

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
NINETEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 6947

Introduced by HON. GUS S. TAMBUNTING

**AN ACT ESTABLISHING THE PAGKAIN PARA SA LAHAT PROGRAM,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

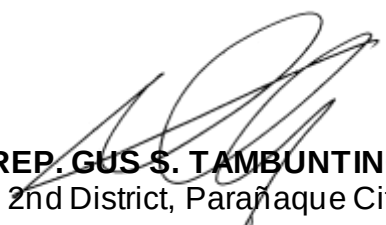
Sec. 12, Art. XIII of the 1987 Constitution states that "The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health, manpower development, and research, responsive to the country's health needs and problems."

In a report published on Saturday, October 29, SWS said 11.3% of Filipino families – or around 2.9 million – had nothing to eat at least once in the past three months, almost similar to the 11.6% hunger rate in June 2022.¹

It is the declared policy of the State to safeguard food security, end hunger, and promote the efficient use of the country's food resources.

This proposed measure aims to empower local government units to establish their own food bank and/or soup kitchens to ensure that all Filipinos in every LGU have access to quality food.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

¹ <https://www.rappler.com/nation/hunger-rate-philippines-october-2022-social-weather-stations/>

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**AN ACT ESTABLISHING THE PAGKAIN PARA SA LAHAT PROGRAM,
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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 “Pagkain Para sa Lahat Act”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to safeguard food security, end hunger, and promote the efficient use of the country's food resources. Towards this end, the State shall adopt a system to promote, facilitate, and ensure that food surplus in establishments and food manufacturers are distributed to food banks and soup kitchens.

SEC. 3. Definition of Terms. – As used in this Act, the following terms shall mean:

- a) Food banks refer to either public, private, non-profit, charitable or other social mission-driven organizations that store food surplus and distribute it to soup kitchens or other establishments or sell it to consumers;
- b) Food surplus refers to food inventory from food-related businesses which have been left unsold during the ordinary course of business, but still fit for consumption based on standards set by relevant laws, rules, and regulations;
- c) Food-related businesses refer to public and private businesses involved in the manufacturing and processing of food products, private businesses involved in the wholesaling and retailing of food products, and private businesses involved in serving food products,

which may include, but are not limited to, farms, factories, supermarkets, restaurants, cafeterias, and hotels;

d) Logistics service providers refer to persons or entities engaged in the transport or delivery of goods;

e) National Nutrition Council (Council) is the agency in-charge of developing an integrated national nutrition program and supervises, coordinates, and integrates the implementation of policies concerning nutrition.

f) Soup Kitchens refer to either public, private, non-profit, charitable or other social mission-driven organizations that prepare and serve food given by food banks or other donors.

SEC. 4. Establishment of Pagkain Para sa Lahat Program; Role of DSWD. – There shall be created a Pagkain Para sa Lahat Program which shall ensure that food surplus of all food-related businesses shall be channeled and distributed to food banks and soup kitchens established and/or accredited in accordance with this Act.

The Department of Social Welfare and Development (DSWD) shall be the lead and coordinating agency for the proper implementation of the Program. In the performance of this function, the DSWD shall:

a) Provide the framework, guidelines and standards for the collection, storage and distribution of food surplus donated to food banks and/or soup kitchens.

b) Coordinate with local government units on the establishment of local food banks and/or soup kitchens;

c) Promote linkages between food-related businesses, food banks, and soup kitchens to create a community-based food distribution system; and

d) Coordinate with food-manufacturers, food banks, and other government agencies for the development of programs to bolster food distribution to beneficiaries.

SEC. 5. Accreditation and Establishment of Food Banks and Soup Kitchens. – The DSWD shall establish a system of accreditation of private food banks and soup kitchens. The DSWD shall also ensure that at least one (1) food bank and soup kitchen is available in every city or municipality. In the absence thereof, the DSWD shall immediately inform and coordinate with the LGU concerned, for the establishment of a food

bank and soup kitchen in such locality.

To ensure that all food surplus is consumed properly and in a timely fashion, a food bank shall, as far as practicable, have a partner a soup kitchen. All food banks and soup kitchens established and/or accredited in accordance with this Act shall offer their products to the public without any qualification.

SEC. 6. Duties of Food-related Businesses. – To achieve the objectives of this Act, all food-related businesses shall:

- a) Determine the amount, type, and quantity of surplus food that can be delivered for consumption of beneficiaries of food banks and/or soup kitchens;
- b) Enter into contracts or agreements with food banks and soup kitchens to redistribute food surplus to beneficiaries of food banks and/or soup kitchens;
- c) Shoulder the costs, on its own or in partnership with a logistics service provider, of transporting food surplus from the business or storage site to the food bank or soup kitchen, or to their respective warehouse or distribution center; and
- d) Ensure that the food surplus is unadulterated, fit for human consumption, and in good condition upon arrival at the food bank's distribution center. For this purpose, prior to the delivery of the food surplus to food banks and soup kitchens, all food-related businesses⁴²

shall be tested by the National Nutrition Council to ensure that food surplus is fit for human consumption.

SEC. 7. Duties of Food Banks. – To ensure that all food surplus given or donated to food banks benefit all citizens, all food banks shall:

- a) Submit periodic reports to the DSWD and the concerned LGU on the type of food donated, quantity donated, and other pertinent information on the distribution of food surplus in their establishments;
- b) Ensure that all food surplus given or donated to it is fit for human consumption, and shall require as proof a certification from the National Nutrition Council for this purpose;
- c) Establish linkages with soup kitchens;
- d) Store food surplus for distribution to beneficiaries and partner-soup kitchens; and

e) Ensure that their facilities follow best practices and procedures on food storage.

SEC. 8. Duties of Soup Kitchens. – To ensure that all food ingredients used by soup kitchens are fit for human consumption, soup kitchens shall:

a) Ensure that all food surplus given or donated to it is fit for human consumption, and shall require as proof a certification from the National Nutrition Council for this purpose; and

b) Prepare food surplus to cooked or processed form fit for consumption, and such is free from contamination.

SEC. 9. Duties of the Local Government Units. – LGUs are hereby required to:

a) As far as practicable and in the absence of a food bank and/or soup kitchen located in their respective localities, establish local food banks and soup kitchens in their area;

b) Utilize food banks and/or soup kitchens and, if possible, merge the latter with its community development programs;

c) Provide technical, financial, and logistical support for food bank and/or soup kitchen operation within its territorial jurisdiction; and

d) Regularly inspect the establishments of food-related businesses, food banks and soup kitchens to ensure that the same is compliant with all sanitation and other related laws.

SEC. 10. Incentives for Participation. – All donations of surplus food or service donated by food-related businesses or logistics service providers, respectively, shall be exempt from donor's tax. In addition, the full amount of such surplus food and service shall be claimed as a deduction from the gross income of a food-related business or logistics service provider, as the case may be.

The DSWD, in coordination with the Department of Interior and Local Government and the LGUs, shall also establish a system of incentives to participants of the Program to recognize their best practices with regard to achieving the objectives of this Act, such as training packages, technical guidance, awards and other similar incentives.

SEC. 11. Liability. – The certification issued by the National Nutrition

Council shall serve as sufficient proof that the surplus food donated or distributed are fit for human consumption; Provided, That the distribution or preparation of food surplus, processed or otherwise, was done in good faith and in compliance with good food handling processes.

SEC. 12. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the DSWD, in coordination with the DILG, Department of Health (DOH), the Bureau of Internal Revenue (BIR) and other relevant government agencies, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 13. Annual Report. – The DSWD, in coordination with the DILG, DOH and other relevant agencies, shall submit an annual report on the implementation of this Act to the President of the Philippines and both Houses of Congress on or before April 30 of each year.

SEC. 14. Appropriations. – The funds needed to implement the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 15. Separability Clause. – Should any provision herein be declared unconstitutional or invalid, the same shall not affect the validity of the other provisions of this Act.

SEC. 16. Repealing Clause. – All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 17. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,