

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. 5310



Introduced by the **Honorable Anthony Rolando T. Golez, Jr.**

EXPLANATORY NOTE

The State recognizes the right of the people to health. The State likewise recognizes the effort of businesses and civic groups in their endeavor to contribute to the proper health and nutrition of Filipinos. The effort of the State and private sector in ensuring that the right of the people to health should be encouraged. One way of catalyzing the public-private partnership in upholding the right of the people to health is by promoting the donation of food, medicines, and other supplies of private entities to our poor citizens, especially in times of calamities.

However, encouraging the donation of food, medicines, and other supplies of private entities to poor citizens should not be done without guidelines. The State should see to it that any donation that will be given by the private sector will be safe for consumption. There should be a balance with encouraging the private sector to make donations and the obligation of the State in ensuring donations will be safe and will be given to the proper recipients. This bill intends to strike that balance; it will provide guidelines that will make sure that making donations will be encouraged and that the donations will be safe for consumption. Donations are usually most common or encouraged during unfortunate occurrences like during calamities or disasters in order to help government mobilize needed requirement of communities especially when response system of government are overwhelmed.

Approval of the bill is earnestly sought.

ARGUES

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. 5310

Introduced by **Honorable Anthony Rolando T. Golez, Jr.**

**"AN ACT REGULATING DONATIONS
OF MEDICINES, FOOD PRODUCTS,
AND OTHER PRODUCTS
MADE BY THE PRIVATE SECTOR
AND FOR OTHER PURPOSES"**

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

CHAPTER I

GENERAL PROVISIONS

Section 1. Short Title. - This act shall be known as the *"Food and Medicines Donations Regulation Act of 2011"*.

Section 2. Declaration of Policies. - It is a State policy to protect and promote the right to health of the people and instill health consciousness among them. It is also a State policy that an integrated and comprehensive approach to health development shall be taken to make essential goods, health and other services available to all people at affordable cost. The State recognizes that businesses have an abundance of food, medicines and other supplies that can be donated for free to poor Filipinos or in time of calamities and such donations should be regulated.

Section 3. Definition of Terms. - The following terms, as used in this Act, shall mean:

a) *"DONOR"* refers to all businesses engaged in operating restaurants, hotels, bakeries, fast food chains, markets, caterers, cafeterias, pharmacies, manufacturing businesses, distributors, and other similar establishments, and other entities, foreign or

local, including individuals, who are willing to give free-medicines, food products or supplies.

b) "*DONEE*" refers to the ultimate beneficiary or recipient of medicines, food products and supplies donated by the Donor.

c) "*DONATED PRODUCTS*" refers to medicines, food products or other similar supplies that are donated by the Donor.

d) "*CIVIC GROUP*" refers to a SEC-registered, non-governmental organization that assists or helps poor Filipinos and/or assists or helps Filipinos who are affected by typhoons, earthquakes or other similar calamities.

Section 4. *When Donations Can be Made* – Donors can make any donation of their medicines, food products or other similar supplies to any national or local government unit or any Civic Group voluntarily, without the need for permission from any government unit, during the occurrence of typhoons, earthquakes or other similar calamities. Provided that, in cases of donations to be made outside the occurrence of said calamities, only Civic Groups can make solicitations and receive Donated Products. Provided further that, donations made outside said calamities may be distributed by Civic Groups to any national or local government unit.

Section 5. *Consultation before Distribution of Donated Products.* - Donated Products must be given by the Donor to any national or local government unit or to any Civic Group and not directly to Donees. Provided, that the national or local government unit or Civic Group, shall distribute the Donated Products to Donees only after prior consultation with the proper licensed medical practitioner or registered dietician, who shall ensure that the Donated Products will be safe for consumption and will be received by the appropriate Donees.

Section 6. *Coverage.* - This act shall cover all restaurants, hotels, bakeries, fast food chains, markets, caterers, cafeterias, pharmacies, manufacturers, distributors, and other similar establishments and entities, both foreign or local, who voluntarily donate medicines, food products or supplies, as provided in this Act.

Section 7. *Exemption of Donors from Taxes.* - Donors who shall provide Donated Products to any national or local government unit or any Civic Group during the occurrence of typhoons, earthquakes or other similar calamities shall be exempt from all and any taxes that may be collected under existing laws for the donations made pursuant to this Act.

Section 8. *Exemption of Donors from Liability.* - Donors who shall provide Donated Products to any national or local government unit or any Civic Group shall be exempt from any civil or criminal liability that may arise from injury or harm directly resulting from the

intake of said Donated Products, provided that, said donation was made in consonance to Section 5 of this act.

Section 9. *Implementing Rules and Regulations.* - The Department of Health, Department of Finance, Department of Social Welfare and Development, Department of Interior and Local Government and other appropriate agencies shall issue the necessary implementing rules and regulations within sixty (60) days after the effectivity of this Act.

Section 10. *Repealing Clause.* - All laws, presidential decrees, executive orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 11. *Separability Clause.* - If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected hereby.

Section 12. *Effectivity Clause.* - This Act shall take effect after its complete publication in at least two (2) national newspapers of general circulation.

APPROVED,