



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7526



Introduced by **REPRESENTATIVE NELSON L. DAYANGHIRANG**

EXPLANATORY NOTE

Republic Act (R.A.) No. 11037 or the “*Masustansyang Pagkain Para sa Batang Pilipino Act*,” signed into law by former President Rodrigo Duterte on 20 June 2018, instituted a National Feeding Program (NFP) to address the issue of undernutrition among Filipino children. Since then, the national government has been zealously implementing the Supplemental Feeding Program for day care children and the School-Based Feeding Program for kindergarten and elementary school children despite the immense and unexpected challenges brought on by the COVID-19 pandemic.

In 2022, at least 3.5 million undernourished Filipino children benefited from the NFP. From this figure alone, it is evident that the NFP impacts the health and development of millions of young Filipino children, who, in a few years, will become productive members of their local communities.

However, much needed reforms must be instituted to improve the framework and implementation of the NFP in order to fully realize the legislative policy set forth in R.A. No. 11037. Aside from enhancing the academic performance of Filipino school children, the NFP should be oriented towards improving the overall health and well-being of its beneficiaries, instilling health consciousness among them, and preventing the onset of nutritional and diet-related diseases during adulthood.

To achieve these objectives of moving towards preventive health care, this legislation proposes several reforms, such as: *first*, the inclusion of high school students in the NFP and its expansion from undernourished to nutrient-deficient Filipino children in general in order to include those with or at risk for diet-related

illnesses; *second*, the expansion of the feeding days from one hundred twenty (120) days to two hundred (200) days; *third*, limiting the cycle menu to fortified hot meals to ensure that the beneficiaries receive one-third (1/3) of the daily energy and nutrient requirement based on the Philippine Dietary Reference Intake (PDRI) making it no longer supplemental on the part of day-care children; *fourth*, the reformulation of the Gulayan initiative as well as the procurement process for the NFP in order to streamline supply and ensure cheap and continuous access to all vegetables, fruits, grains, meat, and fishery products needed to comply with the cycle menu; and *fifth*, the institutionalization of the Central Kitchen Model to centralize the daily preparation, cooking, and delivery of the fortified hot meals to day care centers and schools.

The NFP, and the reforms proposed in this measure, constitute an invaluable investment into the health, learning, and potential of our future generation. The legislative policy underlying the NFP, once fully realized through the institution of the foregoing reforms, will produce far-reaching effects not only in the lives of its beneficiaries, but also in the lives of their families and Philippine society in general.

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



NELSON L. DAYANGHIRANG
Representative
1st District, Davao Oriental



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1 **AN ACT EXPANDING THE COVERAGE OF THE NATIONAL FEEDING PROGRAM**
2 **AND INSTITUTING REFORMS, REPEALING FOR THE PURPOSE REPUBLIC**
3 **ACT NO. 11037, OTHERWISE KNOWN AS THE *MASUSTANSYANG PAGKAIN***
4 ***PARA SA BATANG PILIPINO ACT***

5
6
7 **SEC. 1. *Short Title.*** - This Act shall be known as the "*Revised Masustansyang*
8 *Pagkain Para sa Batang Pilipino Act of 2023.*"

9
10 **SEC. 2. *Declaration of Policy.*** - The State recognizes the vital role of the
11 youth in nation-building and shall promote and protect their physical, moral,
12 spiritual, intellectual, and social well-being. In line with the state policy to protect
13 and promote the right to health of the people and instill health consciousness
14 among them and in recognition of the demonstrated relationship between food
15 and nutrition, and the capacity of students to develop and learn, the State shall
16 establish a comprehensive national feeding program that will address the problem
17 of malnutrition among Filipino children and improve their health and well-being.

18
19 **SEC. 3. *Definition of Terms.*** - As used in this Act, the following terms shall
20 be understood to mean as follows, to wit:

- 21
22 a. **National Feeding Program** (hereinafter referred to as "NFP" or "the
23 Program") refers to a program whereby the national government provides
24 fortified hot meals daily to malnourished Filipino children. It covers both
25 the Day Care Feeding Program (DCFP) for day care children and the School-

- 1 Based Feeding Program (SBFP) for public school children in kindergarten,
2 elementary, and high school;
3
- 4 b. **Cycle Menu** refers to five (5)-week standardized menus composed of
5 fortified hot meals prepared by the National Nutrition Council (NNC) and
6 the Food and Nutrition Research Institute (FNRI);
7
- 8 c. **Fortified Hot Meal** refers to a meal composed of rice and viand with
9 deliberately increased content of essential micronutrients so as to improve
10 the nutritional quality of the food and provide the level of calories and
11 protein as prescribed by the NNC: *Provided*, That it shall contain at least
12 one-third (1/3) of the daily requirement based on the Philippine Dietary
13 Reference Intake (PDRI);
14
- 15 d. **Health Examination** refers to the examination conducted by the
16 Department of Health (DOH) and local government units (LGUs)
17 concerned, in coordination with the NGAs, to select the program
18 beneficiaries and monitor their overall condition: *Provided*, That the
19 examination shall assess, among others, the program beneficiary's height,
20 weight, nutrient levels, activity level, and other ailments, defects or
21 deformities that may need special care or treatment;
22
- 23 e. **National Government Agencies (NGAs)** refer to the Department of
24 Education and the Department of Social Welfare and Development which
25 shall be the lead agencies in the implementation of the Program for public
26 kindergarten, elementary, and high schools and public day care centers,
27 respectively;
28
- 29 f. **Malnutrition** refers to deficiencies or excesses in nutrient intake,
30 imbalance of essential nutrients or impaired nutrient utilization. It consists
31 of undernutrition, overnutrition, as well as diet-related noncommunicable
32 diseases;
33
- 34 g. **Undernutrition** refers to insufficient intake of food, energy, and nutrients
35 which are essential for sound health and growth. Undernutrition manifests
36 in four broad forms: wasting, stunting, underweight, and micronutrient
37 deficiencies;
38

- 1 a. *Wasting (Low Weight-for-Height)* refers to a condition where a child is
2 thin for his or her height because of acute food shortages or disease.
3
- 4 b. *Stunting (Low Height-for-Age)* refers to chronic undernutrition during
5 the most critical periods of growth and development in early life.
6
- 7 c. *Underweight (Low Weight-for-Age)* refers to a child who manifests low
8 weight for his or her age.
9
- 10 d. *Micronutrient Deficiencies* refers to the lack of essential vitamins and
11 minerals required in small amounts by the body for proper growth and
12 development.
13
- 14 h. **Overnutrition** refers to excessive intake of nutrients, leading to
15 accumulation of body fat that impairs health; and
16
- 17 i. **Central Kitchen** refers to a local business or concessionaire selected by
18 the NGAs with the assistance of the Department of Trade and Industry
19 (DTI) where the preparation or cooking of fortified hot meals for a cluster
20 of day care centers and schools is centralized prior to delivery and
21 distribution to the Program beneficiaries: *Provided*, That the central
22 kitchen is subject to the supervision of the NGAs and LGUs concerned to
23 ensure strict compliance with the cycle menu.
24

25 **SEC. 4. Beneficiaries.** – (a) The DCFP shall cover all malnourished children
26 in public day care centers between the ages of three (3) to five (5) years as
27 determined in accordance with Section 6 of this Act.
28

29 (b) The SBFP shall cover all malnourished public school children from
30 kindergarten to grade twelve (12) as determined in accordance with Section 6 of
31 this Act.
32

33 **SEC. 5. Feeding Days.** – The beneficiaries of the NFP shall be provided at
34 least one (1) fortified hot meal daily for a period of not less than two hundred
35 (200) days in every school year: *Provided*, That the NGAs shall ensure that the day
36 care centers and schools included in the NFP provide their respective beneficiaries
37 with rooms or areas where they can eat the fortified hot meals delivered to them.
38

1 **SEC. 6. Health Examination.** - The DOH, in coordination with the NGAs and
2 LGUs concerned, shall conduct: (a) a pre-selection health examination to identify
3 all malnourished children in day care centers and public schools who will be the
4 beneficiaries of the NFP; and (b) a post-selection health examination upon the
5 completion of the NFP to assess its impact on the health of the beneficiaries.
6

7 **SEC. 7. Cycle Menu.** - The FNRI and NNC shall prepare the cycle menu in
8 consultation with the NGAs, the DA, and the LGUs concerned. In preparing the
9 cycle menu, the FNRI and NNC shall consider, among others, the age range of the
10 beneficiaries, the location and/or type of day care center or school, local cultural
11 and/or religious eating preferences, and the supply and availability of local
12 ingredients.
13

14 The FNRI and NNC shall also coordinate with the National Dairy Authority
15 (NDA) for the incorporation of fresh milk and fresh milk-based food products in
16 the cycle menu in accordance with Republic Act No. 8172, otherwise known as the
17 *Philippine Food Fortification Act of 2000*. To help boost livelihood opportunities for
18 local dairy farmers and the local dairy industry, the NFP shall utilize only locally
19 produced milk.
20

21 **SEC. 8. Supply and Procurement.** - (a) *Gulayan Para sa Paaralan* - The LGUs
22 shall devote a sufficient portion of their land or space for the cultivation and
23 production of fruits, vegetables and other nutrient-rich plants needed to prepare
24 and cook the fortified hot meals prescribed under the cycle menu: *Provided, That*
25 *the DA shall provide technical assistance to the LGUs to ensure that the land area*
26 *selected is sufficient for the needs of the NFP, taking into consideration the cycle*
27 *menu as well as the number of beneficiaries in the component unit: Provided*
28 *further, That LGUs lacking in land shall adopt modern gardening technologies with*
29 *the assistance of the DA, the Department of Science and Technology (DOST) and*
30 *the city or municipal agricultural officers.*
31

32 The LGUs shall employ a sufficient number of farmworkers to ensure the
33 cultivation of all crops needed for the cycle menu: *Provided, That the DA shall*
34 *prepare a crop schedule once the cycle menu has been prepared and finalized:*
35 *Provided further, That the city or municipal agricultural officers shall monitor the*
36 *work progress of the farmworkers to ensure compliance with the crop schedule.*
37

(b) The NGAs shall directly purchase grains, meat, fishery, fresh milk and fresh milk-based food products in accordance with the cycle menu from accredited farmers and fisherfolk cooperatives and enterprises. The procurement of said grains, meat, fishery, fresh milk and fresh milk-based food products shall be exempt from the application of the public bidding process prescribed under relevant government procurement laws: *Provided*, That said agencies shall undergo a negotiated procurement under the applicable guidelines of the Government Procurement Policy Board (GPPB).

SEC. 9. Central Kitchens. - The NGAs, in coordination with the LGUs, shall select a central kitchen for a cluster of day care centers or schools for the daily preparation and delivery of fortified hot meals to the beneficiaries: *Provided*, That the DTI shall assist the NGAs in the selection of qualified or accredited local businesses or concessionaires: *Provided further*, That the NGAs, in selecting the central kitchen, shall consider its strategic location to ensure the efficient daily distribution and delivery of the fortified meals to the beneficiaries.

The LGUs shall employ nutrition action officers whose responsibilities include, among others, the supervision and monitoring of central kitchens to ensure strict compliance with the cycle menu.

The NGAs, in coordination with the DOH and LGUs, shall also ensure that central kitchens are equipped with and maintain water and sanitation facilities, promote good hygiene and safe food preparation.

SEC. 10. Integrated Nutrition Education, Behavioral Transformation and Social Mobilization – The NFP shall be complemented by a public health, nutrition, and values transformation campaign to promote a holistic and integrated approach to health and nutrition education. Orientation-training on the objectives and mechanics of the Program shall be held among personnel of NGAs and LGUs concerned, parent volunteers and the parent-teachers associations (PTAs) to generate support for the Program. The NGAs concerned shall also endeavor to mobilize community organizations to continue nutrition education outside of the school.

SEC. 11. Creation of a National Nutritional Information System. - The NNC shall harmonize all existing national and local nutrition databases from NGAs, LGUs and other relevant agencies of government in order to identify individuals,

1 groups and/or localities that have the highest magnitude of hunger and
2 malnutrition. This system shall henceforth be utilized in monitoring the health and
3 nutrition of all Filipino children especially those covered by the NFP.

4
5 **SEC. 12. *Local Government Assistance.*** - LGUs shall assist the NGAs in the
6 efficient and effective implementation of the Program and shall be authorized to
7 use a portion of the Special Education Fund (SEF) and/or their twenty percent
8 (20%) development fund as provided for in Republic Act No. 7160, otherwise
9 known as the *Local Government Code of 1991* to augment the appropriations
10 available under the General Appropriations Act (GAA).

11
12 To further encourage the active participation of LGUs, the full
13 implementation of the Program and its effect in decreasing levels of malnutrition
14 within the component unit shall be added as an indicator under Health
15 Compliance and Responsiveness for purposes of awarding the Seal of Good Local
16 Governance under Republic Act No. 11292, otherwise known as *The Seal of Good*
17 *Governance Act of 2019*.

18
19 **SEC. 13. *Private Sector Participation.*** - The NGAs shall encourage the
20 participation of the private sector in the Program which shall include, among
21 others, PTAs, private corporations, peoples and nongovernment organizations
22 and such other groups or organizations, both foreign and local, that may want to
23 partner, in whole or in part, with the implementation of the Program.

24
25 **SEC. 14. *Monitoring and Annual Report.*** - The NGAs, in coordination with
26 the LGUs, the NNC, FNRI, DOH, DA, DTI and other stakeholders, shall regularly
27 monitor, review and assess the impact and effectivity of the Program as well as
28 ensure compliance with the standards and guidelines of the Program for food
29 safety, quality, accountability, community participation and the procurement and
30 liquidation of processes adopted. For this purpose, the NGAs shall prepare and
31 submit an annual report on the status of the implementation of the NFP to the
32 Office of the President and both Houses of Congress.

33
34 **SEC. 15. *Tax Exemption.*** - Any donation or bequest made to the NGAs or
35 any of the aforementioned government agencies including LGUs for the Program
36 shall be exempt from donor's tax: *Provided*, That donations in kind shall be
37 approved by the NGAs concerned upon the recommendation of the NNC and FNRI,

1 in the case of food products, and the DOH, in the case of vaccine and supplements,
2 as the case may be, respectively.

3
4 **SEC. 16. Appropriations.** - The amount necessary to carry out the initial
5 implementation of this Act shall be sourced from the current appropriations of the
6 NGAs. Thereafter, such sums as may be necessary for the continuous
7 implementation of this Act shall be included in the annual GAA under the
8 respective budgets of the NGAs.

9
10 **SEC. 17. Implementing Rules and Regulations.** - Within ninety (90) days
11 from the effectivity of this Act, the NGAs, in consultation with the NNC, the FNRI,
12 the DOH, the DA, the DTI, the Department of Interior and Local Government
13 (DILG), concerned LGUs, and such other relevant government agencies, non-
14 government organizations, and development partners, shall promulgate their
15 respective rules and regulations for the efficient and effective implementation of
16 this Act.

17
18 **SEC. 18. Separability Clause.** - If any provision or part hereof is invalid or
19 unconstitutional, the remainder of the law or the provision not otherwise affected
20 shall remain valid and subsisting.

21
22 **SEC. 19. Repealing Clause.** - All laws, decrees, orders, rules and regulations
23 or other issuances or parts inconsistent with the provisions of this Act are hereby
24 repealed or modified accordingly.

25
26 **SEC. 20. Effectivity.** - This Act shall take effect fifteen (15) days after its
27 publication in the Official Gazette or in at least two (2) newspapers of general
28 circulation.