

[REPUBLIC ACT NO. 10817, May 16, 2016]

AN ACT INSTITUTING THE PHILIPPINE HALAL EXPORT DEVELOPMENT AND PROMOTION PROGRAM, CREATING FOR THE PURPOSE THE PHILIPPINE HALAL EXPORT DEVELOPMENT AND PROMOTION BOARD, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* – This Act shall be known as the “Philippine Halal Export Development and Promotion Act of 2016”.

SEC. 2. *Declaration of Policy.* – Recognizing the significant role of exports to national economic development, and the potential contribution of Halal industries, it is hereby declared the policy of the State to promote the growth and ensure the integrity and quality of Philippine Halal exports.

With the internationalization of markets brought about by globalization and economic integration, and mindful of the State’s commitment under international trade agreements including multilateral and bilateral mutual recognition agreements, harmonization of standards to international standards and compliance to standards of Halal products, processes and services become indispensable. The State, therefore, shall assert its right to exercise police power against trade malpractices.

It is also the policy of the State to develop and promote Halal industries as a mode of achieving equity and justice among our farmers and producers, and increasing employment opportunities for the domestic labor force. With this, the State shall adopt measures to make Halal exports more competitive through, among others, research and product development, quality assurance measures, value-adding mechanisms, thereby making the Philippines an active player in regional and international markets and not just a mere spectator of globalized trade.

Lastly, it shall also be the policy of the State to protect consumers and users of Halal products, processes and services from unscrupulous and unfair agricultural, manufacturing and trade practices.

Towards these ends, the State shall establish a comprehensive program for the development and promotion of Halal export, provide the policy, regulatory, and coordinative structures and mechanisms for the promotion and export of Philippine Halal products, and institute measures and provide programs to ensure compliance and integrity of producers, manufacturers and providers of Halal products, processes and services to national and/or international or foreign standards.

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms shall have the following definition:

(a) *Accreditation* refers to the procedure by which a government agency having jurisdiction formally attests to the competence of an inspection and/or certification body to provide inspection and certification services;

(b) *Certification* refers to third party attestation of conformance to standards and guidelines related to products, processes, systems or persons;

(c) *Halal* refers to lawful or permissible under Sharia'h (Islamic Law);

(d) *Processes* refer to a set of interrelated or interacting activities which transforms inputs to outputs;

(e) *Products* refer to food and nonfood items produced by human or mechanical effort, or by a natural process, or a combination thereof, and marketed or sold as a commodity;

(f) *Recognition* refers to the acknowledgment of the validity of a conformity assessment result provided by a person or body; and

(g) *Services* refer to an intangible result of at least one (1) activity performed by a supplier or provider for a customer.

SEC. 4. *The Philippine Halal Export Development and Promotion Program.* – There is hereby established the Philippine Halal Export Development and Promotion Program, which shall refer to the comprehensive set of objectives, targets, strategies and activities for the growth of Halal industries producing or providing products, processes and services and resulting to increased exports of Halal products.

It shall include, but not be limited to, the following areas of concern: the development and application of Halal agricultural and manufacturing standards and practices; the organization and development of accredited certification bodies through, among others, capacity building and the formulation and application of internationally-accepted accreditation standards; identification and expansion of markets for Halal products, processes and services; forging of international and bilateral agreements especially on harmonization of standards; compliance of producers, manufacturers, service providers, traders and exporters to established local or international standards; industry development and promotion, including expansion into nonfood Halal products and services; consumer awareness and fair trade practices; and provision of common service facilities.

SEC. 5. *Creation of Philippine Halal Export Development and Promotion Board.* – To ensure the attainment of the objectives of this Act, there is hereby created the Philippine Halal Export Development and Promotion Board, herein referred to as the Halal Board. The Halal Board shall be the policy-making body on Halal export development and shall set the overall direction for the implementation of the Philippine Halal Export Development and Promotion Program. It shall be attached to the Department of Trade and Industry.

In the performance of its mandate, the Halal Board shall institutionalize the

involvement of Muslim Filipino people's organizations and nongovernment organizations through membership in consultative or advisory bodies, coordination of activities with government agencies concerned with Halal industry development, and participation in regular consultative mechanisms such as public hearings and roundtable discussions.

SEC. 6. *Powers and Functions.* – The Halal Board shall have the following powers and functions:

(a) Formulate, advocate, coordinate, oversee and assess the implementation of the Philippine Halal Export Development and Promotion Program;

(b) Direct and coordinate the development and harmonization of Philippine National Standards for Halal by standard setting agencies, and monitor, through the government regulatory agencies, the application thereof on products, processes and services;

(c) Spearhead and support the forging of international agreements, and the recognition of accredited Halal certification bodies in other countries, to open new and expand existing markets for Halal products, processes and services;

(d) Issue the Philippine Halal Logo and the guidelines on the proper use thereof: *Provided*, That the use of logos of certification bodies on certified products, processes and services shall be without prejudice: *Provided, further*, That all other government agencies are prohibited to issue a logo and require the use of such logo as proof of compliance to a standard or regulation as Halal: *Provided, finally*, That the use of logos previously issued by government agencies involved in Halal development and promotion is hereby disallowed;

(e) Encourage and support the establishment of a single umbrella organization of Halal certification bodies, which can be tapped by standard setting and regulatory agencies to assist in the development and in monitoring the application of internationally-accepted Halal certification standards;

(f) Promulgate policies and guidelines as necessary or proper for the accomplishment of the objectives of this Act, including the Halal Board's operation;

(g) Create technical panels, working groups, or task forces that will assist the Halal Board in the performance of its functions;

(h) Investigate and make recommendations on complaints, controversies, or disputes arising out of the implementation or enforcement of standards, guidelines, rules and procedures adopted to promote and develop Halal industries, the export of Halal products and the provision of Halal processes and services;

(i) Request the assistance and cooperation of any department, bureau, office, agency or instrumentality of the government, or private entities and organizations in the implementation of its functions and the attainment of the objectives of this Act, including the carrying out of recommendations as a result of investigations and studies made pursuant to paragraphs (g) and (h) hereof; and

(j) Perform such other powers and functions as may be prescribed by law, or may be

necessary, incidental, or proper to its mandate.

SEC. 7. *Composition of the Halal Board.* – The Halal Board shall be composed of:

- (a) The Secretary of the Department of Trade and Industry (DTI) as Chairperson;
- (b) The Secretary of the National Commission on Muslim Filipinos (NCMF) as Vice Chairperson;
- (c) The Secretary of the Department of Agriculture (DA);
- (d) The Secretary of the Department of Health (DOH);
- (e) The Secretary of the Department of Science and Technology (DOST);
- (f) The Secretary of the Department of Foreign Affairs (DFA);
- (g) The Secretary of the Department of Tourism (DOT);
- (h) The Governor of the Bangko Sentral ng Pilipinas (BSP);
- (i) The Chairperson of the Mindanao Development Authority (MinDA); and
- (j) Two (2) Muslim Filipino professionals from the academe, law, industry, or food science who have experience in Halal industry development, to be appointed by the President from at least four (4) nominees recommended by Muslim Filipino people's organizations and nongovernment organizations.

The two (2) Muslim professionals shall serve for a term of three (3) years, and may be reappointed once.

The *ex officio* members of the Halal Board may designate their respective alternates who shall be at least Bureau Director in rank and their acts shall be considered the acts of their principals.

SEC. 8. *Secretariat of the Halal Board.* – The DTI Secretary, as Chairperson of the Halal Board, shall establish an interagency secretariat from the different bureaus of the DTI concerned with Halal export development, the NCMF, the DA and the DOH. The Secretariat shall be headed by the Director of the Export Marketing Bureau. For this purpose, the Export Marketing Bureau shall be strengthened and is hereby authorized to create a section that will serve as the nucleus of the Secretariat of the Halal Board.

The Secretaries of the NCMF, the DA and the DOH shall assign technical staff of their offices as staff of the Secretariat. Other member agencies shall provide additional staff support upon the determination of the necessity by the Chairperson and conformity of the Halal Board.

SEC. 9. *Accreditation of Halal Certification Bodies.* – As the agency mandated to handle the accreditation of certification bodies, inspection bodies, and testing and calibration laboratories, the Philippine Accreditation Bureau (PAB) is hereby empowered to: (a) formulate accreditation policies and guidelines which shall