

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session



HOUSE BILL No. 10320

Introduced by HON. RUTH MARIANO-HERNANDEZ

EXPLANATORY NOTE

In its key findings, the World Bank-sponsored International Development in Focus publication on Undernutrition in the Philippines: Scale, Scope, and Opportunities for Nutrition Policy and Programming¹ published on June 15, 2021 has among others, stated the following:

- Undernutrition is, and has always been, a serious problem in the Philippines;
- For nearly thirty years, there have been almost no improvements in the prevalence of undernutrition in the Philippines. One in three children (29%) younger than five years old suffered from stunting (2019), being small in size for their age;
- The country is ranked fifth among countries in the East Asia and Pacific region with the highest prevalence of stunting and is among the 10 countries in the world with the highest number of stunted children;
- There are regions with levels of stunting that exceed 40 percent of the population. In Bangsamoro Autonomous Region in Muslim Mindanao 45 percent of children below five are stunted. In MIMAROPA its 41 percent. In the Bicol, Western Visayas and south-central Mindanao (SOCCKSARGEN) Regions it is 40 percent;
- Micronutrient undernutrition is also highly prevalent in the Philippines: 38 percent among infants six to 11 months old; 26 percent among children 12–23 months; and 20 percent of pregnant women are anemic. Nearly 17 percent of

¹ Mbuya, Nkosinathi V. N., Gabriel Demombynes, Sharon Faye A. Piza, and Ann Jillian V. Adona. Undernutrition in the Philippines: Scale, Scope, and Opportunities for Nutrition Policy and Programming. International Development in Focus. Washington, DC: World Bank. doi:10.1596/978-1-4648-1701-4. License: Creative Commons Attribution CC BY 3.0 IGO <https://www.worldbank.org/en/country/philippines/publication/-key-findings-undernutrition-in-the-philippines>

children aged 6–59 months suffered from vitamin A deficiency (2018), of which children aged 12–24 months had the highest prevalence (22 percent) followed by children aged six to 12 months (18 percent);

- The persistence of very high levels of childhood undernutrition, despite decades of economic growth and poverty reduction, could lead to a staggering loss of the country's human and economic potential. A Filipino child with optimal nutrition will have greater cognitive development, stay in school longer, learn more in school, and have a brighter future as an adult, while undernutrition robs other children of their chance to succeed;
- The burden on the Philippine economy brought by childhood undernutrition was estimated at US\$4.4 billion, or 1.5% of the country's GDP, in 2015;
- The Impact of COVID-19 on hunger and undernutrition has made it even more urgent for the Government of the Philippines to scale up its efforts to tackle undernutrition;
- Hunger in the Philippines rose sharply following the start of the pandemic. Social Weather Stations (SWS) surveys show that in September 2020, after seven months of community quarantine, 31 percent of families reported experiencing hunger in the past 30 days, and 9 percent were suffering severe hunger—in both cases, the highest levels recorded in more than 20 years;
- The key determinants of undernutrition are multisectoral. At the immediate level, a child becomes undernourished because of inadequate or inappropriate food, health, and care; and,
- At the basic level, poverty is one of the most important causes of undernutrition: 42.4 percent of children from households in the poorest income quintile are stunted. Governance structures also pose significant challenges for the country's efforts to combat undernutrition.

While we do not lack good nutrition laws, the challenge is in the implementation. Local government units are key to implementing such laws. Local government units (LGUs) have insufficient funding and lack full-time nutrition and health staff.

Republic Act No. 7160, or the Local Government Code of 1991, provides a list of appointive officials common to LGUs. However, it does not explicitly include the appointment of a nutrition officer to take charge of nutrition services and programs of the government.

The other prevailing laws that provide for nutrition program officials and personnel are Presidential Decree (PD) 491 (1974) that created the National Nutrition Council (NNC), Letter of Instruction 441 (1976) that is the basis of the Department of the Interior and Local Government (DILG) to establish functioning nutrition committees at different administrative levels (barangay, municipality, city, province, and region), and PD 1569 (1978) that strengthened the Barangay Nutrition Program by providing a Barangay Nutrition Scholar (BNS) in every barangay.

In cognizance of this loophole, this bill seeks the mandatory appointment of a nutrition officer who shall head the nutrition office in provinces, cities and municipalities in the country, and focus on the planning, implementation and supervision of nutrition-specific programs and policies for the benefit of their respective constituents.

This measure is a policy action to help address the decades-long challenge of reducing nutrition in the country as this will also foster a strong and more coordinated partnership for nutrition between the national and local governments.

It will also help strengthen the National Nutrition Council (NNC) by effectively mandating all local governments to secure adequate financing for personnel on the ground needed for existing and upcoming nutrition programs to run effectively and efficiently.

For the foregoing reasons, the immediate consideration and passage of this bill is earnestly urged.



HON. RUTH MARIANO HERNANDEZ
2ND DISTRICT, LAGUNA

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Introduced by HON. RUTH MARIANO-HERNANDEZ

AN ACT
PROVIDING FOR THE MANDATORY APPOINTMENT OF A NUTRITION OFFICER IN
ALL PROVINCES, CITIES AND MUNICIPALITIES IN THE COUNTRY, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE KNOWN AS
THE LOCAL GOVERNMENT CODE OF 1991

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

SECTION 1. Section 443, Book III, Title Two, Chapter 2 of Republic Act No. 7160, is hereby amended to read as follows:

“SEC. 443. Officials of the Municipal Government. — (a) There shall be in each municipality a municipal mayor, a municipal vice-mayor, sangguniang bayan members, a secretary to the sangguniang bayan, a municipal treasurer, a municipal assessor, a municipal accountant, a municipal budget officer, a municipal planning and development coordinator, a municipal engineer/ building official, a municipal health officer, and a municipal civil registrar. A municipal cooperatives development officer (CDO) shall also be appointed: *Provided*, That the municipality has the option to appoint a full-fledged CDO or merge related such position to an existing position or official in an office, unit or department in the municipal government: *Provided, further*, That if the municipality shall appoint a full-fledged CDO, the municipality has the option to set the rank, remuneration and other emoluments of the municipal CDO subject to existing laws, rules, and regulations.

A MUNICIPAL NUTRITION OFFICER (MNO) SHALL ALSO BE APPOINTED: *PROVIDED*, THAT THE MUNICIPALITY HAS THE OPTION TO SET THE RANK, REMUNERATION AND OTHER

EMOLUMENTS OF THE MNO SUBJECT TO EXISTING LAWS, RULES, AND REGULATIONS.

“(b) x x x

“(c) x x x

“(d) x x x

“(e) x x x.”

SECTION 2. Section 454, Book III, Title Three, Chapter 2 of Republic Act No. 7160, is hereby amended to read as follows:

“SEC. 454. Officials of the City Government. — (a) There shall be in each city a mayor, a vice-mayor, sangguniang panlungsod members, a secretary to the sangguniang panlungsod, a city treasurer, a city assessor, a city accountant, a city budget officer, a city planning and development coordinator, a city engineer, a city health officer, a city civil registrar, a city administrator, a city legal officer, a city veterinarian, a city social welfare and development officer, and a city general services officer. A city CDO shall also be appointed: *Provided*, That the city has the option to appoint a full fledged CDO or merge such position to an existing position or official in a related office, unit or department in the city government: *Provided, further*, That if the city shall appoint a full fledged CDO, the city has the option to set the rank, remuneration and other emoluments of the city CDO subject to existing laws, rules, and regulations;

A CITY NUTRITION OFFICER (CNO) SHALL ALSO BE APPOINTED: PROVIDED, THAT THE CITY HAS THE OPTION TO SET THE RANK, REMUNERATION AND OTHER EMOLUMENTS OF THE CNO SUBJECT TO EXISTING LAWS, RULES, AND REGULATIONS.

“(b) x x x

“(c) x x x

“(d) x x x

“(e) x x x.”

SECTION 3. Section 463, Book III, Title Four, Chapter 2 of Republic Act No. 7160, is hereby amended to read as follows:

“SEC. 463. Officials of the Provincial Government. — (a) There shall be in each province a governor, a vice-governor, members of the sangguniang panlalawigan, a secretary to the sangguniang panlalawigan, a provincial treasurer, a provincial assessor; a provincial accountant, a provincial engineer, a provincial budget officer, a provincial planning and development coordinator, a provincial legal officer, a provincial administrator, a provincial health officer, a provincial social

welfare and development officer, a provincial general services officer, a provincial agriculturist, and a provincial veterinarian. A provincial CDO shall also be appointed: *Provided*, That the province, in the appointment of a full fledged CDO shall set the rank, remuneration and other emoluments of the provincial CDO subject to existing laws, rules, and regulations.

A PROVINCIAL NUTRITION OFFICER (PNO) SHALL ALSO BE APPOINTED: *PROVIDED*, THAT THE PROVINCE HAS THE OPTION TO SET THE RANK, REMUNERATION AND OTHER EMOLUMENTS OF THE PNO SUBJECT TO EXISTING LAWS, RULES, AND REGULATIONS.

“(b) x x x

“(c) x x x

“(d) x x x

“(e) x x x.”

SECTION 4. A new Article shall be inserted in Book III Title V of Republic Act No. 7160 to read as follows:

**ARTICLE XXI
THE NUTRITION OFFICER**

SECTION 491. *QUALIFICATIONS, POWERS AND DUTIES* –

A) NO PERSON SHALL BE APPOINTED NUTRITION OFFICER UNLESS HE OR SHE IS A CITIZEN OF THE PHILIPPINES, A RESIDENT OF THE LOCAL GOVERNMENT UNIT CONCERNED, OF GOOD MORAL CHARACTER, AND A REGISTERED NUTRITIONIST-DIETICIAN. HE OR SHE MUST HAVE ACQUIRED EXPERIENCE IN THE PRACTICE OF HIS OR HER PROFESSION FOR AT LEAST FIVE (5) YEARS IN THE CASE OF THE PROVINCIAL OR CITY NUTRITION OFFICER, AND THREE (3) YEARS IN THE CASE OF THE MUNICIPAL NUTRITION OFFICER.

THE APPOINTMENT OF A NUTRITION OFFICER SHALL BE MANDATORY FOR PROVINCIAL, CITY AND MUNICIPAL GOVERNMENTS.

B) THE NUTRITION OFFICER SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

1) TAKE CHARGE OF THE OFFICE ON NUTRITION SERVICES, SUPERVISE THE PERSONNEL AND STAFF OF SAID OFFICE, FORMULATE PROGRAM IMPLEMENTATION GUIDELINES AND RULES AND REGULATIONS FOR THE OPERATION OF THE SAID OFFICE FOR THE APPROVAL OF THE GOVERNOR OR MAYOR, AS THE CASE MAY BE, IN ORDER TO ASSIST HIM OR HER IN THE EFFICIENT AND EFFECTIVE IMPLEMENTATION OF A NUTRITION SERVICES PROGRAM GEARED

TO IMPLEMENTATION OF NUTRITION-RELATED PROJECTS AND ACTIVITIES IN COORDINATION WITH THE NATIONAL NUTRITION COUNCIL (NNC);

- 2) FORMULATE MEASURES FOR THE CONSIDERATION OF THE SANGGUNIAN AND PROVIDE TECHNICAL ASSISTANCE AND SUPPORT TO THE GOVERNOR OR MAYOR, AS THE CASE MAY BE, IN CARRYING OUT NUTRITION ACTIVITIES;**
- 3) DEVELOP PLANS AND STRATEGIES AND UPON APPROVAL THEREOF BY THE GOVERNOR OR MAYOR, AS THE CASE MAY BE, IMPLEMENT THE SAME, PARTICULARLY THOSE WHICH HAVE TO DO WITH NUTRITION PROGRAMS AND PROJECTS WHICH THE GOVERNOR OR MAYOR IS EMPOWERED TO IMPLEMENT AND WHICH THE SANGGUNIAN IS EMPOWERED TO PROVIDE FOR UNDER THIS CODE;**
- 4) IN ADDITION TO THE FOLLOWING DUTIES AND FUNCTIONS, THE NUTRITION OFFICER SHALL :**
 - I) FORMULATE AND IMPLEMENT POLICIES, PLANS, PROGRAMS AND PROJECTS TO PROMOTE THE NUTRITION OF THE PEOPLE IN THE LOCAL GOVERNMENT UNIT CONCERNED;**
 - II) ADVISE THE GOVERNOR OR MAYOR, AS THE CASE MAY BE, AND THE SANGGUNIAN ON MATTERS PERTAINING TO NUTRITION;**
 - III) EXECUTE AND ENFORCE LAWS AND REGULATIONS RELATING TO NUTRITION;**
 - IV) RECOMMEND TO THE SANGGUNIAN, THROUGH THE LOCAL HEALTH BOARD, THE ENACTMENT OF SUCH ORDINANCES AS HE OR SHE MAY DEEM NECESSARY FOR THE DELIVERY OF NUTRITION-RELATED SERVICES;**
 - V) CONDUCT NUTRITION INFORMATION CAMPAIGNS; AND,**
 - VI) IN THE CASE OF THE PROVINCIAL NUTRITION OFFICER, EXERCISE GENERAL SUPERVISION OVER NUTRITION OFFICERS OF COMPONENT CITIES AND MUNICIPALITIES, IN COORDINATION WITH THE NNC.**

SECTION 2. *Implementing Rules and Regulations* - Within ninety (90) days from the promulgation of this Act, the Department of Interior and Local Government (DILG), in coordination with the Civil Service Commission (CSC), shall promulgate the rules and regulations necessary for the effective implementation of this Act.

SECTION 3. *Repealing Clause* - All laws, decrees, executive orders, rules and regulations, memorandum circulars, or issuances, including Presidential Decree 491 s. 1974, Presidential Decree 1569 s. 1978 and Letter of Instruction 441 s. 1976 or parts

thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. *Separability Clause* - If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SECTION 5. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its full publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.