

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

Sixteenth Congress
Third Regular Session

HOUSE BILL NO. **6511**



Introduced by Honorable Mary Elizabeth Ty Delgado

EXPLANATORY NOTE

This bill seeks to provide for the mandatory donation of all surplus or left over but still edible foods to charitable institutions and foundations by all restaurants, hotels, supermarkets, fast food chains and other similar food establishments, and providing penalties for violation thereof.

Per NEDA executive summary report 1, poverty incidence among households increase from 24% in 2003 to 26.9% in 2006. Mindanao has the highest poverty incidence at 38.8% but Luzon has the highest number of poor families, with almost 2 million families (42.4% of the total). Self-rated poverty has ranged from 50% to 52% for most of 2008, peaking at 50% (an estimated 10.6 million people) in the second quarter.

Some of the causes of poverty in the country are: (a) Unequal distribution of income - the rich becomes richer and the poor become poorer; (b) Lack of quality education - because of the poor quality of our education our graduates have a hard time competing with graduates from other countries and worst is that 24% of our children are uneducated; (c) lack of jobs - a great number of our people, here and abroad, are losing their jobs. Every year unemployment rate is getting higher and higher every year. (d) Corruption - (6) Natural calamities - the government is spending more money for rehabilitations brought about by natural calamities that strike our country. (f) Over population - the population growth rate of our country is very high, and most large families are poor.

The effect of poverty is malnutrition. Many people in our country are malnourished because they do not have money to buy food to feed themselves and their family. Majority of the Filipinos who experience financial difficulty in purchasing food are now settling for cheaper but less nutritious food. Even relief centers are giving these kind of foods.

Although here in the Philippines, malnutrition is rampant, most restaurants, hotels, supermarkets, fast food chains and the like in developed countries throw away millions of tons of foods every year. Per study, EU wastes 89 metric tons of food a year, while an estimated 1.3bn tones are wasted worldwide annually. Thus, a law has been passed in the French Parliament banning supermarket and other food establishments from throwing away or destroying unsold food and instead, must donate it to charities.

And because of the strict practice of our food industry restaurants, hotels and other food establishments have to dispose of their excess food after a short period of time although the food is still safe for human consumption even the following day.

With this bill, surplus food will be made use of as it will be mandatory for all restaurants, and the like to donate their surplus foods which are still fit for human consumption, to charitable institutions and foundations who will in turn distribute them to needy people. Through this measure, donors will be immune from suit. However, penal provision is herein provided for those who will not comply with the provisions of this Act.

In view of the foregoing, approval of this bill is highly recommended.


MARY ELIZABETH TY DELGADO

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AN ACT

MANDATING THE DONATION OF ALL SURPLUS OR LEFT OVER BUT STILL EDIBLE FOODS TO CHARITABLE INSTITUTIONS AND FOUNDATIONS BY ALL RESTAURANTS, HOTELS, SUPERMARKETS, FAST FOOD CHAINS AND OTHER SIMILAR FOOD ESTABLISHMENTS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

SECTION 1. *Short Title.* – This Act shall be known as the “Mandatory Food Surplus Donation Act of 2016”.

SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to alleviate national poverty and reduce food wastage. As such, the State shall implement measures to make it mandatory to donate surplus but still edible food for charitable purposes.

SEC. 3. *Definition of Terms* – For purposes of this act, the following terms shall mean as follows:

(a) “Donate” is to dispose of an apparently edible food in favour of another. It includes the giving by one person or entity to another person or entity, of an edible food fit for human consumption for charitable purposes.

b. “Food” refers to any raw, cooked, processed, baked, roasted or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

c. “Charitable purposes” refers to philanthropic, humanitarian and non-profit objectives, including the benefit of the poor, needy, sick, prisoners, orphans and those others similarly situated.

SEC. 4. Mandatory donations – It is hereby provided that all supermarkets, restaurants, hotels, fast food chains and other food establishments shall donate all of its surplus or left-over but still fit for human consumption foods to accredited charitable institutions and foundations.

SEC. 5 –Accreditation– To ensure effective and sustained inter-agency and multi-sectoral coordination, all charitable institutions and foundations shall be accredited with the Department of Social Welfare and Development, who shall serve as the main accreditation agency together with the Philippine Red Cross as auxiliary for the implementation of this Act.

SEC. 6. Liability for damages from donated foods - All supermarkets, restaurants, hotels, fast food chains and other food establishments, or any person whether natural or juridical shall not be subject to any civil or criminal liability arising from the nature, age, packaging, or condition of apparently edible food that were donated in good faith for charitable purposes.

SEC. 7. Repealing Clause – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly. Republic act No. 9803 is hereby repealed.

SEC. 8. Implementing rules and regulations – Within ninety (90) days from the approval of this Act, the Secretary of Health in coordination with the Secretary of Social Welfare and Development together with the Philippine Red Cross shall issue rules and regulations for the effective implementation of this Act.

SEC. 9. Penal provision – Any person or corporation who violates any of the provisions of this Act shall be punished with imprisonment of at least six (6) months and one (1) day but not more than six (6) years or a fine of at least Ten Thousand Pesos (P10,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) at the discretion of the court.

If the offender is a juridical person, corporation or association, the President and the Managers of said corporation and association, or its agent or representative in the Philippines, in case of a foreign corporation or association, shall be liable.

SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,