

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

Second Regular Session

House Bill No. 4995



Introduced by Hon. Gilbert C. Remulla

EXPLANATORY NOTE

According to statistics provided by the National Statistical Coordination Board (NSCB), more than sixteen million Filipinos are estimated to be below the food/subsistence threshold as of the year 2000. This refers to Filipinos whose income cannot provide for their basic food requirements.

As a direct measure to address the poverty issue and to curtail food wastage, surplus food can be donated, collected and distributed to our less fortunate brothers and sisters in the Philippines by hotels, restaurants, supermarkets, etc., which, in the daily course of their business operations, just throw away rather than donate to the hungry still edible food.

These prospective donors and helpers are unwilling or afraid to donate, collect and distribute surplus food due to possible legal liability that may arise as a result of their charitable acts.

This bill seeks to address the issue of legal liability in the donation of apparently wholesome food for charitable purposes to encourage the donation of surplus food to needy people.

For the foregoing reasons, the passage of this bill is earnestly sought.


GILBERT C. REMULLA

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**AN ACT TO ENCOURAGE THE DONATION OF FOOD FOR CHARITABLE
PURPOSES**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

Sec. 1. *Short Title.* – This Act shall be known as the "Food Donation Act."

Sec. 2. *Declaration of Policy.* – It is the policy of the State to alleviate national poverty and reduce food wastage. As such, the State shall implement measures to encourage the donation of apparently wholesome food for charitable purposes.

Sec. 3. *Definition of Terms.* – For purposes of this Act, the following terms shall be defined as follows:

- (1) "Apparently Wholesome Food" refers to food that meets all quality and labeling standards imposed by pertinent laws and administrative regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.
- (2) "Donate" is to dispose gratuitously of an apparently wholesome food in favor of another. It includes giving by one person to another person of an apparently wholesome food for distribution, notwithstanding that the former has charged a nominal fee from the latter, if the ultimate beneficiary is not required to give anything of monetary value.
- (3) "Food" refers to any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(4) "Gross Negligence" refers to voluntary and conscious conduct, including a failure to act, by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.

(5) "Intentional Misconduct" refers to conduct by a person with knowledge at the time of the conduct that the conduct is harmful to the health or well-being of another person.

(6) "Charitable Purposes" refers to philanthropic, humanitarian and non-profit objectives, including the benefit of the needy, poor, sick, prisoners, orphans, etc.

Sec 4. *Liability for Damages from Donated Food.* – A person, whether natural or juridical, shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food that a person donates in good faith for charitable purposes. This shall not apply, however, to liability for injury or death of an ultimate beneficiary of the donated food that results from an act or omission of a person constituting gross negligence or intentional misconduct under existing laws.

Sec. 5. *Construction.* – This Act shall not be construed to create liability.

Sec. 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

Sec. 7. *Separability Clause.* - If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.

Sec. 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from the date of its publication in at least one (1) newspaper of general circulation.

Approved.