

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session



House Bill No. 3795

Introduced by Representatives
Ibarra "Barry" M. Gutierrez III (AKBAYAN), Walden F. Bello (AKBAYAN),
Arlene "Kaka" J. Bag-ao (Lone District, Dinagat Islands),
and Jose Christopher "Kit" Y. Belmonte (6th District, Quezon City)

EXPLANATORY NOTE

Provisions of the *1987 Philippine Constitution*, particularly in Article II (Declaration of Principles and State Policies) which state:

"Section 9. The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through **policies** that provide adequate social services, promote full employment, **a rising standard of living, and an improved quality of life for all.**"

"Section 11. The State values the **dignity of every human person** and guarantees **full respect for human rights.**"

"Section 21. The State shall promote comprehensive rural development and agrarian reform." (emphasis supplied)

make it a State policy, and gives the State the corresponding obligation, to guarantee the fulfillment of the peoples' right to adequate food. The same obligation was voluntarily adopted by the Philippines as State-Party to the *International Covenant on Economic, Social and Cultural Rights* which, in its Article 11, provides:

"Article 11. (1) The States Parties to the present *Covenant* recognize the right of everyone to an adequate standard of living

for himself and his family, **including adequate food**, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

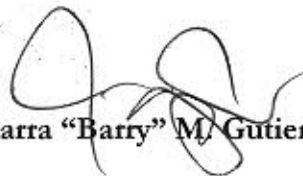
(2) The State Parties to the present *Covenant*, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, measures, including specific programmes, which are needed: (a) to **improve methods of production, conservation and distribution of food** by making full use of technical and scientific knowledge, by disseminating knowledge of principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) Taking into account the problems of both food-importing and food-exporting countries, to **ensure an equitable distribution of world food supplies** in relation to need.”
(emphasis supplied)

Indeed, a number of international instruments signed by the Philippines, including the *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination Against Women*, and numerous pieces of local legislation like Republic Act No. 9700 (*Comprehensive Agrarian Reform Program Extension with Reforms* which adopted the policies in Republic Act No. 6657), Republic Act No. 8435 (*Agriculture and Fisheries Modernization Act*), Republic Act No. 8550 (*Philippine Fisheries Code*), Republic Act No. 7607 (*Magna Carta for Small Farmers*), Republic Act No. 7884 (*National Dairy Act*), Republic Act No. 7900 (*High Value Crops Act*), Republic Act No. 8178 (*Agricultural Tariffication Act*), Republic Act No. 7308 (*Seed Industry Development Act*), Republic Act No. 9168 (*Plant Variety Protection Act*), Republic Act No. 7581 (*Price Act*), Republic Act No. 71 (*Price Tag Law*), Executive Order No. 51 (*Milk Code*), and Republic Act No. 8976 (*Philippine Food Fortification Act of 2000*), have the over-all, arching objective of guaranteeing the right of Filipino citizens to adequate food.

However, the lack of a comprehensive framework embodying right to adequate food is a chasm between policy and implementation. Public funds are not only inadequate but dissipated due to corruption. Who could forget the PhP728 million fertilizer scam, the PhP5 billion swine scam, the PhP3.1 billion irrigation scam, or the questionable disbursement of PhP120 million out of Ginintuang Masaganang Ani funds?

A comprehensive framework law, therefore, is essential to make the right to adequate food meaningful. This comprehensive law will not only harmonize provisions of all laws related to Filipinos' right to adequate food but would also clarify the scope and content of the right, establish standards for compliance, lay down principles to shape the process of realization, and prohibit violations of the right to adequate food.

In view of the foregoing, the passage of this bill is earnestly sought.

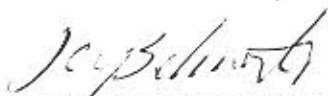


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AN ACT
PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD,
AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short title.***—This Act shall be known as the “*Right to Adequate Food Framework Act*
2 *of 2014.*”
3

4 **SECTION 2. *Statement of policy.***—Consistent with the principles enshrined in the 1987
5 *Philippine Constitution*, as well as the provisions of the *International Covenant on Economic, Social and*
6 *Cultural Rights*, *Convention on the Rights of the Child*, and *Convention on the Elimination of All Forms of*
7 *Discrimination against Women*, to which the Philippines is a State Party, it is hereby made the
8 declared policy of the State to guarantee the right to adequate food.
9

10 **SECTION 3. *Definitions.***—As used in this Act:
11

12 (a) “*Food*” is nourishment that includes solid, liquid and semi-liquid nourishment, as well as
13 drinking water.
14

(b) "*Hunger*" is a spectrum of situations, from starvation, which is not having enough food of any sort to eat, to undernutrition, which is having enough food to eat, but of inadequate quality.

(c) "*Right to adequate food*" is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food, corresponding to the cultural traditions of the people, to which a person belongs, and which ensure physical and mental, individual and collective, fulfilling and dignified life, free of fear.

(d) "*Vulnerable groups*" are those who are particularly disadvantaged. These include, but shall not be limited to, indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities, persons living with HIV or AIDS, refugees and internally displaced people, women and children.

SECTION 4. Normative content.—The *right to adequate food* is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food, or means for its procurement. The *right to adequate food* will therefore not be interpreted in a narrow or restrictive sense, which equates it with a minimum package of calories, proteins and other specific nutrients. The *right to adequate food* will have to be realized progressively. However, the core obligation is to take the necessary action to mitigate and alleviate hunger, even in times of natural or other disasters. Central to the realization of the *right to adequate food* is adequacy and sustainability of food availability and access.

(a) The concept of *adequacy* is particularly significant in relation to the *right to adequate food* since it serves to underline a number of factors which must be taken into account in determining whether particular foods or diets that are accessible, can be considered the most appropriate under given circumstances. The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations. The precise meaning of adequacy is to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while sustainability incorporates the notion of long-term availability and accessibility. The core content of the *right to adequate food* implies:

- 1 (1) The availability of food in a quantity and quality sufficient to satisfy the dietary needs of
- 2 individuals, free from adverse substances, and acceptable within a given culture; and
- 3 (2) The accessibility of such food in ways that are sustainable, and that do not interfere with
- 4 the enjoyment of other human rights.
- 5
- 6 (b) Dietary needs imply that the diet as a whole contains a mix of nutrients for physical and
- 7 mental growth, development and maintenance, and physical activity, that are in compliance
- 8 with human physiological needs at all stages throughout the life cycle, and according to
- 9 gender and occupation. Measures therefore need to be taken to maintain, adapt or strengthen
- 10 dietary diversity and appropriate consumption and feeding patterns, including breast-feeding,
- 11 while ensuring that changes in availability and access to food supply as a minimum do not
- 12 negatively affect dietary composition and intake.
- 13
- 14 (c) Freedom from adverse substances sets requirements for food safety and for a range of
- 15 protective measures by both public and private means to prevent contamination of
- 16 foodstuffs through adulteration, or through bad environmental hygiene, or inappropriate
- 17 handling at different stages throughout the food chain. Care must also be taken to identify
- 18 and avoid or destroy naturally occurring toxins.
- 19
- 20 (d) Cultural or consumer *acceptability* implies the need also to take into account, as far as possible,
- 21 perceived non nutrient-based values attached to food and food consumption and informed
- 22 consumer concerns regarding the nature of accessible food supplies.
- 23
- 24 (e) *Availability* refers to the possibilities either for feeding oneself directly from productive land
- 25 or other natural resources, or for well-functioning distribution, processing and market
- 26 systems that can move food from the site of production to where it is needed in accordance
- 27 with demand.
- 28
- 29 (f) *Accessibility* encompasses both economic and physical accessibility:
- 30
- 31 (1) Economic *accessibility* implies that personal or household financial costs associated with
- 32 the acquisition of food for an adequate diet should be at a level such that the attainment
- 33 and satisfaction of other basic needs are not threatened, or compromised. Economic
- 34 accessibility applies to any acquisition pattern or entitlement through which people

procure their food, and is a measure of the extent to which it is satisfactory for the enjoyment of the *right to adequate food*. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population need attention through special programmes.

- (2) Physical *accessibility* implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, those belonging to the informal sector, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas, and other specially disadvantaged groups, need special attention, and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands is threatened.

SECTION 5. *Conditions for the exercise of the right to adequate food.*—Every person has the right to live in conditions that will enable the person:

(a) Either to:

- (1) Feed directly from productive land or other natural resources; or
- (2) Rely on well-functioning distribution, processing and market systems, or
- (3) Both;

(b) To be financially able, not only to acquire a sufficient quantity and quality of food, but also to satisfy her or his other basic needs;

(c) To be safe from the risk of losing access to food, as a consequence of sudden shocks, like an economic or climatic crisis, or cyclical events, such as seasonal food insecurity;

(d) To have the opportunity of good food utilization, through access to an adequate diet, clean water, sanitation and health care, to reach a state of nutritional well-being, where all physiological needs are met; and

(e) To access foods or diets that are the most appropriate under given circumstances, in terms of their nutritional value and cultural acceptability.

1
2 Every girl and boy has a *right to adequate food* and to nutrition adequate for their age, allowing
3 growth and development.

4
5 Every woman has a *right to adequate food* and adequate nutrition during pregnancy and lactation.

6
7 No limitation on the *right to adequate food* may be allowed, unless it is (a) provided by law, (b)
8 necessary for the purpose of a compelling public interest, and (c) compatible with the nature of
9 the right to adequate food.

10
11 **SECTION 6. *Freedom from hunger.***—Every person has a right to be free from hunger.
12 Every person suffering from hunger or undernutrition, or at risk of suffering from hunger or
13 undernutrition, is entitled to a minimum amount of food according to his or her age, sex, health
14 status and occupation, as provided for in Section 15 of this Act.

15
16 **SECTION 7. *Non-discrimination.***—Any distinction, exclusion or restriction made on the
17 basis of race, color, sex, age, language, religion, political or other opinion, national or social
18 origin, property, birth or other status, which has the effect or purpose of impairing or limiting
19 the capacity of an individual to exercise the *right to adequate food*, is unlawful and will be sanctioned
20 in accordance with law.

21
22 All forms of discrimination against women with regard to the guaranteed *right to adequate food*,
23 including less favorable treatment of women for reasons of pregnancy and maternity, will be
24 eliminated and prevented. The equality of opportunities between men and women will be
25 promoted.

26
27 The prohibition of discrimination will not be read to include government action to remedy past
28 effects of discrimination against particular individuals or groups and, to promote equality of
29 opportunities with regard to the right to adequate food.

30
31 **SECTION 8. *Principles.***—The principles upon which the provisions of this Act are founded
32 are:

- 1 (a) *Participation* – people should be able to determine their own well-being and participate in the
2 planning, design, monitoring and evaluation of decisions affecting them. Individuals are able
3 to take part in the conduct of public affairs, including the adoption and implementation of
4 State policies. Such participation is active, free and meaningful, whether it is exercised
5 directly or through intermediary organizations representing specific interests. It is supported
6 by capacity-building where necessary.
- 7
- 8 (b) *Accountability* – public officials are answerable to their superiors and to the people they serve.
9 Application of the principle of accountability in the context of the framework law requires
10 clear assignment of responsibilities and functions to public authorities for implementation of
11 the framework law and any subsequent measures to be taken. In addition, the expected
12 results are spelled out clearly and appropriate procedures are established.
- 13
- 14 (c) *Non-discrimination* – a level of protection of human rights objectively and reasonably the same
15 for everybody, irrespective of sex, age, race, colour, religion or any other ground. In addition
16 to specifically prohibiting discrimination on any ground, this principle requires specific
17 measures aimed at correcting *de facto* discrimination or eliminating conditions that cause or
18 help to perpetuate discrimination, as well as measures promoting equality. In the context of
19 this Act, it means paying particular attention to those groups that cannot enjoy their rights as
20 fully as others.
- 21
- 22 (d) *Transparency* – open access by the public to timely and reliable information on the decisions
23 and performance of public authorities. Holders of public office are as open as possible about
24 all their decisions and actions that may affect the free exercise of the *right to adequate food*.
25 Applying the principle of transparency within the context of this Act means that people are
26 provided with essential information about the decision-making process and those
27 accountable and responsible for it. People also have the power to demand information on
28 the processes that feed into the achievement of the particular entitlement, with an easy and
29 low-cost corrective check to malfeasance.
- 30
- 31 (e) *Human dignity* – absolute and inherent worth that persons have, simply because they are
32 human, not by virtue of any social status or a particular power. This Act recognizes in an
33 unequivocal form that every person has a *right to adequate food*. To comply with this principle

1 in the implementation of this Act, the State, through its public officials, treats persons
2 equally and respects their human worth and dignity.

3
4 (f) *Empowerment* – people have power, capacities, capabilities and access needed to change their
5 own lives, including the power to seek from the State remedies for violations of their human
6 rights. This principle is the logical consequence of all the preceding principles. In the context
7 of this Act, empowerment entails including specific provisions on awareness-raising,
8 capacity-building and right to adequate food education.

9
10 (g) *Rule of law* – government authority is legitimately exercised only in accordance with written,
11 publicly disclosed and accessible laws, adopted and enforced in conformity with established
12 procedures. The principle is intended as a safeguard against arbitrary use of State authority
13 and lawless acts of both organizations and individuals. Any implementing rules and
14 regulations to be adopted for ensuring the implementation of this Act will be clear, fair and
15 accessible. The rule of law also means that no person or body can breach the law with
16 impunity. There is access to justice including the right to an effective remedy for anyone
17 whose rights are violated, as well as the guarantee of due process in all legal proceedings.

18
19 **SECTION 9. Governmental obligations.**—The State has the duty to respect, protect and
20 fulfill the *right to adequate food*.

21
22 (a) *Respect* – the State has the obligation not to interfere with or impair the enjoyment of the *right*
23 *to adequate food*. No public authority may deprive any person of food or means for its
24 procurement, apply laws and regulations, or pursue a policy or practice, in a way that could
25 result in preventing the enjoyment of or infringing the human *right to adequate food*, or repeal
26 formally or suspend legislation necessary for the continued enjoyment of the *right to adequate*
27 *food*.

28
29 (b) *Protect* – the State has the duty to provide guarantees against threats and risks stemming from
30 private actors or societal forces that are controllable by State action. It is bound to take
31 preventive measures necessary to protect persons whose capacity to access sufficient and
32 adequate food or means for its procurement is endangered by the acts of others. It also
33 ought to review the relevant administrative and legislative framework ensuring that activities

1 within their competence undertaken by private actors do not infringe the right to adequate
2 food of others.

3
4 (c) *Fulfill* – the State has the power to facilitate the enjoyment of the *right to adequate food* by
5 adopting or pursuing appropriate policies and measures, in a manner to foster and promote
6 the human *right to adequate food* and to create and maintain conditions under which every
7 person can freely and regularly enjoy the *right to adequate food*. It is equally the duty of the State
8 to provide *right to adequate food*, by adopting and putting in place measures to provide food, or
9 means for its procurement, to persons who cannot take care of their own needs, due to
10 reasons beyond their control, in particular for children whose parents die or disappear or
11 otherwise no longer take care of them.

12
13 **SECTION 10. Targets.**—The State will ensure that in two and a half years after the effectivity
14 of this Act the incidence of hunger will be reduced, from the level current at the time of the
15 passage of this Act, by twenty-five percent(25%): *Provided*, That five years after the effectivity of
16 this Act such incidence of hunger will be further reduced by twenty-five percent (25%): *Provided*,
17 *further*, That in seven and a half years, it will be further reduced by twenty-five (25%): *Provided*,
18 *finally*, That in ten (10) years a zero (0) incidence of hunger will be achieved.

19
20 The State shall also ensure that in ten(10) years, land devoted to food production will be
21 increased to fifty percent (50%) of all prime agricultural land in every region, and, within the
22 same period, the State shall ensure that the following indicators will considerably and steadily
23 increase, as may be determined in the implementing rules and regulations of this Act:

- 24
25 (a) Percentage of development of ancestral lands;
26 (b) Percentage of rural population with access to productive resources;
27 (c) Share of budget spent on programs aimed at creating access to productive resources;
28 (d) Percentage of budget spent on agri-research, agri-extension, irrigation, training, technology,
29 credits and rural development;
30 (e) Percentage of rural female-headed households, or rural women, with legal title to agriculture
31 lands;
32 (f) Percentage of public budget allocation for social transfer programs to those unable to feed
33 themselves;

- (g) Coverage of marginalized and disadvantaged population taking part in social transfer programs;
- (h) Percentage of marginalized and disadvantaged population covered by a public nutrition supplement program;
- (i) Percentage of population aware of available food and nutrition programs; and
- (j) Coverage of school feeding programs.

Periodic reviews will be undertaken to ensure compliance with set targets. In the implementation of this Act, priority will be given to identified areas with chronically malnourished. In measuring the incidence of hunger, the key primary data sources will include national nutrition surveys, survey of hunger incidence in the Philippines, the self-rated hunger indicator of the Social Weather Stations, and household surveys of the National Statistics Office, namely the Family Income and Expenditure Survey and the Annual Poverty Indicators Survey.

SECTION 11. *Impact assessment.*—All proposed government actions, plans and projects, including any development plan, will take into account the *right to adequate food*, and will undergo an objective impact assessment prior to its adoption and implementation. The steps for this objective impact assessment include:

- (a) *Screening* – identifying proposals subject to impact assessment, and their level of detail.
- (b) *Scoping* – identifying the issues and impacts that are likely to be significant for the effective enjoyment of the *right to adequate food*.
- (c) *Examination of alternatives* – determining other options for achieving the same objectives as those of the proposal.
- (d) *Impact analysis* – identifying and predicting the likely social, economic, environmental, and other related effects of the proposal.
- (e) *Mitigation and impact management* – establishing measures necessary to avoid or minimize predicted adverse impacts, and to incorporate these into the proposal implementation plan.
- (f) *Impact statement or report* – assessment of significant outcomes including a simplified summary for public debate.
- (g) *Public consultation* – seeking the public's input on matters affecting them.
- (h) *Review of the impact assessment report* – determining whether the report identifies all relevant information on the possible impacts on the enjoyment of the *right to adequate food*, takes into

consideration all potential social, economic, environmental and other effects of the proposal, and contains concerns and comments of the potentially affected population, and all the information necessary for decision-making.

(i) *Decision-making* – approving or rejecting the proposal, and establishing the terms and conditions for its implementation.

(j) *Evaluation and monitoring* – systematic determination of merit, worth and significance.

Any strategic intervention aimed at ensuring the enjoyment of the *right to adequate food* will similarly undergo an objective impact assessment prior to its adoption and implementation.

SECTION 12. *Institutional responsibilities.*—In implementing the *right to adequate food*, the Department of Agriculture will have the primary duty to ensure food availability, stability and adequacy; the Department of Health will have the primary duty to ensure food quality and safety; the Department of Trade and Industry will have the primary duty to ensure physical and economic access to food; and the Department of Public Works and Highways will have the primary duty to ensure well-functioning distribution, processing and market systems.

SECTION 13. *Commission on the Right to Adequate Food.*—There is hereby created a Commission on the Right to Adequate Food, an agency attached to the Philippine Commission on Human Rights.

The Commission shall be composed of a Chairperson and two (2) Members who must be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age, and must not have been candidates for any elective position in the elections immediately preceding their appointment. At least one (1) of them shall be a member of the Philippine Bar.

The Chairperson and the Members of the Commission will not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession, or in the active management or control of any business, which in any way may be affected by the functions of their office, nor shall they be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the government, any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

1
2 The Chairperson and the Members will be appointed by the President for a term of seven (7)
3 years, without reappointment. Appointment to any vacancy will be only for the unexpired term
4 of the predecessor. Of those first appointed, the Chairperson will hold office for seven (7) years,
5 a Commissioner for five (5) years, and another Commissioner for three (3) years, without
6 reappointment. Appointment to any vacancy shall be only for the unexpired term of the
7 predecessor. In no case will any Member be appointed or designated in a temporary or acting
8 capacity.

9
10 The Chairperson and the Members of the Commission will receive the same salary and benefits
11 as the Chairperson and Members, respectively, of the Constitutional Commissions, which shall
12 not be decreased during their term of office.

13
14 The Commission on the Right to Adequate Food will have the following powers:

- 15
16 (a) Receive complaints of violations of the *right to adequate food* from individuals and groups;
17 (b) Investigate, *motu proprio*, or upon complaint by any party, all forms of violations of the *right to*
18 *adequate food*;
19 (c) Adopt operational guidelines and rules of procedure, and cite for contempt for their
20 violation, in accordance with the Rules of Court.
21 (d) Provide appropriate legal measures for the protection of the *right to adequate food* of all persons
22 within the Philippines, as well as Philippine citizens residing abroad, and provide for
23 preventive measures and legal aid services to the under-privileged whose *right to adequate food*
24 has been violated or needs protection;
25 (e) Establish a continuing program of research, education and information to enhance respect
26 for the primacy of the *right to adequate food*;
27 (f) Recommend to Congress effective measures to promote the *right to adequate food*, to harmonize
28 existing laws affecting the *right to adequate food*, to ensure their complementation, and the
29 availability of remedies for violations, and compensation to victims of violations of the *right*
30 *to adequate food*;
31 (g) Monitor the Government's compliance with its obligations in regard to the *right to adequate*
32 *food*;
33 (h) Request the assistance of any department, bureau, office or agency in the performance of its
34 functions;

- (i) Appoint officers and employees in accordance with law; and
- (j) Perform such other duties and functions as may be provided by law.

In exercising its powers and duties, the Commission on the Right to Adequate Food will:

- (a) Apply the human rights principles established by this Act;
- (b) Work in close cooperation with representatives of civil society and take their views into consideration;
- (c) Use, to the fullest possible extent, the services, facilities and information, including statistical information, of the relevant public and private bodies and organizations, to prevent duplication of effort and expenses.

SECTION 14. *Inter-Agency Council on the Right to Adequate Food.* There is hereby established an Inter-Agency Council on the Right to Adequate Food, which will be headed by the Chairperson of the Commission on the Right to Adequate Food, and which will be composed additionally of the following:

- (a) A representative from the Department of Agriculture;
- (b) A representative from the Department of Agrarian Reform;
- (c) A representative from the Department of Health;
- (d) A representative from the Department of Trade and Industry
- (e) A representative from the Department of Public Works and Highways;
- (f) A representative from the Department of Environment and Natural resources;
- (g) A representative from the Department of Energy;
- (h) A representative from the National Economic and Development Authority;
- (i) A representative from the National Anti-Poverty Commission;
- (j) Two (2) representatives of people's organizations; and
- (k) Two (2) representatives of non-governmental organizations

The council members are tasked to formulate programs and projects to provide strategic interventions to respect, protect and fulfill the *right to adequate food*. The Council will also serve as the monitoring body in regard to *right to adequate food* initiatives.

1 The government agencies may designate their duly authorized representative to the Council:
2 *Provided*, That such a representative shall have a rank not lower than an assistant secretary or its
3 equivalent.

4
5 Members of the Council who are representatives of people's organizations and non-
6 governmental organizations will be chosen by the Commission on the Right to Adequate Food
7 from a list of nominees provided by people's organizations and non-governmental organizations
8 engaged in the promotion of the *right to adequate food*. These members will attend Council
9 meetings, and will receive emoluments as may be determined by the Council, in accordance with
10 existing budget and accounting rules and regulations.

11
12 **SECTION 15. *Minimum amount of food***—The Department of Social Welfare and
13 Development will ensure regular, reliable and timely delivery of a minimum amount of food to
14 any person who is suffering from hunger or undernutrition, or is at risk from suffering from
15 hunger or undernutrition. Implementing rules and regulations will be adopted setting the
16 minimum amount of food. These implementing rules and regulations will determine the exact
17 quantity of calories, proteins and micronutrients, to which the minimum amount of food will
18 correspond, according to the age, sex, health status and occupation of a person. There will be a
19 simple and accessible application or certification procedure for the minimum amount of food
20 entitlement, as provided for in the implementing rules and regulations. There will be transparent,
21 fair and non-discriminatory eligibility or certification criteria.

22
23 Fair, independent and accessible recourse procedures to the Commission on the Right to
24 Adequate Food for complaints and appropriate remedies in case of a determined violation of the
25 *right to adequate food*, shall be established. There will also be an appropriate monitoring and
26 evaluation mechanism in which the Department of Social Welfare and Development will report
27 to the Commission on the Right to Adequate Food on a regular basis. The annual national
28 appropriations law shall include a specific item allocating resources necessary for the
29 implementation of the *right to adequate food*. Specific support measures will be designed and
30 adopted to prevent or compensate for disadvantages that identified vulnerable persons or groups
31 suffer from, in regard to the enjoyment of their *right to adequate food*. The Commission on the
32 Right to Adequate Food will review proposed support measures and, where necessary, will give
33 further guidance, so as to ensure that all groups are covered appropriately.

1 **SECTION 16. *Emergencies.***—The Commission on the Right to Adequate Food, in
2 coordination with the National Disaster Coordinating Council, will have the duty to ensure that:

- 3
- 4 (a) Food emergencies cover both early warning and preparedness for a crisis, as well as
5 organizing and managing food response in the case of a crisis, and comply with the *right to*
6 *adequate food* and the relevant international standards.
- 7
- 8 (b) Emergency food responses be compatible with the *right to adequate food* and international
9 standards regulating emergencies.
- 10
- 11 (c) Requests for international assistance be initiated in case of necessity, alongside supervising
12 and coordinating distribution of food response received.
- 13

14 **SECTION 17. *Information.***—All government agencies, under the direction of the
15 Commission on the Right to Adequate Food, in coordination with the Philippine News Agency
16 and Philippine Information Agency, have a duty to:

- 17
- 18 (a) Inform the population about the rights established in this Act and the implementing rules
19 and regulations adopted upon its entry into force, as well as about any other measure taken
20 for the purpose of facilitating and promoting the realization of the *right to adequate food*.
- 21
- 22 (b) Use the most appropriate ways and methods of disseminating information, including by
23 providing information in oral ways, such as rural radio, and in local languages, notably in the
24 most marginalized areas and among populations with a high rate of illiteracy.
- 25

26 **SECTION 18. *Education and awareness raising.***—The Commission on the Right to
27 Adequate Food, in coordination with the Department of Education, Commission on Higher
28 Education and Technical Education and Skills Development Authority, will have the duty to
29 ensure that:

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- 31 (a) The school curriculum includes material related to food and nutrition education, the *right to*
32 *adequate food*, and human rights principles.
- 33

- (b) Adult education and training program, when relevant, include material related to food and nutrition, the *right to adequate food*, and human rights principles.

SECTION 19. *International cooperation.*—The Commission on the Right to Adequate Food, in coordination with the Commission on Human Rights and the Department of Foreign Affairs, will have the duty to:

- (a) Ensure that activities undertaken in other countries, including those by private actors, do not infringe on the enjoyment of the right to adequate food by people in the concerned countries; and
- (b) Promote international cooperation and provide assistance to ensure the realization of the *right to adequate food* in other countries, if in a position to do so.

SECTION 10. *Monitoring system.*—There will be an integrated monitoring system in which all government agencies at all levels, under the supervision of the Commission on the Right to Adequate Food, will:

- (a) Collect data related to food and nutrition security, using monitoring methodologies and processes consistent with human rights principles as established by this Act;
- (b) Disaggregate collected data by age, sex, status and group;
- (c) Monitor progress achieved in the realization of the *right to adequate food*; and
- (d) Establish or identify an early warning mechanism.

SECTION 21. *Representation and participation of people's organizations and civil society.* To guarantee public participation, the Commission on the Right to Adequate Food has the duty to ensure:

- (a) Free and meaningful participation, including freedom of information and freedom of association.
- (b) Consultations on specific areas of implementation of this Act.

(c) National public hearing every two (2) years, at which the Government is required to report on progress made with the implementation of this Act, and the progressive realization of the right to adequate food in the country.

SECTION 22. Penal Provisions.—The penalty of *prison mayor* will be imposed on any public or private actor, who deliberately starves or denies access to food to any particular individual or group, as through the commission of any of the following acts:

- (a) Blockade;
- (b) Refusal to implement a food-related program;
- (c) Discrimination in implementing a food-related program;
- (d) Negligence in implementing food-related programs, resulting in death;
- (e) Obstructing access to food in time of calamity or war;
- (f) Theft, corruption or black marketeering of food being given as humanitarian aid, in time of calamity or war;
- (g) Distribution of expired, or unsafe food at a school feeding program or other feeding program, in time of calamity or war;
- (h) Contamination of food or water sources, through mining activities, aerial spraying of plantations, or any other similar means; and
- (i) Other analogous acts.

A *food blockade* is an act of knowingly and wilfully cutting off food supplies from a particular area by force, either in part or totally.

The penalty is imposable without prejudice to any other criminal, civil or administrative liability under Philippine law.

SECTION 23. Civil and Administrative Liabilities.—Any public officer or employee who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of a person's rights guaranteed in this framework act, will be liable to this person for damages. Any violation of a provision of this Act, whether committed by public or private actors, will similarly give rise to liability for damages.

1 It is hereby declared a ministerial duty on the part of the Government to ensure the enjoyment
2 of the rights guaranteed in this Act and to perform the duties embodied in it. Appropriate cases
3 may be filed before the courts to compel compliance with the provisions of this Act. These cases
4 will be without prejudice to liability for damages, as well as administrative liability that may be
5 incurred.

6
7 **SECTION 24. Appropriations.**—There will be an allocation in the annual budget specific and
8 sufficient resources for the purposes of the implementation of the *right to adequate food*, in
9 accordance with priorities set by the Commission on the Right to Adequate Food. The allocation
10 will be aimed at the progressive realization of the *right to adequate food* over the long term. Every
11 person's right to be free from hunger can never be deviated from by temporary or permanent
12 cutbacks.

13
14 **SECTION 25. Implementing Rules and Regulations.**—The Commission on Human Rights
15 will issue the necessary rules and regulations to implement the provisions of this act within sixty
16 (60) days from its effectivity. In the formulation of these rules and regulations, the Commission
17 on Human Rights will take the lead and will coordinate with the Department of Agriculture,
18 Department of Agrarian Reform, Department of Social Welfare and Development, Department
19 of Health, Department of Trade and Industry, Department of Public Works and Highways,
20 National Economic and Development Authority, and National Anti-Poverty Commission, and
21 with the active participation of people's organizations and human rights nongovernmental
22 organizations.

23
24 **SECTION 26. Rationalization of policies.**—All existing policies, laws, decrees, executive
25 orders, memorandum orders, memorandum circulars, administrative orders, and ordinances will
26 be rationalized in accordance with the *right to adequate food*, as provided for by this Act.

27
28 Laws affecting the realization of the *right to adequate food* will be interpreted in a way compatible
29 with the *right to adequate food* and this Act.

30
31 The cabinet secretaries concerned and other executive authorities will report, at regular intervals,
32 to the Commission on the Right to Adequate Food, on legislative and regulatory measures that
33 have been elaborated and adopted, and the time frames within which they are envisaged to
34 achieve their objectives.

1
2 **SECTION 27. *Separability clause.***—If any part or provision of this Act will be declared
3 unconstitutional or invalid, the other provisions not affected will remain in full force and effect.
4

5 **SECTION 28. *Repealing clause.***—All laws, decrees, executive orders, memorandum orders,
6 memorandum circulars, administrative orders, ordinances, or their parts, which are inconsistent
7 with the *right to adequate food* and the provisions of this Act, are hereby deemed repealed or
8 modified accordingly.
9

10
11 **SECTION 29. *Effectivity.***—This Act will take effect fifteen (15) days after its publication in at
12 least two (2) newspapers of national circulation.

Approved,