



Nineteenth Congress
Third Regular Session

HOUSE BILL NO. **11231**

Introduced by Representative Marlyn B. Alonte

EXPLANATORY NOTE

According to the Food and Agriculture Organization of the United Nations, hunger is still one of the most urgent development challenges. Yet, the world is producing more than enough food. However, up to one third of all food is spoiled or squandered before it is consumed by people. This is a big waste considering that the production of food involves labor, water, energy, land and other raw materials. This food waste or loss affects not only the food security but also the country's economy and natural resources and pollution.

This bill seeks to address this concern by establishing a national zero food waste campaign. This campaign aims to educate the public regarding the current situation of food waste and how to effectively prevent it. The bill also prohibits food establishment from throwing away edible food and encourages them to donate their food to charity homes or feeding programs of the government.

Essential to this bill is the creation of food banks in every city, municipality, or cluster of municipalities all over the country so that collection and distribution of food waste be made on time. The food bank was conceived in the 1960's when a woman is scavenging from the rummage of a grocery store garbage bin. She suggested that there should be a place where all discarded food be stored so that people like her can just go there and pick up the food they need. This idea was adopted by John Van Hengel when he established the first food bank in Phoenix, Arizona named St. Mary's Food Bank. From its conception, the food bank spread

all over America and established two hundred network which served 40 million low income population.

A food bank is described as the best hunger relief intervention at the grassroots level. On the side of the manufacturers, farmers, and retailers, it is a mutually beneficial business solution in managing surplus and wastage of food.

The food bank model is similar to a commercial food warehouse, wherein surplus from farm produce, food manufacturers, grocery retailers, excess food from restaurants, hotels, catering services and other food concessionaires are channeled for distribution, while the government and the community-based organization delivers the food to the hungry population.

Hence, this proposal is submitted for consideration.



MARLYN B. ALONTE

HOUSE BILL NO. 11231

AN ACT
INSTITUTIONALIZING A ZERO FOOD WASTE CAMPAIGN
PROGRAM, CREATING THE PHILIPPINE FOOD BANK REGULATORY
AGENCY FOR THE PURPOSE AND APPROPRIATING FUNDS
THEREFOR

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 “*Food Bank Regulations Act.*”

SEC. 2. ***Declaration of Policy.*** – It is the policy of the State to 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. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce

1 social, economic, and political inequalities, and remove cultural inequities by
2 equitably diffusing wealth and political power for the common good.

3 Towards this end, the State shall safeguard food security, end hunger, and
4 promote the efficient use of the country's food resources. The State adopts a system
5 to promote, facilitate, and ensure the reduction of food waste through redistribution
6 and recycling. The massive amount of food waste and the considerable number of
7 people going hungry daily may be attained by institutionalizing a zero food waste
8 campaign program through the establishment of food banks all over the country and
9 regulating the operations of food bank facilities managed by private entities.

10 SEC. 3. ***Definition of Terms.*** – As used in this Act:

11 (a) *Edible food waste* refers to food intended for sale but not sold in the
12 ordinary course of business by food related-businesses, ready to be discarded, but
13 determined to be fit for consumption based on standards set by the government;

14 (b) *Food bank* refers to an organization formed by the government or non-
15 profit, charitable organizationsto procure surplus, wholesome, and safe food from
16 the commercial food system that might otherwise go to waste or landfills and
17 repurpose it for distribution to those facing hunger, typically through community
18 service organizations;

19 (c) *Food insecure* refers to persons or group of persons who have difficulty
20 producing or purchasing food to avoid hunger;

1 (d) *Food-related business* refers to private entities involved in the
2 manufacture, sale, distribution, processing and serving of food products, whether
3 wholesale or retail;

4 (e) *Food waste reduction* refers to the minimization of food waste by
5 redistribution of edible food waste to the food insecure and the recycling of inedible
6 food waste into fertilizer;

7 (f) *Inedible food waste* refers to food discarded in the retail and consumption
8 stages, determined to be unfit for consumption based on standards set by the
9 government; and

10 (g) *Waste management and recycling enterprises* refer to organizations that
11 manage inedible food waste by converting them into fertilizers or compost.

12 SEC. 4. ***Philippine Food Bank Regulatory Agency.*** – There is hereby created a
13 Philippine Food Bank Regulatory Agency, hereinafter referred to as the “Agency,”
14 which shall provide accurate, timely and relevant data in connection with the national
15 zero food waste campaign program of the government. It shall create and operate food
16 bank facilities all over the country. The Agency is under the direct control and
17 supervision of the DSWD.

18 To attain this objective, the Agency shall:

1 a) Establish and maintain food banks in every city, municipality or cluster of
2 municipalitiesforthe collection, storage and delivery of edible food waste and the
3 recycling of inedible food waste;

4 b) Provide technical assistance to non-profit, charitable organizationsoperating
5 food bank facilities in the procurement of surplus, wholesome, and safe food from the
6 commercial food system;

7 c) Conduct research studies for the development and advancement of scientific
8 methods and techniques in the collection, storage and delivery of edible food waste and
9 the recycling of inedible food waste;

10 d) Upgrade skills of government personnel by providing them sufficient training
11 in the field of collection, storage and delivery of edible food waste and the recycling of
12 inedible food waste;

13 e) Promote general awareness on matters relating to collection, storage and
14 delivery of edible food waste and the recycling of inedible food waste;

15 g) Formulate measures and policies for the collection, storage and delivery of
16 edible food waste and the recycling of inedible food waste;

17 h) Issue rules and regulations in the operation of food banks and ensure that food
18 banks are compliant with international standards taking into consideration the facilities,
19 equipment and manpower trainings;

i) Periodically assess the progress of the national zero food waste campaign program of the government and submit necessary policy recommendations to the Secretary of Social Welfare and Development to improve and strengthen the program, if necessary; and

j) Perform any other acts necessary in connection with the implementation of this Act.

SEC. 5. *Executive Director.* – The Agency shall be headed by an executive director who shall be appointed by the President, upon the recommendation of the Secretary of Social Welfare and Development, who shall be responsible for the efficient administration of this Act. The executive director shall be appointed based on the qualifications herein provided and shall have a tenure of office for a period of four (4) years. The appointment may be extended for another non-extendible period of four (4) years. The executive director may only be removed for cause in accordance with the rules and regulations prescribed by the Civil Service Commission.

Sec.6. *Qualifications.* – The executive director must be a Filipino citizen, at least thirty-five (35) years of age, of good moral character, with unquestionable integrity and recognized competence, a degree holder preferably in the field of law, nutrition, medical science or social work, and with at least five (5) years supervisory or management experience.

SEC. 7. *Powers and Functions.* – The executive director shall be the chief

1 executive officer of the Agency and shall perform the following powers and
2 functions:

3 a) Ensure the efficient and effective manner to carry out the purposes and
4 policies established in this Act and enforce the provisions of the rules and regulations
5 issued pursuant to this Act;

6 b) Decide the objectives, strategies and policies of the Agency;

7 c) Determine the organizational structure of the Agency, establish a
8 human resource management system based on merit and fitness, and adopt a rational
9 compensation and benefits scheme;

10 d) Promulgate policies and guidelines for the following:

11 1) Promotion and development of competent, scientific and
12 advance technical services for the collection, storage and delivery of edible
13 food waste and the recycling of inedible food waste;

14 2) Protocols and methods of testing including examination methods
15 and guidelines for the collection, storage and delivery of edible food waste
16 and the recycling of inedible food waste;

17 3) Continuing education on modern scientific methods in the
18 collection, storage and delivery of edible food waste and the recycling of
19 inedible food waste;

20 4) Impose and fix reasonable administrative charges and fees from

1 the collection and disposal of inedible food waste from food-related
2 businesses and other services rendered by the Agency;

3 e) Create plans for the implementation of the zero food waste campaign
4 of the government, create new programs, sustain existing programs and improving
5 upon them where possible, and eliminate programs which are no longer needed;

6 f) Determine, from time to time, subject to availability of funds and the
7 approval of the Secretary of Budget and Management, the limit of reasonable
8 allowances, incentives, bonuses, privileges, and other benefits which may be given
9 to the Agency's personnel;

10 g) Create or abolish any division or unit and positions therein as may be
11 required by the exigencies of the service, subject to the endorsement of the President
12 and approval of the Department of Budget and Management;

13 h) Hire consultants, subject to pertinent laws and rules, as may be deemed
14 required by the exigencies of the service;

15 i) Remove, suspend, or otherwise discipline personnel for cause in
16 accordance with civil service rules and regulations and other pertinent laws;

17 j) Accept donations and grants; and

18 k) Perform such other functions as may be provided by law.

19 SEC. 8.**Deputy Executive Director.** – To effectively implement the
20 provisions of this Act, the executive director shall be assisted by qualified and

1 experienced deputy executive directors to head the different services created under
2 Section 10 of this Act.

3 The deputy executive directors must be Filipino citizens, at least thirty (30)
4 years of age, of good moral character, with unquestionable integrity and recognized
5 competence, degree holderspreferably in the field of law, nutrition, social work, or
6 medical science, and with at least three (3) years supervisory or management
7 experience, save as to the position of deputy executive director for financial
8 management service, information and communication technology service and
9 engineering and general services office, in which case, their field of specialization
10 must be accounting or financial management, computer science or computer
11 engineering and civil engineering or architecture, respectively.

12 **SEC. 9. *Duties and Responsibilities.*** – The deputy executive directors shall
13 assist and support the executive director in the day to day operation of the Agency
14 and shall perform the following duties and responsibilities:

15 a) **Administrative Management Service.** – Responsible for the human
16 resources management and development including the initial stage of recruitment,
17 personnel welfare development, procurement and supply management, printing and
18 reproduction of the Agency’s documents and medical and dental needs of the
19 Agency’s officials and employees.

20 b) **Financial Management Service.** – Responsible for the management of

1 the finances of the Agency like budgeting, accounting, disbursement, collection, tax
2 remittances to the Bureau of Internal Revenue, Government Service Insurance
3 System, Philippine Health Insurance System (Philhealth) and
4 PagtutulungansaKinabukasan: Ikaw, Bangko, Industria at Gobyerno(PAGIBIG)and
5 the preparation of financial reports for submission to the Department of Budget and
6 Management, Commission on Audit, Bureau of Internal Revenue or other
7 government regulatory agencies.

8 c) Legal Service. – Provide adequate legal assistance and support to the
9 executive director and to the Agency, in the exercise of its powers as provided for
10 under this Act. The imposition of any administrative sanction for erring officials and
11 employees shall be within the exclusive determination and recommendation of the
12 legal service.

13 d) Information and Communication Technology Service. – Responsible
14 for the computer programs of the different offices of the Agency like local area
15 network, computerized accounting systems, inventory systems, procurement and
16 supply management systems and inter-office connectivity.

17 e) Food Bank Research and Regulation Service. – Responsible for the
18 establishment, operation and maintenance of all food banks operated by the
19 government and supervision of all food banks operated by private entitiesalso inthe
20 training and advancement of the knowledge and capabilities of personnel assigned

1 in the collection, storage and delivery of edible food waste and the recycling of
2 inedible food waste.

3 f) Engineering and General Services Office. – Responsible for the repairs
4 and maintenance of buildings, equipment, furniture and fixtures, transport facilities,
5 city or municipal food banks and all other properties and equipment of the Agency.

6 SEC. 10. **Organizational Structure of the Agency.** – Within fifteen (15) days
7 from the appointment of and acceptance of their respective appointments, the
8 executive director and deputy executive director shall meet to draw-up the Agency's
9 organizational structure. They shall establish the following permanent offices:

- 10 a) Administrative Management Service;
- 11 b) Financial Management Service;
- 12 c) Legal Affairs Service;
- 13 d) Information and Communication Technology Service;
- 14 e) Food Bank Research and Regulation Service;
- 15 f) Engineering and General Services Office.

16 The Executive Director, with the approval of the Secretary of Social Welfare and
17 Development, may establish any other office as the need arises.

18 SEC. 11. **National Zero Food Waste Campaign.** – The Philippine Food Bank
19 Regulatory Agency, in coordination with the Department of Social Welfare and
20 Development (DSWD), Department of Health, the Department of Environment and

1 Natural Resources, the Department of Education, the Department of Trade and
2 Industry, the Department of the Interior and Local Government, the National
3 Nutrition Council, National Anti-Poverty Commission, and the different local
4 government units (LGUs), is hereby tasked to undertake a national zero food waste
5 campaign program to raise awareness on food waste reduction, recycling of inedible
6 food waste, and redistribution of edible food waste.

7 SEC. 12. ***Food-related Business Waste Reduction Strategy.*** – Food-related
8 businesses such as food manufacturers, supermarkets, restaurants, cafeterias, and
9 hotels are required to:

10 (a) Submit an annual report to the Agency containing the amount of its edible
11 and inedible food waste organized according to the manner of disposal, including
12 donation, composting or discarding;

13 (b) Enter into contract with food banks to redistribute edible food waste to the
14 food insecure;

15 (c) Shoulder the costs of transporting edible food waste from business location
16 to the food bank facilities or distribution center;

17 (d) Ensure that edible food waste is unadulterated and in good condition upon
18 arrival at the food bank's distribution center;

19 (e) Enter into contract with waste management and recycling enterprises to
20 recycle inedible food waste into fertilizer or compost; and

(f) Shoulder the costs of transporting inedible food waste from collection areas to waste management sites;

SEC. 13. ***National Zero Food Waste Scheme.*** – The Agency, as the coordinating agency between the food businesses and food banks, shall:

(a) Provide guidelines and standards for the collection, storage, and distribution of edible food donated to food banks;

(b) Ensure that food businesses have entered into contracts with food banks and issue acceptance certificates to food businesses;

(c) Promote linkages between food banks operated by all cities and municipalities and community-based food distribution centers for the food insecure;

(d) Create a self-sufficiency program that provides the food insecure with skills training and livelihood programs to avoid the dependence on donation solely;

SEC. 14. ***Waste Reduction Strategy.*** – All cities and municipalities are required to:

(a) Coordinate with the Agency in the operation of a food bank in their area for the timely and efficient collection, storage and delivery of edible food waste and the recycling of inedible food waste;

(b) Establish and maintain a community-based food distribution center in each barangay, determine the beneficiaries, and ensure that beneficiaries are food insecure of their localities;

1 (c) Submit an annual report to the Agency containing the amount of inedible
2 food waste in their area that has been recycled as raw material for fertilizers or
3 compost;

4 (d) Initiate waste segregation efforts per household through local campaigns;

5 (e) Enter into contract with waste management and recycling enterprises to
6 recycle inedible food waste from households into fertilizer or compost;and

7 (f) Shoulder the costs of transporting edible food waste from food banks to
8 the community-designated distribution area and costs of transporting inedible food
9 waste from collection areas to waste management sites.

10 SEC. 15. ***Prohibited Acts andPenalties.*** – a) Any person who deliberately
11 makes edible food waste unfit for consumption, reprocess inedible food waste to
12 make it appear that it is fit for consumption, prevent the redirection of edible food
13 waste to food banks or prevent the redirection of inedible food waste to waste
14 management and recycling enterprises shall be imposed the penalty of imprisonment
15 of six months and one day to one year, or a fine of not less than Twenty thousand
16 pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00), or both
17 fine and imprisonment at the discretion of the court.

18 b) Any person who shall repack and distribute for sale any edible food waste
19 donated or intended for donation shall be imposed the penalty of imprisonment of
20 one year and one day to two years, or a fine of not less than Fifty thousand pesos

(P50,000.00) but not more than One hundred thousand pesos (P100,000.00), or both fine and imprisonment at the discretion of the court.

c) Any person who deliberately makes or process inedible food waste to make it appear that it is fit for consumption and thereafter distribute it for sale to the public shall be imposed the penalty of imprisonment of two years and one day to four years, or a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred thousand pesos (P200,000.00), or both fine and imprisonment at the discretion of the court.

d) The penalty of imprisonment of twelve (12) years and one day to twenty (20) years, or a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00), or both fine and imprisonment at the discretion of the court, shall be imposed if the act mentioned in paragraph (c) of this section resulted in mass food poisoning or death. For this purpose, there is mass food poisoning when two (2) or more persons become sick or hospitalized due to the consumption of contaminated food arising from reprocessed inedible food waste.

If the acts complained of is committed by a corporation, partnership, or association, the person or persons criminally responsible shall be the members of its board of directors and officers or employees who directly participated in its commission.

1 If the acts complained of is committed by public officials or employees, in
2 addition to the penalty of imprisonment or fine or both, the accessory penalty of
3 perpetual absolute disqualification to hold public office shall be imposed.

4 SEC. 16. ***Implementing Rules and Regulations.*** – Within sixty (60) days
5 from the effectivity of this Act, the Secretary of Social Welfare and Development
6 shall, in coordination with the Secretary of Budget and Management, promulgate the
7 necessary rules and regulations for the effective implementation of this Act,

8 SEC.17. ***Appropriations.*** – For the initial organizational and operational
9 requirements of the Agency, the sum of Ten million pesos (P10,000,000.00)is
10 hereby appropriated out of any fund in the National Treasury not otherwise
11 appropriated. Thereafter, the funds necessary to implement this Act shall be included
12 in the annual General Appropriations Act.

13 SEC. 18. ***Repealing Clause.*** – All laws, decrees, executive orders and rules
14 and regulations contrary to or inconsistent with any provisions of this Act are hereby
15 repealed or modified accordingly.

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

18 Approved,