



MEMORANDUM CIRCULAR

NO. 05-2023-011
Series of 2023

SUBJECT : GUIDELINES ON THE MANAGEMENT OF ADVERSE FOOD SAFETY AND QUALITY FINDINGS DURING THE CONDUCT OF MEAT INSPECTION AT NMIS LICENSED COLD STORAGE WAREHOUSE

WHEREAS, Republic Act No. 9296 as amended by R.A. No. 10536, otherwise known as the "Meat Inspection Code of the Philippines", was enacted to strengthen the meat inspection/control system in the country;

WHEREAS, Section 2 (b) of R.A. 10536, provides that it is the policy of State to ensure food security and provide safety and quality standards for customer products related to agriculture to assure the protection of the public against unreasonable risks of injury and hazard to health;

WHEREAS, under Section 15, Rule 15.1. of R.A. 10536, the NMIS shall have the responsibility and the legal power to enforce hygienic requirements necessary to produce meat that is safe and wholesome in all meat establishments;

WHEREAS, pursuant to Section 7.9.1 of the Department of Agriculture (DA) Department Circular No. 1 Series of 2014, the Meat Import Export Division (MIED) shall develop and implement plans, programs, procedures, guidelines, rules, and regulations related to import and export of meat;

WHEREAS, there is a need to provide guidance to NMIS Meat Inspection Officers (MIOs) in their conduct of meat inspection and sound disposition for observed adverse findings found at Cold Storage Warehouse (CSW); and

In order to ensure clear implementation of regulatory actions at the CSWs, this Memorandum Circular (MC) is hereby issued.

Section I
ACRONYM

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|--------|---|---------------------------|
| 1. BAI | - | Bureau of Animal Industry |
| 2. CO | - | Condemnation Order |
| 3. CSW | - | Cold Storage Warehouse |
| 4. CR | - | Condemnation Receipt |
| 5. CV | - | Container Van |
| 6. DED | - | Deputy Executive Director |
| 7. ED | - | Executive Director |



- 8. **eVQMILC** - electronic Veterinary Quarantine Meat Inspection and Laboratory Certificate
- 9. **FFC** - Fact Finding Committee
- 10. **HO** - Hold Order
- 11. **LMI** - Licensed Meat Importer
- 12. **MC** - Memorandum Circular
- 13. **MIED** - Meat Import and Export Division
- 14. **MIO** - Meat Inspection Officer
- 15. **NHAC** - NMIS Hearing and Adjudication Committee
- 16. **NMIS** - National Meat Inspection Service
- 17. **NVQSD** - National Veterinary Quarantine Services Division
- 18. **RO** - Release Order
- 19. **RTD** - Regional Technical Director
- 20. **RTOC** - Regional Technical Operations Center
- 21. **RVQO** - Regional Veterinary Quarantine Office
- 22. **SO** - Special Order

Section II DEFINITION OF TERMS

For the purpose of this Memorandum Circular (MC), the following terms are defined:

1. **Adverse Findings** shall include non-conforming conditions and/or observations of imported meat after the conduct of meat inspection by NMIS MIO. These findings are non-compliance based on documentary requirements, checklists for organoleptic examination, laboratory analysis requirements, and other specific criteria, rules, and regulations set by NMIS.
2. **Fact Finding Committee** is composed of NMIS technical personnel by virtue of a Special Order designed to find information or ascertain facts of a food safety and quality-related investigation of a case.
3. **Food Safety Issue** means the imported meat did not pass the organoleptic examination conducted during the routine meat inspection of NMIS MIO. This also includes the imported meat that did not pass the microbiological examination conducted by the NMIS Meat Laboratory.
4. **Organoleptic examination** means the conduct of inspection by the aid of sensory means, such as but not limited to, direct visual observation, olfaction, palpation, and others based on an approved NMIS checklist.

Section III PROCEDURES

The steps and procedures listed below shall serve as a guide in dealing with concerns and issues resulting from meat arrival (direct shipment from a foreign country and in-country transfers) with adverse findings:

A. Imported Meat with Food Safety Issue

When NMIS MIO is presented with food safety observations after unloading of imported meat at CSW:

1. If the whole lot of meat unloaded to the CSW has obvious food safety issue:
 - 1.1. NMIS MIO shall issue HO and CO for the whole lot/CV (*within 4h upon presentation of the lot/CV with food safety issue*);
 - 1.2. NMIS MIO shall issue CR and witness the proper disposal of condemned meat items together with LMI and CSW representatives (*completes disposal within 72h from the agreed disposal schedule by NMIS, LMI, and CSW*); and
 - 1.3. submits a briefer (see attached template) with attached HO, CO, and CR to RTD, ED, DED, and MIED for information and proper filing (*within 24h after the completion of disposal activity*).
2. If only a portion of meat unloaded at the CSW is affected:
 - 2.1. The NMIS MIO shall conduct a 100% organoleptic examination while sorting meat items together with LMI and CSW representatives (*within 4h per CV*).
 - 2.1.1. For meat items that failed to pass the organoleptic exam after sorting, NMIS MIO shall:
 - 2.1.1.1. issue HO and CO to all affected meat items (*within 4h after the conduct of sorting*);
 - 2.1.1.2. issue CR and witness the proper disposal of condemned meat items together with LMI and CSW representatives (*completes disposal within 72h from the agreed schedule of disposal by NMIS, LMI, and CSW representatives*); and
 - 2.1.1.3 submit a briefer with attached HO, CO, and CR to RTD, ED, DED, and MIED for information and proper filing (*within 24h after the completion of disposal activity*).
 - 2.1.2. For meat items that passed the organoleptic exam after sorting, NMIS MIO shall:
 - 2.1.2.1 issue HO (*w/in 24h after sorting activity*);
 - 2.1.2.2. randomly select samples for laboratory analysis following the prescribed sampling plan of NMIS (*collection and submission of samples completed within 24h after the conduct of sorting*):
 - 2.1.2.2.1. For samples that passed the laboratory analysis, NMIS MIO shall issue RO to the lot that was cleared through laboratory analysis (*within 24h after the release of laboratory results*).
 - 2.1.2.2.2. For samples that failed to pass the laboratory analysis, NMIS MIO shall:
 - a. issue CR and witness the proper disposal of condemned meat items together with LMI and CSW representatives (*completes disposal within 72h from the agreed schedule of disposal by NMIS, LMI, and CSW representatives*); and
 - b. submit a briefer with attached HO, CO, and CR to RTD, ED, DED, and MIED for information and proper filing (*within 24h after the completion of disposal activity*).

B. Broken BAI Seal Issue

When NMIS MIO is presented with a broken BAI seal during the arrival of CV transporting imported meat at CSW from the port of origin:

1. Upon arrival, the NMIS MIO shall issue HO (*within 4h upon presentation of the lot/CV with broken BAI seal issue*). No unloading of meat items to the CSW from the affected CV shall be performed before RTOC FFC has gathered adequate evidence in determining the probable location where the BAI seal could have been broken, whether at the port, in transit, or at the CSW, for their investigation. The sufficiency of the evidence gathered shall be determined by the RTOC FFC, however, the period shall in no case exceed 60 days.
2. NMIS MIO shall submit HO to the RTD for the convening of the RTOC FFC for the investigation after the issuance of an SO (*within 48h upon issuance of HO*). RTOC FFC shall be provided with assistance by 1 or 2 paralegal officers ordered from the Central Office during the conduct of the investigation. RTOC may coordinate with the BAI RVQO for assistance, especially in providing information relevant to the ongoing investigation. RTOC FFC shall provide evidence/s in determining at what point the breaking of the seal could have happened, whether at the port, during transport, or at the CSW(*completes the investigation within 60 days upon presentation of the lot/CV with broken BAI seal issue*):
 - 2.1. NMIS MIO conducts 100% inspection during unloading at CSW in the presence of the RTOC FFC (*within 4h/CV*):
 - 2.1.1 If the load was found to be intact (100%), the NMIS MIO issues RO in concurrence with the RTOC FFC, and furnishes report through the RTD to ED, DED, and MIED (*within 7 days after the completion of the investigation of FFC*).
 - 2.1.2 If the load was found to be compromised and not intact (<100%):
 - 2.1.2.1 RTOC FFC shall conduct a further investigation and submits a report to RTD for decision and approval (*completes the investigation within 60 days upon presentation of the lot/CV with broken BAI seal issue*).
 - 2.1.2.2 If the case is resolved at the RTOC level, RTOC shall furnish the full report to ED, DED, and MIED for information and recording only. RTOC through the RTD furnishes a report to the BAI Director (*within 7 days after the completion of the investigation of FFC*).
 - 2.1.2.3 If the case is not resolved at the RTOC level, the respondent may submit a motion for reconsideration at the RTOC level. Once the appeal for reconsideration is resolved at the RTOC level, RTOC shall furnish the full report to ED, DED, MIED, and BAI Director (*completes the re-investigation within 90 days upon receipt of appeal*).

C. Incomplete Documents

When NMIS MIO is presented with incomplete and/or inconsistent information in import documents during document verification of the arrival of imported meat at CSW from the port of origin:

1. Upon arrival, the NMIS MIO shall:
 - 1.1. issue HO (*within 4h upon presentation of incomplete and/or inconsistent requirements*). The LMI has 24 hours to complete the lacking requirements:
 - 1.1.1. if the LMI provides the lacking documents within the prescribed period, NMIS MIO shall issue RO and clear shipment for unloading and conducts 100% inspection (*within 4h per CV*); and
 - 1.1.2. if the LMI is unable to provide the complete documents, NMIS MIO shall:
 - 1.1.2.1. submit HO to the RTD for proper endorsement to RVQO,

ED, DED, and MIED (*within 24h after the 24h time frame for completion of requirements*); and

1.1.2.2. ED thru MIED shall endorse HO to BAI Director for their guidance and recommendation (*within 24h after the receipt of HO endorsement from RTOC*):

1.1.2.2.1. If BAI recommends the clearance of the CV, NMIS MIO shall issue RO and conduct 100% inspection during unloading (*within 24h after the receipt of clearance from BAI*).

1.1.2.2.2. If the recommendation/decision is for condemnation and proper disposal of shipment, the NMIS MIO shall:

1.1.2.2.2.1. issue CO (*within 24h after issuance of decision*);

1.1.2.2.2.2. issue CR and witness the proper disposal of condemned meat items together with LMI and CSW representatives. NMIS shall request the presence of RVQO during the disposal activity (*completes disposal within 72h from the agreed schedule by NMIS, LMI, and CSW representatives*); and

1.1.2.2.2.3. submit a briefer for information and proper filing. RTOC through RTD shall furnish the briefer to the BAI Director (*within 24h after the completion of the disposal activity*).

D. Tampered/falsified NMIS accountable forms/certificates

When NMIS MIO is presented with tampered/falsified NMIS accountable forms/certificates during the conduct of regulatory inspection at CSW.

1. Upon arrival, the NMIS-MIO shall issue HO (*within 4h upon presentation of a tampered/falsified NMIS accountable forms/certificates*);
2. NMIS MIO shall submit HO to the RTD for the convening of the RTOC FFC for investigation after the issuance of an SO (*within 48h upon issuance of HO*). RTOC FFC shall be provided with assistance by 1 or 2 paralegal officers ordered from the Central Office during the conduct of the investigation (*completes the investigation within 60 days upon presentation of tampered/falsified NMIS accountable forms/certificates*); and
3. FFC shall submit the facts of the case in a report to the RTD for the decision:
 - 3.1. If the case is resolved at the RTOC level, RTOC shall furnish the full report to ED, DED, and MIED (*within 7 days after the completion of the investigation of FFC*).
 - 3.2. If the case is not resolved at the RTOC level, the respondent may submit an appeal for reconsideration at the RTOC level. Once the appeal for reconsideration is resolved at the RTOC level, RTOC shall furnish the full report to ED, DED, and MIED (*completes the re-investigation within 90 days upon receipt of appeal*).

E. Incomplete Labeling/Mislabeled

When NMIS MIO is presented with incomplete or mislabeled imported meat items during unloading at CSW from the port of origin:

1. NMIS MIO shall issue HO covering the affected lot/CV (*within 4h upon presentation of the lot/CV with incomplete or mislabeled imported meat items*);

2. NMIS MIO shall instruct LMI to submit an official request for label modification for approval of RTD pursuant to NMIS MC No. 08-2021-024 and PNS/BAFS 339:2022 ICS 67.120 (*within 4h upon presentation of the lot/CV with incomplete or mislabeled imported meat items*);
3. NMIS MIO shall witness the label modification together with LMI and CSW representatives (*within 4h per CV from the agreed schedule of label modification by LMI and CSW*); and
4. issue RO and complete the issuance of the eVQMILC (*within 4h per CV upon completion of the label modification activity by LMI and CSW*).

F. Over-importation by LMI (more than 3% in volume)

When NMIS MIO is presented with imported meat arrivals with excess in volume from the port of origin to CSW (more than 103% in volume):

1. Upon arrival, the NMIS MIO shall conduct the usual inspection procedures during unloading. The NMIS MIO shall supervise the sorting and issue HO for the affected meat volume in excess (*within 4h per CV*);
2. NMIS MIO shall issue CO for the excessive meat volume in proper coordination and guidance with BAI-NVQSD (*within 24h after proper guidance with BAI-NVQSD*);
3. NMIS MIO shall issue CR and witness the proper disposal of condemned meat items together with LMI and CSW representatives. NMIS shall request the presence of RVQO during the disposal activity (*completes disposal within 72h from the agreed schedule by NMIS, LMI, and CSW*); and
4. NMIS MIO shall submit a briefer to RTD, ED, DED, and MIED for information and proper filing. MIED through ED shall submit the said briefer to the BAI Director (*within 24h after the completion of disposal activity*).

G. Expired imported meat stored in CSW

When NMIS MIO is presented with expired imported meat stored in CSW:

1. NMIS MIO shall issue HO and CO for expired meat items (*within 4h upon presentation of expired meat items stored in CSW*);
2. NMIS MIO shall issue CR and witness the proper disposal of condemned meat items together with LMI and CSW representatives (*completes disposal within 72h from the agreed schedule by NMIS, LMI, and CSW representatives*); and
3. submit a briefer to RTD, ED, DED, and MIED for information and proper filing (*within 24h after the completion of disposal activity*).

Section IV SANCTIONS AND PENAL PROVISION

All existing related Laws, issuances, rules, and regulations shall serve as bases for the imposition of sanctions and penalties for all violations committed relative to this MC.

Section V NON-EXCLUSIVITY

All existing rules and regulations, policies, procedures, and standards in conformance and consistent with this MC shall remain in full force and effect.

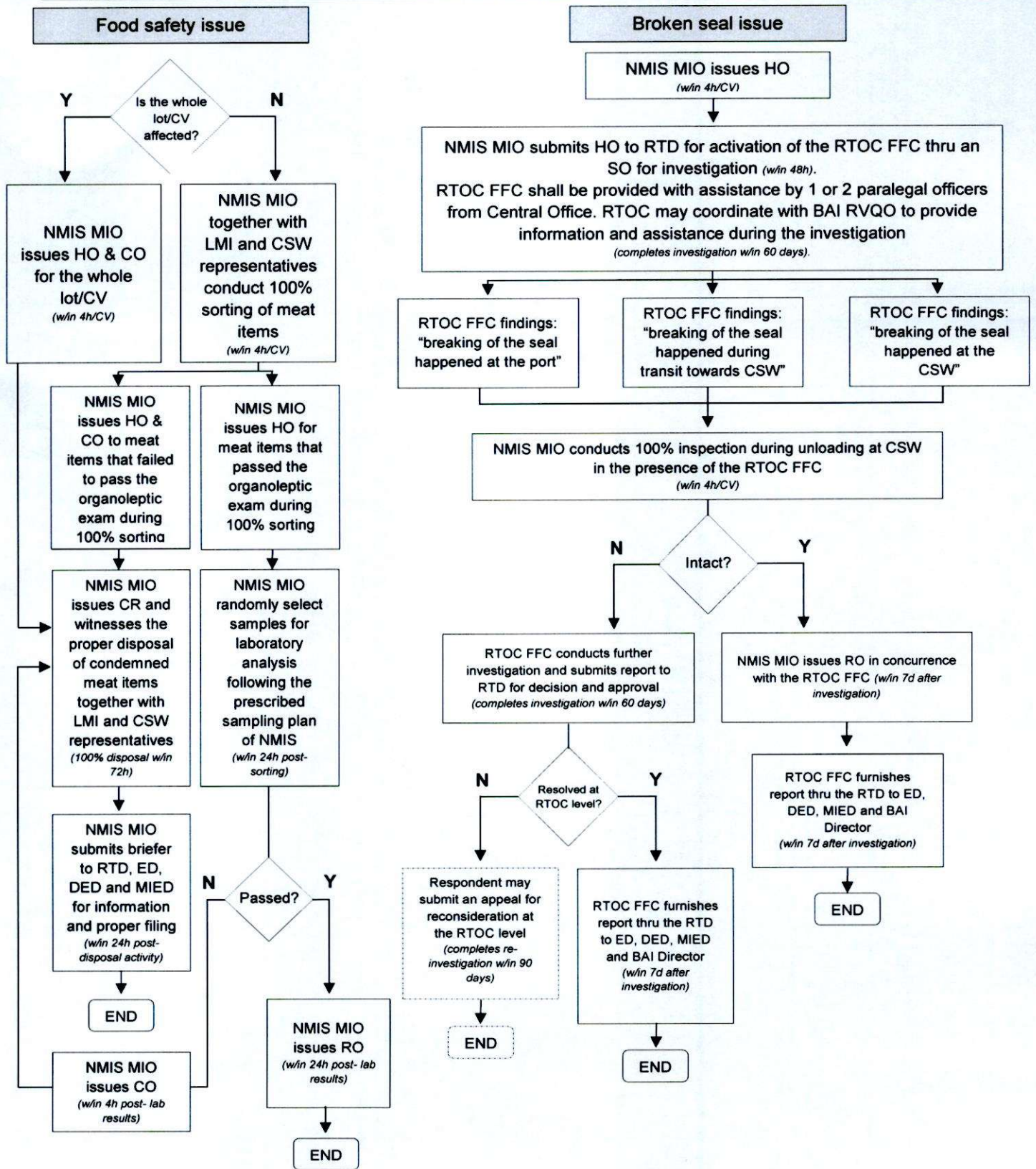
**Section VI
EFFECTIVITY**

This Circular shall take effect immediately upon signing and shall remain in full force and effect until repealed by a new issuance.

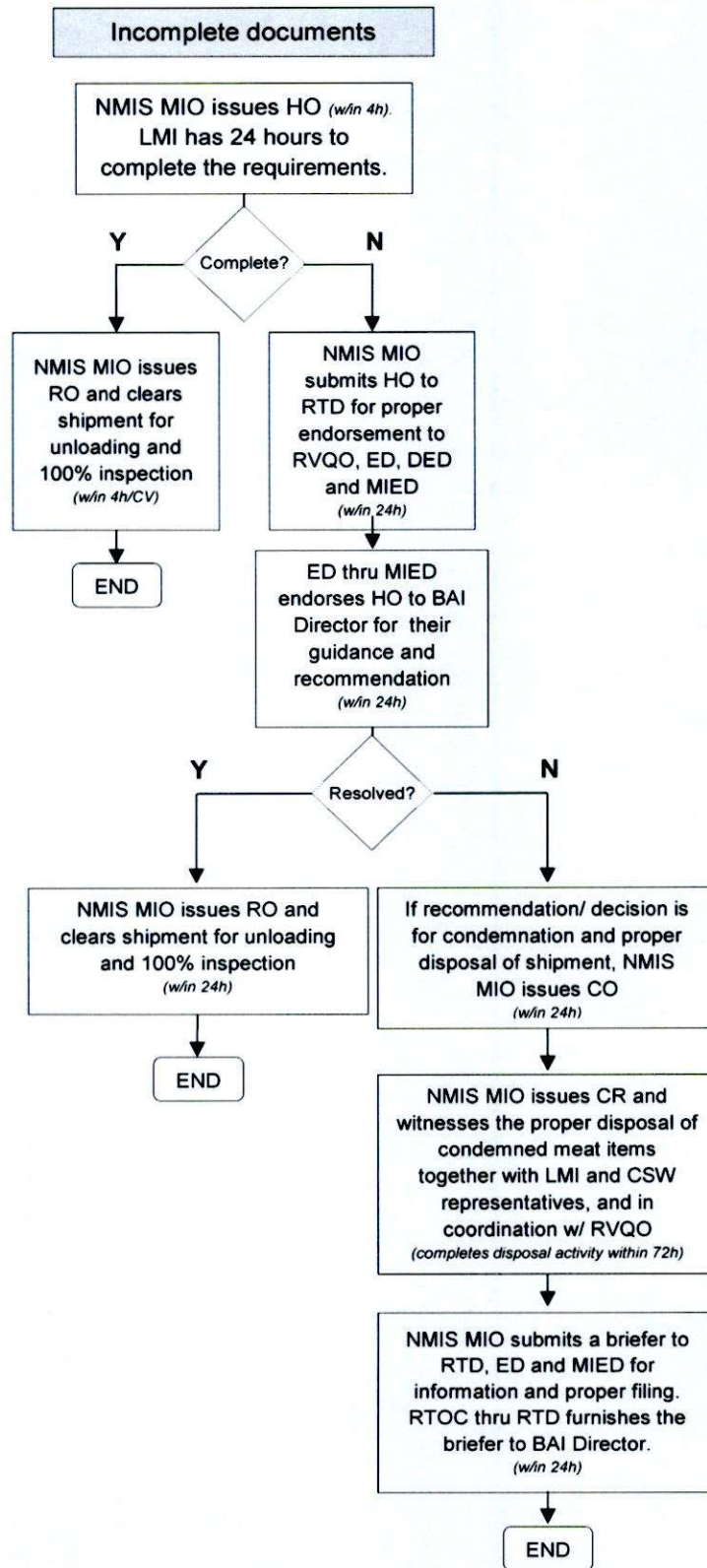
Done this 28TH day of APRIL, 2023.


DR. CLARITA M. SANGCAL

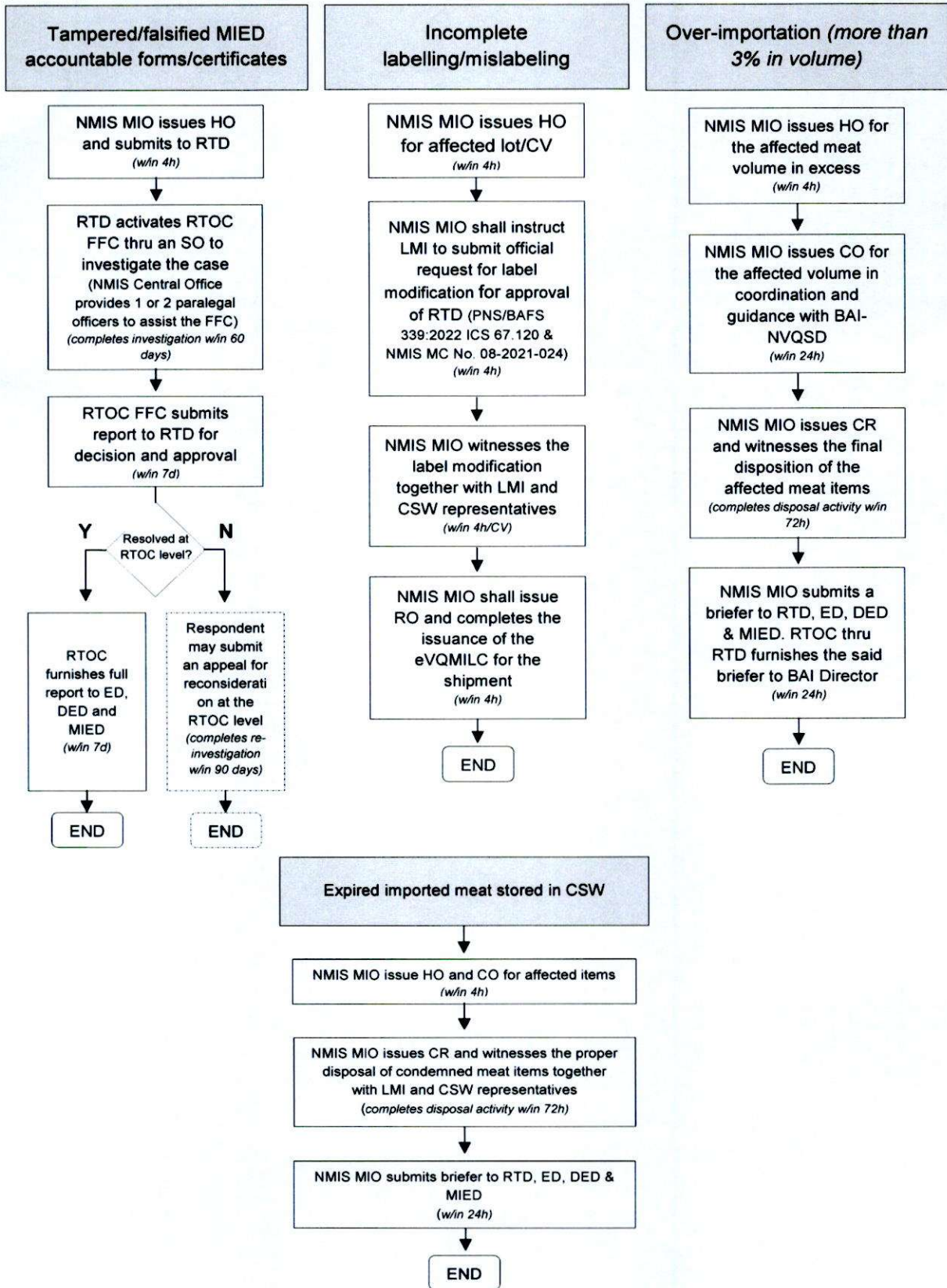
Imported meat unloaded during arrival at CSW with adverse finding while conducting organoleptic examination by NMIS MIO (a)



Imported meat unloaded during arrival at CSW with adverse finding while conducting organoleptic examination by NMIS MIO (b)



Imported meat unloaded during arrival at CSW with adverse finding while conducting organoleptic examination by NMIS MIO (c)





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**BRIEFER ON FOOD SAFETY AND QUALITY ADVERSE FINDINGS DURING THE
CONDUCT OF MEAT INSPECTION AT COLD STORAGE WAREHOUSE**

A. SUBJECT:

B. BACKGROUND/ RATIONALE:

C. ACTIONS TAKEN:

D. CONTACT DETAILS:

E. ATTACHMENTS