

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

SEVENTEENTH CONGRESS

First Regular Session

4361
HOUSE BILL NO. _____



Introduced by **HON. AMADO T. ESPINO, JR.**

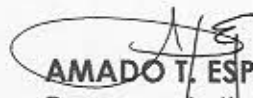
EXPLANATORY NOTE

This measure proposes to provide for an adequate food structure to help ensuring food security of the country by harmonizing existing laws and programs and efficiently implementing the same. This framework law will improve the accountability in the delivery of the food security programs of the government.

The State must address the matter of hunger and poverty affecting Filipinos by ensuring adequate food for all. This will provide for a healthy and strong population, better equipped to push the Philippines to progress and prosperity.

In the fourth quarter of 2013, the Social Weather Survey (SWS) fielded from 11 to 16 December 2013, found that 18.1% or an estimated 3.90 million families are experiencing involuntary hunger at least once in the past three (3) months. The Social Weather Station found an average hunger rate of 19.5% for the year 2013. This, notwithstanding the various existing laws that guarantee certain aspects of the right to adequate food, namely: R.A. No. 6657 (Comprehensive Agrarian Reform Law); R.A. No. 8435 (Agricultural and Fisheries Modernization Act); R.A. No. 8550 (Philippine Fisheries Code); R.A. No. 7607 (Magna Carta for Small Farmers); R.A. No. 7884 (National Dairy Act); R.A. No. 7900 (High Value Crops Act); R.A. No. 8178 (Agricultural Tariffication Act); R.A. No. 7308 (Seed Industry Development Act); R.A. No. 9168 (Plant Variety Protection Act); R.A. No. 7581 (Price Act); R.A. No. 71 (Price Tag Law); R.A. No. 7900 (High Value Crops Development Act); R.A. No. 8550 (Philippine Fisheries Code); E.O. No. 51 (Milk Code); and R.A. No. 8976 (Philippine Food Fortification Act).

In view of the foregoing, approval of this measure is earnestly sought.


AMADO T. ESPINO, JR.
Representative
Fifth District, Pangasinan

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Introduced by HON. AMADO T. ESPINO, JR.

AN ACT
PROVIDING FOR A FRAMEWORK FOR FOOD SECURITY ESTABLISHING FOR
THE PURPOSE A FOOD SECURITY AUTHORITY AND APPROPRIATING FUNDS
THEREFOR

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 **"Food Security Framework Act."**

SEC. 2. *Declaration of Policy.* - It shall be the policy of the State to guarantee the right to adequate food for the Filipinos by providing a framework to address and eliminate hunger in an organized manner.

SEC. 3. *Definition of Terms.* - As used in this Act, the following terms shall be defined as follows:

a.) Food is nourishment that includes solid, liquid and semi-liquid - nourishment, as well as drinking water;

b.) Hunger is starvation, which is not having not enough food of any sort to eat, to undernourishment, 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 sufficient food, corresponding to the cultural traditions of the people to which he or she belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life, free of fear;

d.) Vulnerable groups are particularly disadvantaged including but not limited to indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities, individuals living with HIV/AIDS, refugees and internally displaced people,

women and children.

SEC. 4. *Conditions for the Exercise of the Right to Adequate Food.* - Every person has the right to live in conditions that will enable him or her to:

a.) either feed himself or herself directly from productive land or other natural resources, or rely on well-functioning distribution, processing and market systems or both;

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

c.) 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.) 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.) access foods or diets that are the most appropriate under given circumstances, in terms of their nutritional value and cultural acceptability. There shall be no limitation on the right to adequate food, unless it is provided by law, is necessary for the purpose of a compelling public interest and is compatible with the nature of the right to adequate food.

SEC. 5. *Freedom from Hunger.* Every person has a right to be free from hunger. Every person suffering from hunger or undernourishment, or at risk of suffering from hunger or undernourishment, is entitled to a minimum amount of food according to his or her age, sex, health status and occupation, as provided for under Section 16 of this Act.

SEC. 6. *Non-Discrimination.* Any distinction, exclusion or restriction made on the basis of race, color, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status, which has the effect or purpose of impairing or limiting the capacity of an individual to exercise his or her right to adequate food, is unlawful and will be sanctioned in accordance with the law.

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

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

SEC. 7. *Targets.* - The Government shall ensure that in two and a half years

(2 ½), the incidence of hunger will be reduced, from the level current at the time of the passage of the Food Security Framework Act, by 25%, in five (5) years, it will be further reduced by 25%; in seven and a half (7½) years, it will be further reduced by 25%; and in ten (10) years, zero (0) hunger will be achieved.

The Government shall also ensure that in ten (10) years, land devoted to food production will be increased to 50% of all prime agricultural land in every region.

Periodic reviews shall be undertaken to ensure compliance with set targets. In the implementation of this Food Security Framework Act priority shall be given to identified areas with chronically malnourished individuals and in determining the incidence thereof, the data from the National Nutrition Surveys (NNS); the Survey of Hunger Incidence in the Philippines (SHIP); and the household surveys of the Philippine Statistics Authority (PSA) namely the Family Income and Expenditure Survey (FIES) and the Annual Poverty Indicators Survey (APIS) shall be the primary source.

SEC. 8. *Impact Assessment* - All proposed government actions and any strategic intervention, plans and projects including any development plan shall take into account the right to adequate and food security and will undergo an objective impact assessment prior to its adoption and implementation.

SEC 9. *Food Security Framework Authority; its Composition.* - There is hereby created an Adequate Food Security Authority (AFSA) attached to the Department of Agriculture (DA).

SEC. 10. *Composition; Qualifications; Salary* - It shall be composed of a Chairperson and two (2) members who shall be appointed by the President for a term of seven (7) years without reappointment. Their reappointment to any vacancy will be only for the unexpired term of their predecessor of those first, appointed, the Chairperson will hold for seven (7) years; a Commissioner for five (5) years and another Commissioner for three (3) years without reappointment. In no case shall any Member be appointed or designated in a temporary capacity.

The Chairperson and the Members of the Authority shall be natural born citizens; at least thirty five (35) years of age at the time of their appointment and at least one of them shall be a member of the Philippine Bar.

The Chairperson and the Members of the Authority shall receive the same salary and benefits as the Chairperson and Members, respectively of the Constitutional Commissions, which shall not be increased or decreased during their term of office.

SEC. 11. *Prohibition against Holding any Other Offices.* The Chairman and Members of the Authority shall not hold any other office or employment during their tenure. They shall not, during their tenure, engage in the practice or 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 corporation or their subdivisions.

SEC. 12. *Powers and Functions of the Authority.* – The following are the powers and functions of the Adequate Food Security Authority:

a.) Receive complaints on violations which will undermine adequate food security from individuals and groups which will include violations of RA 6657 (Comprehensive Agrarian Reform Law); R.A. No.8435 (Agricultural and Fisheries Modernization Act); R.A. No. 8550 (Philippine Fisheries Code) R.A. No. 7607 (Magna Carta for Small Farmers); R.A. No. 7884 (National Dairy Act); R.A. No. 7900 (High Value Crops Act); R.A. No. 8178 (Agricultural Tariffication Act); R.A. No. 7308 (Seed Industry Development Act); R.A. No. 9168 (Plant Variety Protection Act); R.A. No. 7581 (Price Act); R.A. No. 71 (Price Tag Law); R.A. No. 7900 (High Value Crops Development Act) R.A. No. 8550 (Philippine Fisheries Code); E.O. No. 51 (Milk Code); and R.A. No. 8976 (Philippine Food Fortification Act);

b.) Investigate, *motu proprio*, or on complaint by any party, all forms of violations of the right to adequate food;

c.) Adopt operational guidelines and rules of procedure and cite for contempt for their violation, in accordance with the Rules of Court;

d.) Provide appropriate legal measures for the protection of the right to adequate food security of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose right to adequate food has been violated or needs protection;

e.) Establish a continuing program of research, education and information to enhance respect for the primacy of the right to adequate food;

f.) Recommend to Congress effective measures to promote the right to adequate food, to harmonize existing laws affecting the right to adequate food, to ensure their complementation and the availability of remedies for violations of the right to adequate food;

g.) Monitor the Philippine Government's compliance with its obligations in regard to the right to adequate food;

h.) Request the assistance of any department, bureau, office or agency in the performance of its 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 Adequate Food Security Authority

shall:

1. Apply the alternative Dispute Resolutions principles as declared under this Act;

2. Work in close cooperation with social services departments and quasi-judicial agencies;

3.. Use to the fullest extent possible the services, facilities and information, including statistical information, of the relevant public and private bodies and organizations, to prevent duplication of efforts and expenses.

SEC. 13. *Institutional Responsibilities.* - In implementing the Adequate Food Security Framework Act, the Adequate Food Security Framework Authority may call out other agencies to ensure the right to adequate food. In the implementation of the right to adequate food, the Department of Agriculture (DA) will have the primary duty to ensure food availability, stability and adequacy; the Department of Health (DOH) will have the primary duty to ensure food quality and safety; the Department of Trade and Industry (DTI) will have the primary duty to ensure physical and economic access to food; and the Department of Public Works and Highways (DPWH) will have the primary duty to ensure well-functioning distribution, processing and market systems.

SEC. 14. *Inter-Agency Council On the Right to Adequate Food.* - To facilitate interagency cooperation, there shall be created an Inter-Agency Council on the Food Security Framework, which will be headed by the Chairperson of the Adequate Food Security Authority (AFSA) which will be composed of the following additional agencies:

- a.) Department of Agriculture (DA);
- b.) Department of Agrarian Reform (DAR);
- c.) Department of Health (DOH).
- d.) Department of Trade and Industry (DTI);
- e.) Department of Public Works and Highways (DPWH);
- f.) Department of Environment and Natural Resources (DENR);
- g.) Department of Energy (DOE);
- h.) Department of Social Welfare and Development (DSWD)
- i.) National Economic and Development Authority (NEDA);
- j.) National Anti-Poverty Commission (NAPC);
- k.) NDCC
- l.) Philippine News Agency (PNA);
- m.) Philippine Information Agency (PIA);
- n.) Two (2) representatives of concerned people's organizations; and
- o.) Two (2) representatives of non-government organizations.

SEC. 15. *Powers and Functions of the Inter-Agency Council on the Adequate Food Security Act.* - The Council members shall formulate programs and projects to provide strategic interventions with respect to the full implementation and protection

of adequate food security. The Council shall also serve as the monitoring body in regard to the right to adequate food initiatives.

The government agencies which are members of the council may designate their respective duly authorized representatives with the rank of Assistant Secretary or its equivalent. The council members who are representatives of people's organizations and non-governmental organizations will be chosen by the Authority on the Food Security Framework from a list of nominees provided by the people's organizations and non-governmental organizations engaged in the promotion of the right to adequate food. These members shall attend council meetings, and will receive emoluments as may be determined by the council, in accordance with existing budget and accounting rules and regulations.

SEC. 16. *Minimum Amount of Food.* - The Authority on the Food Security Framework, in coordination with the Department of Social Welfare and Development (DSWD), shall ensure regular, reliable and timely delivery of a minimum amount of food which is the exact quantity of calories, proteins and micronutrients corresponding to age, sex, health status or occupation of a person pursuant to a certification procedure, or the means for its procurement, to persons who are suffering from hunger or undernourishment, or are at the risk from suffering from hunger or undernourishment, but who cannot take care of their own needs, due to reasons beyond their control, including, but not limited to, children whose parents die or disappear, or otherwise no longer capable of taking care of them, elderly, and persons with disabilities.

There shall be a fair, independent and accessible recourse procedure to the Food Security Framework Authority on the Right to Adequate Food for complaints and appropriate remedies in case of a determined violation of the right to adequate food for purposes of monitoring and evaluation, the DS WD shall report to the Authority to Food Security Framework on a regular basis. Specific support measures shall be designed and implemented to prevent or compensate for disadvantages that identified vulnerable groups suffer from, in regard to the enjoyment of their right to adequate food, subject to review by the Authority on the Right to Adequate Food Security Framework and where necessary, will give further guidance, so as to ensure that all groups are covered appropriately.

SEC; 17, *Emergencies.* - During emergency situations, the Authority on the Right to Food Security Framework in coordination with the National Disaster Coordinating Council shall:

a.) Organize and manage early warning preparedness for a crisis as well as comply with international standards on the right to adequate food;

b.) Prepare adequate food responses based on international standards during emergencies:

c.) Request for international assistance when necessary, alongside supervising and coordinating the distribution of food received.

SEC. 18. *Information.* - All government agencies, under the direction of the Authority on the Right to Adequate Food Security Framework, in coordination with the PNA and the PIA shall:

a.) Inform the public about the rights established in this framework act together with its implementing rules and regulations and the measures taken for the purpose of facilitating and promoting the realization of the right to adequate food.

b.) Use the most appropriate ways of information dissemination so as to reach out to the most marginalized areas of the population with high rate of illiteracy.

SEC. 19. *Education and Awareness Raising Campaign.* - The Authority on the Right to Adequate Food Security Framework in coordination with the Department of Education (DepEd), the Commission on Higher Education (CHED) and the Technical Education Skills Development Authority (TESDA) shall:

a.) Include in the school curriculum materials related to food and nutrition education, the right to adequate food, and human rights principles.

b.) Adult education and training programs, when relevant, include materials related to food and nutrition, the right to adequate food, and human rights principles.

SEC. 20. *International Cooperation.* - The Authority on the Food Security Framework, in coordination with the CHR and the Department of Foreign Affairs (DFA) shall:

a.) Ensure that activities undertaken in other countries, including those by private actors, shall 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.

SEC. 21. *Monitoring System.* There shall be an integrated monitoring system in which all government agencies at all levels, under the supervision of the Authority on the Food Security Framework shall:

a.) Collect data related to food and nutrition security, using monitoring procedures consistent with human right 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 an early warning mechanism.

SEC. 22. *Representation and Participation of People's Organizations and Civil Society.* - To ensure public participation, the Authority on the Food Security

Framework shall:

a.) Provide free and meaningful participation, including freedom of information and freedom of association;

b.) Conduct consultations on specific areas of implementation of this Act;

c.) Ensure in national public hearings every two (2) years at which the Government is required to report on the progress of the implementation of this Act and the progressive realization of the right to adequate food security.

SEC. 23. *Penal Provisions.* —The penalty of *prision mayor* shall be imposed on any public or private person who deliberately starves or denies access to food to any particular individual or group, through the commission of any of the following acts:

a.) Food blockade or the willful effort to cut off supplies from a particular area by force either partially or totally;

b.) Refusal to implement a food-related program;

c.) Discrimination in implementing a food-related program;

d.) Negligence in implementing food-related programs resulting to death;

e.) Obstructing access to food in time of calamity or war;

f.) Theft, corruption or black marketeering of food being given as a 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.

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

SEC. 24. *Civil and Administrative Liabilities.* - Any public officer or employee who directly or indirectly obstructs, defeats, violates or in any manner impairs any person's rights guaranteed under this act, shall be held liable for damages.

SEC. 25. *Appropriations.* - There shall be authorized to be appropriated such amounts as necessary to carry out the provisions of this Act. Afterwards, such sums as may be necessary for the implementation of this Act shall be included in the

General Appropriations Act.

SEC. 26. *Implementing Rules and Regulations.* The DA, in coordination with the DAR, DSWD, DOLE DTI, DPWH, NEDA, NAPC, NDCC, PIA and with the participation of people's organizations and human rights non-governmental organizations, shall issue the necessary rules and regulations to implement the provisions of this Act within sixty (60) days from its effectivity.

SEC. 27. *Separability Clause.* - If any provisions or part hereof, is held, invalid or unconstitutional, the remainder of the law not otherwise affected shall remain valid.

SEC. 28. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 29. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,