

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD**

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**CITY ORDINANCE NO. 08-15-756
September 8, 2015**

AN ORDINANCE ENSURING THE OBSERVANCE OF FOOD SAFETY STANDARDS IN THE CITY OF BACOLOD AND PROVIDING FUNDS THEREFOR AS MANDATED BY REPUBLIC ACT NO. 10611 OR 'AN ACT TO STRENGTHEN THE FOOD SAFETY REGULATORY SYSTEM IN THE COUNTRY TO PROTECT CONSUMER HEALTH AND FACILITATE MARKET ACCESS OF LOCAL FOODS AND FOOD PRODUCTS AND FOR OTHER PURPOSES.

WHEREAS, the Congress of the Philippines passed last 2013 Republic Act No. 10611 or an "Act to Strengthen the Food Safety Regulatory System in the Country to Protect Consumer Health and Facilitate Market Access of Local Foods and Food Products, and for Other Purposes";

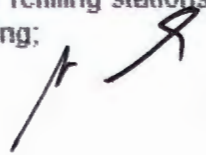
WHEREAS, the Joint DA-DOH Administrative Order No. 2015-0007 dated 20 February 2015 sets the IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 10611, "AN ACT TO STRENGTHEN THE FOOD SAFETY REGULATORY SYSTEM IN THE COUNTRY TO PROTECT CONSUMER HEALTH AND FACILITATE MARKET ACCESS OF LOCAL FOODS AND FOOD PRODUCTS, AND FOR OTHER PURPOSES" OTHERWISE KNOWN AS THE "FOOD SAFETY ACT OF 2013";

WHEREAS, Section 2 of Republic Act No. 10611 stated that "Section 15, Article II of the 1987 Philippine Constitution declares that the State shall protect and promote the right to health of the people and instill health consciousness among them. Furthermore, Section 9, Article XVI provides that the State shall protect consumers from trade malpractices and from substandard or hazardous products. Towards these ends, the State shall maintain a farm to fork food safety regulatory system that ensures a high level of food safety, promotes fair trade and advances the global competitiveness of Philippine foods and food products";

WHEREAS, Section 3 of Republic Act No. 10611 states the objectives to the law, to wit: To strengthen the food safety regulatory system in the country, the State shall adopt the following specific objectives:

- (a) Protect the public from food-borne and water-borne illnesses and unsanitary, unwholesome, misbranded or adulterated foods;
- (b) Enhance industry and consumer confidence in the food regulatory system; and
- (c) Achieve economic growth and development by promoting fair trade practices and sound regulatory foundation for domestic and international trade.

WHEREAS, under the said national law, all 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;



WHEREAS, the City of Bacolod is one of the most progressive cities in the country today given the dynamism of its economy and the diversity of its businesses and that it boasts of a food tourism industry;

WHEREAS, it is to the best interest of the city and its people to ensure that a comprehensive action plan set in motion in order 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 the City.

WHEREFORE, LET IT BE ORDAINED AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG PANLUNGSOD IN SESSION ASSEMBLED THAT:

Section 1. SHORT TITLE. The short title of this ordinance shall be "The Bacolod Food Safety Ordinance."



Section 2. DEFINITION. All terms as defined in Republic Act No. 10611 shall be understood to be defined based on said law for purpose of this ordinance.

- a. **Food Trucks** – are accredited/registered mobile vehicles for cooking and/or selling food.

Section 3. OBJECTIVES. This Ordinance is aimed to:

1. To provide standards and guidelines for the City to implement its mandate under Republic Act No. 10611 which states that "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."
2. To capacitate the City to respond to the mandate of Republic Act No. 10611 which states that "the LGUs may be called upon by the Department of Health (DOH) and the Department of Agriculture (DA) to assist in the implementation of food laws relevant regulations".
3. To access and maximize the roles of the DA and the DOH which shall capacitate the LGUs and provide necessary technical assistance in the implementation of their food safety functions under their jurisdiction by providing training to the City and shall periodically assess the effectiveness of these training programs in coordination with the DILG.
4. To establish a set of annual activities aimed at promoting food safety and among its constituents.

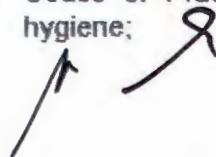
Section 4. STANDARDS. The City shall be responsible in ensuring food safety and quality in the City of Bacolod through the following strategies:

- a) Coordination with the DA which is 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;
- b) Coordination with the DOH which is 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-illness;
- c) Setting of guidelines and standards for food safety in food business 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;
- d) Setting of guidelines and standards for street food sale, including ambulant vending, and mobile food vending such as but not limited to food trucks;
- e) Assisting the DOH and DA to assist in the implementation of food laws, other relevant regulations and those that will hereafter be issued;
- f) Coordination with DA and the DOH for capacity-building and training programs of City personnel to acquire the technical knowledge and assistance in the implementation of their food safety functions under their jurisdiction;
- g) With the help of the DA and the DOH, shall monitor and report the presence of biological, chemical and physical contaminations in food to determine the nature and resources of food safety hazards in the food supply chain.

Section 5. SPECIFIC RESPONSIBILITIES. The City shall bear the following responsibilities:

- a) The City shall set, improve, collate and implement food safety standards together with the private sector and national line agencies.
- b) The City shall be responsible for the enforcement of the Administrative Order 153 otherwise known as the current Good Manufacturing Practices and "Code on Sanitation of the Philippines" (Presidential Decree No. 856, December 23, 1975), food safety standards and food safety regulations where food is produced, processed, prepared and/or sold in their jurisdiction. This shall include, but shall not be limited to, the following:
 - (1) Sanitation particular in public markets, slaughterhouse, micro and small food processing establishments and public eating places;
 - (2) Codes of Practice for production, post harvest handling, processing and hygiene;



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- (3) Safe use of food additives, processing aids and sanitation chemicals; and
 - (4) Proper labeling of prepackaged foods.
- c) The City shall support the DILG, DOH and the DA in the collection and documentation of food-borne illness data, monitoring and research.
 - d) The City shall practice in training programs, standards development and other food safety activities to be undertaken by the DILG, DA, the DOH and other concerned national agencies.
 - e) The City shall be responsible for the implementation of the food safety requirements of foods produced within their areas of jurisdiction. They shall be guided by national regulations. This shall include primary, postharvest, minimally processed, intermediate products, spices and additives, colorants and taste enhancers, processed and prepackaged food marketed in traditional markets as well as restaurants and school canteens, catered foods, street vended, and/or ambulant-vended foods and the requirements for activities and facilities for the production, handling, processing, preparation, transport and storage of these foods.

Section 6. TRAINING AND CONSUMER EDUCATION. The City, in cooperation with the private sector and national line agencies, shall conduct various training and consumer education. Skills training and other instructional/educational activities shall be regularly provided to farmers, traders, retailers, food business operators, food manufacturers, food packaging materials, food handlers (which includes logistics and transport, toll processors, toll packers, distributors, retailers and supermarkets and to government personnel as follows:

- a) Food business operators particularly micro, small and medium scale enterprises shall be trained on the requirements of food safety regulations and the understanding of these requirements. Personnel shall be trained on HACCP, or the codes of good practice and on technologies that will enable to comply with regulations;
- b) Mandatory training on safe food handling and similar courses shall be implemented for food handlers of food business;
- c) Local government personnel shall be trained to scientific basis for the provisions of the law and on the conduct of official controls;
- d) The different local offices shall identify training needs and appropriate training programs;
- e) Mandatory training programs shall be developed and implemented by accredited training providers;
- f) A consumer education program shall be developed by the City in partnership with the private sector and line agencies; and

- g) The City may partner with other government institutions, the academe, professional associations and third party service providers in providing these food safety trainings.
- h) The City shall establish an office and/or information desk to address problems on food safety compliance, fees and permits.

Section 7. FOOD FAIRS. The conduct of food fairs is hereby regulated and all establishments organizing and participating in the same are encouraged to secure Special Permit from the City through the Business Permits and Licensing Division.

Section 8. COLLECTION OF FEES. Pursuant to Section 36 of Republic Act No. 10611, the City, where applicable, shall be allowed to collect fees for the inspection of food products, production and processing facilities, issuance of import or export certificates, laboratory testing of food samples and other fees as may be deemed necessary. Fees shall be based on an officially-approved procedure of estimating the cost of the activity.

Section 9. LINKING WITH NATIONAL AGENCIES OF FEES. Pursuant to Rule 15c.2 of Joint DA-DOH Administrative Order No. 2015-0007 dated 20 February 2015, the City shall cooperate and support mechanisms established by DA and the DOH to assist the concerned City personnel in ensuring that foods produced outside but marketed within their area of jurisdiction meet to the development of non-communicable diseases such as, but not limited to, diabetes, hypertension, cardiovascular diseases, obesity and others.

Section 10. PROMOTION OF HEALTH. The City shall coordinate with concerned national line agencies and media entities in implementing and enforcing its food safety function and encourage them to use the food safety regulations and standards including food additives, food/nutrition labeling and other relevant food safety as references.

Section 11. IMPLEMENTING RULES AND REGULATIONS. Sixty (60) days upon the passage of this Ordinance, the City Mayor shall convene a Technical Working Group (TWG) composed of the following:

1. City Mayor's Office - Chair
2. City Health Officer - Executive Chair
3. Representative from local food standards association - Co-Chair
4. City Veterinarian
5. City Planning and Development Officer
6. City Agriculturist
7. City Public Information Officer
8. Business Permits and Licensing Officer
9. Official Representative of a duly-accredited Hotel and/or Restaurant Association
10. Official Representative of duly-accredited Agricultural Products Association
11. Representative from the Department of Health
12. Representative from the Department of Agriculture
13. Representative from the Department of Interior and Local Government
14. Representative from the Bureau of Food and Drugs

- 15. Representative from the National Meat Inspection Service
- 16. Representative from the Department of Science and Technology
- 17. Representative from religious sectors
- 18. Representative from local media groups

- a) The TWG shall draft the implementing rules and regulations necessary to concretely implement this Ordinance.
- b) The TWG shall draft in consultation with the private sector and national line agencies clear, specific and time-bound guidelines to ensure the effective enforcement and implementation of food safety standards as part of the implementing rules and regulations necessary to concretely implement this Ordinance.
- c) The implementing rules and regulations shall be endorsed to the Sangguniang Panlungsod for its approval and the City Mayor for its concurrence.

Section 12. BUDGET. A budget of not less than FIVE HUNDRED THOUSAND (Php500,000.00) shall be allocated from the Annual Investment Plan of each year for the implementation of this Ordinance. Of this budget, seventy (70) percent must be for Training and Consumer Education.

Section 13. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared ultra vires unconstitutional by competent authority, the reminder not so affected shall continue to be in full force and effect insofar as it is susceptible to enforcement and application.

Section 14. EFFECTIVITY. This Ordinance shall be effective immediately upon approval.

CARRIED BY THE VOTE OF:

Affirmative :

Councilors : El Cid M. Familiaran, Jocelle Batapa-Sigue, Em L. Ang, Caesar Z. Distrito, Wilson C. Gamboa, Jr., Alex A. Paglumotan, Sonya M. Verdeflor, Ana Marie V. Palermo.

Negative : N o n e .

Official Leave : Councilors Claudio Jesus Raymundo A. Puentevella and Archie S. Baribar.

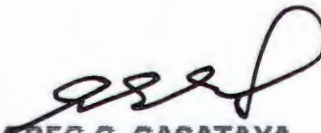
Absent : N o n e .

Author : Councilor Jocelle Batapa-Sigue.

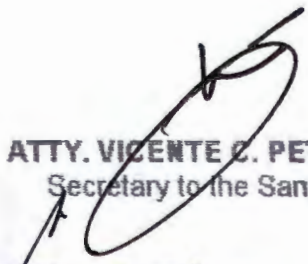


Passed : September 8, 2015 (114th Regular Session of the 8th Council).

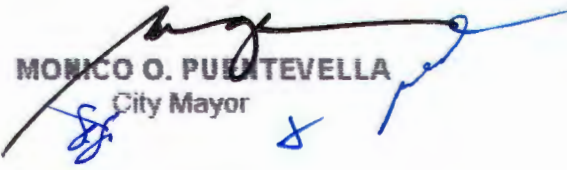
Comments : Passed.
Councilors Roberto M. Rojas, Carlos Jose V. Lopez and Noli B. Villarosa were not around when this ordinance was passed.


GREG G. GASATAYA
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: ~~September~~ OCT 05 2015.


MONICO O. PUENTEVELLA
City Mayor

VCP/HPL/jbz

