods that were declared by the MTIT as non-halal under SEC X hereof, the consumer shall have the right against the manufacturer or supplier to replace the goods or products. If not possible, the value given as consideration of the goods and products shall be refunded by the supplier or manufacturer.

SEC. 33. Right to Reject and Return Goods. - A distributor/buyer shall have the right to reject and return defective/contaminated halal goods it ordered in bulk from a supplier or manufacturer and, upon the option of the distributor/buyer, have the same replaced with halal goods if possible or have the value given as consideration refunded. The cost of the return shall be borne by the seller who has delivered defective/contaminated halal goods.

SEC. 34. Right to Replacement - Where the halal consumer exercises the right to replace the goods, the supplier or manufacturer shall provided rectified and certified halal goods that are of the same type, of the same quantity, and of the same value.

SEC. 35. Right to Refund. - Where the halal consumer exercises the right to refund the value of the goods that are purporting to be halal, it shall be paid in cash immediately upon the election of the consumer of its option. The obligation to refund is not satisfied by permitting the consumer to acquire other goods from the supplier.

SEC. 36. Right to Damages. - In addition to the remedy in the preceding section or in the event that they can no longer be availed of due to consumption, a halal consumer may demand damages against the manufacturer or supplier for any loss or damage suffered by the consumer due to the purchase of the damaged or contaminated goods or products.

SEC. 37. Who is Liable. Where any of the aforecited remedies are availed of by the halal consumer, the following persons shall answer:

- a) The manufacturer of the product;
- b) The supplier if it sells or distributes the products or goods with the knowledge that the products or goods are non-halal or contaminated;
- c) The person, who in the course of his business, imported the contaminated goods or products into the Philippines.

SEC. 38. Prescription. Unless a longer period has been stipulated by the contracting parties, the remedies abovesited shall be exercised within two (2) years from the discovery of the defect in the goods or when the defect becomes apparent, whichever comes earlier.

Approved,

A handwritten signature in blue ink, consisting of a large, stylized loop that encircles the text below it.

MP ROMEO K. SEMA, DPA
Member of the Parliament