



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 05-059

AN ORDINANCE REQUIRING ALL MANUFACTURERS, OR PRODUCERS, IMPORTERS, TRADERS, TOLLEES, RETAILERS, REPACKERS OF FOOD PRODUCTS, AS WELL AS RESTAURANTS AND FOOD ESTABLISHMENTS, AND PUBLIC MARKETS, OPERATING WITHIN THE CITY OF MUNTINLUPA, TO COMPLY WITH THE FOOD FORTIFICATION REQUIREMENTS UNDER REPUBLIC ACT 8976, OTHERWISE KNOWN AS "AN ACT ESTABLISHING THE PHILIPPINE FOOD FORTIFICATION PROGRAM AND FOR OTHER PURPOSES", AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Sponsored by:

Hon. Ma. Luisa Babaran-Echavez, M.D.

Hon. Marissa Cole-Rongavilla

Hon. Atty. Icasiano M. dela Rea

Hon. Allan Rey A. Camilon

Hon. Mario E. Bulay, Jr.

Hon. Atty. Raul R. Corro

Hon. Rene Carl S. Cayetano

Hon. Melchor R. Teves

Hon. Allen F. Ampaya

Hon. Elmer S. Espeleta

Hon. Francis Ian T. Bagatsing

Hon. Lucio B. Constantino

Hon. Engr. Mamerto T. Sevilla, Jr.

Hon. Joselito V. Arevalo

Hon. Artemio A. Simundac

Hon. Christian Glenn D. Lorica

WHEREAS, Section 15 Article II of the 1987 Philippine Constitution provides that: "***The state shall protect and promote the right to health of the people and instill health consciousness among them.***";

WHEREAS, Section 458 (a) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides that: "***The Sangguniang Panlungsod, as the legislative body of the city shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and xxx***";

WHEREAS, based on nutrition surveys, the nutritional deficiency problems in the Philippine include: deficiencies in energy, iron, Vitamin A, Iodine, thiamin and riboflavin, and to a minor extent ascorbic acid, calcium and folate;

WHEREAS, food fortification is vital to increase the intake of an essential nutrient by one or more population groups, as manifested in dietary, biochemical or clinical evidences of deficiency;



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WHEREAS, food fortification is essential to compensate for the inadequacies in the Filipino diet, to be based on present-day needs as measured using the most recent **Recommended Dietary Allowances (RDA)**;

WHEREAS, Section 8 of RA 8976 provides that "**xxx... The Local Government Units through their health officers or agricultural officers or nutritionist – dieticians or the Sanitary Inspectors shall assist in the monitoring/checking that foods mandated to be fortified like rice, refined sugar, wheat flour and cooking oil are properly fortified and labeled with "Nutrition Facts" indicating the specific micronutrient it was fortified with.**"

WHEREAS, Rule VIII Section 6 of the Implementing Rules and Regulations of the said law empowers the Local Government Units (LGUs) to designate from among the following officers: Health Officers, Agricultural Officers, nutritionist-dieticians and sanitary inspectors, to assist the DOH through BFAD in the implementation of RA 8976. The LGUs shall inform BFAD of the said designation. Further, LGUs are obligated to report with the BFAD of its monitoring in the manner and form prescribed by the latter;

NOW, THEREFORE, BE IT ORDAINED, by the Sangguniang Panglungsod of Muntinlupa in session assembled that:

Section 1. This Ordinance requires all manufactures, or producers, importers, traders, tollees, retailers, repackers of food products as well as restaurants and food service establishments, and public markets, operating within the City of Muntinlupa, to comply with the Food Fortification requirements under RA 8976 otherwise known as "An Act establishing the Philippine Food Fortification Program and for other purposes".

Section 2. The City Health Office is hereby designated as the lead office for the effective implementation of this Ordinance and shall assist in the monitoring of foods mandated to be fortified, in manufacturers or producers, importers, traders, tollees, retailers, repackers or food products, as well as restaurants, and food establishments, and public markets. It shall likewise check if the labels of fortified products contain nutrition facts stating the nutrient added and its quantity. The City Health shall designate their Nutritionists-Dieticians to conduct the monitoring or checking functions;

Section 3. DEFINITION OF TERMS:

- a. **Food Service Establishment** – refers to hotels, restaurants carinderias, catering firms, hospitals and other related outlets, which serve or sell food to customers.



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- b. **Fortification** – the addition of nutrients to processed foods or food products at levels above the natural state. As an approach to control micronutrient deficiency, food fortification is the addition of a micronutrient, deficient in the diet, to a food, which is widely consumed by specific at-risk groups.
- c. **Fortificant** – a substance, in chemical or natural form, added to food to increase its nutrient value.
- d. **Importer** – any person, natural or juridical, that brings in food/food products from other countries for its own use or for wholesale/retail distribution to other food establishments or outlets. An importer may also be a manufacturer.
- e. **Micronutrient** - an essential nutrient required by the body in very small quantities; recommended intakes are in milligrams or micrograms.
- f. **Processed food or food products** – food that has been subjected to some degree of processing like milling, drying, concentrating, canning, or addition of some ingredients, which changes partially, or completely the physio-chemical and/or sensory characteristics of the food's raw materials.
- g. **Repacker** - may be a manufacturer, tollee or distributor that packs food products from bulk packaging to retail packaging.
- h. **Tollee** – any person, whether natural or juridical, including a trader, buyer or seller, repacker, or even the producer, who owns the raw materials such as raw sugar, palay, crude vegetable oil and wheat grains and engages in the refinery or miller for the purpose of refining or milling for a fee.
- i. **Nutrition facts** – a statement of information on food labels indicating the nutrient(s) and the quality of said nutrient found or added in the processed foods or food products.

Section 4. NON-COMPLIANCE WITH FORTIFICATION PROCESS. The following acts shall be considered as noncompliance with the food fortification process:

- a. If the food fortification level does not comply with the requirements as mentioned in **RULE VI, Sec. 1** except when the deviation from the fortification levels are justified and are properly declared on the label of the product.



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• RULE VI. MANDATORY FOOD FORTIFICATION

Sec. 1 The following staple food products shall be fortified in accordance with standards set by the DOH through BFAD, except as provided in Sec.2 Rule X as follow:

- (i) All rice, except brown rice and locally produced glutinous rice, to be fortified with iron. For this purpose, the DOH through BFAD, in consultation with the National Food Authority and the Philippine Confederation of Grains Association (PHILCON), sets minimum standard for rice fortification, to wit;

<u>FORTIFICANT</u>	<u>MIN. ACCEPTABLE LEVEL</u>	<u>MAX.TOLERABLE LEVEL</u>
IRON FERROUS SULFATE Other Approved by DOH/BFAD	60 mg Fe/kg raw rice levels set by BFAD	90 Mg/Kg raw rice levels set by BFAD

- (ii) Wheat flour to be fortified with Vitamin A, and iron. The DOH through BFAD, in consultation with the Philippine Association of Flour Millers and the Philippine Chamber of Flour Manufacturers hereby sets the minimum standards for wheat fortification, to wit:

<u>FORTIFICANT</u>	<u>MIN. ACCEPTABLE LEVEL</u>	<u>MAX.TOLERABLE LEVEL</u>
Vitamin A Retinol Palmitate/Acetate	3.0 mg kg as retinol	6.5 mg/kg as retinol
Or others approved by BFAD	levels set by BFAD	levels set by BFAD
IRON Elemental Iron (electrolyte, H reduced, particle size should e \leq 50 mic	70.0 mg, Mg Fe/kg	105mg Fe/kg
Ferrous Sulfate or Ferrous Fumarate	50.0 Fe/kg	75 mg Fe/kg
Or others approved by BFAD	levels set by BFAD	Levels set by BFAD

- (iii) Refined sugar for human consumption to be fortified with Vitamin A, the DOH through BFAD, in consultation with sugar regulatory organization, hereby sets the minimum standards for refined sugar fortification, to wit:



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<u>FORTIFICANT</u>	<u>MIN. ACCEPTABLE LEVEL</u>	<u>MAX.TOLERABLE LEVEL</u>
Vitamin A Retinol Palmitate	5.0 mg kg	30.0 mg Fe/kg
Or others approved by DOH/BFAD	levels set by BFAD	levels set by BFAD

- (iv) Cooking Oil for human consumption to be fortified with Vitamin A except for export. The DOH through BFAD in consultation with the Philippine Coconut Authority (PCA), the United Coconut Association of the Philippines (UCAP), the Coconut Refiners Association (CORA), and the Philippine Coconut Research and Development Foundation (PCRDF) hereby sets the minimum standards for the level of fortification of cooking oil, to wit;

<u>FORTIFICANT</u>	<u>MIN. ACCEPTABLE LEVEL</u>	<u>MAX.TOLERABLE LEVEL</u>
Vitamin A Retinol Palmitate	12.0 mg RE/L	23.0 mg RE/L
Or others approved by DOH/BFAD	levels set by BFAD	levels set by BFAD

- (v) Other staple food products shall be fortified with appropriate nutrients as maybe required by the National Nutrition Council (NNC) when nutrition surveys show the need for fortification of such other staple food, and scientific findings show the feasibility of fortifying such food products.
- (vi) Such food fortification that may be required by NNC does not need further legislation but only through regulations to be promulgated by the DOH through BFAD, in consultation with other concerned agencies and industry organizations.

- b. If the fortificant used is different from that approved by DOH/BFAD, and
- c. If the process of fortification does not conform to Rule VII of IRR (Quality Assurance),i.e.,”xxx the agencies responsible for the implementation of this law shall establish a quality assurance system with respect to food fortification. However, manufacturers and importers of processed foods or food products or repackers shall also establish their own quality assurance system, which shall conform to the quality assurance system of the Implementing agency.”,...



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Section 5. PENALTIES. Any person found guilty of violating the provisions of this ordinance shall upon conviction be punished as follows:

- a. **First Offense-** warning, compliance within fifteen (15) days.
- b. **Second Offense-** Fine of P2,000.00; compliance within Fifteen (15) days.
- c. **Third Offense-** Fine of P5,000.00 or imprisonment of thirty (30) days or both, such as fine and imprisonment at the discretion of the court, coupled with revocation of permit, and permanent closure of business operation.

Section 6. IMPLEMENTING GUIDELINES. The Local Chief Executive is hereby authorized to promulgate rules and regulations necessary to effectively enforce the provisions of this Ordinance.

Section 7. REPEALING CLAUSE. Any ordinance or part/s thereof, which are inconsistent with the provisions of this Ordinance, is hereby repealed or modified accordingly.

Section 8. SEPARABILITY CLAUSE. If any portion of this Ordinance is declared invalid, the remainder of this Ordinance shall not be affected by such declaration and shall main valid and enforceable.

Section 9. EFFCTIVITY. This Ordinance shall take effect within thirty (30) days after its publication in any newspaper of local or general circulation.

ENACTED, by the **Fourth (4th) Sangguniang Panlungsod of Muntinlupa** this **7th** day of **July 2005**, on its **41st** Regular Session.

CONCURRED:

ATTY. RAUL R. CORRO
Councilor

RENE CARL S. CAYETANO
Councilor

ALLAN REY A. CAMILON
Councilor

ELMER S. ESPELETA
Councilor




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MA. LUISA BABARAN-ECHAVEZ, M.D.
Councilor

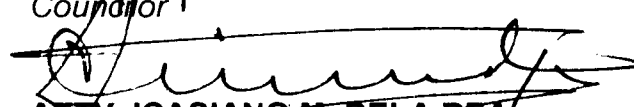

FRANCIS IAN T. BAGATSING
Councilor



MELCHOR R. TEVES
Councilor


MARISSA COLE-RONGAVILLA
Councilor


ALLEN F. AMPAYA
Councilor



LUCIO B. CONSTANTINO
Councilor



ATTY. ICASIANO M. DELA REA
Councilor


MAMERTO T. SEVILLA, JR.
Councilor


JOSELITO V. AREVALO
Councilor


MARIO E. BULAY, JR.
Councilor


CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of
Sangguniang Kabataan


ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of
Barangay Captains

ABSENT:


BAL NIEFES
Councilor

KEVIN B. DELGADO
Councilor

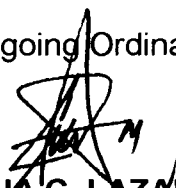


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I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.


CECILIA C. LAZARTE
Secretary
Sangguniang Panlungsod

ATTESTED:


ALDRIN L. SAN PEDRO
City Vice Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: _____

PBS, JR.