

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2921



Introduced by **Rep. FERDINAND ALEXANDER A. MARCOS**
1st District, Ilocos Norte

EXPLANATORY NOTE

On June 25, 1974, Presidential Decree No. 491 created the National Nutrition Council (NNC) under the Office of the President as the policymaking and coordinating body for nutrition. In 1987, however, Executive Order No. 234 reorganized the NNC and transferred it to the Department of Social Welfare and Development. Shortly thereafter, the NNC was transferred to the Department of Agriculture (DA), by virtue of Administrative Order No. 88, with the DA having been named Chair of the NNC Governing Board. The next changes occurred in 2005 when under Executive Order No. 472 the NNC was transferred to the DOH as an attached agency, and with the latter being named as NNC Chair.

Almost fifty (50) years have elapsed since the creation of the NNC and despite the series of reorganizations, which aimed to make the said agency more effective, the problems of undernutrition, malnutrition and involuntary hunger persist. Studies after studies have been made pointing to the prevalence of stunting, obesity and other nutrition-related concerns among our people, especially the youth.

This bill aims to strengthen the National Nutrition Council by reconstituting it into a Commission, expanding its powers and functions, and with the end in view of truly protecting and promoting the right to health of our people and instilling health consciousness among them (Section 15, Article II, 1987 Philippine Constitution).

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

FERDINAND ALEXANDER A. MARCOS

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AN ACT

**CREATING THE NATIONAL NUTRITION COMMISSION,
REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE
NO. 491, ENTITLED “CREATING A NATIONAL NUTRITION
COUNCIL AND FOR OTHER PURPOSES”**

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

SECTION 1. *Short Title.* – This Act shall be known and referred
to as the “National Nutrition Commission Act.”

SEC. 2. *Declaration of Policy.* – The State recognizes nutrition as
a basic human right and guarantees the right to adequate food, which
should be implemented by the government in an integrated manner.

SEC. 3. *National Nutrition Commission.* – There is hereby created
a National Nutrition Commission, (“Commission”), which shall be
attached to the Office of the President. The Commission shall be the
primary policy-making, coordinating, implementing and advisory body
on nutrition and food concerns.

SEC. 4. *Powers and Functions of the Commission.* –The
Commission shall have the following powers and functions:

- 1) Formulate national food and nutrition policies, programs,
strategies, activities, and projects, and serve as the policy,
coordinating and advisory body on food, nutrition and health
concerns;
- 2) Supervise, coordinate, monitor, and evaluate the
implementation of its programs, projects, and activities

undertaken by all agencies and instrumentalities of both the government and private sector concerning nutrition and food.

- 3) Recommend to Congress measures to effectively promote the full realization of the right to nutrition and adequate food, and the harmonization of existing laws and issuances addressing food, nutrition and health concerns through the review of relevant administrative and legislative frameworks;
- 4) Conduct investigations upon all matters relating to the enforcement of the right to nutrition, health, and adequate food, and assist individuals and group of individuals to have access to legal assistance to better assert the progressive realization of their abovementioned rights;
- 5) Call on any department, bureau, office, agency and other instrumentalities of the government for assistance in the form of personnel, facilities and resources as the need arises;
- 6) Provide technical assistance to increase competencies and capabilities of stakeholders through the conduct of public education, capacity building, skills development and advocacy;
- 7) Coordinate the release of funds, loans, and grants from government organizations and non-government organizations;
- 8) Provide monetary and non-monetary incentives to nutrition champions by establishing rewards and recognition system;
- 9) Establish a continuing program for information dissemination and awareness; and
- 10) Exercise such other powers and functions as are necessary for the implementation of this Act.

SEC. 5. *Composition of the Commission.* - The Commission shall be headed by a Chairperson and two (2) Commissioners, all of whom shall be appointed by the President for a term of six (6) years, without prejudice to one reappointment. They shall continue to hold office until their successors have been appointed. Appointments to a vacancy that occurs before the expiration of the term of a Chairperson or Commissioner shall cover only the unexpired portion of the term of the predecessor. At the expiration of the term of the Chairperson or in case of vacancy, the more senior of the Commissioners shall temporarily assume and perform the duties and functions of the Chairperson until a permanent Chairperson is appointed by the President.

The Commission shall appoint its officers and employees in accordance with the Civil Service law, rules and regulations.

SEC. 6. *The Chairperson and the Commissioners.* -The Chairperson and the Commissioners of the Commission must be Filipino

citizens, with at least ten (10) years of experience in the fields of food security, good nutrition promotion, and mitigation of hunger, and malnutrition, at least thirty-five (35) years of age, and of good moral character. At least one (1) of them must be duly licensed to practice medicine in the Philippines.

The Chairperson and Commissioners shall receive annual compensation and shall be entitled to other benefits and privileges provided under existing laws for a Department Secretary and Department Undersecretaries, respectively. They shall not, during their tenure, hold any other office or employment, or in the active management or control of any business which, in any way, may affect the functions of their office.

SEC. 7. *Advisory Board.* – There shall be constituted an Advisory Board which shall meet with the Commission at least once a year to assist it with its policies and plans.

The Board shall be composed of a representative each from the following offices or agencies:

- 1) Department of Health (who shall serve as Chairperson)
- 2) Department of Agriculture (who shall serve as Vice-Chairperson)
- 3) Department of Agrarian Reform
- 4) Department of Education
- 5) Department of the Interior and Local Government
- 6) Department of Social Welfare and Development
- 7) Department of Budget and Management
- 8) Department of Science and Technology
- 9) Department of Trade and Industry
- 10) Commission on Human Rights
- 11) National Anti-Poverty Commission
- 12) Council for the Welfare of Children
- 13) National Economic and Development Authority
- 14) National Food Authority
- 15) Philippine Statistics Authority
- 16) League of Province of the Philippines
- 17) League of Cities of the Philippines
- 18) League of Municipalities of the Philippines
- 19) Nutrition Foundation of the Philippines
- 20) Nutrition Center of the Philippines

The members of the Advisory Board shall receive per diem for actual attendance in board meetings and reimbursement for actual and reasonable expenses and incentives as authorized by the Commission.

SEC. 8. *Composition of the Secretariat.*– The Commission shall establish a secretariat to be headed by an Executive Director, who must be a natural born citizen of the Philippines; at least thirty-five (35) years of age on the day of the appointment; holder of a college degree; with at least five (5) years of executive and management experience; with considerable exposure to food security, good nutrition promotion, and mitigation of hunger, and malnutrition; and, a person of good moral character: *Provided*, That he or she shall be a career officer.

SEC. 9. *Nutrition Office.* – For the effective implementation of nutrition programs at sub-national levels, every province and city/municipality shall have a nutrition office. The Provincial Nutrition Office shall be headed by a Provincial Nutrition Action Officer, supported by a Provincial Nutrition Coordinator and other adequate staff complement. The City/Municipal Nutrition Office shall be headed by a City/Municipal Nutrition Action Officer, supported by other adequate staff complement.

Plantilla positions for the staff composing the said offices shall be determined by the Commission and created by local government units, in consultation with the Civil Service Commission and the Department of Budget and Management.

SEC. 10. *Research and Policy Development Support.* – The Food and Nutrition Research Institute of the Department of Science and Technology, as well as other agencies of government and private entities which are performing nutrition research, shall cooperate with the Commission for research and policy development.

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

Any donation, contribution, bequest, and grant which may be made to the Commission shall constitute as allowable deduction from the income of the donor for income tax purposes and shall be exempt from

donor's tax, subject to such conditions as provided under the National Internal Revenue Code, as amended.

SEC. 12. *Transitory Provisions.* – The National Nutrition Council is reconstituted as the National Nutrition Commission. Such personnel, properties, assets and liabilities, functions and responsibilities of the Council are hereby transferred to or absorbed by the Commission. Incumbent officials and employees shall continue to exercise their respective functions and responsibilities with the corresponding benefits and privileges.

The incumbent Executive Director and Deputy Executive Directors shall serve as the first Chairperson and Commissioners upon effectivity of this Act. Thereafter, the Chairperson shall appoint the Commission's new Executive Director and Deputy Executive Directors.

Consistent with the reconstitution of the National Nutrition Council into a Commission, the present positions and salaries of personnel shall be upgraded to the level of their counterparts in a department set-up.

The Commission shall recruit or employ such other personnel as may be necessary for the performance of its functions.

SEC. 13. *Appropriations.* – The amount necessary to carry out the provisions of this Act, with the exception of Section 9, shall be charged to the current fiscal year appropriations of the National Nutrition Council. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 14. *Implementing Rules and Regulations.* – Within sixty (60) days from the appointment of the Chairperson and Commissioners, the Commission, in coordination with the members of the Advisory Board, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. *Separability Clause.* – If any provisions or part of this Act is declared unconstitutional or invalid, the other provisions or parts thereof not affected thereby shall continue to be in full force and effect.

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

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

Approved,