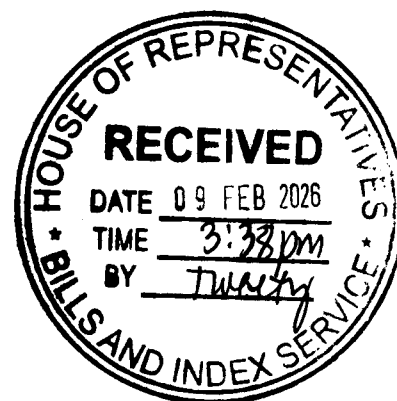


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7684



Introduced by REP. DENNIS "TOM" L. HERNANDEZ

AN ACT
REDUCING WASTAGE BY DONATING EXCESS EDIBLE FOOD

EXPLANATORY NOTE

The Philippines has long suffered from food insecurity – and the growing population, limited resources, and natural disasters further deepen the poverty incidence, leading to growing hunger among Filipinos. Poverty remains one of the most significant drivers of food insecurity in the Philippines, and the 2.60% rise in food costs weighs heavily on the expenses of over 31 million people who barely have anything to eat.

A survey done by the Social Weather Stations (SWS) saw a rise in the number of Filipino families experiencing involuntary hunger. At 27.2%, the Philippines is once again facing hunger incidences at par with what the country experienced during the COVID-19 pandemic. This is in stark contrast with the fact that the Philippines generates roughly three million tons of food waste annually.

The limited access to food and resources has pushed poor Filipino families into scavenging through and recycling discarded food scraps or *pagpag* for something to eat. This practice not only provides minimal to no nutrients to one's body, but strips humans of their individual dignity.

Moreover, the negative environmental impact of sending food waste to landfills perpetuates the cycle of hunger as decomposition of food waste releases a greenhouse gas 28 times more powerful than carbon dioxide. The buildup of greenhouse gases creates longer dry seasons and stronger typhoons, damaging crops and adding to the country's food scarcity.

While there are several non-profit organizations that have taken the initiative to provide meals to marginalized communities, this is still not enough to solve the hunger plaguing Filipino families. The access to adequate and healthy food is an

inalienable right afforded to all – being denied the right to decent, nutritious food is a violation of human rights.

This bill seeks to ameliorate the abovementioned problems through the institutionalization of donation of surplus edible food for the consumption of families living on the edge of poverty. The donation of surplus edible food not only remedies the food insecurity experienced by Filipinos but also lessens the country's greenhouse gas emission, leading to the vicious cycle of food insecurity through limited access to crops due to extreme weather events.

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


REP. DENNIS "TOM" L. HERNANDEZ
4th District of Rizal 

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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 as the ***“Food Surplus Reduction Act.”***

SEC. 2. *Declaration of Policy.* – The State recognizes that each person has a right to an adequate standard of living, including sufficient, safe, quality and nutritious food. It is hereby declared a policy of the State to attain food security, end hunger, and promote the efficient use of the country's food resources. The considerable number of people going hungry daily is a breach of a human right that this Act intends to address and correct and the massive amount of food surplus presents an opportunity for the State to address hunger and its efforts on quality of life of the underprivileged.

Toward this end, the State shall adopt a system to promote, facilitate and ensure the reduction of food surplus through redistribution and recycling. The state shall likewise implement measures to make it mandatory to donate edible food surplus for charitable purposes.

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

- a) *Edible food surplus* refers to excess food or surplus food in the retail and consumption stages, determined to be fit for human consumption based on the applicable standards of food quality and safety;
- b) *Food banks* refer to non-profit, charitable or other social mission-oriented organizations that collect donations of edible food items and distribute them to the food insecure;

- c) *Food insecure* refers to persons or groups of persons who have no means and/or have difficulty producing or purchasing food;
- d) *Food surplus reduction* refers to the decrease of food surplus through the redistribution of food surplus to the food insecure or the recycling of food as fertilizer or compost;
- e) *Food-related business* refers to public and private businesses involved in the manufacturing and processing of food products, private businesses involved in the wholesaling and retailing of food products, private businesses involved in serving food products, and private institutions offering courses in the art and science of preparation, cooking and presentation of food; and
- f) *Inedible food surplus* refers to food discarded in the retail and consumption stages, determined to be unfit for human consumption, including, prepackaged food products that have gone beyond their declared expiry dates.

SEC. 4. Covered Establishments. – The establishments covered by this Act are as follows:

- a) Food manufacturers, notwithstanding any restriction imposed by any existing law and regulation on food manufacturers: *Provided*, That any donation made by such manufacturers under the provisions of this Act shall constitute an exception to the applicability of restrictions under existing laws and regulations as long as the product to be donated has no safety and quality issue, no untruthful information or health claims or any information that can mislead the consumers;
- b) Food establishments (restaurants, cafes, diners, fast food chains or hotels);
- c) Supermarkets with at least five hundred (500) square meters of selling space; and
- d) Culinary schools which offer culinary, baking and pastry courses with at least fifty (50) students.

SEC. 5. Determination of Food Insecure. – The criteria for the determination of a food insecure person or group, will be made by the Department of Social Welfare and Development (DSWD), in coordination with local government units (LGUs).

SEC. 6. National Zero-Food Waste Campaign. – The National Nutrition Council (NNC), in close coordination with the DSWD, the Department of the Interior and Local Government (DILG), Department of Environment and Natural Resources (DENR), Department of Education (DepEd), Department of Trade and Industry (DTI), Department of Health (DOH), Department of Science and Technology (DOST), Department of Agriculture (DA), other concerned agencies and LGUs, shall undertake a National Zero-Food Waste Campaign to raise awareness on the impact of a food surplus and strategies to decrease wasted food starting at the household level. The campaign shall also promote the food surplus reduction hierarchy and recommend means of reducing individual food waste.

To educate the younger generation, the DepEd shall have the duty to ensure that the prescribed curriculum includes informative materials on the following:

- a) Current global and national food waste situation;
- b) Ways to minimize food surplus;
- c) National and local food surplus prevention programs;
- d) Food recovery; and
- e) Pertinent provisions of this Act.

SEC. 7. *Edible Food Surplus Distribution Steps.* – The following steps shall be followed in edible food surplus distribution:

- a) The owners of the covered establishments will segregate their edible and inedible food surplus;
- b) To facilitate distribution, food manufacturers may opt to perform the segregation of their products at the supermarkets that sell their products, bearing in mind the exclusion of all physically damaged food containers such as tainted or tarnished label which may render it unreadable, dented, smashed, rusted, swollen, corroded food container or any similar condition which may render the food unsafe. For consumer protection and consistency with existing policy, and processed food for donation shall have at least twelve (12) months remaining shelf-life;
- c) Before a donation is made, a duly trained sanitary inspector of the LGU will check if the edible food surplus is fit for consumption;
- d) Upon determination that the edible food surplus conforms to the standard and policy, it will be donated to accredited food banks, as determined by the DSWD; and
- e) Food banks, in coordination with the DSWD and LGUs will distribute the edible food surplus to the food insecure.

SEC. 8. *Food-related Business Surplus Reduction Strategy.* – The owners of food-related businesses such as food manufacturers, supermarkets, restaurants, cafeterias, culinary schools and hotels shall:

- a) Submit their respective reports to the DSWD and DENR containing data on the amount (in tons) of its edible and inedible food surplus, organized according to the manner of disposal, including donation, composting, or discarding;
- b) Enter into a contract with food banks to redistribute edible food surplus to the food insecure;
- c) Ensure that edible food surplus is unadulterated and in good condition upon arrival at the food bank's distribution center; and

- d) Enter into a contract with waste management and recycling enterprises to recycle inedible food surplus.

SEC. 9. *National Food Surplus Scheme.* – The DSWD, as the coordinating agency between 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) Ensure that food banks have adequate and appropriate storage for the edible food surplus especially the highly perishable food;
- d) Promote linkages between food banks and LGUs to create a community-based food distribution system for the food insecure; and
- e) Create a Self-Sufficiency Program that will provide the food insecure with skills training in managing food banks and livelihood programs to avoid the dependence on donation solely.

SEC. 10. *Responsibility of LGUs in Waste Reduction Strategy.* – LGUs are hereby required to:

- a) Submit a report that contains data on the amount (in tons) of inedible food surplus that can be recycled as raw materials for fertilizers or compost, livestock feed or sources of biofuel to the DA and DENR;
- b) Initiate a waste segregation effort per household, ensuring inedible food surplus are not mixed with garbage, otherwise garbage found with food waste will not be collected;
- c) Shoulder the cost of transporting inedible food surplus from collection areas to waste management sites;
- d) Enter into contract with waste management and recycling enterprises to recycle inedible food waste into fertilizer or compost, livestock feed or sources of biofuel; and
- e) Facilitate the distribution of fertilizer or compost to farms and community gardening associations.

SEC. 11. *Training of Sanitary Inspectors.* – The NNC shall, in coordination with the University of the Philippines – College of Public Health and LGUs, conduct regular trainings on the proper handling, collection, distribution and determination of edible and inedible food surplus which includes microbiology, parasitology of food contaminant and the standards for the classification of food quality.

SEC. 12. *Liability Protection.* – To protect the food donors from possible abuses, and encourage donations, the liability of owners of the food-related businesses is limited only to the time that they have possession of the food surplus.

Once a donation is received by the accredited food banks and/or farms, the owners shall be exempt from any liability or injury arising therefrom.

SEC. 13. *Prohibition of Selling Edible and Inedible Food Surplus.* – The reselling of donated edible and inedible food surplus is strictly prohibited. The penalty of *prison mayor* shall be imposed upon anyone caught reselling donated food surplus. If the offender is a juridical entity, the responsible officers will be held liable for said violation.

SEC. 14. *Penal Provisions/Penalties.* – The penalty of a fine amounting to Five hundred thousand pesos (P500,000.00) shall be imposed upon any individual, private or public entity, who makes edible food surplus unfit for human consumption. The same penalty is applicable to private or public persons or entities that prevent the redirection of edible food surplus to food banks or inedible food surplus to waste management and recycling enterprises. The fines shall be imposed as follows:

First time offenders	One million pesos (P1,000,000.00)
Second time offenders	One million five hundred thousand pesos (P1,500,000.00)
Third time offenders	Two million pesos (P2,000,000.00)
Fourth time offenders	Three million pesos (P3,000,000.00)
Fifth time offenders	Five million pesos (P5,000,000.00)

SEC. 15. *Supervision.* – The NNC, in coordination with the DSWD, shall supervise the enforcement and implementation of this Act.

SEC. 16. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the NNC, in coordination with DSWD, DILG, DENR, DOST, DepEd, and DOH shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 17. *Separability Clause.* – If any part or provision of this Act shall be deemed unconstitutional or invalid, the other parts or provisions not affected thereby shall remain in full force and effect.

SEC. 18. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,