

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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1532



Introduced by Hon. Jericho Jonas B. Nograles

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 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.


HON. JERICO JONAS E. NOGRALES

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AN ACT
PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD,
AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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
2 Food Framework Act.”

3 **SEC. 2. Declaration of Policy.** – Consistent with the principles enshrined in
4 the Constitution as well as the provisions of the International Covenant on Economic,
5 Social and Cultural Rights, Convention on the Rights of the Child, and the Convention
6 on the Elimination of All Forms of Discrimination Against Women, to which the
7 Philippines is a State Party, it is hereby declared the policy of the State to guarantee
8 the right to adequate food.

9 Adequate food is not a matter of charity, but a legal entitlement. Hunger is
10 inconsistent with human dignity and human rights, and must be eliminated. The State
11 shall provide for a framework to address and eliminate hunger in an organized manner.

12 **SEC. 3. Definitions.** – As used in this Act:

13 a. *Food* refers to solid, liquid and semi-liquid nourishment, as well as drinking
14 water, and when taken into the body serves to nourish, build and repair tissues, supply
15 energy, or regulate body processes;

16 b. *Food blockade* refers to an act of cutting off food supplies from a particular
17 area by force, either in part or totally;

18 c. *Food emergency* refers to a situation in which access to food is endangered,
19 as that caused by natural events like drought, floods, storms, earthquakes, or crop

1 failures resulting from pests or diseases; or by human agency such as internal or
2 international armed conflict;

3 d. *Hunger* refers to a condition in which people do not get enough food to eat
4 to provide the necessary nutrients for fully productive, active and healthy living due to
5 the unavailability and inaccessibility of food. It can be acute, such as during a major
6 disaster when food supply channels are cut, or chronic, when people are regularly not
7 getting enough food to conduct an active life for a long time;

8 It is also a condition of starvation, which is not having enough food of any sort
9 to eat, or undernourishment, which is having enough food to eat, but of inadequate
10 quality.

11 e. *Right to adequate food* refers to the right to have regular, permanent and
12 unrestricted access, either directly or by means of financial purchases, to
13 quantitatively and qualitatively adequate, sufficient and safe food, corresponding to
14 the cultural traditions of the people to which a consumer belongs, and which ensure
15 physical and mental, individual and collective, fulfilling and dignified life, free of fear;

16 f. *Vulnerable groups* refer to those who are particularly disadvantaged. These
17 include indigenous peoples, ethnic, linguistic or religious minorities, persons with
18 disabilities, persons living with Human Immunodeficiency Virus (HIV) or Acquired
19 Immune Deficiency Syndrome (AIDS), refugees and internally displaced people,
20 elderly, women, including pregnant and lactating mothers and children, particularly
21 those from zero to twenty-three (23) months of age.

22 **SEC. 4. Normative Content.** – The right to adequate food is realized when
23 every man, woman and child, alone or in community with others, have physical and
24 economic access at all times to adequate food, or means for its procurement. The right
25 to adequate food must not be interpreted in a narrow or restrictive sense, which
26 equates it with a minimum package of calories, proteins and other specific nutrients.
27 The right to adequate food must be realized progressively. However, States have the
28 core obligation to take the necessary action to mitigate and alleviate hunger, even in
29 times of natural or other disasters. The right to be free from hunger ensures a minimum
30 daily nutritional intake and the bare survival of a person. The right to adequate food
31 goes beyond freedom from hunger. Central to the realization of the right to adequate
32 food is an adequacy standard in terms of quality, quantity and cultural acceptability,
33 sustainability of food availability and access.

1 a. The *concept of adequacy* is particularly significant since it underlines a
2 number of factors which must be taken into account in determining whether particular
3 foods or diets that are accessible can be considered the most appropriate under given
4 circumstances. The notion of sustainability is intrinsically linked to the notion of
5 adequate food or food security, implying that food must be accessible to both present
6 and future generations. The precise meaning of adequacy is to a large extent
7 determined by prevailing social, economic, cultural, climatic, ecological and other
8 conditions, while sustainability incorporates the notion of long-term availability and
9 accessibility.

10 b. The *core content of the right to adequate food* implies:

11 1) the availability of food in a quantity and quality sufficient to satisfy
12 the dietary needs of individuals, free from adverse substances, and acceptable
13 within a given culture;

14 2) the accessibility of such food in ways that are sustainable, and do
15 not interfere with the enjoyment of other human rights.

16 c. *Dietary needs* refer to the diet as a whole that contains a mix of nutrients
17 for physical and mental growth, development and maintenance, and physical activity,
18 that are in compliance with human physiological needs at all stages throughout the life
19 cycle, and according to gender and occupation. Measures therefore need to be taken
20 to maintain, adapt or strengthen dietary diversity and appropriate consumption and
21 feeding patterns, including optimal breast-feeding, as well as to ensure that changes
22 in availability and access to food supply as a minimum do not negatively affect dietary
23 composition and intake.

24 d. *Freedom from adverse substances* refers to the requirements for food
25 safety and for a range of protective measures by both public and private means to
26 prevent contamination of foodstuff through adulteration, or through bad environmental
27 hygiene, or inappropriate handling at different stages throughout the food chain. Care
28 must also be taken to identify and avoid or destroy naturally occurring toxins.

29 e. *Cultural or consumer acceptability* refers to the need to take into account,
30 as far as possible, perceived non nutrient-based values attached to food and food
31 consumption and informed consumer concerns regarding the nature of accessible
32 food supplies.

33 f. The *concept of availability* refers to the possibilities either for feeding
34 oneself directly from productive land or other natural resources, or for well-functioning

1 distribution, processing and market systems that can move food from the site of
2 production to where it is needed in accordance with demand.

3 g. *Accessibility* refers to economic and physical accessibility:

4 (1) *Economic accessibility* means personal or household financial
5 costs associated with the acquisition of food for an adequate diet should be at
6 a level such that the attainment and satisfaction of other basic needs are not
7 threatened, or compromised. Economic accessibility applies to any acquisition
8 pattern or entitlement through which people procure their food, and is a
9 measure of the extent to which it is satisfactory for the enjoyment of the right to
10 adequate food. Socially vulnerable groups such as landless persons and other
11 particularly impoverished segments of the population may need attention
12 through special programs.

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

22 **SEC. 5. Conditions for the Exercise of the Right to Adequate Food.** – Every
23 person has the right to live in conditions that will enable the person:

- 24 a. to feed directly from productive land or other natural resources; or rely
25 on well-functioning food distribution, processing and market systems, or both;
- 26 b. to financially acquire a sufficient quantity and quality of food and to
27 satisfy other basic needs;
- 28 c. to be safe from the risk of losing access to food, as a consequence of
29 sudden shocks, like an economic or climatic crisis, or one that is brought about by
30 internal displacements of people, or cyclical events, such as seasonal food insecurity;
- 31 d. to have the opportunity of good food utilization through access to
32 adequate diet, clean water, sanitation and health care and to reach a state of
33 nutritional well-being, where all physiological needs are met; and

1 e. to access food or diet that is the most appropriate under given
2 circumstances, in terms of their nutritional value and cultural acceptability.

3 Every infant, girl and boy has a right to adequate food and to optimal health,
4 development and nutrition adequate for their age, growth and development.

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

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

10 **SEC. 6. *Freedom from hunger.*** – Every person has a right to be free from
11 hunger. Every person suffering from hunger or under nutrition, or at risk of suffering
12 from hunger or under nutrition is entitled to a minimum amount of food according to
13 one's age, sex, health status and occupation, as provided for in Section 13 of this Act.

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

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

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

26 **SEC. 8. *Principles.*** – The principles upon which the provisions of this Act are
27 founded are:

28 a. *Participation* – People should be able to determine their own well-being
29 and participate in the planning, design, monitoring and evaluation of decisions
30 affecting them. Individuals are able to take part in the conduct of public affairs,
31 including the adoption and implementation of State policies. Such participation is
32 active, free and meaningful, whether it is exercised directly or through intermediary
33 organizations representing specific interests. It is supported by capacity-building and
34 appropriate integrative mechanisms where necessary.

1 b. *Accountability* – Public officials are answerable to their superiors and to
2 the people they serve. Application of the principle of accountability in the context of
3 the right to adequate food framework under this Act requires clear assignment of
4 responsibilities and functions to public authorities for the implementation and
5 compliance with the framework and any subsequent measures to be taken. In addition,
6 the expected results are spelled out clearly and appropriate procedures are
7 established.

8 c. *Non-discrimination* – The protection for human rights must be objectively
9 and reasonably be the same for everybody, irrespective of sex, age, race, color,
10 religion or any other ground. In addition to specifically prohibiting discrimination on any
11 ground, this principle requires specific measures aimed at correcting *de facto*
12 discrimination or eliminating conditions that cause or help to perpetuate discrimination,
13 as well as measures promoting equality. In the context of this Act, it means paying
14 particular attention to those groups that cannot enjoy their rights as fully as others.

15 d. *Transparency* – The public should be given free and open access to
16 timely and reliable information on the decisions and performance of public authorities.
17 Holders of public office are as open as possible about all their decisions and actions
18 that may affect the free exercise of the right to adequate food. Applying the principle
19 of transparency within the context of this Act means that people are provided with
20 essential information about the decision-making process and those accountable and
21 responsible for it. The people also have the power to demand information on the
22 processes that feed into the achievement of the particular entitlement, which provide
23 an easy and low-cost corrective check to malfeasance.

24 e. *Human dignity* –Persons have absolute and inherent worth, simply
25 because they are humans, and not by virtue of any social status or a particular power.
26 This Act recognizes in an unequivocal form that every person has a right to adequate
27 food. To comply with this principle in the implementation of this Act, the State, through
28 its public officials, must treat persons equally and respect their human worth and
29 dignity.

30 f. *Empowerment* – The people have the power, capacity, capability and
31 access means to improve their own lives, including the power to seek from the State
32 remedies for violations of their human rights. This principle is the logical consequence
33 of all the preceding principles. In the context of this Act, empowerment entails specific

1 provisions for awareness-raising, capacity-building and education on the right to
2 adequate food.

3 g. *Rule of law* – Government authority is legitimately exercised only in
4 accordance with written, publicly disclosed and accessible laws adopted and enforced
5 in conformity with established procedures. The principle is intended as a safeguard
6 against arbitrary use of State authority and lawless acts of both organizations and
7 individuals. Rules and regulations to be adopted for ensuring the implementation of
8 this Act shall be clear, fair and accessible. The rule of law also means that no person
9 or body can breach the law with impunity. There is access to justice including the right
10 to an effective remedy for anyone whose rights are violated, as well as the guarantee
11 of due process in all legal proceedings.

12 **SEC. 9. Governmental obligations.** – The State has the duty to respect,
13 protect and fulfill the right to adequate food.

14 a. *Respect* – the State has the obligation not to interfere with or impair the
15 enjoyment of the right to adequate food. No public authority may deprive any person
16 of food or means for its procurement, apply laws and regulations, or pursue a policy
17 or practice, in a way that could result in preventing the enjoyment of or infringing the
18 human right to adequate food, or repeal formally or suspend legislation necessary for
19 the continued enjoyment of the right to adequate food.

20 b. *Protect* – the State has the duty to provide guarantees against threats
21 and risks stemming from private actors or societal forces that are controllable by State
22 action. It is bound to take preventive measures necessary to protect persons whose
23 capacities to access sufficient and adequate food or means for its procurement are
24 endangered by the acts of others. It also must review the relevant administrative and
25 legislative framework ensuring that activities within their competence undertaken by
26 private actors do not infringe on the right to adequate food of others.

27 c. *Fulfill* – the State has the power to facilitate the enjoyment of the right to
28 adequate food by adopting or pursuing appropriate policies and measures that
29 promote the human right to adequate food and to create and maintain conditions under
30 which every person can freely and regularly enjoy the right to adequate food. It is
31 equally the duty of the State to provide for right to adequate food, by adopting and
32 putting in place measures to provide food, or means for its procurement, to persons
33 who cannot take care of their own needs due to reasons beyond their control, in

1 particular for children whose parents die, disappear or otherwise no longer take care
2 of them.

3 **SEC. 10. Targets.** – The State shall ensure that in two and a half years after
4 the effectivity of this Act the incidence of hunger will be reduced by twenty-five percent
5 (25%), from the level recorded at the time of the passage of this Act: *Provided, That*
6 five (5) years after the effectivity of this Act such incidence of hunger will be further
7 reduced by twenty-five percent (25%): *Provided, further, That* in seven and a half (7
8 ½) years, it will be further reduced by twenty-five percent (25%): *Provided, finally, That*
9 in ten (10) years there shall be a zero incidence of hunger.

10 The State shall also ensure that within ten (10) years from the effectivity of this
11 Act, land devoted to food production will be increased to fifty percent (50%) of all prime
12 agricultural land in every region, and, within the same period, the State shall ensure
13 that the following indicators will considerably and steadily increase:

- 14 a. Percentage of development of ancestral lands;
- 15 b. Percentage of rural population with access to productive resources;
- 16 c. Share of budget spent on programs aimed at creating access to
17 productive resources;
- 18 d. Percentage of budget spent on agri-research, agri-extension, irrigation,
19 training, technology, credits and rural development;
- 20 e. Percentage of rural female-headed households, or rural women, with
21 legal title to agriculture lands;
- 22 f. Percentage of public budget allocation for social transfer programs to
23 those unable to feed themselves;
- 24 g. Coverage of marginalized and disadvantaged population taking part in
25 social transfer programs;
- 26 h. Percentage of marginalized and disadvantaged population covered by a
27 public nutrition supplement program;
- 28 i. Percentage of population aware of available food and nutrition
29 programs; and
- 30 j. Coverage of school feeding programs.

31 The percentages of the foregoing indicators shall also be stipulated in the
32 implementing rules and regulations of this Act.

33 Periodic reviews will be undertaken to ensure compliance with set targets. In
34 the implementation of this Act, priority will be given to identify areas with chronically

malnourished population. In measuring the incidence of hunger, the key primary data sources will include national nutrition surveys, household surveys of the Philippine Statistics Authority (PSA), namely the Family Income and Expenditure Survey and the Annual Poverty Indicators Survey, and global hunger indices as benchmarks.

SEC. 11. *Institutional Responsibilities.* – The following agencies of the government are required to fulfil their respective mandates in a manner that will ensure full implementation of the primary objectives of this Act:

- a. Department of Agriculture (DA);
- b. Department of Agrarian Reform (DAR);
- c. Department of Education (DepEd);
- d. Department of Environment and Natural Resources (DENR);
- e. Department of Health (DOH);
- f. Department of Interior and Local Government (DILG);
- g. Department of Justice (DOJ);
- h. Department of Labor and Employment (DOLE);
- i. Department of Public Works and Highways (DPWH);
- j. Department of Social Welfare and Development (DSWD);
- k. Department of Science and Technology (DOST);
- l. Department of Trade and Industry (DTI);
- m. Department of Budget and Management (DBM);
- n. Department of Transportation (DOTr);
- o. Department of Information and Communications Technology (DICT);
- p. Commission on Human Rights (CHR);
- q. Food and Nutrition Research Institute (FNRI);
- r. National Anti-Poverty Commission (NAPC);
- s. National Economic Development Authority (NEDA);
- t. National Food Authority (NFA);
- u. National Nutrition Council (NNC);
- v. Technical Education And Skills Development Authority (TESDA); and
- w. other agencies and instrumentalities of the government whose functions are necessary for the efficient and effective implementation of the right to adequate food.

In addition, the development of a fully-integrated whole of government approach to implement the national policy governing the right to adequate food and

1 the use of a human-rights based approach for the establishment and implementation
2 of the national policy must be institutionalized.

3 **SEC. 12. Commission on the Right to Adequate Food.** – There is hereby
4 created a Commission on the Right to Adequate Food, hereinafter referred to as the
5 Commission, which shall be attached to the Office of the President.

6 The Commission shall be the primary policy-making and coordinating body to
7 guarantee the implementation and full exercise of the right to adequate food. It shall
8 exercise monitoring and oversight functions, apply human rights principles, conduct
9 objective impact assessment on all government policies, programs and projects prior
10 to adoption and implementation, work in close cooperation with civil society
11 organizations and use all available resources of the government and private bodies or
12 organizations for the efficient and effective implementation of this Act. It shall formulate
13 a national food policy and implement programs of action to eradicate hunger, in
14 coordination with relevant government agencies and in consultations with civil society
15 organizations and the private sector.

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

17 a. Establish a National Food Policy and a continuing program of research,
18 education and information to enhance respect for the primacy of the right to adequate
19 food;

20 b. Adopt operational guidelines and rules of procedure, in relation to the
21 National Food Policy

22 c. Recommend to Congress effective measures to promote the right to
23 adequate food, to harmonize existing laws affecting the right to adequate food, to
24 ensure their complementation, and the availability of remedies for violations and
25 compensation to victims of violations of the right to adequate food;

26 d. Provide appropriate legal measures for the protection of the right to
27 adequate food of all persons within the Philippines, as well as Philippine citizens
28 residing abroad, and provide for preventive measures and legal aid services to the
29 under-privileged whose right to adequate food has been violated or needs protection;

30 e. Receive complaints of violations of the right to adequate food from
31 individuals and groups; and cite for contempt for their violation, in accordance with the
32 Rules of Court.

33 f. Investigate, *motu proprio*, or upon complaint by any party, all forms of
34 violations of the right to adequate food;

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

3 h. Request the assistance of any department, bureau, office or agency in
4 the performance of its functions;

5 i. Appoint officers and employees in accordance with law; and

6 j. Perform such other duties and functions as may be provided by law.

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

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

19 The Chairperson and the Members of the Commission shall be appointed by
20 the President and shall not be reappointed to another term. From among the
21 Members, one shall serve as the Chairperson and shall hold office for ten (10) years,
22 another Member shall be appointed as Commissioner for seven (7) years, and another
23 shall be appointed Commissioner and shall serve for five (5) years, without
24 reappointment. A Member who shall be appointed to fill a vacancy shall serve only the
25 unexpired portion of the term of the predecessor. In no case will any Member be
26 appointed or designated in a temporary or acting capacity.

27 The Chairperson and the Members of the Commission shall receive the same
28 salary, benefits, privileges and emoluments of a Cabinet Secretary and
29 Undersecretary, respectively.

30 **SEC. 13. *Standards on the Amount of Food.*** – The DSWD, in coordination
31 with the local government units (LGUS) concerned, shall ensure regular, reliable and
32 timely delivery of a minimum amount of food to any person who is suffering or is at
33 risk from hunger or under nutrition. In consultations with the DSWD, DILG, NNC and
34 the DOH, the Commission shall specify the scope of the minimum amount of food

entitlement for each individual, determine the exact quantity of calories, proteins and micronutrients to which the minimum amount of food will correspond according to the age, sex, health status and occupation of a person. In addition, the Commission shall formulate a simple and accessible application or certification procedure for the minimum amount of food entitlement and transparent, fair and non-discriminatory eligibility or certification criteria.

There shall likewise be established fair, independent and accessible recourse procedures to the Commission for complaints and appropriate remedies in case of a determined violation of the right to adequate food. For its part, the DSWD shall establish an appropriate monitoring and evaluation mechanism and report to the Commission on the right to food on a regular basis. The annual national appropriations law shall include a specific item allocating resources necessary for the implementation of the right to adequate food.

Specific support measures, particularly needed by (a) physiologically vulnerable persons, such as persons suffering from HIV/ AIDS and their families, children, pregnant women and lactating mothers, disabled persons, persons suffering from sickness or elderly; (b) geographically disadvantaged persons, such as persons living in remote and isolated, very poor or underdeveloped areas, and (c) economically vulnerable persons, such as landless people, street children, urban poor or unemployed persons, and indigenous peoples who are also identified as vulnerable groups, will be designed and adopted to prevent or compensate for disadvantages that they suffer from, in regard to the enjoyment of their right to adequate food. The Commission shall review such proposed specific support measures and, where necessary, give further guidance to ensure that all identified vulnerable groups are covered appropriately. The Commission shall adopt and develop specific support measures that are in accordance with right to food standards and human rights principles.

SEC. 14. *Emergencies.* – The Commission on the Right to Adequate Food, in coordination with the National Disaster Risk Reduction and Management Council (NDRRMC) will have the duty to ensure that:

a. food emergency responses sufficiently cover both early warning responses and disaster preparedness in case of a crisis; and food responses are organized and managed efficiently and effectively, and are compliant with the right to adequate food and relevant international standards.

1 b. food supply responses are compatible with the right to adequate food
2 and international standards regulating emergencies.

3 c. requests for international assistance are initiated in case of necessity
4 and distribution of food to intended recipients is properly supervised and coordinated.

5 **SEC 15. Information Dissemination.** – All government agencies, under the
6 direction of the Commission on the Right to Adequate Food, in coordination with the
7 Philippine News Agency (PNA) and Philippine Information Agency (PIA), are
8 mandated to:

9 a. Inform the population about the rights established in this Act and the
10 implementing rules and regulations adopted upon its entry into force, as well as about
11 any other measure taken for the purpose of facilitating and promoting the realization
12 of the right to adequate food.

13 b. Use the most appropriate ways and methods of disseminating
14 information by providing information through all media forms, and in local languages,
15 notably in the most marginalized areas and among populations with a high rate of
16 illiteracy.

17 **SEC. 16. Education and Awareness Program.** – The Commission on the
18 Right to Adequate Food, in coordination with the DepEd, Commission on Higher
19 Education (CHED) and TESDA, shall ensure that:

20 a. the school curriculum includes material related to food and nutrition
21 education, the right to adequate food and human rights principles.

22 b. relevant adult education and training programs shall include materials
23 related to food and nutrition, the right to adequate food and human rights principles.

24 **SEC.17. International Cooperation.** – The Commission on the Right to
25 Adequate Food, in coordination with the CHR and the Department of Foreign Affairs
26 (DFA), shall:

27 a. ensure that activities undertaken in other countries, including those by
28 private actors, do not infringe on the enjoyment of the right to adequate food by people
29 in the concerned countries, in coordination with DA, DTI, DOH and NEDA and other
30 relevant agencies;

31 b. promote international cooperation and provide assistance to ensure the
32 realization of the right to adequate food in other countries, if in a position to do so; and

33 c. ensure that international and other agreements which the Philippine
34 Government enters into, take into account the guarantee on the right to food.

1 **SEC. 18. Monitoring and Evaluation System.** – There shall be an integrated
2 monitoring system that shall ensure that all government agencies at all levels, under
3 the supervision of the Commission on the Right to Adequate Food, shall:

4 a. Collect data related to food and nutrition security, using monitoring
5 methodologies and processes consistent with human rights principles as established
6 by this Act;

7 b. Disaggregate collected data by age, sex, income, bracket, civil status
8 and ethnicity;

9 c. Monitor progress achieved in the realization of the right to adequate
10 food; and

11 d. Establish or identify an early warning mechanism for food supply
12 shortages and emergencies.

13 **SEC. 19. Representation and Participation of People's Organizations and**
14 **Civil Society.** – To guarantee public participation, the Commission on the Right to
15 Adequate Food shall ensure that:

16 a. All persons can freely and meaningfully participate in all forms of public
17 discourse, as well as access information and exercise freedom of association, in
18 relation to the formulation and implementation of policies pertaining to the right to
19 adequate food;

20 b. Civil society and other stakeholders actively participate in the institutions
21 that oversee the realization of the right to adequate food, as well as in formulating
22 capacity building mechanisms and special measures for disadvantaged groups;

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

26 **SEC. 20. Penal Provisions.** – The penalty of *prision correccional* shall be
27 imposed on any public or private actor who causes the starvation or denial of the
28 access to food of any particular individual or group, as through the commission of any
29 of the following acts:

30 a. blockade;

31 b. refusal to implement a food-related program;

32 c. discrimination in implementing a food-related program;

33 d. negligence in implementing food-related programs, resulting in death;

34 e. obstructing access to food in time of calamity or war;

1 f. theft, corruption or black marketeering of food being given as
2 humanitarian aid, in times of calamity or war;

3 g. distribution of expired, or unsafe food at a school feeding program or
4 other feeding program, in times of calamity or war;

5 h. contamination of food or water sources, through mining activities, aerial
6 spraying of plantations, or any other similar means; and

7 i. other analogous acts.

8 *Provided That*, the penalty is imposable without prejudice to any other criminal,
9 civil or administrative liability under Philippine law; *Provided Further*, That if the act
10 committed is food blockade during armed conflict, the penalty imposable shall be
11 without prejudice to the application of Republic Act No. 9851, or the "Philippine Act on
12 Crimes against International Humanitarian Law, Genocide and Other Crimes against
13 Humanity," and other relevant laws.

14 **SEC. 21. Civil and Administrative Liabilities.** – Any public officer or employee
15 who directly or indirectly obstructs, defeats, violates or in any manner impedes or
16 impairs any of a person's rights guaranteed under this Act, will be liable for damages.
17 Any violation of a provision of this Act, whether committed by public or private actors,
18 will similarly give rise to liability for damages.

19 It is hereby declared a ministerial duty on the part of the Government to ensure
20 the enjoyment of the rights guaranteed in this Act and to perform the duties provided
21 for in this Act. Appropriate cases may be filed before the courts to compel compliance
22 with the provisions of this Act. These cases shall be without prejudice to liability for
23 damages, as well as administrative liability that may be incurred.

24 **SEC. 22. Appropriations.** – There will be an allocation in the annual budget
25 specifically for the purposes of the implementation of the right to adequate food, in
26 accordance with priorities set by the Commission on the Right to Adequate Food. The
27 allocation will be aimed at the progressive realization of the right to adequate food over
28 the long term.

29 **SEC. 23. Implementing Rules and Regulations.** – The Commission on the
30 Right to Adequate Food shall issue the necessary rules and regulations to implement
31 the provisions of this Act within sixty (60) days from its effectivity. In the formulation
32 of these rules and regulations, the Commission shall take the lead and shall coordinate
33 with the CHR, DA, DAR, DSWD, DOH, DTI, DPWH, NEDA, NNC and NAPC, and with

1 the active participation of people's organizations and human rights nongovernmental
2 organizations.

3 **SEC. 24. *Rationalization of policies.*** – All existing policies, laws, decrees,
4 executive orders, memorandum orders, memorandum circulars, administrative orders,
5 and ordinances shall be rationalized and interpreted in a way that will guarantee the
6 realization of the right to adequate food as provided for by this Act.

7 Concerned cabinet secretaries and other executive authorities will report on a
8 regular basis to the Commission on the Right to Adequate Food on legislative and
9 regulatory measures that have been formulated and adopted, and the time frames
10 within which they are envisaged to achieve their objectives in order to achieve zero
11 hunger.

12 **SEC. 25. *Separability Clause.*** – If any part or provision of this Act is declared
13 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
14 remain in full force and effect.

15 **SEC. 26. *Repealing Clause.*** – All laws, decrees, executive orders,
16 memorandum orders, memorandum circulars, administrative orders, ordinances, or
17 parts thereof, which are inconsistent with the right to adequate food and the provisions
18 of this Act, are hereby deemed repealed or modified accordingly.

19 **SEC. 27. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
20 publication in the Official Gazette or in a newspaper of general circulation.

Approved,