

**ISLAMIC DA'WAH COUNCIL OF THE PHILIPPINES, INC.,
HEREIN REPRESENTED BY PROF. ABDULRAFIH H. SAYEDY,
PETITIONER, VS. OFFICE OF THE EXECUTIVE SECRETARY OF THE
OFFICE OF THE PRESIDE...**

G.R. No. 153888. July 09, 2003

Ponente: CORONA, J.

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CORONA, J.:

Before us is a petition for prohibition filed by petitioner Islamic Da'wah Council of the Philippines, Inc. (IDCP) praying for the declaration of nullity of Executive Order (EO) 46, s. 2001 and the prohibition of herein respondents Office of the Executive Secretary and Office of Muslim Affairs (OMA) from implementing the subject EO.

Petitioner IDCP, a corporation that operates under Department of Social Welfare and Development License No. SB-01-085, is a non-governmental organization that extends voluntary services to the Filipino people, especially to Muslim communities. It claims to be a federation of national Islamic organizations and an active member of international organizations such as the Regional Islamic Da'wah Council of Southeast Asia and the Pacific (RISEAP)[1] and The World Assembly of Muslim Youth. The RISEAP accredited petitioner to issue halal[2] certifications in the Philippines. Thus, among the functions petitioner carries out is to conduct seminars, orient manufacturers on halal food and issue halal certifications to qualified products and manufacturers.

Petitioner alleges that, on account of the actual need to certify food products as halal and also due to halal food producers' request, petitioner formulated in 1995 internal rules and procedures based on the Qur'an[3] and the Sunnah[4] for the analysis of food, inspection thereof and issuance of halal certifications. In that same year, petitioner began to issue, for a fee, certifications to qualified products and food manufacturers. Petitioner even adopted for use on its halal certificates a distinct sign or logo registered in the Philippine Patent Office under Patent No. 4-2000-03664.

On October 26, 2001, respondent Office of the Executive Secretary issued EO 46[5] creating the Philippine Halal Certification Scheme and designating respondent OMA to oversee its implementation. Under the EO, respondent OMA has the exclusive authority to issue halal certificates and perform other related regulatory activities.

On May 8, 2002, a news article entitled "OMA Warns NGOs Issuing Illegal 'Halal' Certification" was published in the Manila Bulletin, a newspaper of general circulation. In said article, OMA warned Muslim consumers to buy only products with its official halal certification since those without said certification had not been subjected to careful analysis and therefore could contain pork or its derivatives. Respondent OMA also sent letters to food manufacturers asking them to secure the halal certification only from OMA lest they violate EO 46 and RA 4109.[6] As a result, petitioner lost revenues after food manufacturers stopped securing certifications from it.

Hence, this petition for prohibition.

Petitioner contends that the subject EO violates the constitutional provision on the separation of Church and State.[7] It is unconstitutional for the government to formulate policies and guidelines on the halal certification scheme because said scheme is a function only religious organizations, entity or scholars can lawfully and validly perform for the Muslims. According to petitioner, a food product becomes halal only after the performance of Islamic religious ritual and prayer. Thus, only practicing Muslims are qualified to slaughter animals for food. A government agency like herein respondent OMA cannot therefore perform a religious function like certifying qualified food products as halal.

Petitioner also maintains that the respondents violated Section 10, Article III of the 1987 Constitution which provides that "(n)o law impairing the obligation of contracts, shall be passed." After the subject EO was implemented, food manufacturers with existing contracts with petitioner ceased to obtain certifications from the latter.

Moreover, petitioner argues that the subject EO violates Sections 15 and 16 of Article XIII of the 1987 Constitution which respectively provide:

ROLE AND RIGHTS OF PEOPLE'S ORGANIZATIONS

Sec. 15. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

Sec. 16. The rights of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate, the establishment of adequate consultation mechanisms.

According to petitioner, the subject EO was issued with utter haste and without even consulting Muslim people's organizations like petitioner before it became effective.

We grant the petition.

OMA was created in 1981 through Executive Order No. 697 (EO 697) "to ensure the integration of Muslim Filipinos into the mainstream of Filipino society with due regard to their beliefs, customs, traditions, and institutions." [8] OMA deals with the societal, legal, political and economic concerns of the Muslim community as a "national cultural community" and not as a religious group. Thus, bearing in mind the constitutional barrier between the Church and State, the latter must make sure that OMA does not intrude into purely religious matters lest it violate the non-establishment clause and the "free exercise of religion" provision found in Article III, Section 5 of the 1987 Constitution. [9]

Freedom of religion was accorded preferred status by the framers of our fundamental law. And this Court has consistently affirmed this preferred status, well aware that it is "designed to protect the broadest possible liberty of conscience, to allow each man to believe as his conscience directs, to profess his beliefs, and to live as he believes he ought to live, consistent with the liberty of others and with the common good." [10]

Without doubt, classifying a food product as halal is a religious function because the standards used are drawn from the Qur'an and Islamic beliefs. By giving OMA the exclusive power to classify food products as halal, EO 46 encroached on the religious freedom of Muslim organizations like herein petitioner to interpret for Filipino Muslims what food products are fit for Muslim consumption. Also, by arrogating to itself the task of issuing halal certifications, the State has in effect forced Muslims to accept its own interpretation of the Qur'an and Sunnah on

halal food.

To justify EO 46's intrusion into the subject religious activity, the Solicitor General argues that the freedom of religion is subservient to the police power of the State. By delegating to OMA the authority to issue halal certifications, the government allegedly seeks to protect and promote the muslim Filipinos' right to health, and to instill health consciousness in them.

We disagree.

Only the prevention of an immediate and grave danger to the security and welfare of the community can justify the infringement of religious freedom.[11] If the government fails to show the seriousness and immediacy of the threat, State intrusion is constitutionally unacceptable. In a society with a democratic framework like ours, the State must minimize its interference with the affairs of its citizens and instead allow them to exercise reasonable freedom of personal and religious activity.

In the case at bar, we find no compelling justification for the government to deprive Muslim organizations, like herein petitioner, of their religious right to classify a product as halal, even on the premise that the health of Muslim Filipinos can be effectively protected by assigning to OMA the exclusive power to issue halal certifications. The protection and promotion of the Muslim Filipinos' right to health are already provided for in existing laws and ministered to by government agencies charged with ensuring that food products released in the market are fit for human consumption, properly labeled and safe. Unlike EO 46, these laws do not encroach on the religious freedom of Muslims.

Section 48(4) of the Administrative Code of 1987 gives to the National Meat Inspection Commission (NMIC) of the Department of Agriculture (DOA) the power to inspect slaughtered animals intended for human consumption to ensure the safety of the meat released in the market. Another law, RA 7394, otherwise known as "The Consumer Act of 1992," gives to certain government departments the duty to protect the interests of the consumer, promote his general welfare and to establish standards of conduct for business and industry.[12] To this end, a food product, before its distribution to the market, is required to secure the Philippine Standard Certification Mark after the concerned department inspects and certifies its compliance with quality and safety standards.[13]

One such government agency designated by RA 7394 is the Bureau of Food and Drugs (BFD) of the Department of Health (DOH). Under Article 22 of said law, BFD has the duty to promulgate and enforce rules and regulations fixing and establishing a reasonable definition and standard of identity, a standard of quality and a standard of fill of containers for food. The BFD also ensures that food products released in the market are not adulterated.[14]

Furthermore, under Article 48 of RA 7394, the Department of Trade and Industry (DTI) is tasked to protect the consumer against deceptive, unfair and unconscionable sales acts or practices as defined in Article 50.[15] DTI also enforces compulsory labeling and fair packaging to enable the consumer to obtain accurate information as to the nature, quality and quantity of the contents of consumer products and to facilitate his comparison of the value of such products.[16]

With these regulatory bodies given detailed functions on how to screen and check the quality and safety of food products, the perceived danger against the health of Muslim and non-Muslim Filipinos alike is totally avoided. Of great help are the provisions on labeling of food products (Articles 74 to 85)[17] of RA 7394. In fact, through these labeling provisions, the State ably informs the consuming public of the contents of food products released in the market. Stiff sanctions are imposed on violators of said labeling requirements.

Through the laws on food safety and quality, therefore, the State indirectly aids Muslim consumers in

differentiating food from non-food products. The NMIC guarantees that the meat sold in the market has been thoroughly inspected and fit for consumption. Meanwhile, BFD ensures that food products are properly categorized and have passed safety and quality standards. Then, through the labeling provisions enforced by the DTI, Muslim consumers are adequately apprised of the products that contain substances or ingredients that, according to their Islamic beliefs, are not fit for human intake. These are the non-secular steps put in place by the State to ensure that the Muslim consumers' right to health is protected. The halal certifications issued by petitioner and similar organizations come forward as the official religious approval of a food product fit for Muslim consumption.

We do not share respondents' apprehension that the absence of a central administrative body to regulate halal certifications might give rise to schemers who, for profit, will issue certifications for products that are not actually halal. Aside from the fact that Muslim consumers can actually verify through the labels whether a product contains non-food substances, we believe that they are discerning enough to know who the reliable and competent certifying organizations in their community are. Before purchasing a product, they can easily avert this perceived evil by a diligent inquiry on the reliability of the concerned certifying organization.

WHEREFORE, the petition is GRANTED. Executive Order 46, s. 2001, is hereby declared NULL AND VOID. Consequently, respondents are prohibited from enforcing the same.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Panganiban, Ynares-Santiago, Carpio, Austria-Martinez, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

Puno, J., concur with the opinion of J., Vitug.

Vitug, J., please see Separate Opinion.

Quisumbing, Sandoval-Gutierrez, J., on official leave

[1] According to the petitioner, RISEAP is a federation of Muslim organizations in non-Muslim countries where Muslims are minorities in Asia and the Pacific.

[2] Halal is a Muslim term that means lawful food, things, manners and actions allowed by God for mankind and enjoined upon the believers (Petition, p. 6; Rollo, p. 8). It is a term that means "to slaughter for food" (WEBSTER'S THIRD INTERNATIONAL DICTIONARY, 1986 Ed., p. 1021).

[3] The book composed of writings accepted by Muslims as revelations made to Mohammad by Allah and the divinely authorized basis for the religious, social, civil, commercial, military, and legal regulations of the Islamic world (WEBSTER'S THIRD INTERNATIONAL DICTIONARY, 1986 Ed., p. 1255).

[4] The body of Islamic custom and practice based on Mohammad's words and deeds (WEBSTER'S THIRD INTERNATIONAL DICTIONARY, 1986 Ed., p. 2292).

[5] EXECUTIVE ORDER NO. 46

AUTHORIZING THE OFFICE ON MUSLIM AFFAIRS TO UNDERTAKE PHILIPPINE HALAL CERTIFICATION

WHEREAS, it is the policy of the State to protect and promote the Filipino' right to health and instill health consciousness among them;

xxx xxx xxx

WHEREAS, the establishment of a Philippine Halal Certification Scheme for food and non-food products will contribute toward:

- The establishment of a national standards and certification scheme for halal food and non-food products and a national standards and accreditation scheme for establishments;
- The opening of new markets and the development of strong consumer awareness of, and confidence in, Philippine halal food and non-food products;
- The development and promotion of Philippine industries through the increase in the volume and value of Philippine halal food and non-food exports; and
- The development of Philippine products which comply with halal standards established in accordance with Shari'ah Law and which are highly competitive and acceptable to the Muslim Market;

xxx xxx xxx

WHEREAS, the establishment of a Philippine Halal Certification Scheme is in accordance with our country's commitments to the World Trade Organization (WTO), the Brunei-Indonesia-Malaysia-Philippines East ASEAN Growth Area (BIMP-EAGA), the ASEAN Free Trade Area (AFTA), The Asia Pacific Economic Cooperation (APEC), and the Association of Southeast Asian Nations (ASEAN), specifically, the Consultative Committee on Standards and Quality and the Senior Officials Meeting-ASEAN Ministers on Agriculture and Forestry (SOM-AMAF), and with the efforts of SOM-AMAF to provide mechanisms for identifying halal food and non-food products in order that ASEAN member countries may better comply with international halal standards and processes;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by law and the Constitution, do hereby order the following:

SECTION 1. Designation of the Office on Muslim Affairs to Undertake Philippine Halal Certification and Regulatory Activities. - The Office on Muslim Affairs is hereby designated to undertake Philippine halal certification and regulatory activities. The Office on Muslim Affairs shall oversee the Philippine Halal Certification Scheme.

SECTION 2. Halal Certification and Regulatory Functions. - The halal certification and regulatory functions to be exercised by the Office on Muslim Affairs shall involve the following powers and functions:

- Formulate policies, guidelines and developmental goals within the context of the Philippine Halal Certification Scheme;
- Plan, facilitate, and supervise the implementation and monitoring of components and developmental activities relating to the Philippine Halal Certification Scheme;
- Ensure strict implementation of and compliance with halal standards and guidelines;
- Coordinate with appropriate agencies, both at local and international level as may be required, to ensure the enforcement of the Philippine Halal Certification Scheme and the acceptance of Philippine products certified under the Philippine Halal Certification Scheme;
- Issue Halal Certificates to applicants;
- Validate whether imported halal products complied with halal standards; and
- Adopt measures to ensure the success of the Philippine Halal Certification Scheme.

SECTION 3. Training and Research. - A halal training and research facility to support the Philippine Halal

Certification Scheme shall be established. Said facility shall be operated under the auspices of the Office on Muslim Affairs.

SECTION 4. Funding. - Funds necessary for the initial halal certification and regulatory functions of the Office on Muslim Affairs shall be sourced from the Office of the President, upon submission by the Office on Muslim Affairs of its work and financial plan. Subsequent annual funding requirement shall be sourced from the General Appropriations Act and from the income generated by the Office on Muslim Affairs.

SECTION 5. Rules and Regulations; Sanctions.- The Office on Muslim Affairs shall formulate rules and regulations, and impose sanctions as may be allowed by law to ensure compliance therewith, for the successful implementation of the Philippine Halal Certification Scheme; Provided, that the Office on Muslim Affairs shall consider the pertinent provisions of Republic Act No. 4109 in the formulation and eventual implementation of said rules and regulations.

SECTION 6. Repealing Clause. - All executive issuances, orders, rules and regulations which are inconsistent with any provision of this Executive Order are hereby revoked, amended or modified accordingly.

SECTION 7. Effectivity. - This Executive Order shall take effect fifteen (15) days after its publication in two (2) newspapers of national circulation.

City of Manila, October 26, 2001.

By the President:

ALBERTO ROMULO (Sgd.)

Executive Secretary

[6] An Act to Convert the Division of Standards Under the Bureau of Commerce into A Bureau of Standards, to Provide for the Standardization and/or Inspection of Products and Imports of the Philippines and for other Purposes.

[7] Section 6, Article II of the 1987 Philippine Constitution provides that:

Sec. 6. The separation of the Church and State shall be inviolable.

[8] Section 1, EO 697.

[9] SEC. 5. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

[10] *Iglesia ni Cristo vs. Court of Appeals*, 259 SCRA 529 [1996] citing *Victoriano vs. Elizalde Rope Workers Union*, 59 SCRA 54 [1974].

[11] *Victoriano vs. Elizalde Rope Workers Union*, 59 SCRA 54, 72 [1974].

[12] Article 2, RA 7394.

[13] Article 14, RA 7394.

[14] Article 23, RA 7394.

[15] ARTICLE 50. Prohibition Against Deceptive Sales Acts or Practices. -- A deceptive act or practice by a seller or supplier in connection with a consumer transaction violates this Act whether it occurs before, during or

after the transaction. An act or practice shall be deemed deceptive whenever the producer, manufacturer, supplier or seller, through concealment, false representation or fraudulent manipulation, induces a consumer to enter into a sales or lease transaction of any consumer product or service.

Without limiting the scope of the above paragraph, the act or practice of a seller or supplier is deceptive when it represents that:

a)

a consumer product or service has the sponsorship, approval, performance, characteristics, ingredients, accessories, uses, or benefits it does not have;

b)

a consumer product or service is of a particular standard, quality, grade, style, or model when in fact it is not;

c)

a consumer product is new, original or unused, when in fact, it is in a deteriorated, altered, reconditioned, reclaimed or second-hand state;

d)

a consumer product or service is available to the consumer for a reason that is different from the fact;

e)

a consumer product or service has been supplied in accordance with the previous representation when in fact it is not;

f)

a consumer product or service can be supplied in a quantity greater than the supplier intends;

g)

a service, or repair of a consumer product is needed when in fact it is not;

h)

a specific price advantage of a consumer product exists when in fact it does not;

i)

the sales act or practice involves or does not involve a warranty, a disclaimer of warranties, particular warranty terms or other rights, remedies or obligations if the indication is false; and

j)

the seller or supplier has a sponsorship, approval, or affiliation he does not have.

[16] Article 74, RA 7394.

[17] CHAPTER IV

LABELING AND FAIR PACKAGING

ARTICLE 74. Declaration of Policy. -- The State shall enforce compulsory labeling, and fair packaging to enable the consumer to obtain accurate information as to the nature, quality and quantity of the contents of consumer products and to facilitate his comparison of the value of such products.

ARTICLE 75. Implementing Agency. -- The Department of Trade and Industry shall enforce the provisions of this Chapter and its implementing rules and regulations: Provided, That with respect to food, drugs, cosmetics, devices and hazardous substances, it shall be enforced by the concerned department.

ARTICLE 76. Prohibited Acts on Labeling and Packaging. -- It shall be unlawful for any person, either as principal or agent, engaged in the labeling or packaging of any consumer product, to display or distribute or to cause to be displayed or distributed in commerce any consumer product whose package or label does not conform to the provisions of this Chapter.

The prohibition in this Chapter shall not apply to persons engaged in the business of wholesale or retail distributors of consumer products except to the extent that such persons:

- a) are engaged in the packaging or labeling of such products;
- b) prescribe or specify by any means the manner in which such products are packaged or labeled; or
- c) having knowledge, refuse to disclose the source of the mislabeled or mispackaged products.

ARTICLE 77. Minimum Labeling Requirements for Consumer Products. -- All consumer products domestically sold whether manufactured locally or imported shall indicate the following in their respective labels of packaging:

- a)
its correct and registered trade name or brand name;
- b)
its duly registered trademark;
- c)
its duly registered business name;
- d)
the address of the manufacturer, importer, repacker of the consumer product in the Philippines;
- e)
its general make or active ingredients;
- f)
the net quantity of contents, in terms of weight, measure or numerical count rounded off to at least the nearest tenths in the metric system;
- g)
country of manufacture, if imported; and
- h)

if a consumer product is manufactured, refilled or repacked under license from a principal, the label shall so state the fact.

The following may be required by the concerned department in accordance with the rules and regulations they will promulgate under authority of this Act:

- a) whether it is flammable or inflammable;
- b) directions for use, if necessary;
- c) warning of toxicity;
- d) wattage, voltage or amperes; or
- e) process of manufacture used if necessary.

Any word, statement or other information required by or under authority of the preceding paragraph shall appear on the label or labeling with such conspicuousness as compared with other words, statements, designs or devices therein, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase or use.

The above requirements shall form an integral part of the label without danger of being erased or detached under ordinary handling of the product.

ARTICLE 78. Philippine Product Standard Mark. -- The label may contain the Philippine Product Standard Mark if it is certified to have passed the consumer product standard prescribed by the concerned department.

ARTICLE 79. Authority of the Concerned Department to Provide for Additional Labeling and Packaging Requirements. -- Whenever the concerned department determines that regulations containing requirements other than those prescribed in Article 77 hereof are necessary to prevent the deception of the consumer or to facilitate value comparisons as to any consumer product, it may issue such rules and regulations to:

a)

establish and define standards for characterization of the size of a package enclosing any consumer product which may be used to supplement the label statement of net quality, of contents of packages containing such products but this clause shall not be construed as authorizing any limitation on the size, shape, weight, dimensions, or number of packages which may be used to enclose any product;

b)

regulate the placement upon any package containing any product or upon any label affixed to such product of any printed matter stating or representing by implication that such product is offered for retail at a price lower than the ordinary and customary retail price or that a price advantage is accorded to purchases thereof by reason of the size of the package or the quantity of its contents;

c)

prevent the nonfunctional slack-fill of packages containing consumer products.

For purposes of paragraph (c) of this Article, a package shall be deemed to be nonfunctionally slack-filled if it is filled to substantially less than its capacity for reasons other than (1) protection of the contents of such package, (2) the requirements of machines used for enclosing the contents in such package, or (3) inherent characteristics of package materials or construction being used.

ARTICLE 80. Special Packaging of Consumer Products for the Protection of Children. -- The concerned department may establish standards for the special packaging of any consumer product if it finds that:

a)

the degree or nature of the hazard to children in the availability of such product, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling and use of such product; and

b)

the special packaging to be required by such standard is technically feasible, practicable and appropriate for such product. In establishing a standard under this Article, the concerned department shall consider:

1)

the reasonableness of such standard;

2)

available scientific, medical and engineering data concerning special packaging and concerning accidental, ingestions, illnesses and injuries caused by consumer product;

3)

the manufacturing practices of industries affected by this Article; and

4)

the nature and use of consumer products.

ARTICLE 81. Price Tag Requirement. -- It shall be unlawful to offer any consumer product for retail sale to the public without an appropriate price tag, label or marking publicly displayed to indicate the price of each article and said products shall not be sold at a price higher than that stated therein and without discrimination to all buyers: Provided, That lumber sold, displayed or offered for sale to the public shall be tagged or labeled by indicating thereon the price and the corresponding official name of the wood: Provided, further, That if consumer products for sale are too small or the nature of which makes it impractical to place a price tag thereon price list placed at the nearest point where the products are displayed indicating the retail price of the same may suffice.

ARTICLE 82. Manner of Placing Price Tags. -- Price tags, labels or markings must be written clearly, indicating the price of the consumer product per unit in pesos and centavos.

ARTICLE 83. Regulations for Price Tag Placement. -- The concerned department shall prescribe rules and regulations for the visible placement of price tags for specific consumer products and services. There shall be no erasures or alterations of any sort of price tags, labels or markings.

ARTICLE 84. Additional Labeling Requirements for Food. -- The following additional labeling requirements shall be imposed by the concerned department for food:

a)

expiry or expiration date, where applicable;

b)

whether the consumer product is semi-processed, fully processed, ready-to-cook, ready-to-eat, prepared food or just plain mixture;

c)

nutritive value, if any;

d)

whether the ingredients used are natural or synthetic, as the case may be;

e)

such other labeling requirements as the concerned department may deem necessary and reasonable.

ARTICLE 85. Mislabeled Food. -- A food shall also be deemed mislabeled:

a)

if its labeling or advertising is false or misleading in any way;

b)

if it is offered for sale under the name of another food;

c)

if it is an imitation of another food, unless its label bears in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated;

d)

its containers is so made, formed, or filled as to be misleading;

e)

if in package form unless it bears a label conforming to the requirements of this Act: Provided, That reasonable variation on the requirements of labeling shall be permitted and exemptions as to small packages shall be established by the regulations prescribed by the concerned department of health;

f)

if any word, statement or other information required by or under authority of this Act to appear on the principal display panel of the label or labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs or devices in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

g)

if it purports to be or is represented as a food for which a definition or standard of identity has been prescribed unless:

1) it conforms to such definition and standard; and

2) its labels bears the name of the food specified in the definition

or standards, and insofar as may be required by such regulations, the common names of optional ingredients other than spices, flavoring and coloring, present in such food;

h) if it purports to be or represented as:

1)

a food for which a standard of quality has been prescribed by regulations as provided in this Act and its quality fall below such standard, unless its label bears in such manner and form as such regulations specify, a

statement that it falls below such standard; or

2)

a food for which a standard or standards or fill of container have been prescribed by regulations as provided by this Act and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

i) if it is not subject to the provisions of paragraph (g) of this Article unless its label bears:

1) the common or usual name of the food, if there be any; and

2)

in case it is manufactured or processed from two or more ingredients, the common or usual name of such ingredient; except the spices, flavorings and colorings other than those sold as such, may be designated as spices, flavorings and colorings without naming each: Provided, That to the extent that compliance with the requirement of clause (2) of this paragraph is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the concerned department of health;

j)

if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin or mineral or other dietary properties as the concerned department determines to be, or by regulations prescribed as necessary in order fully to inform purchasers as its value for such uses;

k)

if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling, stating that fact: Provided, That to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the concerned department. The provisions of this paragraph or paragraphs (g) and (i) with respect to the artificial coloring shall not apply in the case of butter, cheese or ice cream.

SEPARATE OPINION

VITUG, J.:

I concur, with the understanding as so explained during the deliberations, that the halal certification, which herein petitioner and other similar organizations have been accredited to issue, is not taken as a compulsory requirement for muslim food manufacturers to secure. Adequate safeguards being already in place to ensure the safety of all food products, food manufacturers would thus have the option, decided solely on the basis of marketing advantage, whether or not to obtain the certification on their food products. In fine, the acquisition of halal certificates should remain optional or only on a voluntary basis on the part of manufacturers of muslim food products.

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