

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 7586



Introduced by **Representative Wilbert T. Lee**

**AN ACT STRENGTHENING THE NATIONAL NUTRITION COUNCIL
REPEALING FOR THIS PURPOSE PRESIDENTIAL DECREE NO. 491, ENTITLED
“CREATING A NATIONAL NUTRITION COUNCIL AND FOR OTHER
PURPOSES”, EXPANDING ITS POWERS AND FUNCTIONS AS A COMMISSION,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The role of nutrition and health in economic and social development cannot be undermined. According to the World Health Organization (WHO), health is not only the absence of disease but a state of complete mental and physical well-being in relation to the productivity and performance of an individual. Meanwhile, according to the Food and Agriculture Organization (FAO) of the United Nations, “nutritional status is a measure of the health condition of an individual as affected primarily by the intake of food and utilization of nutrients”.

No less than the 1987 Constitution underscores the state’s commitment to health promotion which states that “[t]he State shall protect and promote the right to health of the people and instill health consciousness among them” (Article II, Section 15).

Good nutritional status plays an important role in realizing food security within families and communities. FAO defines food security as access by all people at all times to the food needed for a healthy life. As a guaranteed commitment and right of the state, every Filipino has the right to adequate and nutritious food.

Regrettably, the country faces the multi-faceted problems of malnutrition and undernutrition which are deeply rooted in different health, social, economic, and political aspects, resulting in prevailing illnesses such as diabetes, hypertension, and child stunting, among others. Malnutrition intensifies susceptibility to various diseases and infections which increase child mortality and morbidity (Blössner & de Onis, 2005). Other economic concerns include the decrease in productivity and capacity to contribute to the country’s economy. The opportunity cost brought by undernutrition has a strong impact on the level of productivity of a nation since there is an alarming number of under-five deaths associated with it. In addition, it was estimated that the combined effect of the losses in education and productivity cost a

total of 328 billion pesos in 2013 – which is approximately 2.84% of the country's Gross Domestic Product in the same year (Save the Children Philippines, 2016).

There are several laws upholding health promotion for the benefit of our people anchored on ending hunger and malnutrition. Some of these laws are:

1. Presidential Decree 491 of 1974 or the Nutrition Act of the Philippines;
2. Presidential Decree 1569 strengthening the Barangay Nutrition Program by providing for a Barangay Nutrition Scholar (BNS) in every barangay to assist in the coordination and implementation of nutrition programs, projects and activities in the barangay level;
3. The Local Government Code of 1991 (Republic Act No. 7160) mandating local government units to exercise their powers and discharge their functions as necessary and appropriate for the effective provision of basic services including child welfare and nutrition services;
4. The Salt Iodization Law (Republic Act No. 8172) which was enacted to contribute to the elimination of micronutrient malnutrition in the country, particularly iodine deficiency disorders, through the cost-effective preventive measure of salt iodization;
5. Food Fortification Law (Republic Act No. 8976) providing for the establishment of the Philippine Food Fortification Programs;
6. The Kalusugan at Nutrisyon ng Mag-Nanay Act – First 1000 Days Law (Republic Act No. 11148) mandating the national agencies, LGUs, civil societies and other stakeholders to develop and implement a comprehensive and sustainable strategy for the first 1,000 days of life to address the health, nutrition, and developmental problems affecting infants, young children, adolescent females, and pregnant and lactating women.
7. Republic Act No. 11037 or the Masustansyang Pagkain para sa Batang Pilipino Act
8. The Universal Health Care Act (Republic Act No. 11223) which institutionalizes the integrated and comprehensive approach to ensure that all Filipinos are health literate, provided with healthy living conditions, protected from hazards, guaranteed equitable access to quality and affordable health care goods and services, and protected against financial risk through a framework that fosters a whole-of-system-government-society approach in the development, implementation, monitoring and evaluation of health policies, programs, and plans.

However, despite several laws and policies in place seeking to provide interventions to our long-standing health problems on adequate nutrition, the government needs to scale up its workforce and resources to combat hunger and our prevalent nutritional problems. One of the strategic interventions this representation proposes is this measure that expands the power and functions of the National Nutrition Council (NNC) into a Commission.

Since its creation in 1974, the NNC has remained a small agency with a lean organizational structure of about 150 officials and staff in both the central and regional offices combined working together to fulfill its functions of policy-making, coordinating, and monitoring and evaluating nutrition programs from the national down to the regional levels. In addition to this, various laws related to nutrition have been passed in recent times which expanded the roles of the agency. Among these include RA 11148 or the Kalusugan at

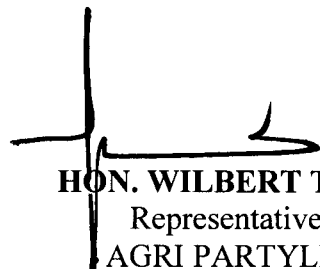
Nutrisyon ng Mag-Nanay Act which mandated the NNC, together with the Department of Health (DOH), to oversee the implementation of the First 1,000 Days Program; and Republic Act No. 11037 or the Masustansyang Pagkain para sa Batang Pilipino Act which established the National Feeding Program, directing NNC to create a National Nutrition Information System and harmonize all existing nutrition databases to monitor the health and nutrition of all Filipino children.

On top of implementing and overseeing various laws and its regular inter-agency participation and collaboration, the NNC is one of the agencies tasked to help in fulfilling our international commitments in the United Nations and ASEAN.

It is important to note that during the World Economic Forum held last January of this year in Switzerland, President Ferdinand Marcos Jr. explicitly mentioned the NNC's crucial role in contributing to the achievement of food security in our country which remains a significant part of our national agenda.

This humble representation believes that it is high time to amend PD 491, a 49-year-old law, and strengthen NNC to expand its powers and functions and scale it up into a commission to respond to the currently prevailing hunger and malnutrition situation in the country.

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



HON. WILBERT T. LEE
Representative
AGRI PARTYLIST

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

1 **Sec. 1. Short Title.** This Act shall be known as the “Nutrition Act of 2023.”

2 **Sec. 2. Declaration of Policy.** It is hereby declared the policy of the State to promote,
3 propagate, develop further and framework for expanding the National Nutritional Council
4 which aims to protect the health and well-being of the general population especially toddlers
5 and senior citizens. In addition, it is also a declared policy of the state under Article II Sec. 15
6 of the 1987 Constitution to ensure and guarantee the right of the Filipinos to health and instill
7 health consciousness among them.

8 In several international commitments, the State commits to the development of the
9 nation’s health sector and its social protection programs consistent with the principles
10 embodied in the International Covenant on Economic, Social and Cultural Rights, the
11 convention of the rights of the Child, and the convention on the eradication of all forms of
12 Discrimination against Women. Therefore, the State ensures to:

13 1. Provide good nutrition;

2. Ensure food security;
3. Eliminate hunger;
4. End all forms of malnutrition;
5. Improve the quality of life;
6. Prioritize nutrition for all age groups;
7. Collaborate across all branches of the government, local government units, civil society organizations and private sector to guarantee improved human health and well-being.

Sec. 3. Definition of Terms. For purposes of this Act, the following terms shall be defined as follows:

(a) *Nutrition* refers to the process of providing or obtaining the food necessary for health and growth.

(b) *Malnutrition* refers to the lack of proper nutrition, caused by not having enough to eat, not eating enough of the right things, or being unable to use the food that one does eat.

(c) *Hunger* refers to a status of an individual whose food intake regularly provides less than their minimum energy requirements.

(d) *Food Security* refers to an incidence where people, at all times, have physical and economic access to sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.

(e) *Urban Poor* refers to the situation where people who live below a certain amount of income in the city and who have limited access to some social means.

(f) *Non-Government Organization or NGOs*, refers a nonstock, nonprofit organization duly registered with the SEC, focusing on the upliftment of the basic or disadvantaged sectors of society by providing advocacy, training, community organizing, research, access to resources, and other similar activities, as defined in Republic Act No. 8425, otherwise known as the “Social Reform and Poverty Alleviation Act”.

Sec. 4. Renaming of the National Nutritional Council. The nomenclature of the National Nutrition Council, was established pursuant to Presidential Decree. 901, as amended, is hereby changed to “National Nutrition Commission”, hereinafter referred to in

1 this Act as the “Commission”, which shall be attached to the Office of the President for
2 general direction and coordination.

3 **Sec. 5. *Composition of the Commission.*** – The Commission shall be headed by a
4 Chairperson with the rank of Cabinet Secretary and two (2) Commissioners with the rank of
5 Undersecretary. The Chairperson and the Commissioners shall be citizens and residents of
6 the Philippines, of good moral character, of recognized probity and independence and must
7 have distinguished themselves professionally in public, civic or academic service in the fields
8 of health and nutrition. They must have been in the active practice of their professions for at
9 least ten (10) years.

10 **Sec. 6. *Terms of Office.*** – The term of office of the Chairperson and the
11 Commissioners shall be six (6) years without reappointment. Of the first set of appointees,
12 the Chairperson and first commissioner appointed shall hold office for six (6) years and the
13 second commissioner appointed shall serve for a term of four (4) years. In case a vacancy
14 occurs before the expiration of the term of office, the appointment to such vacancy shall only
15 be for the unexpired term of the predecessor. The Chairperson and the Commissioners shall
16 enjoy the security of tenure and shall not be suspended or removed from office except for just
17 cause as provided by law. At the expiration of the term of the Chairperson or in case of
18 vacancy, the most senior of the Commissioners shall temporarily assume and perform the
19 duties and functions of the Chairperson until a permanent Chairperson is appointed by the
20 President.

21 **Sec. 7. *Power Functions and Responsibilities of the Commission*** – The powers
22 functions, and responsibilities of the Commission are as follows:

- 23 1. To formulate an integrated and multi-sectoral national policy, programs, activities,
24 and projects on nutrition and food to ensure good nutrition, eliminate hunger, and
25 food security.
- 26 2. To supervise, coordinate, monitor, and evaluate the implementation of its projects,
27 programs, and activities undertaken by all agencies and instrumentalities of both
28 the government and private sector concerning nutrition and food. It shall
29 coordinate with the National Disaster Risk Reduction and Management Council
30 and the Department of Social Welfare and Development to ensure proper nutrition
31 and food during emergencies and disasters.

3. To provide technical assistance to increase the competencies and capabilities of stakeholders and health workers through the conduct of public education, capacity building, skills development, and advocacy.
4. To establish a continuing program for information dissemination and awareness.
5. To create and maintain a system for nutrition surveillance with a gender perspective;
6. To coordinate the release of public funds for nutrition and food in accordance with the approved projects, programs, and activities.
7. To coordinate all requests for loans and grants by the government agencies involved in the nutrition and food program.
8. To provide monetary and non-monetary incentives to nutrition champions by establishing a rewards and recognition system.
9. To call on any department, bureau, agency, and other instrumentalities of the government for assistance in the form of personnel, resources and facilities as the need arises.

Sec. 8. Provisional Members and Linkages - The Commission, upon call, shall have the support, assistance, and coordination of the following provisional members:

1. Undersecretaries of the following government bodies:
 - a.) Department of Health
 - b.) Department of Agriculture
 - c.) Department of the Interior and Local Government
 - d.) Department of Education
 - e.) Department of Social Welfare and Development
 - f.) Department of Trade and Industry
 - g.) Department of Labor and Employment
 - h.) Department of Science and Technology
 - i.) Department of Budget and Management
 - j.) National Economic and Development Authority
2. Presidents of the Leagues of Local Government Units:
 - a.) League of Provinces
 - b.) League of Cities
 - c.) League of Municipalities
 - d.) Liga ng mga Baranggay

3. Maximum of three (3) representatives from any of the following private sector:

- a.) Health and nutrition professional organizations
- b.) farmer and fisherfolk
- c.) women
- d.) children
- e.) urban poor
- f.) food manufacturing
- g.) academe and research institutions
- h.) organization or association of community
- i.) non-government organizations

The Commission and the provisional members shall sit *en banc* to approve the Philippine Plan of Action for Nutrition (PPAN) and for another purpose as may be determined by the Chairperson.

The provisional members shall have the honoraria of P10,000.00 or 5% of their respective basic salaries, whichever is higher per meeting.

Sec. 9. Philippine Plan of Action for Nutrition (PPAN). A ten-year multi-sectoral and integrated national nutrition plan of action shall be developed and formulated by the Commission in coordination with non-government organizations and relevant government agencies such as the Department of Health, the Department of Social Welfare and Development, and the Department of Education, among others. The PPAN should be aligned with Philippine Development Plan.

In developing the PPAN, the policies, principles, and programs embodied in the Philippine Development Plan (Ambisyon 2040), Food Fortification Law (Republic Act No. 8976), Act for Salt Iodization Nationwide Law (Republic Act No. 8172) Nutrition and Dietetics Law of 2016 (Republic Act No. 10862), Masustansiyang Pagkain Para sa Batang Pilipino Act (Republic Act No. 11037), Kalusugan at Nutrisyon ng Mag-Nanay Act (Republic Act No. 11148), and all relevant laws on the nutrition and food security to be enacted hereafter must be considered.

The said plan must have measurable targets for ending malnutrition and undernutrition after 10 years of its implementation. The PPAN must be concurred by its

1 provisional members. The PPAN must be submitted to the Office of the President for
2 direction and Coordination.

3 **Sec 10. *Nutrition Month.*** – The month of July shall be designated NUTRITION
4 MONTH for the purpose of creating greater awareness among our people on the importance
5 of nutrition. The Commission shall formulate and approve programs and activities for
6 nutrition month which should be coordinated across all sectors whether public or private.

7 **Sec. 11. *Donations.*** The Commission shall be authorized to receive donations, grants,
8 or gifts in whatever form and from whatever sources: *Provided that*, said grants, gifts, or
9 donations shall be administered, obligated, and disbursed in accordance with the terms of the
10 grant or donation and in such manner as the Commission may in its discretion determine.

11 **Sec. 12. *Retention of Personnel; Security of Tenure; Upgrading of Positions and***
12 ***Salaries.*** All existing permanent personnel of the National Nutrition Council shall not be
13 adversely affected by this Act. They shall continue in office and shall not be removed or
14 separated from the service except for cause as provided by existing laws. Further, the present
15 positions and salaries of personnel shall be upgraded to the level of their counterparts in a
16 department set-up. The Commission shall hire such other personnel as may be necessary for
17 the performance of its functions.

18 **Sec.13. *Transitory Provisions*** - In consonance with the above provision, the
19 incumbent Executive Director and Deputy Executive Directors shall serve as the firsts
20 Chairperson and Commissioners upon the effectivity of this Act.

21 **Sec. 14. *Appropriations.*** The state shall hereby provide the initial amount necessary
22 for the organizational and operational requirements of this Act. Thereafter, the amount
23 necessary to carry the provisions of this Act shall be included in the General Appropriations
24 Act of the year following its enactment into law and thereafter.

25 **Sec. 15. *Separability Clause.*** If any part or provision of this Act shall be declared
26 unconstitutional or invalid, other provisions hereof which are not affected thereby shall
27 continue to be in full force and effect.

28 **Sec. 16. *Repealing Clause.*** Presidential Decree No. 491, as amended by Executive
29 Order No. 234 s. 1987, Administrative Order No. 88 s. 1988 and Executive Order No. 427 s.
30 2005, is hereby repealed. All other laws, executive orders, executive issuances or letters of
31 instructions, or any part thereof, inconsistent with or contrary to the provisions of this Act are
32 hereby deemed repealed, amended, or modified accordingly.

1 **Sec. 17. *Effectivity.*** This Act shall take effect fifteen (15) days following its
2 publication in three (3) newspapers of general circulation.

Approved,