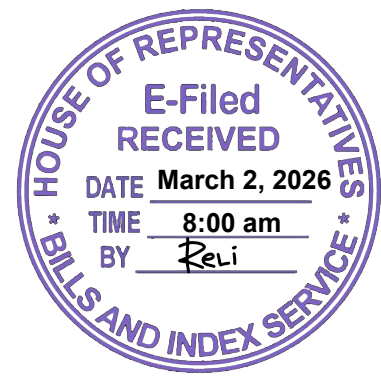


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 8171

EXPLANATORY NOTE

Every Filipino has a right to health and good nutrition. He/she must have nutritious and adequate food.

However, statistics show that every day, 95 children in the Philippines die from malnutrition. Twenty-seven out of 1,000 Filipino children do not get past their fifth birthday. A third of Filipino children are stunted, or short for their age.¹

Data also shows that 4,844 Filipinos died of malnutrition in January to October 2021 compared to 3,514 in the same period in 2020, or a growth of 37.85% in 2021.² Likewise, according to December 12 to 16, 2021 Social Weather Stations (SWS) survey, 11.8% of Filipino families or an estimated of three million Filipinos experienced “involuntary” hunger from October to December 2021 due to lack of food.³

The Philippines ranked fifth among the countries in East Asia and the Pacific region with the highest prevalence of stunting in 2019, and among ten (10) countries globally with the highest number of stunted children⁴. Moreover, unlike other countries, the Philippines showed very minimal progress in addressing the undernutrition in the country with overnutrition becoming a significant concern⁵. For instance, stunting prevalence among children under-five years old improved from 33.8% in 2003 to 29.5% in 2018-2019, however, with slow decline and increase between 2008 (32.2%) and 2011 (33.7%), 2013 (30.3%) and 2015 (33.4%). The current nutrition situation is exacerbated by the unprecedented food, nutrition, fuel, and financial crises, setting the country back from ending all forms of malnutrition.

The government must therefore take aggressive steps to immediately resolve these perennial problems.

This bill seeks to meet the need of every Filipino to have proper nutrition and food. It provides a permanent nutrition framework that are aligned to the overall national policy of government especially the Philippine Development Plan. It is guided by the State policies enshrined in Sections 9 to 11, Article II of the 1987 Constitution which provide:

¹ <https://www.unicef.org/philippines/child-survival#:~:text=Every%20day%2C%2095%20children%20in,permanent%2C%20irreversible%20and%20even%20fatal.>, visited on August 26, 2022.

² <https://businessmirror.com.ph/2022/01/17/10-month-malnutrition-deaths-soar-40-in-21-record-high/>, visited on August 26, 2022.

³ <https://www.pna.gov.ph/articles/1170725>, visited on August 26, 2022.

⁴ Mbuya, N. V. N., Demombynes, G., Piza, S. F., & Adona, A. J. (2021). Undernutrition in the Philippines: Scale Scope, and Opportunities for Nutrition Policy and Programming. <https://doi.org/10.1596/978-1-4648-1701-4>.

⁵ World Food Programme and Department of Science and Technology - Food and Nutrition Research Institute. (2018). Fill the Nutrient Gap Philippines Summary Report.

SECTION 9. The State shall 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.

SECTION 10. The State shall promote social justice in all phases of national development.

SECTION 11. The State values the dignity of every human person and guarantees full respect for human rights.

This bill is also aligned with the International Covenant on Economic, Social and Cultural Rights, where the Philippines, as State Party recognizes the right of everyone to adequate food, and freedom from hunger. Article 11 thereof states:

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

This bill guarantees a fully integrated whole-of-government approach to implement, monitor, and evaluate a national policy governing nutrition and food. It also seeks the Strengthening of the National Nutrition Council by expanding its powers and function to ensure food security and proper nutrition thereby repealing for this purpose Presidential Decree No. 491, a more than forty-eight years law.

Hence, the approval of this bill is earnestly sought.



RUFUS B. RODRIGUEZ



MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 8171

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, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippine Congress Assembled:

Section 1. Short Title. This Act shall be known as the “Nutrition Act”.

Section 2. Declaration of Policy. It is a declared policy of the State under Article II, Section 15 of the 1987 Constitution to guarantee the right of Filipinos to health and instill health consciousness among them.

In various international agreements, the State commits the enhancement of nation’s health sector and its social protection programs consistent with the principles embodied in the International Covenant on Economic, Social and Cultural Rights, the Convention of the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women. Therefore, the State ensures to:

1. provide good nutrition;
2. provide food security;
3. eliminate hunger;
4. reduce all forms of malnutrition;
5. improve the quality of life;
6. prioritize nutrition for all age groups; and
7. collaborate across all branches of government, local government units, civil society organizations, and private sector to guarantee improved human health and wellbeing.

Section 3. Renaming of the National Nutrition Council. The nomenclature of the National Nutrition Council, established pursuant to Presidential Decree No. 491, as amended, is hereby changed to National Nutrition Commission, hereinafter referred to in this Act as the “Commission”, which shall be attached to the office of the President for general direction and coordination.

Section 4. Composition of the Commission. – The Commission shall be headed by a Chairperson with a rank of Cabinet Secretary and two (2) Commissioners with the rank of Undersecretary. They shall be appointed by the President for a term of six years with one reappointment and shall be entitled to retirement benefits provided under Republic Act Numbered Fifteen Hundred and Sixty-Eight, as amended by Republic Act Numbered Three Thousand Five Hundred and Ninety-Five. Appointments to a vacancy that occurs before the expiration of the term of a Chairperson or Commissioner shall cover only the unexpired term of the immediate predecessor. At the expiration of the term of the Chairperson or in case of vacancy, the most 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 Chairperson and the Commissioners shall hold office until their successors are appointed.

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

The Commission shall be the primary policy-making, coordinating, implementing, and advisory body on nutrition and food concerns.

Section 5. Powers, Functions and Responsibilities of the Commission – The powers, functions, and responsibilities of the Commission are as follows:

1. To formulate an integrated and multi-sectoral national policies, programs, activities, and projects on nutrition and food to ensure good nutrition, eliminate hunger, and food security.

2. To 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. It shall coordinate with the National Disaster Risk Reduction and Management Council and Department of Social Welfare and Development to ensure proper nutrition and food during emergencies and disasters.

3. To provide technical assistance to increase 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 gender perspective;

6. To coordinate the release of public funds for nutrition and food in accordance with the approved projects, activities, and programs.

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 rewards and recognition system.

9. To 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.

Section 6. 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 Barangay

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 health workers or barangay nutrition scholars
- i) non-government organizations

The Commission and the provisional members shall sit *en banc* for the purpose of approving the PPAN and for other 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.

Section 7. *Philippine Plan of Action for Nutrition (PPAN).* A six-year multi-sectoral and integrated national nutrition plan of action shall be developed and formulated by the Commission. The PPAN should be aligned with the Philippine Development Plan.

In developing the PPAN, the policies, principles, and programs embodied in the 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. 10866), Masustansyang Pagkain para sa Batang Pilipino Act (Republic Act No. 11037), Kalusugan at Nutrisyon ng Mag-Nanay Act (Republic Act No. 11148) and all the relevant laws on nutrition and food security to be enacted hereafter must be considered.

The PPAN must be concurred by its provisional members. The PPAN must be submitted to the Office of the President for direction and coordination.

Section 8. *Nutrition Month.* — The month of July shall be designated as NUTRITION MONTH for the purpose of creating greater awareness among our people on the importance of nutrition. The Commission shall formulate and approve programs and activities for nutrition month which should be coordinated across all sectors whether public or private.

Section 9. *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.

Section 10. *Retention of Personnel; Security of Tenure; Upgrading of Positions and Salaries.* All existing permanent personnel of the National Nutrition Council shall not be adversely affected by this Act. They shall continue in office and shall not be removed or separated from the service except for cause as provided for by existing laws. Further, the present positions and salaries of personnel shall be upgraded to the level of their counterparts in a department set-up. The Commission shall hire such other personnel as may be necessary for the performance of its functions.

Section 11. *Transitory Provisions.* - In consonance with the above provision, the incumbent Executive Director and Deputy Executive Directors shall serve as the firsts Chairperson and Commissioners upon effectivity of this Act.

Section 12. *Appropriations.* The State shall hereby provide the initial amount necessary for the organizational and operational requirements of this Act. Thereafter, the amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 13. *Repealing Clause.* Presidential Decree No. 491, as amended by Executive Order No. 234 s. 1987, Administrative Order No. 88 s. 1988, and Executive Order No. 427 s. 2005, is hereby repealed. All other laws, executive orders, executive issuances or letter of instructions, or any part thereof, inconsistent with or contrary to the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

Section 14. *Separability Clause.* If for any reason, any section or provision of this Act shall be declared unconstitutional or invalid, the other parts thereof not affected thereby shall remain valid.

Section 15. *Effectivity Clause.* This Act shall take effect after fifteen (15) days following its publication in at least (2) newspapers of general circulation.

Approved,