

UNIVERSITY OF THE PHILIPPINES  
CENTER FOR  
INTEGRATIVE AND  
DEVELOPMENT  
STUDIES

# THE PHILIPPINE HALAL LANDSCAPE

## WEBINAR PROCEEDINGS

May 24, 2021 via Zoom





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## ABOUT THE PROCEEDINGS

These proceedings are based on a webinar-forum, “The Philippine Halal Landscape,” held on 24 May 2021. It facilitated information exchange among sectors and institutions promoting halal development in the Philippines. An insightful discussion transpired and featured multiple perspectives from various sectors.

The webinar was organized by the Islamic Studies Program of UP Center for Integrative and Development Studies. Dr. Nefetari A. Arsad, served as Project Director and Editor, while Camille Lucille A. Bello and Dr. Cheery D. Orozco were Documenters/Writers. If applicable, in-text citations and reference lists have also been included to help those who wish to do further reading. For instance, a separate section listing all Islamic- and halal-related laws has been included at the end. In the open forum, the second person point-of-view, as well as the near verbatim reports of the speakers’ responses, has been preserved. These proceedings also do away with the macrons that reflect the romanization of Islamic/Arabic words (Qur’ān, halāl, shahāda, etc.).

Standard copyediting has also been done, as has the annotations, including definitions of Islamic terms for the benefit of non-Muslim readers. Following the conventions of the Chicago Manual of Style, these Islamic/Arabic words or concepts are italicized the first time.

## WEBINAR OVERVIEW AND PRESENTATION OF PANEL 1

Nefertari A. Arsad, PhD

*Program Leader, Islamic Studies Program*

*University of the Philippines Center for Integrative and Development Studies*

*Assistant Professor, Institute of Islamic Studies*

*University of the Philippines Diliman*

Dr. Nefertari Arsad welcomed the speakers and attendees of the webinar, “The Philippine Halal Landscape.” The speakers were invited to share their expertise so that attendees would acquire a multidimensional appreciation of halal development in the Philippines, covering policy-making, institutions, and programs.

She also acknowledged and thanked Dr. Teresa Encarnacion-Tadem, Executive Director of the University of the Philippines Center for Integrative and Development Studies (UP CIDS) who established the Islamic Studies Program (ISP) under her leadership in 2018. The ISP was created to enable research in Islamic and Muslim studies to participate and contribute to national policy discourse. Also receiving Dr. Arsad’s gratitude is the (then) Convenor of the ISP and Dean of UP Institute of Islamic Studies, Associate Professor Macrina A. Morados.

Dr. Arsad then gave a brief background on halal, which means permissible, lawful, or legal. Accordingly, halal is not just about food or beverages but rather about an entire lifestyle that encompasses many domains such as the legal, political, food and nutrition, cosmetics, pharmaceutical, and the personal. Halal is inextricably linked with the word, *tayyib*, which is found in the Qur’an. It is an Arabic word that means good, wholesome, and ethical. In this respect, halal refers to both the physical/tangible aspects of permissibility or lawfulness and to its intangible dimensions, such as morality.

Dr. Arsad proceeded to introduce the Panel One speakers. The first is Assistant Secretary for Mindanao (now Undersecretary for Tourism) and concurrent Regional Director of the Department of Tourism Region IX, Hon. Myra Paz V. Abubakar. Hon. Abubakar is a devoted public servant, especially in the field of tourism, social welfare, and Muslim affairs. She is an active proponent of organizations that promote humanitarian concerns, readiness, volunteerism, and women empowerment. At present, she is focused on promoting sustainable and responsible tourism in the halal tourism industry and actively representing the country in the Brunei Darussalam–Indonesia–Malaysia–Philippines East ASEAN Growth Area (BIMP-EAGA) Region and Asia.

The second speaker is the President and CEO of the Islamic Da'wah Council of the Philippines, Atty. Abdulrahman Linzag. The Islamic Da'wah Council of the Philippines was the pioneer agency for halal certification in the Philippines. Atty. Linzag is likewise the secretary-general of the World Halal Council, publisher-editor of the Brotherhood Halal Lifestyle Magazine, and senior partner of the Linzag, Arcilla and Associates Law offices. Atty. Linzag was invited to lecture on halal certification, with a focus on institutional dynamics and policy gaps.

The last speaker is a former COMELEC Commissioner and former Secretary and Commissioner of the National Commission of Muslim Filipinos, Atty. Mehol K. Sadain. Currently, he is a professorial lecturer at the University of the Philippines, both at the College of Law and the Institute of Islamic Studies. He lectures on comparative Islamic and civil family law, laws on inheritance and succession, and court procedures. Atty. Sadain has various publications by way of books and monographs on topics such as historical and political issues impacting Muslims in the Philippines.

Dr. Arsad ended her webinar overview and panel introduction emphasizing that the three panel speakers had served as resource persons for many forums concerning their respective expertise and experiences.

## PANEL 1: HALAL DEVELOPMENT IN THE PHILIPPINES

### Philippine Halal Tourism

Myra Paz V. Abubakar

*Assistant Secretary for Mindanao and Concurrent Regional Director  
Department of Tourism Region IX*

Assistant Secretary (ASec.) Myra Paz V. Abubakar began her presentation by sharing how the tourism industry had been affected by the COVID-19 pandemic.

To prevent the spread of the virus, accommodation establishments and restaurants temporarily closed, while airline companies and travel agencies had to cease operations. As a result, 5.7 million tourism workers were displaced, and 4.8 million were affected by the mobility restrictions arising from community quarantines. ASec. Abubakar went on to give an overview of her discussion: on Global Halal Economy, Philippine halal-related laws, the Philippine market situation, and halal/Muslim-friendly tourism programs and initiatives of the Department of Tourism and its partners.

The Global Halal Economy is also referred to as the Global Islamic Economy, which impacts seven sectors whose core products are structurally underpinned by Islamic ethics and law. These are (1) modest fashion, (2) halal media and recreation, (3) halal pharmaceuticals, (4) halal cosmetics, (5) halal travel, (6) halal food, and (7) Islamic finance. Based on the State of Global Islamic Economy Report for 2018 to 2019, there are 1.8 Muslims around the world who spent billions and even trillions of dollars in these seven sectors. These amounts can be perceived to increase even more. Halal travel and Muslim-friendly tourism are “projected” to

reach US\$ 274 billion in 2023, up from US\$ 177 billion in 2017 (Zawya 2018). However, Asec. Abubakar emphasized that these data should be revisited because she believes that the figures for 2023 have changed a lot. The data also coincides with the Global Muslim Travel Index 2019 report of Mastercard-Crescent Rating,<sup>1</sup> which provides that in 2026, “Muslim visitors globally are forecast....to represent more than 10 percent of tourists worldwide.” The data also suggests that the halal travel “contribution to the global economy” will grow from US\$ 220 billion in 2020 to US\$ 300 billion by 2026 (Khullar 2019).

Although the data must be currently lower because of the pandemic, Asec. Abubakar highlighted that the halal travel sector would remain a big contributor to tourism worldwide, especially now that vaccines are being distributed and governments are continuing to improve health and safety protocols for travel and related industries.

Asec. Abubakar went on to discuss some Philippine laws that are significant to halal and tourism. These laws are:

- Republic Act (RA) No. 9593 (Tourism Act of 2009)
- RA No. 10817 (the Philippine Halal Export Development and Promotion Act of 2016), and
- RA No. 9997 (National Commission on Muslim Filipinos Act of 2009).

These laws were further explained by Asec. Abubakar.

- Section 2 of RA No. 9593 provides that the State “declares tourism as an indispensable element of national economy and an industry of national interest and importance” and that it seeks to “create a favorable image of the Philippines within the international community, thereby strengthening the country’s attraction as tourism destination.”

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<sup>1</sup> Crescent Rating is “the world’s leading authority on halal-friendly” tourism (NEDA n.d.).

- Section 2 of RA No. 9997 declares that the State must “ensure the rights and well-being of Muslim Filipinos with due regard to their beliefs, customs, traditions and institutions.”
- Sections 4, 5, and 7 of RA No. 10817 establishes the Philippine Halal Export Development and Promotion Program and creates the Philippine Halal Export Development and Promotion Board or the Halal Board, which the Department of Tourism is a part of.

RA No. 10871 is deemed to be an important enactment for the halal industry. It recognizes the “potential contribution of halal industries” to “national economic development,” especially via exports. As a result, the Philippine Halal Export Development and Promotion Program was created. According to Section 4 of RA 10817, this program entails

a 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” [as well as] ...industry development and promotion, including expansion into nonfood halal products and services, consumer awareness and fair-trade practices, and provision of common service facilities.

ASec. Abubakar then explained the Philippine market situation. From 2017 to 2019, the Philippines maintained at least 600,000 plus tourist arrivals from Islamic or Muslim-populated countries. The bulk of these visitors came from Malaysia, Singapore, and South Asia. According to her, these data proves that there is a huge market for Muslim-friendly tourism. Moreover, these data, combined with the ten million-plus population of Muslim Filipinos, as estimated by the National Commission on Muslim Filipinos (NCMF), indicates a huge base market for halal service.

Apart from these data, other factors may be considered in promoting Muslim-friendly tourism in the country.

- I. The Philippines entered the top 10 non-OIC (Organization of Islamic Cooperation) destinations for the first time in 2019, displacing Germany and Australia, according to Mastercard Crescent Rating in its global travel index in 2019.



2. There is a need to underscore tourism as an essential component to holistically develop halal in the Philippines in order to promote and “make the country a respectable player in the global halal ecosystem,” to adopt a comment by Export Marketing Bureau Director Senen M. Perlada (BusinessMirror 2019).
3. Recognizing that the Philippines is not a Muslim country makes it difficult for the tourism sector to invite Muslim travelers and help identify Muslim-friendly tourism as one of the initial strategies to develop and promote halal as an arbitrary export.

The term “Muslim-friendly tourism,” rather than just “halal tourism,” refers to provisions of tourism goods and services required by Muslim tourists and travelers. The latter, however, has applicable laws and guidelines that are more stringent than those for the latter.

The promotion of halal tourism is done through various programs and initiatives implemented by the Department of Tourism (DOT) and other agencies. These programs and initiatives are applied based on six tourism touch points: welcome or arrival, accommodation, transport and tours, shopping, dining, and departure. It is important to note that improving these touch points and aligning them with Muslim-friendly tourism is vital to developing the country as a Muslim-friendly destination. For example, issuing guidelines for accommodation establishments will better provide quality services to Muslim tourists. In addition, updating the list of halal-certified and Muslim-friendly establishments and informing the public about the same will encourage Muslim travelers to visit the country.

The Muslim-friendly tourism programs and initiatives that the DOT currently implements include Memorandum Circular No. 2020-010 (“Guidelines Governing the Operations and Recognition of Muslim-Friendly Accommodation Establishments”). It aims to ensure the quality and appropriate service by accommodation establishments for the growing Muslim market. This circular was signed on December 11, 2020, pursuant to the mandate of DOT. Republic Act No 9593 (Tourism Act of 2009) mandates the DOT to “promulgate...rules and regulations governing the operation and activities of all tourism enterprises”

(Section 6) and to “create a favorable image of the Philippines within the international community” (Section 2d).

The circular is likewise issued in line with RA No. 9997 or the National Commission on Muslim Filipinos Act of 2009, which aims to “ensure the rights and well-being” of Muslim Filipinos and recognize their beliefs, customs, and traditions” (Section 2). Furthermore, this applies to all DOT-accredited accommodation establishments that intend to apply for a certificate of recognition as a Muslim-friendly accommodation establishment. The guidelines are comprised of six dimensions that provide different criteria that the accommodation establishments should comply with and encourage to follow. These apply to services and facilities for (1) guest handling, (2) Muslim-friendly guest rooms, (3) halal food and beverages, (4) kitchen, (5) public areas, and (6) hotel transport service.

Guests handling refers to incorporating the common greeting in Islam by a front desk officer; and having adequate information on nearby halal-certified restaurants, mosques or Islamic centers and government agencies, and awareness of prayer times. Meanwhile, the accommodation establishment should ensure that at least five percent of the total number of rooms be designated as Muslim-friendly. Moreover, the following should be readily available: prayer amenities such as *qiblah* directional stickers (where to face Meccah), prayer mats, copies of the Qur’an, and clean water in bathrooms with bidets or hand showers for the *wudhu* (ablution before prayer). Halal food and Muslim-friendly restaurants should also be available in the establishment and present around its premises.

There should also be proper segregation and identification of halal food and nonhalal food, and meals during Ramadan such as *suhoor* and *iftar* are available upon request.<sup>2</sup> For the kitchen, on the other hand, there must be a separate area for the preparation of halal food, which should have its own set of kitchen utensils and refrigerators. Public areas should be divided into public prayer room facilities and recreational areas. The

<sup>2</sup> *Suhoor* refers to the pre-dawn meal before the day's fasting during Ramadan. *Iftar* pertains to the gathering and eating after the day's fast.

<sup>3</sup> The Brunei Darussalam–Indonesia–Malaysia–Philippines East ASEAN Growth Area

public prayer room facilities need to have a separate area for men and women, as should wellness and recreational areas. Nonhalal activities are discouraged. Lastly, transportation services to a nearby local *masjid* (mosque) should be available. The drivers should be aware of basic fundamentals and principles in serving Muslim tourists.

The DOT also initiated orientations and related activities such as DOT Employees Halal Awareness Seminar with BIMP-EAGA<sup>3</sup> Updates held last January 17, 2020, which aimed to raise awareness of halal and its importance; the 2nd Mindanao Palawan Regional Directors Meeting on BIMP-EAGA Updates with Halal Awareness, including site inspection of a halal-certified kitchen in Zamboanga City on January 12, 2020; and halal orientation for Mindanao, which was conducted in October 2020 to raise awareness among Mindanao regional offices and tourism officers and stakeholders. Apart from these activities, there were several speaking engagements where other government agencies and private sectors invited DOT personnel to serve as resource persons to discuss Muslim-friendly tourism's significance.

The BIMP-EAGA Mindanao Halal Culinary Tourism Product Development likewise launched a video production from March 10 to March 28, 2021 in various areas of Mindanao, including BARMM (Bangsamoro Autonomous Region in Muslim Mindanao). This initiative featured various halal-certified/Muslim-friendly culinary tourism products in these locations. As of the webinar, the video was in postproduction, while the printing of information education and communication materials was in process. Other initiatives and efforts of the DOT include the development of Halal Food Circuits in Mindanao, which are done in coordination with the Regional Offices of the Department of Tourism in Mindanao; updating the list of mosques and halal-certified/Muslim-friendly establishments such as restaurants and accommodations; and communications (before and during the pandemic and community quarantine) concerning the possibility of putting up public prayer rooms or facilities in airports and malls around the country. This was done through the help of the Civil Aviation Authority of the Philippines, and the management of various malls.

In conclusion, ASec. Abubakar expressed her optimism toward the Department's programs and initiatives for halal tourism.

I believe that through the programs and activities, and our continuous efforts that are centered on the improvement of our tourism touch points and in the raising of halal awareness and providing opportunities, we are certain that we will indeed achieve a Muslim-friendly country for the Philippines and will be able to sail in this rising global halal market and benefit from its many advantages.

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# HALAL CERTIFICATION: INSTITUTIONAL DYNAMICS AND POLICY GAPS

Atty. Abdulrahman Linzag

*President, Islamic Da'wah Council of the Philippines*

*Secretary-General, World Halal Council*

*President-CEO, Islamic Da'wah Council of the Philippines*

Atty. Abdulrahman Linzag started his presentation with an affirmation of the importance of halal in the daily life and obligations of a Muslim. He then proceeded to discuss these in the context of his organization, the Islamic Da'wah Council of the Philippines (IDCP).

Halal is an Arabic word, which means that which is allowed, lawful, and permissible in the Shari'ah or Islamic law as provided in the holy Quran. In surah Al-Baqarah [2]: 168, it says, "Oh mankind, eat the lawful and good things from what is on earth and follow not the footsteps of Satan. Surely, he is a[n] open enemy to you." It is thus obligatory for all mankind and not only for Muslims to eat the lawful and good things on earth. This means that everything is made halal by God and only those specifically declared as haram are to be observed as forbidden. But this is where the debate comes in. For halal does not only mean taking the fruits, vegetables, aquatic products (i.e., seaweeds, fish, shrimps, etc.), farm birds (i.e., chicken, turkey, ducks, geese, etc.), or animal products (i.e., cows, goats, buffalos, sheep, etc.) but includes the Islamic requirements and processes of slaughtering and/or preparation of these products for consumption. It is in these important food preparation processes that the halal certification body plays a very important role in assisting the consumers in identifying the products that are halal or not.

Atty. Linzag mentioned the challenges faced by the IDCP as a halal certification body: first, when the council was tasked to take on the obligation as a halal certification body in 1987, they were hesitant because they were the first body to have that kind of responsibility. But they relented. Second, it was a challenge to find a halal-certified restaurant in Metro Manila, with the exception of Muslim-owned restaurants where

the owners or the families themselves prepared the food for their own consumption, for business, or gave them away. Third, the IDCP was concerned about how they could certify products that were not produced in accordance with Islamic requirements and processes. These include livestock that was not slaughtered in the halal way, and food products that have been processed in the same factories as haram products such as pork.

Haram produce is unlawful or forbidden under the Shari'ah. Forbidden at all times are pork and its derivatives, including touching the dead carcass of pig in accordance with the Holy Qur'an and in the Hebrew Bible (i.e. the Old Testament for Christians). But since this prohibition is not observed in the Philippines, there should be means to address the situation diplomatically, particularly in separating haram and halal products.

One way to do so was through Republic Act (RA) 10817, which creates the Philippine Halal Export Development and Promotion Program of 2016. The law also acknowledges the role of Filipino Muslims and their way of life. Previously, a case had been filed in the Supreme Court, requesting a clear ruling on who has the authority to impose halal as a religious function and obligation, taking into consideration the principle of the separation of Church and State. As a religious obligation, halal [certification] must be exercised by a religious body with authority from God. This means only those who follow God, submit themselves to the will of Allah, and are known to be Muslims can exercise such authority. All 15 justices of the Supreme Court ruled that the halal certification authority should be entrusted to a religious body, and not to any government agency.

Defining the scope and limits of RA No. 10817, Atty. Linzag explained why the law refers to export products only. One is that in halal certification, there are different standards between export products and those for domestic consumption. He objected to this and called it a "double standard," emphasizing that this should not be the case in Islam; halal must apply to everything. In short, the IDCP simply certifies and endorses halal export products. The other limitation of the "double standard" is evident in select Muslim-friendly programs of government agencies, where the IDCP can certify certain facilities, such as areas

of hotels for food consumption. Their certification is supposed to be maintained for the benefit of their Muslim employees and customers. However, certifying an entire hotel to be halal is not yet part of IDCP's responsibility.

Atty. Linzag explains that certifying a halal kitchen is different from certifying the actual food preparation and ensuring it is being displayed and consumed by the public. This is what needs to be established in the Philippines: a fully certified Muslim hotel or restaurant, like those he observed in other non-Muslim countries where he had to help certify products. These countries include Argentina, Brazil, France, the United Kingdom, Germany, China, and Japan. Atty. Linzag expressed his sincere hope that the government would look into these limitations and address the "double standard approach."

What does the halal certification process include? First is educating the people on the conditions of halal sanitation, including observing *tahir* (that which is clean and pure), and that which is *najis* (unclean and impure). It also includes showing that halal certification does not simply entail uttering and repeating Arabic words or prayers over food. It likewise goes beyond a preference for curry or spicy food over, say, *sinigang*.<sup>4</sup> There is a need to expound more on what halal certification is, and it is the IDCP's duty to explain not just the mechanics of food production but also the strict implementation of rules, which embodies the tenets of Islam.

Second, halal certification is just a certification for that which is halal. When the IDCP performs their obligation as a certifying body, they invoke the name of God as in a *shahada* (a testimony that there is no God except Allah and that Muhammad is His Prophet) and attest that "I testify that this product is halal in accordance with the Holy Qur'an." The World Halal Council emphasizes as much. As such, it is not an obligation that can be exercised by a nonbeliever, who is unqualified to do the *shahada*. It is similar to the Shari'ah's prohibition on witnesses: to be a witness in a court case is to issue a testimony as if it were a *shahada*. Thus, a nonbeliever cannot be a witness from a religious (Islamic) point of view.

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<sup>4</sup> A staple food in the Philippines, which involves soup and any one of the following: fish, chicken, pork, or beef.

Third, the halal certification body must be a representative of the *ummah* (the community of believers) because “the process of identifying and determining whether the product is halal or not is governed by the process of Shari’ah in which the finding must be based on legal principles of proof beyond reasonable doubt.” The IDCP must have proofs that the products they certify are indeed halal.

Atty. Linzag concluded by addressing some critical issues in halal certification. One is about critical products, such as meat products, chicken products, and the corresponding flavors. By nature, animals must undergo certain halal qualification standards. Before consumption, they must be slaughtered according to specific requirements. For example, an animal must not be stunned, and must be alive and healthy. While it is being prepared for slaughter, an animal must not be administered antibiotics. The sourcing of critical products is also another challenge. Where do Muslims get a halal animal since there are no halal slaughter houses in Metro Manila and in the provinces, including those in Mindanao? So where do they get their halal meat? When they buy cows, why do they slaughter them outside the slaughterhouse? Why not in a public slaughterhouse?

Atty. Linzag surmised that public slaughterhouses in the country are not maintained as halal. They are used more for pigs than cows, so there is contamination. This issue has to be addressed by the pertinent government agencies if there is a real concern for using halal products. Atty. Linzag shared the case of a certified halal farm in Zamboanga. Around a year later, the farm owners did not allow [them]<sup>5</sup> a visit anymore because they considered their farm halal. There has been no maintenance of their halal certification since the practice in the Philippines is done voluntarily and not by force. This is linked to the principle that there is no compulsion in religion from the Islamic point of view. But despite these challenges, many companies are still seeking halal certification, though the process is limited to export products. This is the public appeal Atty. Linzag made: to look into the policy concern in addressing the “double standard approach” to halal certification in the country.

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<sup>5</sup> It is not clear whether this refers to Atty. Linzag’s party or to another group — CIDS publication staff



# THE LEGAL AND INSTITUTIONAL ECOSYSTEM OF HALAL IN THE PHILIPPINES

Atty. Mehol K. Sadain

*Professorial Lecturer, Institute of Islamic Studies  
University of the Philippines Diliman  
Lawyer and Shari'ah Counselor*

Atty. Mehol K. Sadain started his presentation by giving a brief discussion on how Shari'ah has been implemented in the Philippines or how Islamic law has been incorporated into Philippine law.

The first one was Presidential Decree (PD) 1083, the Code of Muslim Personal Laws, which was enacted on February 4, 1977. The code deals with Muslim marriages, divorce support, legitimation, paternity and filiation, succession; and mandated the setting up of Shari'ah courts to implement the Code, giving them their specific jurisdiction. But it did not become operational until after the Supreme Court promulgated in 1983 via the en banc resolution, *Ijra'at ul-Mahakin ash-Shari'ah* (Special Rules of Procedure Governing the Shari'a Courts). Second was Republic Act (RA) 6848, which established the Islamic Bank providing the charter of Al-Amanah Islamic Investment Bank of the Philippines. It was enacted on January 26, 1990.

Third was RA 9997, the National Commission on Muslim Filipinos (NCMF) act of 2009 which was approved on February 18, 2010. Fourth was RA 10817, the Philippine Halal Export Development and Promotion Act of 2016, which became law on May 16, 2016. Fifth was RA 11439, the Islamic Banking Act (signed on August 22, 2019). This most recent law on Islamic finance supplements RA 6848. Finally, there is RA 11054, the Bangsamoro Organic Law, which repealed the old ARMM law. This law has many features on halal, on Islamic finance, Islamic procedure, and Shari'ah courts though its coverage is limited only to the five provinces or the jurisdictional territory of the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM).

Atty. Sadain sums up that the status of Shari'ah implementation in the Philippines, pursuant to Article 2 paragraph A of PD 1083, is that all of these laws are actually incorporated into the Philippine law and are part of the recognition by the Philippines of Shar'iah elements.

Directing the discussion on the halal industry in the Philippines, Atty. Sadain considers that the industry is in its early stage of development compared to Malaysia, Indonesia, Singapore, and Thailand, as it deals mostly with food and consumables and sometimes accreditation of halal premises, such as, halal restaurants. But he affirms what the halal industry in the Philippines can expand into, such as, nonconsumables like cosmetics and other personal care, *sukuk* or Islamic investment and security, *takaful* or Islamic insurance, among others. Looking further at the cases of other countries where the halal industry has gone into transportation, tourism, and entertainment, he shared a study made on Nurflix (where *nur* means light), which is a halal (or at least Muslim-friendly) counterpart of Netflix. Furthermore, he ascertained that the halal industry should not just emphasize the business or commercial aspects. It should also be founded on Shariah or Islamic law and the requirements thereof. Using a metaphor, Atty. Sadain likened the imbalance between the commercial activities of halal and its Islamic foundation to putting the cart before the horse; simply put, it will not work. And the consequence might extend to the inability to compete in the global halal market, which has a potential income of US\$3.2 trillion (DTI 2019).

In the next part of the discussion, Atty. Sadain looked into RA No. 9997 (the law that created the NCMF) and compared it with RA No. 10187, the most recent law that addressed the concerns on halal accreditation and certification bodies.

Section 8h, Paragraph A of RA No. 9997 identifies the role of the NCMF. It must "promote and develop the Philippines' halal industry and accredit halal-certifying entities/bodies for the utmost benefit of Muslim Filipinos and in partnership or cooperation with appropriate agencies, individuals and institutions here and abroad." Though it has already been repealed by RA No. 10187, the spirit of RA No. 9997 has nevertheless underpinned the halal ecosystem and the policy direction for the halal industry in the country. Through accreditation, the government,

through the NCMF, can vouch for the integrity of accredited certifiers and determine their compliance with domestic and foreign regulations, especially as they go out into the export business.

RA 10817, on the other hand, clarifies the difference between accreditation and certification, citing Section 3a, which says, “[Accreditation refers to the procedure by which a government agency having jurisdiction formally attest to the competence of an inspection and all certification filed by a body to provide inspection and certification services.” This pertains to the Philippine Accreditation Bureau (PAB). Meanwhile, certification “refers to third party attestation of conformance to standards and guidelines related to products, processes, systems, or persons” (Section 3b). This is an attestation made by the halal certifiers (HCs).

Pursuant to this mandate, the NCMF was able to accredit at least three organizations from 2012 to 2013: the Muslim Mindanao Halal Certification Board (MMHCB) in Cotabato City; the Mindanao Halal Authority (MHA) in General Santos City; and the Halal International Chamber of Commerce and Industries of the Philippines (HICCIP) in Greenhills in San Juan City, Metro Manila. This shows that the government assumes responsibility for coaching and certifying the integrity of halal certifiers, as well as the actual certification process. Atty. Sadain affirmed the importance of these certifying organizations as part of international halal recognition bodies, including the *Jabatan Kemajuan Islam Malaysia* (Department of Islamic Development in Malaysia) or JAKIM or the *Majlis Ugama Islam Singapura* (Islamic Religious Council of Singapore) or MUIS. Most halal certifiers in Southeast Asia usually gravitate towards these two prominent organizations.

Expounding on the lead role function in halal certification, Atty. Sadain discussed RA 10817, which was passed on May 16, 2016, or around six years after the effectivity of RA 9997. It amended the pertinent provision in RA 9997 and created the Philippine Halal Export Development and Promotion Board or the Halal Board (HB). The HB is chaired by the Secretary of the Department of Trade and Industry (DTI), while the Secretary of the NCMF, who is a Muslim, serves as the vice-chair. The other members are the respective Secretaries of the Department of

Agriculture (DA), Department of Health (DOH), Department of Tourism (DOT), Department of Science and Technology (DOST), Department of Foreign Affairs (DFA), the governor of the Bangko Sentral ng Pilipinas (BSP), the chair of the Mindanao Development Authority (MDA), and two other “Muslim Filipino professionals.”

These professionals may come from the “academe, law, halal industry, or food science” sectors and have to be appointed by the President so that they can sit on the board for a term of three years (Section 7j). The secretaries and ex-officio members of the HB can be represented by subordinate officers whose rank is not lower than bureau directors. Atty. Sadain then expressed the possibility that unless the alternate members of the HB or those representing the secretaries are Muslims themselves, the board is only assured of having three Muslim representatives, namely, the Secretary of NCMF and the two Muslim professionals. In other words, it is quite possible for the Philippines to have a Halal Board that is primarily non-Muslim, issuing policies and deciding on matters that are Islamic in nature.

Halal accreditation was designated to the Philippine Accreditation Bureau (PAB), formerly the Philippine Accreditation Office, which is part of the DTI. It was launched as a bureau in December 2015, and originally created by Executive Order No. 802 in 2009. According to Section 13 of RA 9236 (the National Metrology Act of 2003), the PAB is the national accreditation body for accrediting, inspection, testing and certifying bodies, regardless of whether it is halal or nonhalal.

As its members are mostly non-Muslims, the PAB applied for membership to the International Halal Accreditation Forum (IHAF). The application was approved in December 2017. IHAF is an organization of different halal accreditation bodies, initially formed by the government of the United Arab Emirates (UAE) in 2016. The members of IHAF as of 2016 are the Dubai Accreditation Department, Emirates National Accreditation System, General Coordination for Accreditation of Brazil, American Association for Laboratory Accreditation, Pakistan National Accreditation Council, Gulf Center for Accreditation, Entidad Nacional de Acreditación of Spain, Saudi Accreditation Committee, United Kingdom Accreditation Service. Eventually included were accreditation bodies

from Jordan, Nigeria, Russia, Cambodia, Costa Rica, Sudan, Argentina, Thailand, Jamaica, and the Philippines. Atty. Sadain further explained that one of the aims of the IHAF is to come up with a uniform international accreditation system.

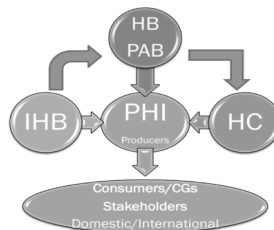
Moving on to the halal ecosystem, Atty. Sadain discussed its scope, limitations, and functions. An ecosystem is a biological community of interacting organisms in their physical environment; it is composed of (1) the animals, plants, and organisms, (2) the light and air which makes up the atmosphere, (3) the soil and minerals, and (4) the water. In the same way, comprising the halal ecosystem are (1) the halal-related entities; (2) their respective operations; and (3) the political, legal, and regulatory environments.

The different halal bodies represent the “animals, plants, and organisms,” while the light and air stand in for the atmosphere or the milieu within which everything operates. The soil and minerals make up the laws and regulations which serve as the foundation for the halal industry. And the water represents shari’ah, which gives life to everything. Indeed, shari’ah is defined as a path that leads to a source of water.

Atty. Sadain then presented a diagram where the key players in the ecosystem are situated.

*Figure 1: Diagram of the Philippine Halal Industry Ecosystem*

## THE PHILIPPINE HALAL INDUSTRY ECOSYSTEM



The key players are the HB (Halal Board), PAB (Philippine Accreditation Board), HC (Halal Certifiers), Philippine halal industry (PHI),

and the different producers and manufactures and the international halal body (IHB), such as JAKIM, MUIS, and IHAF. In the lowest part of the diagram are the consumers or the consumer groups, who are stakeholders of halal and its domestic and international markets. One of the functions of these different interacting bodies is to uphold the Shari'ah, where the concept of halal comes from; the statutes like RA 10817 enacted by Congress; and regulations concerning halal and rules of the agencies. These are the procedural rules, for instance, on how accreditation or certification is done.

Segmenting these functions yields the following key areas: the accreditation framework of the halal industry, the uniformity of international accreditation standards, the halal certification process, and the marketing of halal goods. The accreditation framework includes the Halal Board (HB), Philippine Accreditation Board (PAB), and HCs (halal certifiers). The HB, which is a policy-generating body, supervises the entire halal export business. The PAB, which is the accreditation body right under the HB, goes to the HCs who then certify halal products. Thus, while the HB and PAB perform a government (public) function, the HCs determine the “halal-ness” of goods or products as part of the private sector. The HCs perform a religious (Islamic) task, which cannot be done by the state.

On the other hand, the international halal bodies represent the global uniformity of standards to which all of halal accreditation organizations should conform. This is represented by the IHAF. It disseminates the rules, which then are taken in by the PAB as a full-time IHAF member. The PAB then formulates its local accreditation standards based on those that the HB also provides. These then are used to accredit the HCs who in turn proceed to certify products.

Finally, the environment, covering the HCs and consumers, also makes up the Philippine halal industry. Taking place within this environment are the certification process and the subsequent marketing of halal goods. The HCs first go to the producers and manufacturers, who then market the halal goods and merchandise to the consumers, consumer groups, and stakeholders, both in the domestic as well as international markets.

In conclusion, Atty. Sadain proposed the following recommendations to enhance the Philippine halal ecosystem:

1. Statutes and rules should observe and follow the basic rules on halal, which are enunciated in the Qur'an and the traditions (Sunnah) of the Prophet Muhammad (SAW).<sup>1</sup> Knowledge of Islamic law is thus vital.
2. Administrative bodies on halal should be equipped with needed credentials, expertise, and skills to perform the accreditation function of government, along with continuing upgrading thereof. The HB, PAB, and HCs must be equipped with technical expertise. Part of the reason why they exist as administrative bodies or agencies is that they have the required expertise to deal with technical problems. This way, they need not go to the courts to resolve cases. Without such knowledge, they cannot function properly. Nobody will buy or export from the Philippines if the goods are not properly certified by the accredited HCs.
3. Administrative bodies on halal should be capacitated to make procedural rules and enforcement mechanisms that are necessary to effectively carry out their functions. The making of procedural rules and mechanisms is considered quasilegislative functions, part of administrative law. But there may be a need for further study on this so that it can be attuned to the halal requirements.
4. As mentioned, administrative bodies on halal should be able to effectively adjudicate conflicts and disputes so that they need not necessarily reach the courts. They should also be able to coordinate harmoniously with halal consumer groups and stakeholders. It is a basic principle in administrative law: administrative bodies exist because they can lessen the burden on the legal system. Thus, instead of filing cases before the courts, such as that for estafa, unfair trade practices, and

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<sup>5</sup> SAW is an acronym for the Arabic phrase, "Sallallahu Alaihi Wasallam," meaning "May Allah honor him and grant him peace" or "peace and blessings of Allah be upon him," <https://myislam.org/sallallahu-alaihi-wasallam/>

other cases that will arise out of negligence in applying halal certification rules, these matters can and should already be handled by the administrative bodies on halal. The truth is, the HB is capacitated to investigate disputes and conflicts arising from its scope of work. But it cannot issue an order or decision. It can only issue a recommendation to be forwarded to the appropriate agency, which is not sufficient to strengthen the halal legal system.

That the basis for halal certification is Islamic law necessitates that it should not directed towards export orientation but also, and perhaps more importantly, compliance with the Shari'ah. Second, there should be expertise on halal. Third, there should be a quasilegislativ function on the part of administrative agency. And finally, there should be a quasijudicial function as well.

All of these would enhance the legal and institutional ecosystem of halal in the Philippines. Its enforcement mechanisms would obtain more teeth. As a challenge, Atty. Sadain ended with these practical thoughts and questions: What if the HC does not do its job properly? how can we make it accountable? This is a basic problem for every Muslim. He/she believes that if he/she has eaten nonhalal food (including ingredients and derivatives) which had been halal-certified, the person will be impure *even if he/she doesn't see or know it*. We must learn from what happened in Malaysia in December 2020. A Malaysian cartel was bringing in nonhalal meat products from foreign countries and having them halal-certified. This is a huge problem, which we hope does not happen in the Philippines.

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## OPEN FORUM: PANEL 1

**Question:** What is the difference between halal-certified and halal-friendly establishments, and how can we reconcile this from just halal-friendly to halal-certified?

ASEC. MYRA PAZ ABUBAKAR: I never mentioned halal-friendly establishments, but I always made a distinction between halal-certified and Muslim-friendly establishments because there is a huge difference between the two. To be able to jumpstart halal tourism in the Philippines, we are looking at developing Muslim-friendly establishments first. Halal certification comes with stringent requirements and guidelines.

ATTY. ABDULRAHMAN LINZAG: These words were coined in Malaysia when they were in the process of certifying restaurants and hotels. The halal certification process in Malaysia is easy because it is enforced by the government itself, which is a Muslim government. Hence, even the JAKIM is also a government office. It cannot be likened to our situation where there is a big gap between government and religion. What we are enforcing here are religious beliefs. In airlines, for example, if they cannot stop non-Muslim passengers from asking for nonhalal drinks, they use the word Muslim-friendly. This term was accepted and adopted by the jurisdiction of our government.

But when you go to the actual verification of establishments, it is not really Muslim-friendly. They just welcome and greet the Muslims in an Islamic way, such as *Assalamualaikum* (literally, “Peace be upon you”). In Islam, when you are greeted “salam,” (“Hi,” but literally, “peace,” you have to accept the greeting and respond well. Hence, it is important that the one who greets you with “Assalamualaikum” sincerely believes those words that invoke God. And that is what makes it Muslim-friendly.

**Question: On the issuing of halal certification for Muslim-friendly establishments which are not Muslim-owned. Are they qualified for halal certification even if they are not Muslim, or is there a separate classification such as “Muslim-friendly establishment” only?**

ASEC. PAZ: When I entered the Department of Tourism, there were actually hotel establishments owned by non-Muslims that were halal-certified. There were a few in Manila and some in Mindanao. These establishments had one particular thing in common—they had a separate halal kitchen. So, for example, here in Zamboanga, one hotel establishment is owned by a non-Muslim that has a separate halal kitchen and facilities. But with regards to the requirements and guidelines on halal certification, I am not really the expert on that.

ATTY. MEHOL K. SADAIN: This has always been the problem of certification. Understandably, when you certify, you certify products; you do not certify ownership. So even if the owner is non-Muslim, as long as the products comply with the procedures set by the National Halal Standard, it can be certified as halal. So, the problem in this case is how to keep it halal. This is where the halal auditors come in. There should be a strict recommendation to activate and employ halal auditors so that if you are operating a halal establishment every day, it should be checked accordingly. If you are in the manufacturing process, each batch of the halal goods that are manufactured should be inspected as well. This was one of the provisions a long time ago when they were discussing halal in the old Ministry of Muslim Affairs (MMA).

ATTY. LINZAG: Almost all hotels in the Philippines are owned by non-Muslims. It is only in Mindanao that we find some hotels that are owned by Muslims. Most people in Metro Manila are using these hotels and restaurants. From the point of view of the Islamic Da’wah Council of the Philippines, Inc. (IDCP), we only certify the kitchen area of Shangri-La Hotel in Makati, Metro Manila. The hotel’s supervisor and chef were imported from Malaysia, and they work there 24 hours as this is our condition. The suggestion of Atty. Sadain about auditors is very important, and this is part of our regulations and standard operating procedure. The monitoring officers focus all their attention on the production of halal

certification products, even products for hotels. We have to put them in place so that we can certify. That is the reason why we have only certified one establishment in Metro Manila. But that hotel was already closed because of the COVID-19 pandemic. Some hotels have claimed that they are certified, but when we visited these hotels, we found out that there was no implementation of halal. They just put up an enclosure for the halal kitchen. However, all the foods are cooked in the general kitchen and served to everybody, which is unacceptable. Sadly, halal certification is voluntary, so we are just waiting for them to approach us.

**Question: What are your comments and suggestions for the halal boards of Bangsamoro, which are patterned after the Philippine Halal Export Law? What will be the form of the halal ecosystem in the region's unique government set-up?**

ATTY. MEHOL K. SADAIN: The set-up would be basically the same. One thing that BARMM has an advantage over the rest of the country is that it is predominantly Muslim. So that means, most of the official seating on those bodies will be Muslims. Then there will be higher Islamic consciousness in the halal ecosystem of the BARMM. This is what I refer to as the light and air of the ecosystem, which is friendly to Islam.

**Question: Are there any plans to have a halal assurance system management all over the country, just like what our Asian neighbors are doing?**

ASEC. ABUBAKAR: The Philippines is not considered a Muslim country, so it will be very difficult for all the hospitality sectors to have one when we talk about halal. That is why the DOT decided to come up first with the Memorandum Circular for the hotel industry. This is a set of guidelines governing the operations of the recognition of Muslim-friendly accommodation establishments to help jumpstart the halal system in the Philippines.

So, hopefully, when our hotel owners see that this Memorandum Circular works for them by enticing more Muslims to stay in their establishment, they will also decide to have their kitchens halal-certified in due time. It is a step-by-step process. Thus, when I became the Assistant Secretary, I mentioned that we should do it slowly and start from the very basic and work our way up until the establishment becomes halal-certified.

ATTY. LINZAG: The problem that we have in the Philippines is unique. It is very hard for the halal certification body, or people who are talking about halal, to implement even the regulations. For one, they do not understand that halal is for all human beings. In fact, it is the cleanest [system] and takes the most care in matters of preparation. Their apprehension is that halal products are just for the Muslims, or when the food is served, it must simply be prayed over to be considered halal. These are misconceptions, and we do not know how we can help educate and inform industries, especially hotels, to clarify that being a halal-certified or Muslim-friendly establishment means that kitchens should be halal-certified and -monitored.

When guests arrive at the hotel, the first thing that comes to mind is where to eat. There are also instances when Muslims cannot eat the food served by airlines. Hence, when they arrive, they will ask for a restaurant with halal food. Even if they (restaurants) offer chicken or beef, these are prepared alongside nonhalal products. There is no guarantee that the meat is appropriately slaughtered and prepared according to the Islamic way. With the many health issues brought about by the pandemic, halal-certified products are the most healthful, and I hope everyone will realize that.

ATTY. SADAIN: Thailand is a non-Muslim country, but they are basically educated because there is no separation of religion and the state. They have a Ministry of Religious Affairs, unlike here [in the Philippines]. Islamic law does not always have to be for Muslims. There is the so-called *mu'amalat*, which covers civil and commercial transactions for Muslims. But it is not confined to them alone. A part of it is open for non-Muslims, especially in commercial law where capital generation is located and where you also have the halal certification process. In fact, we have an Islamic Bank here where non-Muslims can avail of loans which are not

interest-generating. If you go to a halal restaurant or hotel, it doesn't mean you have to be a Muslim. Secondly, halal is not strange to Filipinos. We knew halal a long, long time ago. We have been introduced to the concept of halal in elections. What do we call our elections? We call that *halalan*. What do you call the politicians that are proclaimed? *Hinalal na kandidato* (elected candidate). These are the people permitted to lead you. People here in the Philippines, even non-Muslims, should not be afraid of halal. In fact, the right halal says that we should not cheat on elections.

**Question: How do non-meat items get certified as halal products?**

ATTY. LINZAG: We have standards for all of these. The way we certify flavors, for example, is done during production. The components used for the flavors may come from animal and nonanimal products. There is even some food coloring coming from a nonhalal source. Our halal monitoring officers are monitoring all these, while the certification is done on a per-production basis. It is not a certification that you will enjoy for the whole year or every two years. That is why the IDCP has been regarded in many countries as a reliable certifying body because we do the process independently. We cannot tell you every move because our nondisclosure policies also govern this. But we have to take care of every production facility, including the storage, packaging, labeling, and water system. The water system is also included because water is a blessing from Almighty God. So the IDCP has some procedural requirements to ensure that even the water used in the factory is certified by us. There is pure water that is available in drugstores or groceries that have been certified by the IDCP.

**Question: Are there any plans at the national level to help/assist small business owners, especially farmers in the halal industry? What is the role of the Department of Transportation in the halal industry if it is a part of the halal infrastructure?**

ASEC. ABUBAKAR: It is the Department of Agriculture that will be able to answer the first question. For the Department of Tourism, we have two kinds of assistance for displaced tourism workers. This is passed through the Bayanihan One and Bayanihan Two [laws passed during the pandemic]. There was financial cash assistance and loans for small and medium enterprises.

ATTY. SADAIN: On halal transportation, specifically the airlines—there was one time when a local businessman who was acting as an agent for a Malaysian airline company approached us and told us that we can actually do halal flights for *haji* pilgrims. So that means coming up with an airplane that would serve halal food, with prayer areas, stewardesses that are completely covered, and Islamic-approved materials. This is the meaning of halal transportation. But I do not think we have that here right now.

ATTY. LINZAG: When you go to the toilet facilities in Malaysia, everything is there. You can wash in the toilet and pray anywhere in the terminal. In China, there are so many facilities and lots more in Japan. These are non-Muslim countries, but they have facilities in the airport. If you are talking about a bus terminal, we do not have that here. When the bus stops for lunch or dinner, you go to the restaurant where you cannot buy anything, especially in Luzon or areas in Bicol. If you are traveling to a far destination, you need to eat somewhere in the middle, but you cannot. You must bring your own food. I used to get only water and some bread in my pocket. That is the problem, and we need the Department of Tourism to upgrade its facilities and standards according to internationally accepted practices for halal. But we are still so much behind here in the Philippines, specifically because of the misunderstanding of what is halal.

ASEC. ABUBAKAR: As Assistant Secretary for Mindanao, I wrote a letter before the pandemic to Secretary Tugade, our Secretary for the Department of Transportation, as well as to the Head of the Civil Aviation

Authority of the Philippines (CAAP). I requested that Muslim travelers be provided prayer rooms in terminals at the airport, port, or bus terminals. I will have to follow up on that letter. Secondly, I'd also like to inform our participants that several airports in Mindanao do have prayer rooms inside the terminal, such as in Davao and Zamboanga City. Of course, it is not enough considering that we have a lot of airports throughout the country; we also have to concentrate also on our gateway airports that cater to international flights.

The Local Government Units (LGUs) of the country can help with separating halal from nonhalal food. As a matter of fact, I came across one city or municipality with an ordinance for the separation of markets. I think this is in Cotabato where their halal food is separated from nonhalal food. There is also a paying counter designated for halal and nonhalal food. The delivery services are a good business opportunity for our Muslim participants because one might like to engage in a similar set-up like GrabFood or FoodPanda, one that could cater to Muslim food or halal food.

ATTY. LINZAG: Dedicated facilities, once accredited by IDCP, are really dedicated to [halal] transport, delivery, freezer, cold storage, etc. But then, things are sometimes beyond our control, as when halal-certified products are displayed in different groceries. It is nice to talk about things when we are talking about Mindanao. However, I found out in one city in Mindanao—though they claim that there is a directive from the mayor to separate the display of halal-certified products from nonhalal in groceries. So when I went to the grocery, there was a halal sign, but there were only one or two pieces of chicken compared to the many nonhalal products.

This is another problem when you just leave it to non-Muslims to implement halal regulations, processes, or concerns. We have to do these sincerely. I hope the Department of Trade and Industry can also do that, but they are only talking about export. They say their mandate is only for export, so what can we do? Nothing is being done for local consumption even if we are the certifiers. We also have a problem finding halal chicken, except when we order it from our halal-accredited poultry dressing plant. But there are only plants that are located far away from

Metro Manila. Some plants do not put the halal logo to indicate that the chicken is certified because they are afraid that the consumers will not buy it anymore. So, this is very problematic. I hope that this process of educating everyone about the benefits and beauty of halal-certified products will continue.

**Question: Are there implementing rules and regulations (IRR) for the Halal Export Development Law? Can the government's accreditation of a halal certification body be considered an excessive entanglement in [matters pertaining to] the church [i.e. religion]?**

ATTY. SADAIN: The first one on the IRR, I'm sure there is already an IRR since the law is already operational and was enacted a long time ago. The second one, I don't think it is a violation because the government does not engage in halal certification. Halal certification looks into religiosity—compliance with religious or Islamic requirements. That is the job of the halal certifiers. The accreditation aspect is actually where the government looks into the capability of the certifiers to do the certification. So what are the documents they look for during accreditation? You need an application form and profile of the organization, and then submit the registration requirement. It would be best to be SEC-registered to establish the legitimate existence of the organization. The accreditation never looks into the product. Doing that is the task of the halal certifier, which is where the religious aspects come in. So, if you put this in the context of constitutional law, it seems to be a valid exercise of the state of its police power to regulate matters because it also affects the general welfare. But the state will never go into the religious certification. That one is prohibited by a constitutional provision.

ATTY. LINZAG: I want to share our experiences with the Philippine Accreditation Board (PAB), which is mandated under Republic Act 10817. We (the IDCP) applied for accreditation in 2017, but we have not been approved until now because I think there is no halal-certifying body that the PAB has approved. However, they told us they have approved a halal-certifying body from South Korea, but not the Philippines. How come



South Korea was able to penetrate, and they were approved immediately, unlike the IDCP, which started to teach about halal to the food industry in the Philippines and the first one to export to other countries?

The IDCP has been certified as a manufacturing company in Riyadh, Saudi Arabia. But PAB still continues to ask us to follow ISO procedures. So, we withdrew our application from the PAB and then assumed our responsibility as a halal-certification body based on our religion, on the Qur'an, on the principles that the author of everything is God, and the Islamic Da'wah is the one to implement the law of God. But certainly, they already had the IRR about three years ago, and then there was a deadline in that IRR stating that after a certain period, no more exports are permitted without the approval of the Halal Board. So there should be an approved Halal Board for our country, and our industry will suffer because no one has been approved yet. But I'm happy to tell you that there are so many companies that are still exporting halal products everywhere in the world, and those products were certified by the IDCP and other qualified agencies.

**Question: How does the IDCP relate to certifying bodies locally and internationally?**

ATTY. LINZAG: We started when Muslim countries recognized us except the United Arab Emirates (UAE) because they changed their procedure. Their government assigned its role as an accrediting body to an office known as Emirates Authority for Standardization and Metrology (ESMA), which does not consider halal or Islamic rules but instead follows ISO procedure. The IDCP went to have ESMA accreditation through another agency, the Gulf Accreditation Center, which is still in progress. But we have good relationships with the Majlis Ugama Islam (MUIS) Singapore and Lembaga Pengkajian Pangan Obatobatan dan Kosmetika Majelis Ulama Indonesia (LPPOM MUI). We also have a relationship with other non-Muslim countries like Brazil, Australia, America, and others. We have a satellite office in the United States and Japan. We are actually open worldwide to certify airline facilities such as Japan, where we were invited to issue certifications. We also certified products in Argentina in

Buenos Aires and Brazil. That is why we can accept the products from Brazil validated by the IDCP. We have monitoring officers that evaluate the quality and authenticity of the certification issued there, just like Australia and New Zealand. So, we have a good relationship with them, but the only problem is the Philippines, since we do not have recognition here. There is always a misconception with Islam, and we are aware of that. We understand because from the beginning, Muslims are not treated fairly until misconception arrives to separate us from the rest of the population.

## **PANEL 2: MICRO-LEVEL OPERATIONALIZATION OF HALAL DEVELOPMENT IN THE PHILIPPINES**

### **Presentation of Panel 2**

Nefertari A. Arsad, PhD

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Dr. Arsad started the afternoon sessions by mentioning that the three speakers for panel two would look at the microlevel operationalization of halal in the Philippines. These include halal meat retail in the country, locating halal control points in food and beverages, and ulama initiatives pertinent to knowledge gaps on halal.

She went on to introduce the resource speakers. The first is Mr. Elshid Mariwa, an owner of a halal meat retail shop in Metro Manila and the National Capital Region since the 1980s. His family pioneered the halal retail shop and has an established wholesale and retail clientele in Muslim and non-Muslim communities, including restaurants, caterers, other food service agencies, and expatriate communities. The halal shop is a community as well as a philanthropic institution in Maharlika Village, Taguig.

The second presenter is Assistant Professor Marie Sol P. Hidalgo, who has been affiliated with the Faculty of Education of the University of the Philippines Open University since June 2005. She has been a Project Leader of several research studies, a member of the National Certification Committee for Hilot, and a member of the technical working group for

hilot (traditional healing practices). Her various publications encompass the fields of biochemistry, molecular biology, and biotechnology. Her writings on traditional hilot are based on her current advocacy. She is also a PhD candidate at the Universiti Sains Malaysia in Penang, Malaysia. She was also an Auditor of the IDCP from 2006 to 2010.

The third speaker is Ustadh Luqman Bin Usman Imam, the Chapter President of the Integrated Shari'ah Bar of the Philippines-National Capital Region. He is also the President of the Philippine Ulama Congress, Incorporated (PUCOI), which has halal-certifying and training functions. PUCOI is cooperating with the IDCP on ensuring that halal awareness is developing in the Philippines. Ustadh Luqman is also a Senior Lecturer at the UP Institute of Islamic Studies. He has attended various training and conferences on halal certification, halal principles, Shari'ah, and Islamic education.

In closing, Dr. Arsad expressed her hope that the participants can appreciate halal development in the Philippines by looking at the different levels—from policy programs down to the ground level.

# LOCATING HALAL CONTROL POINTS IN FOOD AND BEVERAGES

Marie Sol P. Hidalgo

*Assistant Professor, Faculty of Education  
University of the Philippines Open University*

Assistant Professor (Asst. Prof.) Marie Sol P. Hidalgo made her presentation from the context of her experiences as a former member of the Halal Assurance Committee of the IDCP. The IDCP is one of the first halal-certifying agencies in the Philippines. The halal control points, also called halal critical points, pertain to certain aspects of food, beverages, pharmaceuticals, cosmetics, and other products which need to be considered with particular care to ensure the halal status of the end products. Why is the halal production of these goods important?

In the earlier days, food production was easy. For example, Asst. Prof. Hidalgo's mother always bought fish from someone who delivered it straight to their house from the fishing port in Navotas, Metro Manila. The fish were freshly caught the night before, delivered to their house in the morning, and the family had them for dinner. So the local food supplier was known, and they were usually unprocessed. With this kind of food supply and production, it is easy to determine whether the food is halal. Another example is if one slaughters a chicken that one locally raises. This way, one knows where the food comes from, who slaughtered it, and if it is halal. If it was processed the correct way, say, stored and washed properly, then you can ensure its halal quality.

But it is different for global or large-scale food production because the process is much more difficult and complicated. Because of the challenges brought by time and space, halal is vital. For example, an apple might take a month from the time of harvest in, say, China to reach consumers in the cities and the provinces of the Philippines. Similarly, a chicken raised in Australia will be sent to Vietnam for processing. These kinds of practices, brought about by globalization, do not provide us with

sufficient information on the origin and quality of our food. Thus, there is a need to come up with halal certification methods.

Halal-certifying bodies ensure that at every point of the food production process, someone is watching over the quality of the food, watching whatever comes into it until it gets to the consumer. The monitoring happens when it gets out of the farm and goes to the port then reaches the household. Thus, certain up-to-date technologies on, say, postharvest, packaging, transport, and logistics have to be well taken care of so that the end product is halal. But another challenge is ensuring these technologies themselves are halal. These are the things that the halal-certifying agency needs to consider.

Halal food production is a very big industry because there are systems within the systems interacting with one another. For instance, in production, a farm produces tomatoes, while a poultry raises chickens, etc. These are small systems within a much larger system of production, processing, logistics, packaging, and so on. What are halal control points? These are nodes within the system that need to be taken care of, and where potential issues may arise. These are the *halalan-toyyiban* (lawful and good) control points, as stated in the holy Qur'an. It is not enough that something is lawful but not good. It needs to be both. This is the application of Shari'ah to food handling and production technologies.

There are two aspects to finding halal control points. The most important is knowing Shari'ah, what is halal and what is haram. And the second aspect is knowing the technologies and the *fatwa* or religious ruling. A halal-certifying body cannot just be about having experts in technology because the evaluation process includes knowing that technology very well and then giving a strong fatwa.

On the other hand, if it is all about a fatwa committee or *ulama* (religious scholars), but there are no food technologists, agriculturists, pharmacists or chemists, the technical issues of food production will not be addressed. Thus, for instance, the team that Prof. Hidalgo was a part of in IDCP in 2006 was composed of engineers, chemists, food technologists, pharmacists, and nurses. It was a group with both technical expertise and a strong fatwa committee. The technical experts go to check on production sites or factories, look into the documentation and the status

of the products, check on a lot of things, and practically do fact-finding based on a set of halal control points. Meanwhile, the fatwa committee checks the documents, identify and discuss pertinent information, and review potential halal issues such as questionable quality or source of material. In between halal and haram, however, is a loop of things which are neither. These are potential sources of contaminants or *najis* and other concerns regarding the kinds of risks (high or low).

Halal certification ensures that halal control points are controlled at the critical time when they need to be controlled. It is called the *halalan-toyyiban* assurance system, where the certifying body can assure the consumer. Once a stamp is marked and a fatwa on a halal product is made, this indicates that all the critical points were considered and are in order. These include checking on the plant and the management of the factory or of the organization.

Where does one locate halal control points? They are located across the farm-to-port points. For example, in fish sausage food production, the halal control points start from the fish farm all the way to the dining table. The process starts from the raw materials, food production process, and environment where the food is produced, among others.

The halal-certifying agency convenes with the producer or the quality control staff (QCS) of a factory. The QCS sets up a committee that will need to understand the certification. This process of educating people about halal and the beautiful aspects of Islam is a form of *da'wah* or preaching about Islam. Halal is a very broad concept. It is whatever is not haram or whatever is written on the holy Qur'an. The hard part is to maintain purity and halal quality. Everything has to be clean: no contaminants. The QCS will need to understand what halal is because they are the ones who will be enforcing everything. They will be the long-term partners of the certifying agency. The producers and the agency have to coordinate closely not just during the actual certification, but even after, to maintain halal quality.

There is a specific example when the IDCP did a halal certification with Robina Corporation when they planned to get into the markets of Malaysia, Indonesia, and Brunei Darussalam. They started with one product and then expanded it to all their products, and even wanted to

get their factory halal-certified. The process became workable when the corporation understood what it meant to be halal. They appreciated the process, and it was a win-win situation.

The certifying agency dialogues with the organization and creates a process or diagram on the production process, the raw materials involved, storage, and so on. Along the way, the critical control points are identified to provide an easy way to monitor the system and create corrective actions. So it includes both food production and management administration. It is also important for the organization and the certifying agency to have auditing and documentation capabilities. Good manufacturing practices are usually considered.

The first halal control point involves the raw materials or the ingredients of the food product. Then there's the packaging and storage; finally, the output and shelf life. All these need to be tested. Haram is wine, alcohol, or food offered to other than Allah (using non-Islamic rituals for instance), as is blood, carrion, any filth or *najis*, or any human product. Maintaining cleanliness and purity, as well as food safety and handwashing, should be properly determined and observed at all times. For instance, how often does one clean the plant? Then the status of the business licenses, permits to operate, and all the legal aspects should be addressed as well.

Asst. Prof. Hidalgo also compared halal certification with international organizations for standardization (ISO) certification. She surmised that compared to halal certification, ISO will not be as affordable when most businesses in the Philippines are of micro, small, and medium-scale. Bigger corporations may go through the ISO certification, but the process also takes a long time. In halal certification, on the other hand, the process may be shorter at times or longer too, depending on the product.

Asst. Prof. Hidalgo also introduced the concept of *mashbooh* or doubt in the process of locating halal control points. An example of applying this concept would be raw materials that are themselves not bad, yet one is unsure if they are halal. As such, they need to go through thorough testing to remove any *mashbooh* about them. These happen when one is traveling or eating outside; where there are limited choices of food; and whether what is available can be doubted. In emergency



situations like these, there is very little control over the environment. This is where the role of a halal-certifying agency is crucial: to remove the doubt by ensuring that everything is halal and clean.

Interestingly, food processing is another concern, particularly when there are ingredients unnecessarily added to food, such as additives. These enhance flavor, texture, or serve as fillers, such as those in sausages and hamburgers. For bread, L-cysteine is sometimes used as an enhancer or as a way to increase shelf life. It particularly keeps the bread soft even after several days. Additives can also be substitute ingredients, such as butter or egg substitutes that help keep costs down. Normally, these food substitutes do not occur naturally; they are products of food technologies. But they become *mashbooh* when they are extracted from animal sources. This is where technical knowledge and capabilities play a big role in identifying these products. Halal certification will ensure that a *mashbooh* material is actually safe and halal.

A few more examples of additives are gelatin, animal blood, and animal fat. Gelatin can be found anywhere, but it mostly comes from animal sources. Thus, the gelatin in cakes, candies, thickener, coagulant, foaming agent, or wrapping skins are from animal proteins, a by-product of animal skins or bones. Gelatin sometimes increases the nutritional value of a product. But as a by-product, it is very cheap to produce. Thus, it is used extensively in food processing. However, the only halal gelatin is a *surimi* or dumplings or crab sticks.

Animal blood, particularly the plasma, is also extensively used as a binder, meat substitute, egg whites substitute, or filler. And it is also very hard to check on animal blood as a raw material. In this case, it becomes doubtful. Animal fat, fat derivatives, and emulsifiers are also widely used as additives to bread, pastries, icing, cream, and other baking ingredients. But the only animal sources that can be halal are fish, fish skin, fish bones, and the skin and bones of animals from halal slaughterhouses.

All in all, when it is very difficult to find or deduce a raw material in the food ingredients, the best way is to check on the halal certification of a product.

What are haram raw materials? These are human organs (e.g., hair, placenta used for cosmetics), animal hair (which is used in L-cysteine as a dough enhancer), pig and its derivatives, carrion, flavors and colors, carmine, solvents, and enzymes, among many others. For instance, there are so many things that can be done with swine, and they are in various ingredients like sausages, sausage casing, enzymes for making cheese, MSG, activated carbon, ice cream, etc. These products then become mashbooh, and it will very difficult to know whether their ingredients came from pork or from halal animals.

Another one is vanilla or vanillin, which is usually found with ethanol as its solvent. An end product needs to have a very negligible vanilla flavor for it to be halal, though the raw material may have high alcohol content. Carmine is a vibrant red color that comes from an insect. Insects are not halal unless there's nothing else to eat. Many raw materials also come from solvents, like ethanol and glycerol. These raw materials can be substituted with nonalcoholic materials, though. Enzymes such as renin, which comes from the animal intestines, are also widely used as a clarifying agent. But through biotechnology, renin can be easily produced using halal fermentation agents like yeast and bacteria.

All raw materials must be halal, including the processing aids, media, and even the meat extracts used in media. There should be no blood on the final product. Kombucha is a fermentation product using organisms in the air. If the raw material produced is high in sugar, the organisms will turn sugar into alcohol. So even though it is not a particularly alcoholic material, when it gets a certain alcohol content, then it is not halal. Thus, the purification process of fermentation in the materials used is also very important. Another example would be tomato sauce production. The scale of production intensifies the need for the process to be right and for every part to be safe, such as cleaning, slicing, etc., so that the end product remains halal.

Asst. Prof. Hidalgo also showed an example of a halal certificate from Kazakhstan and explained the importance of the relationships between halal-certifying bodies. A halal-certifying body needs to know that others operating elsewhere can be relied on, especially for very particular items like gelatin. A certifier will always ask for a halal certificate for each supplier of a raw material as part of the critical point. That's when the

process becomes systemic. At times, suppliers of raw material would not know where to look for halal certification. That is when the producer would then urge the suppliers to get their products halal-certified. For example, when a candy bar producer is going through certification, the producer will then urge, say, the coconut oil supplier to get their product halal-certified. In the process, more organizations will do likewise. It is fine to ask food suppliers to provide halal certificates.

Once all the raw materials are halal, the process itself is also a halal critical point. For instance, refined, bleached, and deodorized (RBD) coconut oil is different from virgin coconut oil. Virgin coconut oil is cold-pressed and sometimes uses clarifying enzymes. RBD coconut oil does not have the smell of a coconut. Thus, it is popular for cooking. Removing the coconut “smell” is done through filtration. One of the halal control points in filtration is the presence of an activated plant-based charcoal. The regular filtration process involve putting coconut in a high temperature mixed with oxygen. This ensures a very good activated charcoal. But sometimes, the activated charcoal comes from animal bones. To be sure, during halal certification, the producer will need to be transparent on what kind of activated charcoal they are using. The processing media have to be checked for cleanliness, particularly in huge plants or production sites.

In another example, Asst. Prof. Hidalgo shared a story about a food production site they visited for a halal-certifying process: A raw material, a monosodium glutamate (MSG), was not halal-certified. So it had to be removed from the noodle production site. Otherwise, it could be inadvertently used and thus jeopardize the end product. The other one was for a mayonnaise factory producing an extra flavor containing ham, which is haram. They have a different production line for it, though. However, it was discovered that a water tubing connects the various production lines. They were sharing the water supply and the cleaning materials between the certifiable product and the haram product. So this kind of production site could not be certified because it was highly likely that the haram products will contaminate those that were halal-certified. So this is where worker education is very important. They need to know that halal critical points include cleanliness in food handling, handwashing, and separate storage.

The end product then has to go through a number of analysis, such as alcohol content analysis, microbial analysis, and tests for contamination like swine and its derivatives. Tests also need to be done on meat claiming to be beef (when it is a water buffalo or *kalabaw*). The test can be DNA-based (PCR), protein based (ELISA), or chromatography based (especially for fats). These are all the technical aspects of halal certification to ensure that *mashbooh* is not there.

The environment and the context like the physical environment or location of the production site are also critical points. For instance, a poultry that is situated right next to a piggery cannot be certified because of possible contamination of *najis* and the sharing of water source. Sometimes, climate is also a concern. Certain things cannot stand high humidity. Space is also another matter. For instance, a plant for mineral water situated near a *kubur* or a graveyard cannot be halal-certified. Thus, unless there is a thorough evaluation of the environment, a proper halal certification process would not ensue.

The other critical point is scale. More than 80 percent of food production is micro, small, and medium-scale, but a small-scale production works differently from a large-scale operation. There is no one-size-that-fits-all approach. An example would be a farm. Is it an industrialized, a regenerative, or an ecological farm? In a regenerative farm, the plants are all mixed up, while in an industrialized farm, there is uniformity. Thus the standard for one cannot be the standard for the other.

All critical points will have to be found in the certificate. Each product that has been certified is also given a number and not just a stamp. The number helps validate the certification process. The material and technical aspects of halal certification help take away the *mashbooh*. They help create wholesome and healthful options for people. But there are also the more important metaphysical and spiritual aspects of halal. There is the intention, the most important halal control point. Establishing a halal system helps build communities and grow relationships. Talking to people about the halal concept is also a *da'wah* (preaching). But doing it to make a lot of money is an intention. For instance, organizations and producers will surely know the intention of a halal-certifying agency when it is not

providing receipts but is asking for donations instead, or when there is no plant visit, evaluation, and interaction. To make a lot of money or to get in business as an intention will be cutting corners or adding fillers with an end product that is not good, not halal.

The challenge posed by Asst. Prof. Hidalgo is to look at the food industry beyond the fork and before the farm. A *halalan-toyyiban* system deals with the production of ecofriendly farms in the midst of a lifecycle of packaging and waste generation. It is looking at the health and well-being of people, as well as the health and well-being of the whole planet. This is an ecosystem that goes forward. It makes everything better and allows other people to appreciate Islam.

## HALAL MEAT RETAIL IN THE PHILIPPINE SETTING

Mr. Elshid Mariwa

*Owner/Proprietor, Radhieya Halal Store*

Mr. Mariwa shared some information about the Radhiya Halal Store and his experiences as one of the few proprietors of halal business establishments in Metro Manila. For almost three decades, his business served as a retailer of halal meat products such as beef, chicken, goat, and carabao. He gained customers through the years. According to Mr. Mariwa, they get stock from a slaughterhouse and personally conduct a halal slaughter method, adhering to Islamic teachings. The retail store has four butchers, two slaughterhouse workers, four delivery men, and one cashier. As for the challenges, Mr. Mariwa expressed his difficulty in getting a permanent supplier of halal livestock, since most of the slaughterhouses in Metro Manila are mixed with nonhalal animals/products. Apart from this, sometimes they encounter issues like force-feeding animals to gain weight and allow the owner to have a bigger net income. Mr. Mariwa hopes that government agencies will look into these challenges and address their concerns.

The mission of the Radhieya Halal Store is to establish franchise stores not just in Maharlika Village, Taguig but also in other areas such as Cavite, Rizal, Quezon City, and Manila. This will enable them to cater to a wider Muslim community and serve as additional storage of meat products.

# ULAMA INITIATIVES PERTINENT TO KNOWLEDGE GAPS ON HALAL IN PHILIPPINES INDUSTRIES

Ustadh Luqman bin Usman Imam

*President, Philippine Ulama Congress, Inc.; Shariah Counselor*

Ustadh Luqman bin Usman Imam divided his presentation into three parts. He identified the knowledge gaps on halal in the Philippine industries; filled some of the gaps in the understanding of *ulama*, shari'ah, and halal; and shared the important role of the ulama in addressing these lacunae.

Defining knowledge, Ustadh Luqman presupposed that perhaps there are concepts that are not understandable. Some conditions are unknown, or a wall has been hit, as it were. In this case, there is a knowledge gap. But “seeking knowledge is a duty upon every Muslim,” as a hadith of the Prophet Muhammad (SAW)<sup>1</sup> says. Knowledge that is contemplated in this hadith is beneficial knowledge to every Muslim in this life and the Hereafter. This is knowledge of Shari'ah, the knowledge of religion. Furthermore, Islam is a complete way of life. Thus, everything that a Muslim does is an act of worship, particularly if the intention is correct. If the intention is to please and serve the Almighty and to do good, there will be a reward. Both worldly and religious acts are acts of worship and obedience to the Almighty. Halal certification is one of them.

Halal is mentioned in numerous verses in the Qur'an. It means that which is lawful and permissible, referring to food and nonfood products and services allowed for human consumption (RA 10817 IRR). As this *ayat* or verse from the Qur'an says, “O mankind, eat from whatever is on earth (that is) lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy” (Al-Baqarah 2: 168).<sup>2</sup>

<sup>1</sup> SAW is an acronym for the Arabic phrase, “*Sallallahu Alaihi Wasallam*,” meaning “May Allah honor him and grant him peace” or “peace and blessings of Allah be upon him,” <https://myislam.org/sallallahu-alaihi-wasallam/>

<sup>2</sup> The Qur'an is made up of *sura* (or chapter). In this case, al-Baqara refers to the name/title of the second surah. The number “168” refers to the verse.

In its newest translation in English, the verse is addressed to all mankind, believers or nonbelievers, Muslim or non-Muslim. The Qur'an exhorts "all mankind [to] eat whatever on earth is lawful" and permissible. Halal always comes with *halalan toyyiban*. *Toyyib* means nourishing, safe, hygienic, wholesome. Halal also pertains to the animal and its "humane treatment...prior to slaughtering, environmental protection, fair trade, and sustainable consumption practices" (Khan, Haleem, and Khan 2018, 128). The teaching of Islam deeply emphasizes the importance of halal in every aspect of a Muslim's life. It is not only about what people eat, drink, or wear. It encompasses everything: what individuals say and do, where they get their income, where they spend it, etc.

Concerning the halal industry in the Philippines, Ustadh Luqman explained that it mainly focuses on food and nonfood products, on the importance of halal on "food consumption and dietary requirements," and on the "permissible consumption of food, as well as moral and ethical conduct." So halal is an "important element that influences consumer purchase and behavior" (Abu Talib et al. 2016, 988).

## Keywords in Halal

Another important term in understanding halal is Shari'ah, which literally means

path to the watering place, the clear path to be followed, and the path which the believer has to tread in order to obtain guidance in this world and the deliverance on the next. In its common usage, shari'ah refers to commands, prohibitions, guidance and principles that God has addressed to mankind pertaining to their conduct...." (Kamali 2008, chapter 2).<sup>3</sup>

The four primary sources of Shari'ah are the Qur'an or the revealed Word of Allah to the Prophet Muhammad (SAW) through his angel Gabriel; the sunnah or the tradition of the Prophet (SAW); *ijma'* or the scholarly consensus; and *qiyas* or analogical reasoning. *Qiyas* is a method of extending a ruling from the Qur'an or the Sunnah to a new case which

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<sup>3</sup> The book has no page numbering, but this passage is found on the first page of chapter 2, "Nature, Sources, and Objectives of Shari'ah."



doesn't have any direct or explicit ruling from the Qur'an. Shari'ah is also the source of all halal standards.

Another important term is *ulama*, which is derived from *'ilm* (knowledge) or *'alima* (to know). "Ulama" is the plural of "alim" (literally, "the one who knows"). They are the "scholars or more precisely the experts in Islamic religious sciences. Perhaps the best way to define them is through the famous hadith of the Prophet (SAW), 'the [u]lama are the heirs of the prophets. The prophets have not left gold or silver coins as a bequest, but knowledge ('ilm). Whoever seizes it has taken a bountiful share'" (Diez 2018).

In the Philippines (particularly in some Muslim ethnolinguistic groups), there is a differentiation between the learned men of religion and those who know Islamic sciences. Thus, an 'alim studied in a foreign country like the Middle East where the mode of teaching is Arabic. The *ustadh* or professor studied, gained, or acquired Islamic or religious knowledge in the Philippines.

The other important term is *faqih*, which comes from the word *fuqaha*, which means "to understand." A *faqih* is an expert in Islamic jurisprudence, who can be consulted in halal certification and the crafting of halal standards. A *faqih* should be knowledgeable in Arabic so he can directly access and interact with the sources of Shari'ah, and not rely on translations. He must also be knowledgeable in the Qur'an, particularly, on the *ayat al-ahkam* or the verses pertaining to rulings and legislations. He has to have knowledge of the following: Sunnah, especially the *hadith al-ahkam* or the *ahkam* texts; the branches of Islamic teachings; the points on which there is *ijma'* (consensus); the *usul* (principles); and *qawa'id* (foundations), with a special emphasis on *qiyas* (analogical reasoning). The *faqih* should be morally and religiously upright.

## Halal Industry Stakeholders

The second part of the presentation of Ustadh Luqman pertains to halal industry stakeholders, such as government agencies, consumers, halal certification bodies, halal firms or organizations and companies that produce and supply halal products, supplier of raw materials, and trade

associations like the Philippine Chamber of Commerce and Industries (PCCI) and other chambers of commerce.

Central to all these is the halal-certified product or service (end product). In its technical definition, an industry processes raw materials and manufactures goods in factories. But the halal industry specifically “conducts its business in accordance with Islamic regulation” to create or render a halal product or service. The two important “things to be considered...are the substance and the process” (Fly:Malaysia 2020). It means that the input, process, and the output should be halal. Everything should be halal.

The global halal industry or the global Islamic economy in 2015 consists of halal food and beverages, pharmaceuticals, cosmetics, media information, function, tourism, and Islamic finance. It is the most stable economy in the world because consumers see these products and services as part of their religious obligations. These are something they must patronize, and thus provide a stable halal market. In the Philippine national halal certification scheme, there are eight aspects: food products, beverages, and food supplements; food premises, hotels and establishments; cosmetics and personal health care products; pharmaceuticals; farm systems including agricultural inputs and feeds; slaughterhouses; logistics; and others.<sup>3</sup>

Looking deeply into the stakeholders in the Philippine halal industry, Ustadh Luqman discussed the important role of each of the stakeholders. The government is one, which covers industrial development planning, the creation of the halal market, and the drafting and execution of halal legislation and guidelines, to name a few. These are some of the laws (Republic Acts) that are related to halal:

- RA No. 9997 (Establishing National Commission for Muslim Filipinos)
- RA No. 10817 (Halal Export Law)
- RA No. 11054 (Bangsamoro Organic Law), and
- RA No. 11439 (Islamic Banking).

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<sup>3</sup> This list is similar to that of Malaysia, including the actual wording. See MyCC (2020, 87).

Then there is the Philippine national halal certification scheme, which is the basic requirement for halal certification bodies if they want to be accredited by the Philippine Accreditation Bureau (PAB). There are also the five national standards on halal, four of which are from the Department of Agriculture and one from the Department of Trade and Industry. These are Philippine National Standards (PNS) 101 (Halal Agriculture and Fisheries Products); PNS 102 (Halal Slaughtering Practice for Ruminants); PNS 103 (Halal Slaughtering Practice for Poultry); BAFS 139 (Halal Feeds); and PNS 2067 (Halal Food Guidelines).

Halal certification requires certain standards. But according to research and in-depth interviews with experts, there are significant barriers to the development of the halal business in the Philippines, and they are similar to those in Indonesia: “policy, production, socialization, infrastructure, and human resources. Based on the ANP analysis result from five groups found, the biggest weight is in the human resource, infrastructure, production, policy, and socialization” (Widiastuti et al. 2020, 398).

These can only be addressed by the government, who can provide support infrastructure facilities for halal industry development: logistics, testing laboratories, food processing establishments including slaughterhouses for poultry, dressing plants, cold storage facilities, ports, tourism, and human resource and capacity building. Under RA 10817, the government member agencies (DA, DOH, DOST, DFA, DOT, BSP, and MDA)<sup>4</sup> are chaired by the DTI (Department of Trade and Industry) and vice-chaired by NCMF (National Council for Muslim Filipinos).

The halal certification body is another stakeholder. It is a Muslim Filipino people’s organization (PO) and nongovernment organization (NGO) or a foreign Muslim organization composed of Muslim scholars and professionals. It provides auditing and certification services (conformity assessment) and ensures that “specified requirements [related] to a product, process, system, person or body are fulfilled” in accordance with Shari’ah.<sup>5</sup> A case in point is the 2003 landmark decision by the Supreme Court in the case, “Islamic Dawah Council of the Philippines vs. Office of the Executive Secretary and Office of Muslim Affairs (G.R. No. 153888).” The decision states, “[w]ithout a doubt, classifying a food product as halal

is a religious function because the standards used are drawn from the Quran and Islamic beliefs.” Halal certification is therefore no different from any other Islamic ritual such as *salah* (prayer), *sawm* (fasting), *hajj* (pilgrimage) and other religious activities.

The active halal certification bodies (HCBs) in the Philippines according to the DTI are the IDCP (Islamic Da’wah Council of the Philippines). It is the largest HCB in the country and also certifies companies in other countries. Also noteworthy are Halal Development Institute of the Philippines (HDIP), the second largest; Mindanao Halal Authority (MHA); Muslim Mindanao Halal Certification Board (MMHCB); Halal International Chamber of Commerce and Industries in the Philippines (HICCIP); Islamic Advocate on Halal and Development (IAHD); Philippine Ulama Congress Organization, Inc. (PUCOI); Alliance for Halal Integrity in the Philippines (AHIP); Ulama League of the Philippines (ULP); Khayra Ummah Foundation Inc. (KUFI), a new one; and Prime Asia Pacific (PAP) from Dubai.

Halal firms are also stakeholders who provide Shari’ah-compliant services. As manufacturers, they “produce[s] finished [halal] goods from raw materials by using various tools, equipment, and processes, and then sell the goods to consumers, wholesalers, distributors, retailers, or to other manufacturers for the production of more complex goods” (CFI 2020).

As companies and organizations have become interested in getting halal certification, halal firms have been in demand. A research in Singapore showed there had been an increase in visits and sales of companies, such as McDonalds, KFC, Taco Bell, among others, after they obtained halal certification. This indicates the influence of halal certification has on consumer purchase intentions.

The halal consumer is the final user of the halal product or service. It can be an individual or group of people who buys or utilizes products or “services for personal consumption alone, not for resale or manufacture. In the sales distribution chain, they are the end-users” (Joseph 2022).

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<sup>4</sup> Department of Agriculture, Department of Health, Department of Science and Technology, Department of Foreign Affairs, Bangko Sentral ng Pilipinas, Mindanao Development Authority

<sup>5</sup> Republic Act 10817, Implementing Rules and Regulations. See reference list for full details.

Consumers are the most important stakeholders in the halal industry. Malaysia's government, for instance, has a system in place that "allows customers to report..such uncertainty to the authorities." Customers' assistance will prevent buyers and the "industry as a whole from being exploited by irresponsible parties" (Samsi et al. 2011, n.p.). Education and other campaigns need to be done to increase consumer awareness on the importance of using halal products and in checking for halal-certified products. Campaigns need to be done as well to decrease negative perceptions on halal products in the country.

Suppliers refer to the farmers or the cultivators and ranchers who provide the halal crops and animals that will be used as raw materials by halal "food producers or caterers and food vendors who in turn will supply the materials to the retailers and wholesalers before they are distributed to end consumers" (Samsi et al. 2011, n.p.).

What really concerns the halal process pertains to before-the-farm matters, such the feeds and their sources/origins. It covers not just what happens at the port but afterwards as well. This is to make sure that everything falls within the concept of *halalan toyyiban*. Halal logistics must assure customers that halal integrity has been observed across the entire supply chain.

The last stakeholders are the trade associations. They can help enhance awareness and encourage their members to enter into the halal industry. The most active trade associations are the Philippine Chamber of Commerce and Industry (PCCI), of which most halal certification bodies are part; the Philippine Chamber of Food Manufacturers, Inc. (PCFMI) or also known as PH Food Chamber; and Chambers of Cosmetics Industry of the Philippines, Inc. (CCIP).

Ustadh Luqman also provided Shari'ah and reality-based perspectives of halal certification:

First, halal certification is a *fardu kifayah* or an Islamic communal obligation according to the fatwa of many scholars. This means that if a community as a whole leave halal certification, it means that the whole Muslim community is sinning as they leave something that is obliged upon them. But if a Muslim community do[es] the halal certification then they have done what

is required of them. Second is that halal certification is a purely religious function. Though there is the help of the technical and science experts, in reality, halal certification is under Islamic law. It is composed of shahada or a testimony statement and fatwa, which is a ruling or an authoritative legal opinion made by an ulama or a fatwa council. For a testimony to be accepted, it must be given by an *adalah* or a morally and religiously upright person, simply put, a practicing Muslim. Second, a testimony must be made by an *aqil balig* or person of the age of majority and of sane mind. Third is a person of knowledge or one with a first-hand and enough knowledge to distinguish truth from false[hoods]. Fourth is number or a minimum of two witnesses. As for the fatwa or an authoritative legal opinion, not all can say a fatwa that this is halal or haram for only Allah (SWT) can say that. Fatwa is mainly based on a legal opinion or what was found based on evidence.

Finally, Ustadh Luqman discussed the role of the ulama in addressing the knowledge gaps on halal in the Philippine industries.

One challenge is the lack of holistic understanding of halal and halal certification among the stakeholders. For some, it is mainly for the economic benefit and neglecting the balance that it is a religious matter as well. The government agencies, too, for instance have crafted policies and legislations that are ineffective and inefficient because of the lack of understanding of halal. Another example is the lack of a specific accreditation scheme of PAB in RA 10817, as the halal certification body has to be the same as the other certification bodies. A position paper has been submitted on this in 2019 but [there is no] update from them yet. But this has to be worked out as the stakeholders continue to work together to grow and develop the halal industry in the country. There is also the training that is being given by DOST. For example, where they discuss the halal basics and fundamentals and mention Quranic verses. But these are religious matters while they are a government agency. Why are the halal trainings done by non-Muslims? When there are questions on halal with its basis on the Qur'an, how can they respond to it? Instead, DOST trainings can focus on finding alternatives to raw materials that are not halal or to invest in research and development or craft policies and legislations that can help build infrastructure and facilities or help socialize the halal awareness as they are doing great here in these kinds of involvements. There have been many programs on halal awareness and the development of human resources.

What can the ulama do in these endeavors of the government? The ulama can act as an advisory council, as consultants, or as part of a committee that crafts legislations, guidelines, and standards. But at times, the ulama are not invited in public consultations or enabled as partners. Their suggestions or opinions are not heard, and they are not empowered to do their part. The ulama can be present in halal certification bodies and other nongovernment organizations and can serve as trainers or resource persons for human resource capacity-building on everything hala-related. The halal certification body should be a Muslim religious organization, with ulama officers and a fatwa council. Their standards must be crafted by qualified ulama.

Halal firms should see that halal is an ecosystem, which they need to implement across the supply chain. Starting from research and development, they should know that the raw materials that they need to use are halal. In marketing, advertising, and branding, they must know what can and cannot be used. Halal firms also need to raise awareness among employees. They should have a halal policy, which will inform employees that they are a halal firm which produce halal products. Everyone in production should be trained.

The ulama should always be consulted on all matters regarding halal. This will enable them to actively participate in crafting government policies and guidelines. We need to enable them to fully fulfill their role. Halal firms should balance between economic benefit and customer requirements. Unfortunately, some do not fully understand that halal is a religious matter, so they don't give weight to such aspects. Thus, they make mistakes in implementing the halal system across the entire supply and production line. They should have trainings from Muslim religious organizations. They are "responsible for discouraging Muslim customers from consuming non-halal" products (Samsi et al. 2011, n.p.).

Critical to halal consumers is the awareness regarding the concepts of halal and haram, which are the "driving force" of the system in the industry. "Their awareness of the halal status of a product is essential in preventing them from consuming non-halal food products." "Unhygienic" and "unsafe" food and products should be discouraged for consumption (Samsi et al. 2011, n.p.). Unfortunately, consumer awareness on halal in the Philippines needs a lot of work. Many still have a negative perception

on the matter. So the ulama should always include—in their *khutbah* (sermon), Islamic symposium or *muhadarah*—topics about halal and halal certification.

The suppliers of raw materials likewise need halal awareness, as do trade associations. The halal certification body should actively engage in guarding suppliers as they implement the halal assurance management system in the entire supply chain. “Food producers and suppliers are starting to understand the importance of complying with halal regulations and getting certified in order to grab opportunities in the global halal market.” Where there is a supplier, the raw materials supplier get halal-certified too. “However that should not be the only reason for adhering to the halal guidelines. Better understanding on [sic] their responsibility as producers and suppliers towards the Muslim consumers is important” (Samsi et al. 2011, n.p.).

In conclusion, Ustadh Luqman reiterated that “halal is a divine value system from the Almighty Allah (SWT). For that reason, halal initiatives should be taken as a responsibility rather than opportunity” and “every stakeholder in the industry has their own responsibility in ensuring that halal supply chain traceability can be implemented successfully” (Samsi et al. 2011, n.p.). Furthermore, all stakeholders of the halal industry

need to cooperate, adopt the international (OIC/SMIIC) halal standards and develop multilateral network for communication, integrity, impartiality, transparency and equivalency with their counterparts in the exporting countries for the greater good of the ummah at large. (Abdul Latif 2013, abstract)

Classifying products as halal is an evidence-based religious function. Considered a shahada of a competent person and a fatwa from ulama, halal certification is “a guarantee of security for Muslims to be able to consume a product” (Puspita, Sunaryo and Wijayananti 2021, 308).

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## OPEN FORUM: PANEL 2

**Question: What is the manpower needed for halal food production? Do we allow non-Muslims to be part of the manpower?**

ATTY. LINZAG: When you produce it [food] as halal, a Muslim sees to it the process is accepted based on the Shari'ah. The important participation of Muslims in food production depends upon the food you are going to prepare. For example, oil, sugar, or flour, which are different from the actual cooking, have minimum requirements. There must be Muslim employees involved in the management and supervision of the production process.

The supervision of the food preparation is also being done by an approved halal worker or someone who knows about the halal production of food products. But it is not necessarily Muslims who produce the food because the Qur'an says that we also accept the food of the People of the Book.<sup>1</sup> That is why we have to merge all these requirements from the Qur'an, the Sunnah, and the actual situation that non-Muslim brothers and sisters are not qualified and interested in producing halal food. There are very few Muslim restaurants, and most of them only cater to family members or their group. These are not open to the public and not even presentable as it should be, unlike in other countries where Muslim restaurants are the best. In China, for example, we used to have halal restaurants in a five-star hotel where non-Muslim Chinese also go. In most restaurants, I used to ask the management if the establishment is halal or if they were Muslims. But the people working there may not necessarily be Muslim, but those who supervise the food production are.

USTADH LUQMAN BIN USMAN IMAM: If we take a look at Philippine Halal Standards, it is a requirement for a company to have Muslim employees. But when it comes to the Philippine National Halal Certification scheme, it has become much more flexible. They allow

a company to be halal-certified even without any Muslim employees because it is hard to hire a qualified Muslim employee in certain positions in the Philippines. So, what they require is halal training of all personnel related to the production of halal products. But Muslim employees are sometimes needed when the company is producing high-risk or moderately high-risk products.

**Question: When is halal certification training going to be available online?**

ASST. PROF. MARIE SOL HIDALGO: Yes. Unfortunately, I'm not a part of the halal certification anymore, but there are many ways to study. There are many resources online.

USTADH LUQMAN BIN USMAN IMAM: Yes, currently our organization offers halal training, and it depends on the company that avails of it. For example, if it's a food production company, we have a set of courses for them. The courses are basic and fundamental certification requirements, halal assurance management system and overview, halal compliance audit, halal documentation and manual preparation, halal tourism, halal cosmetics, etc.

If the company wants to avail of these training, they can reach us at (02) 8967 1387 or 0917 311 8310. Regarding online public webinars, we are not currently offering them because we have to address special webinars for a company, which is our current approach. Hopefully, within this year, we also will have public webinars. Our government is working very hard for the socialization of halal certification, halal awareness programs, or halal awareness seminars. I also think that all member agencies of the Halal Export Board are doing halal awareness programs. We just have to look and search through Facebook because they sometimes post just like this public webinar on halal.

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<sup>1</sup> This term ("ahl al-Kitab" in Arabic) denotes "The People of the Book," adherents of the two other Abrahamic religions, i.e. Judaism and Christianity.

**Question: What are your thoughts on the halal cosmetics market and toiletries market demand?**

ATTY. LINZAG: The companies are coming here to halal-certify their products: toiletries and cosmetics. The halal certification went for a long time, and after a few months or years, it went to halal food production. Then, when the food [market] is already almost saturated, there are demands for nonfood products. One of them is the packaging we use in food production, even those we wear [use] daily. Then we went to cosmetics and toiletries. Why do we care for them? Because it became part of our daily life, we wear them and sometimes use them even when praying. When we pray, we are supposed to make our ablution, but the cosmetic may be from a haram product. Your prayer will be invalid and will not be accepted. In fact, you will even sin. So, all these things must be included in the halal certification because it is part of our Islamic way of life—Islam is not just a religion. Anything that we use needs to have halal certification. For example, we think a toothbrush is only made of plastic, but some are made of pig hair, as is the brush used to shine your shoes. That is why we need to have somebody to validate or verify whether those products are acceptable in Islam.

**Question: How will the halal industry resolve the rampant copying and pasting of the halal logo? What to do and who will be responsible for addressing this problem?**

ATTY. LINZAG: This is our problem with the halal logo. For example, the topic or issue brought up by our speaker Sister Sol is that there is a demand that important imported products have the halal logo. How can we address them? From our side, we need verification, but there should be, as mentioned by Atty. Sadain, [involvement by] Shari'ah courts and the government, particularly the Department of Trade and Industry (DTI) [so that we can] address those things. When we found out that even our logo (IDCP) is also falsified, we brought the case to our Arab brothers, but they do not answer our letters. Unfortunately, our government never answer also. But our Arab brothers will give you something even when they do not answer. For example, when Ramadan is coming, you

need some dates for fasting, they never answer, but the dates will come. If you ask our government, they never answer and never give anything, and they will even ask questions about who and what happened. Last week, we removed two companies from our list of halal-certifying bodies because of their noncompliance with the halal processes. See, we are very strict because we have our Monitoring Officer assigned to them. Please help us police that. I do not know how but if you think about it and find something, please help us. Let's help each other.

**Question: In terms of the halal critical points, who are people in every control point?**

ASST. PROF. HIDALGO: It is a partnership between the certifying agency or body, and the firm or the organization that produces the product. Within this partnership, you have to see whether it is a high-risk control point or a low-risk one. For example, the use of gelatin is quite a high risk. Then there should be someone who has to be assigned to the production batch. In this case, you give a certification per batch. But if it is not high-risk such as coconut oil, there is [nevertheless a] critical control point in the filtration and some other parts of the process. So, in that case, there should be complete transparency in the process between the certifying body and the firm that produces the coconut oil, and there should be monitoring of the certifying body.

ATTY. LINZAG: We are taking care of critical control points. It is not just for one, two, or three of them. It is the total manufacturer [entire manufacturing process] that is being addressed and being attended to by the halal certifiers. It will depend upon the type of product that is being certified and the issues. How can we make sure that they are all producing halal goods in the halal-accredited plant? That is why halal certifiers must be alert and fully know the constraints in the halal certification process because, in the final analysis, we are the ones answerable to God and consumers.

**Question:** Are there any efforts and initiatives from the ulama to dialogue with the [Catholic] Church regarding halal? Given that halal is also for non-Muslims?

USTADH LUQMAN: We don't hear of any initiative like this, but we have public seminars on halal, and many non-Muslims attending are very interested. And if we take a look at the verse that we have read at the beginning of the presentation: "O mankind, eat from whatever is on earth [that is] lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy" (Al-Baqarah 2:168), this is applicable and good for everyone, Muslim or non-Muslims. Regarding that conversation or dialogue, we don't have that. I haven't heard any initiatives, but I heard some churches don't like halal.

## CLOSING REMARKS

### Executive Summary

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Panel one covered the Philippine halal infrastructure, and was opened by ASec. Myra Paz Abubakar. She talked about touchpoints in halal tourism and emphasized that it is not halal tourism, but rather Muslim-friendly tourism since the Philippines is not a Muslim country. Rules and regulations, and legal statutes are limited therein. The issues raised by our successive speakers and attendees explore halal infrastructure, which needs legitimacy, so that it can be called halal. The legitimacy will not only come from the legal provisions of the state and infrastructure, however. Although there is an inter-agency task force on halal promotion and development, legitimacy still rests on halal statutes, Muslim actors, and stringent halal compliance procedures. The Muslim actors refer to religious scholars, trained professionals, and technical experts. While there have been many provisions organized for halal, there is still a need to work for halal legitimacy from the point of view of Muslims.

Panel two speaker, Assistant Professor Marie Sol P. Hidalgo, talked about halal control points and stressed that halal will always be inextricably linked with *halalan tayyiban*, which is not just about legal and physical compliance but also includes the intangibles—what is good, wholesome, and beneficial. She also discussed the system of input and output from farm to port. An attendee made a comment, saying that it should not be farm-to-port but farm to *Jannah* (heaven/paradise).



Asst. Prof. Hidalgo's lecture emphasized that the input and output process should be examined and executed from the lenses of *halalan tayyiban*, *before-and-beyond-the-farm*, and *farm-to-port*. A team of experts determines *halalan tayyiban*. It consists of religious scholars and technical experts such as food scientists, chemists, and even engineers to see and certify the facility's process flow. Moreover, halal certification involves a cooperative deliberation among these experts.

Market forces and being a non-Muslim country impact the entire process of the halal chain in the Philippines; production, retails, etc. It is clear that there are knowledge gaps across the whole halal infrastructure, and its ecosystem is still not mature. Thus, the panelists and their respective organizations, along with their expertise, should be able to collectively address these knowledge gaps and all other lacunae within the ecosystem.

In closing, Dr. Arsad highlighted that "halal development in the Philippines will not be realized upon individual efforts of our organizations but more on collective and collaborative efforts among and across agencies."

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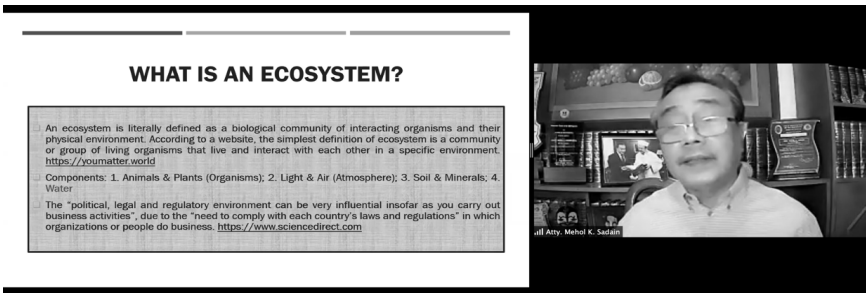
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# PHOTOS



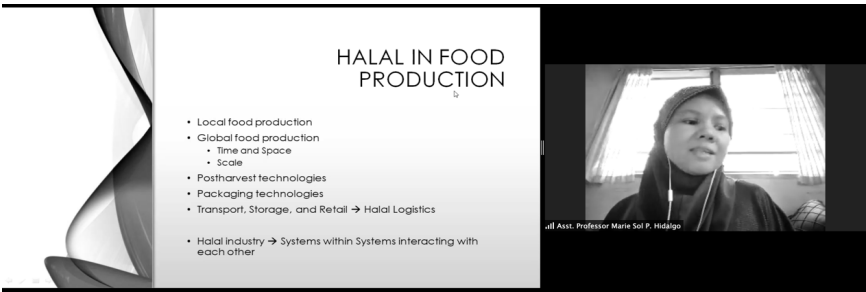
*ASec. Myra Paz Abubakar discusses Global Halal Economy, which affects seven sectors that are structurally underpinned by Islamic ethics and law.*



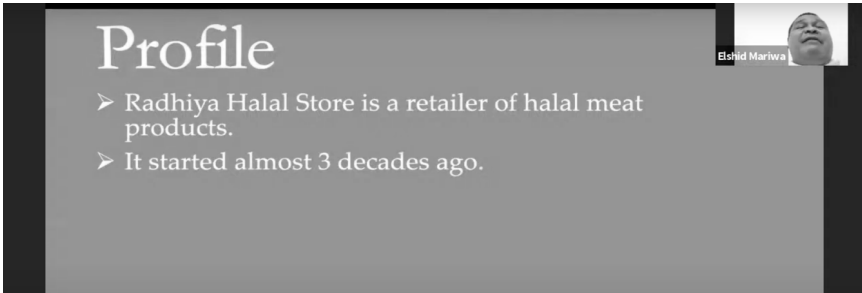
*Photo 2: Atty. Mehol K. Sadain defines ecosystem and connects it to the political, legal and regulatory environment of the country, which influences business industries, including halal.*



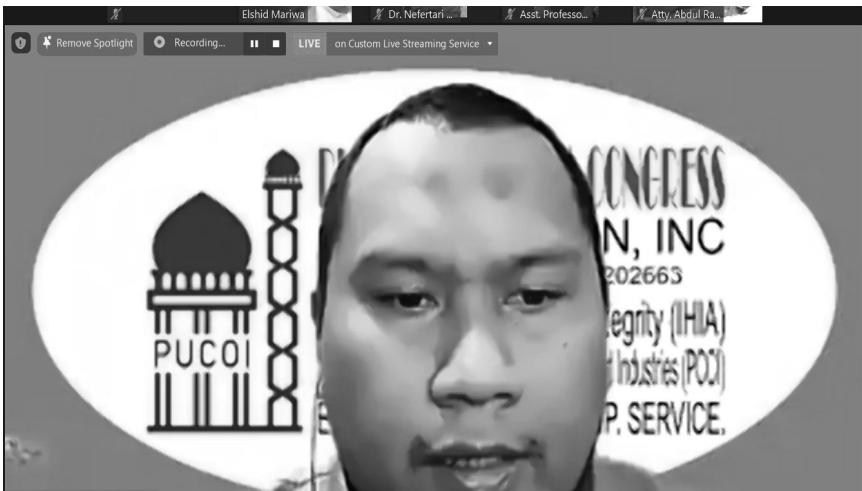
*Photo 3: Atty. Abdurahman Linzag answers questions from attendees during the open forum for Panel 1.*



*Photo 4: Asst. Prof. Marie Sol Hidalgo narrates specific topics she will be discussing under halal food production.*



*Photo 5: Mr. Elshid Mariwa shares information about Radhieya Halal Store, which he and his family have owned for more than three decades.*



*Photo 6: Ustadh Luqman bin Imam Usman answers questions from attendees during the Open Forum for Panel 2.*





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