

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **3202**



Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

EXPLANATORY NOTE

Access to adequate and nutritious food is a basic human right and an essential foundation for every child's physical, mental, and emotional development. In a country where millions of families struggle with poverty, hunger remains a serious barrier to educational attainment. It hinders school attendance, concentration, cognitive growth, and social development—factors that directly affect a child's ability to learn and thrive. When children go to school hungry, the promise of public education as a tool for social mobility is severely undermined.

The COVID-19 pandemic has only worsened this crisis. While the public health emergency affected all sectors of society, children—especially those from low-income families—suffered the greatest impact. Many were left to study under harsh conditions, often on empty stomachs, without access to the most basic nutritional needs. The long-term consequences of this learning disruption and nutritional deprivation must be addressed through urgent, sustained, and coordinated efforts.

This bill, titled the "Free School Meals Program Act," seeks to institutionalize a nationwide feeding program that will provide free, nutritious meals—including milk-based food products—to all children enrolled in public kindergarten and elementary schools. It expands upon Republic Act No. 11037, or the "Masustansyang Pagkain para sa Batang Pilipino Act," which targets undernourished children, by establishing a universal and centralized program designed not only to address hunger, but also to improve educational and health outcomes across the board.

The proposed measure is anchored in Article XV, Section 3(2) of the 1987 Constitution, which declares that the State shall "defend the right of children to assistance, including proper care and nutrition." It also upholds the constitutional mandate to make quality education accessible to all by removing barriers to learning—including hunger.

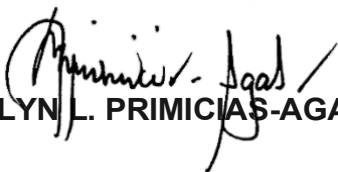
Health and education are deeply interlinked. Undernourished children are more likely to underperform academically, have lower attendance, and drop out of school prematurely. By providing regular, nutritious meals in schools, we give learners a better chance to succeed academically and to grow into healthy, capable members of society. This measure positions school-based nutrition as a vital investment in the country's human capital.

As the nation returns to full in-person classes, the implementation of a school meals program becomes not just timely, but necessary. It promotes inclusivity by prioritizing poor and undernourished students while gradually expanding to cover all pupils in public kindergarten and elementary schools. Furthermore, the measure encourages private sector involvement through tax incentives for donations, in line with the National Internal Revenue Code of 1997, as amended—making the program a platform for meaningful public-private collaboration.

Beyond addressing child hunger, this bill represents a long-term strategy to break the cycle of poverty, reduce social inequities, and improve national productivity. Nourished children learn better, stay in school longer, and have greater potential to contribute to society as healthy, educated, and empowered citizens.

In sum, the Free School Meals Program Act is a holistic, forward-looking measure that tackles multiple national concerns—malnutrition, poor learning outcomes, and child welfare—through a sustainable, inclusive approach. By ensuring that no child goes to school hungry, we not only feed young bodies, but also fuel young minds, helping build a stronger, healthier, and more equitable nation.

In view of the foregoing, the immediate and favorable passage of this bill is earnestly sought.


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AN ACT PROVIDING FREE SCHOOL MEALS FOR KINDERGARTEN AND ELEMENTARY STUDENTS, ESTABLISHING FOR THIS PURPOSE THE FREE SCHOOL MEALS PROGRAM, 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 "*Free School Meals Program Act.*"

SEC. 2. Declaration of Policy. -It is hereby declared the policy of the State to promote the rights of children to survival, development, and special protection with full recognition of the nature of childhood and its special needs. In recognizing the direct correlation between good nutrition and physical and intellectual development, the State shall promote access to affordable and proper nutrition among school children, especially those in low-income households. Furthermore, the State shall commit to eradicating child hunger and poverty.

Towards these ends, the State shall guarantee the access of children from low-income households to nutritious meals in all state-run schools.

SEC. 3. Definition of Terms. -As used in this Act:

- a. *Fortified food* refers to food with deliberately increased content of essential micronutrients, i.e., vitamins and minerals (including trace elements), irrespective of whether the nutrients were originally in the food before processing, to improve the nutritional quality of the food supply and to provide a public health benefit with minimal risk to health.
- b. *Fresh milk* refers to pasteurized fresh milk with limited shelf life, usually seven (7) to ten (10) days, and requiring refrigeration.
- c. *Fresh milk-based food* refers to food products containing fresh milk blended with powdered milk.
- d. *National Household Targeting System for Poverty Reduction (NHTS-PR) or Listahanan* refers to an information management system that identifies who and where the poor are in the country and serves as a reference in determining potential beneficiaries of

social protection programs; and

- e. *Powdered milk* refers to a manufactured dairy product made by evaporating milk into powder form purposely to preserve it and to have a far longer shelf life than liquid milk due to its low moisture content.

SEC. 4. Objectives. - The Free School Meals Program should pursue the following objectives:

- a. Ensure that proper, age-appropriate, and affordable health and nutrition programs are accessible to school children throughout their childhood years.
- b. Improve survival rates attendance in public kindergarten and elementary schools.
- c. Enhance the physical, social, cognitive, psychological, and language development of young children and support their development into teenagers physically and intellectually capable of becoming civically engaged youths.
- d. Mitigate malnourishment among school children, thus, ensuring that they will be adequately prepared for the formal learning system; and
- e. Establish an efficient system for early identification, prevention, referral, and intervention of developmental disorders and disabilities in early childhood.

SEC. 5. Establishment of the Free School Meals Program. - The Free School Meals Program, hereinafter referred to as the Program, is hereby established as the central and streamlined approach to provide free supplementary meals, including fresh milk-based food products, through a program menu that shall be designed by the Department of Education (DepEd), in partnership with the National Nutrition Council (NNC), particularly for children studying in public kindergarten and elementary schools nationwide.

The Program shall ensure that universal access wherever possible. Still, in case of budgetary constraints, priority shall be given to children below or near the poverty line who are found to be undernourished.

The Department of Budget and Management (DBM) shall recommend streamlining all nutrition programs benefiting school children into the Program. Other endeavors that cater to out-of-school youth shall not be streamlined into the Program unless these encourage the same to enter school.

SEC. 6 Implementation and Interagency Coordination. - The DepEd shall have the primary responsibility for the administration and implementation of the Program. The following national government agencies shall be tasked to make available such resources as may be necessary to ensure the successful implementation of the Program and shall perform the following tasks:

- a. The Department of Agriculture (DA) shall tap farmers' associations and cooperatives in the locality for possible sources of food supplies. It shall share with the DepED any available resources and facilities that may be used for the Free School Meals Program. The DA shall support food production programs in and by public schools whenever applicable. The DA shall assign an office responsible for managing Free School Meals Program efforts between the DepED and the DA
- b. The Department of the Interior and Local Government (DILG) shall encourage the support of local government units (LGUs) as DepED partners in the Free School Meals Program operation. Barangay Nutrition Scholars and Barangay Health Workers shall be requested to assist in Free School Meals Program programs and projects.
- c. The Department of Social Welfare and Development (DSWD) shall support the DepEd by ensuring the availability of data on poor households based on the NHTS-PR or Listahanan.
- d. The Department of Trade and Industry (DTI), the DA, the Department of Health (DOH), and the Food and Drug Administration (FDA) shall assist the DepED look for cost-effective sources of foodstuff, vaccines, and vitamin supplements.
- e. The National Economic and Development Authority (NEDA), the Department of Finance (DOF), and the Department of Foreign Affairs (DFA) shall support the DepEd in the determination and obtaining of official development assistance sources to expand the inputs needed in the Free School Meals Program.
- f. The National Dairy Authority (NDA) shall support the DepEd in the procurement of fresh milk-based food products and in coordinating with local cooperatives and dairy corporations for the availability of milk supplies needed; and
- g. The National Nutrition Council (NNC), in coordination with the Food and Nutrition Research Institute (FNRI), shall provide a menu consisting of a combination of foods that meet the recommended energy and nutrient intake of children, including alternatives for children who are allergic to certain foods. In addition, the NNC shall endeavor, as much as possible, to provide menu items that do not contain common allergens.

SEC. 7. *Mechanics of the Free School Meals Program.* - The DepEd is hereby mandated to oversee the following activities:

- a. Administer the Program, in coordination with concerned government institutions, for a minimum of one hundred twenty (120) feeding days per school year to be done five (5) days a week with one (1) feeding activity per school day.

- b. Conduct orientation and training activities utilizing its core trainers for all DepEd health and nutrition unit personnel at the regional and division levels to generate their support for the Free School Meals Program's objectives and mechanics. DepEd personnel trained at the schools' division level shall be responsible for preparing the staff at the district and municipal levels, while those trained at the district and municipal levels shall be responsible for training the implementers and feeding coordinators at the school level.
- c. Conduct orientation meetings with parents, Parent-Teachers' Associations (PTAs), and pupils utilizing the DepEd feeding coordinators for proper information dissemination on the Free School Meals Program's objectives and mechanics and, in the process, generate stakeholders' support and recommendations for the program.
- d. Ensure the availability of the necessary food supplies such as (1) Fresh milk-based and fortified foods; and (2) Vitamin supplements in such dosages and for such duration as the DOH may determine most beneficial to the child's health and nutritional well-being; and,
- e. Ensure that the beneficiary school children eat their meals and drink their milk inside the classroom only.

SEC. 8. *Procurement, Storage, and Handling System.* - The procurement, storage, and handling of appropriate food supplies shall be spearheaded by the DepEd, in coordination with the NNC, the FNRI, and other concerned government agencies. In addition, the DepEd shall seek the help of the DA in tapping the services of local farmers' associations and cooperatives for the procurement of locally produced food supplies and shall encourage contracts with farmers' associations and cooperatives in accordance with existing procurement laws.

In the procurement program, priority shall be given to the utilization of locally produced fresh milk and locally available food supplies, utilizing the Gulayan sa Paaralan Project (GPP) products to increase food supplies at the local level. The DepEd shall issue guidelines to implement the procurement, storage, and handling system effectively.

The DepEd shall also seek the compensated assistance of residents trained by the Technical Education and Skills Development Authority (TESDA) in food preparation, handling, and storage.

SEC. 9. *LGU Prioritization.* - In case of a shortage of funds, priority in implementing the Free School Meals Program shall be given to municipalities and cities, which are determined and identified by the NNC, and validated by the Philippine Statistics Authority (PSA), to have high malnutrition rates.

SEC. 10. *LGU Participation.* - The Secretary of Education shall initiate partnerships with LGU officials to encourage them to contribute available resources to the feeding program in public schools within the LGUs' respective areas of jurisdiction.

SEC. 11. *Amendment to the Allocation of the Special Education Fund (SEF).*

- To allow LGUs to participate in the Free School Meals Program, Section 272 of Republic Act No. 7185, otherwise known as the Local Government Code, is hereby amended to read as follows:

"Section 272. *Application for Proceeds of the Additional One Percent SEF Tax.* - The proceeds from the additional one percent (1%) tax on real property accruing to the Special Education Fund (SEF) shall be automatically released to the local school boards: Provided, That, in case of provinces, the proceeds shall be divided equally between the provincial and municipal school boards: Provided, however, That the proceeds shall be allocated for the operation and maintenance of public schools, construction and repair of school buildings, facilities and equipment, educational research, purchase of books and periodicals, **SUPPORT FOR SCHOOL NUTRITION PROGRAMS**, and sports development as determined and approved by the Local School Board."

SEC. 12. Tax Deductibility Donation. - Any donation or bequest made to the DepEd for the Free School Meals Program shall be considered an allowable deduction from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended: *Provided*, That the donation is duly approved by the Secretary of Education upon the recommendation of the Executive Director of the NNC in case of food products, and the Secretary of Health, in case of vaccine and vitamin products.

SEC. 13. Appropriations. - The amount necessary to cover the initial implementation of this Act shall be charged against the appropriation of the DepED for school-based feeding programs under the current General Appropriations Act. 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 one hundred and twenty (120) days after the approval of this Act, the Secretary of Education, in consultation with the heads of other participating government agencies, shall formulate the rules and regulations implementing the provisions of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after publication in two (2) national newspapers of general circulation.

SEC. 15. Separability Clause. If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SEC. 16. Repealing Clause. - All laws, decrees, orders and rules, and regulations contrary to or are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

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

Approved,

