



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
16th City Council

40th Regular Session

ORDINANCE NO. SP- 1605 , S-2005

(PO2005-180)

AN ORDINANCE ESTABLISHING THE QUEZON CITY FOOD FORTIFICATION PROGRAM (QCFPP) AND APPROPRIATING FUNDS FOR THE PURPOSE.

Introduced by Councilors JOSEPH P. JUICO, ELIZABETH A. DELARMENTE, VICTOR V. FERRER, JR., FRANCISCO A. CALALAY, JR., ROMMEL R. APESAMIS, WINSTON "WINNIE" T. CASTELO, ALLAN BUTCH T. FRANCISCO, JORGE B. BANAL, JR., EDCCEL B. LAGMAN, JR., RESTITUTO B. MALAÑGEN, BAYANI V. HIPOL AND XYRUS L. LANOT.

WHEREAS, Section 15, Article II of the Constitution mandates that "the State shall protect and promote the right to health of the people and instill health consciousness among them;"

WHEREAS, under Section 458 (a) (5) (iv) of the Local Government Code, the sangguniang panlungsod has the power to approve ordinances regulating the preparation and sale of foodstuffs for public consumption;

WHEREAS, Section 8 of Republic Act No. 8976, otherwise known as the "Philippine Food Fortification Act of 2000" provides that "[t]he local government units, through, their health officers or agricultural officers or nutritionist-dieticians or the sanitary inspectors shall assist in 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, nutrition surveys show that the Filipino diet is mostly deficient in energy, iron, vitamin A, thiamin, riboflavin, and iodine, and to a minor extent, in ascorbic acid, calcium, and folate;

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WHEREAS, among the adverse manifestations of such dietary inadequacies are cretinism, deafmutism, physical deformity, reduced intellectual capacity, increased morbidity and mortality associated with certain infections, severe anemia, developmental delay, and attention deficit disorders which cause needless suffering and lost potential among our people;

WHEREAS, to fill up these inadequacies in the Filipino diet, food fortification is necessary particularly for foods widely consumed by those prone to micronutrient malnutrition such as pregnant and lactating women, infants, and children;

WHEREAS, this Ordinance aims to establish the Quezon City Food Fortification Program (QCFPP) in support of the national government's drive to fully eradicate micronutrient malnutrition among the constituents of Quezon City.

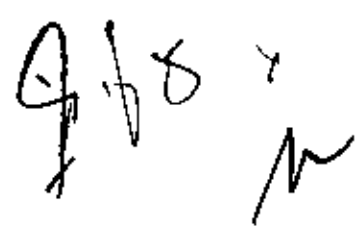
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Declaration of Policy. – It is hereby declared the policy of the Government of Quezon City to fully and effectively implement the Quezon City Food Fortification Program (QCFPP) in order to protect and promote the people's fundamental right to health and proper nutrition.

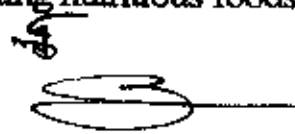
SECTION 2. Definition of Terms. – For purposes of this ordinance, the following terms shall be understood to mean:

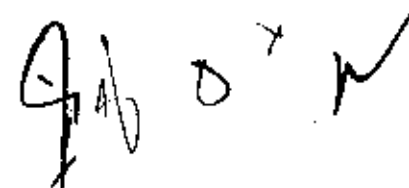
- a. Commercial Food Establishment – an entity engaged in the business of selling or distributing ready-to-eat processed foods or food products to the public, such as, a restaurant, canteen, cafeteria, café, coffeeshop, bakeshop, deli, food kiosk, snackbar, etc.
- b. Fortificant – a substance, in chemical or natural form, added to food to increase its nutrient value.
- c. 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.



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- 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. **Manufacturer** - the refinery in case of refined sugar or cooking oil, the miller in case of flour or rice, or the importer in case of imported processed foods or food products, or the processor in case of other processed foods or foods products.
- f. **Micronutrient** – an essential nutrient required by the body in very small quantities; recommended intakes are in milligrams or micrograms.
- g. **Nutrient** – any chemical substance needed by the body for one or more of these functions: to provide heat or energy, to build and repair tissues, and to regulate life processes. Although nutrients are found chiefly in foods, some can be synthesized in the laboratory like vitamin and mineral supplements or in the body through biosynthesis.
- h. **Nutrition Facts** - a statement or information on food labels indicating the nutrient(s) and the quantity of said nutrient found or added in the processed foods or food products.
- i. **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 physico-chemical and/or sensory characteristics of the food's raw material.
- j. **Recommended Dietary Allowances (RDA)** – levels of nutrients intake which are considered adequate to maintain health and provide reasonable levels or reserves in body tissues of nearly all healthy persons in the population;
- k. **Sangkap Pinoy Seal Program (SPSP)**. - a strategy to encourage food manufacturers to fortify processed foods or food products with essential nutrients at levels approved by the DOH. The fundamental concept of the program is to authorize food manufacturers to use the DOH seal of acceptance for processed foods or food products, after these products passed a set of defined criteria. The seal is a guide used by consumers in selecting nutritious foods.





- 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.
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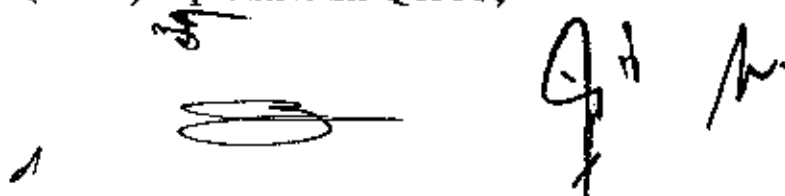
SECTION 9. Implementation, Monitoring and Review. – The Quezon City Health Department shall be the unit responsible for the implementation and monitoring of this Ordinance while the QC Nutrition Committee shall serve as the advisory board on food fortification and related policies.

(a) For this purpose, the City Health Office shall perform the following responsibilities:

- i. Ensure the efficient and effective implementation of this Ordinance in coordination with other offices of the City government;
- ii. Conduct promotional and advocacy campaigns on the use of fortified processed foods or food products in households, schools, educational institutions and commercial food establishments;
- iii. Ensure that all staple foods enumerated under Section 4 hereof and distributed or sold in Quezon City meet the mandatory food fortification standards prescribed by the DOH-BFAD;
- iv. Ensure that commercial food establishments use fortified staple foods in their businesses in compliance with Section 6 hereof;
- v. Monitor food manufacturer's and importers' compliance with the nutrition labeling requirements under Section 8 hereof; and
- vi. Perform such other functions as may be necessary for the full and effective implementation of QCFFP.

(b) In coordination with the Quezon City Health Department, the Quezon City Nutrition Committee shall perform the following functions:

- i. Serve as the policy-making and coordinating body on food fortification;
- ii. Coordinate with the DOH, the Department of Science and Technology (DOST), and other national government agencies, the private sector and non-government organizations (NGOs) to promote the QCFFP;

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- iii. Conduct a periodic review of the implementation of this Ordinance; and
- iv. Perform such other functions as may be necessary for the full and effective implementation of the QCFFP.

SECTION 10. Support to Affected Manufacturers/Importers. – Small food manufacturers and importers affected by this Ordinance shall be provided the following support:

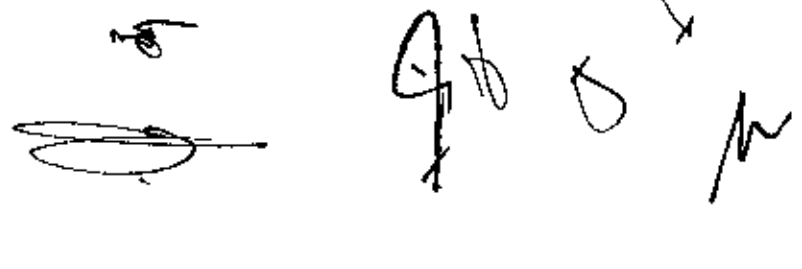
- a. Technical support from DOH and DOST in coordination with Quezon City Health Department and Quezon City Nutrition Committee;
- b. Financial assistance in the form of loans through QC Government's Puhunang Pangkaunlaran sa Sikap Buhay (PPSB) Program, provided, that they qualify for availment of such loans.

SECTION 11. (a) Non-compliance with Fortification Requirement. – The following shall be considered non-compliance with the fortification process:

- i. If the food fortification levels do not comply with the DOH requirements, except when the deviation from the fortification levels are justified and are properly declared in the labeling;
- ii. If the fortificant used is different from that approved by the DOH; and
- iii. If the process of fortification does not conform to the DOH standard.

(b) Non-compliance with the labeling requirements. – The following shall be considered non-compliance with the labeling requirements under Section 8 hereof:

- i. If the label on the processed food or food product distributed or sold within Quezon City does not state the "nutrition facts";



- ii. If the statement of "nutrition facts" on the label of the processed food or food products distributed or sold in Quezon City is incomplete, false, misleading and/or deceptive.

(c) Non-compliance by commercial food establishments. - Commercial food establishments that do not use fortified staple foods as required in section 6 of this Ordinance shall be penalized under Section 12 hereof.

SECTION 12. Fines and Sanctions. - (a) Any person, natural or juridical, found violating and/or abetting or aiding in the violation of any mandatory provisions of this Ordinance, shall, after due notice and hearing, be penalized as follows:

FIRST OFFENSE - A fine of One Thousand Pesos (P1,000).

SECOND OFFENSE - A fine of One Thousand Five Hundred Pesos (P1,500.00).

THIRD OFFENSE - A fine of Two Thousand Pesos (P2,000.00).

(b) In addition to the fine, all food items of the person or entity found violating this Ordinance shall be confiscated and forfeited in favor of the City government.

(c) Likewise, the City Mayor, upon the recommendation of the Quezon City Health Department, the QC Nutrition Committee, the Business Permits and Licensing Office and/or the DOH-BFAD, order the suspension, revocation or termination of the business permits, and closure of the businesses found violating any of the mandatory provisions of this Ordinance.

SECTION 13. Initiation of Administrative Proceedings. - The institution of proceedings for violation of this Ordinance shall be without prejudice to the filing of an administrative action against a person or entity for violation of Republic Act No. 8976, otherwise known as the "Philippine Food Fortification Act of 2000" and/or its implementing rules and regulations.

SECTION 14. Fund for the Establishment and Initial Operation of the Program. - Such sum as may be necessary is hereby authorized to be appropriated from any available funds of the City government. Thereafter, the sums necessary for the continuous operation of the QCFFP shall be included in the annual appropriations of the City government.

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SECTION 15. Annual Report. - At the end of each calendar year, the Quezon City Health Department shall submit to the QC Nutrition Committee a comprehensive report on the implementation of the QCFFP and this Ordinance. Within thirty (30) days from receipt of the Quezon City Health Department Annual Report, the QC Nutrition Committee shall review the report and submit the same, together with their recommendations thereon, to City Mayor and the City Council.

SECTION 16. Repealing Clause - All existing ordinances and resolutions, local executive orders, rules and regulations inconsistent herewith are hereby repealed and superseded or modified accordingly.

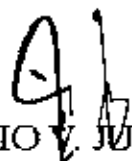
SECTION 17. Separability Clause - Should any provision of this ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, the provisions that are not affected thereby shall continue to be in full force and effect.

SECTION 18. Effectivity. This Ordinance shall take effect after fifteen (15) days from its publication in at least two (2) local newspapers of general circulation in Quezon City.


ENACTED: September 20, 2005.


HERBERT M. BAUTISTA
Vice Mayor &
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA
City Secretary

APPROVED: DEC 01 2005


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on September 20, 2005, was finally PASSED on Third/Final Reading by the City Council under Suspended Rules on the same date.


EUGENIO V. JURILLA
City Secretary