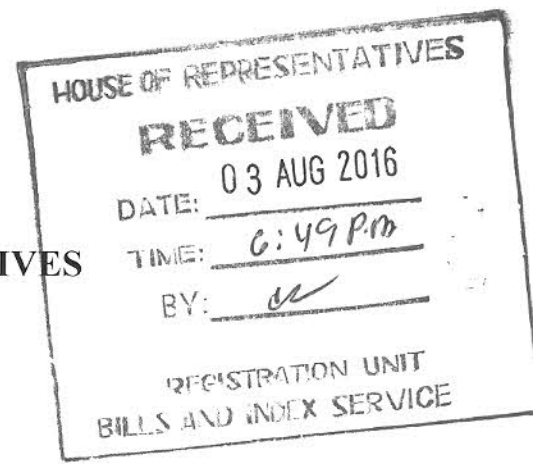


Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 2496



Introduced by: **REPRESENTATIVE CONRADO M. ESTRELLA III**

EXPLANATORY NOTE

The Philippines is equal parts blessed and cursed.

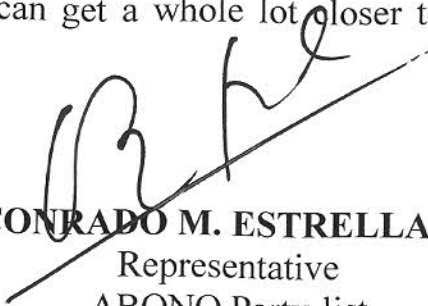
Our fertile lands give rise to an abundance of crops, and our farmers regularly produce 2.8% of the global rice supply, millions of tons of coconuts and bananas, and of course, the sweetest mangoes in existence. Yet the ones who put food on our table are also the ones who are most vulnerable to hunger, as poverty forces our farmers to go without food, often for days at a time.

Filipino cuisine is hailed as one of the most diverse in the region, and it is now poised to be the next big thing in the culinary world. Yet while our native delicacies tantalize foreign taste buds with the best of Eastern and Western flavors, majority of our people are reduced to eating pagpag: half-eaten burgers and fried chicken leftovers that are taken from the dumpster, wiped with a dirty cloth, and then repurposed as someone's next meal.

Clearly, the problem does not lie in the lack of food, but rather, in how too much of it goes to waste. Through this bill, we seek to right that wrong by prompting food-related establishments to donate their surplus edibles to charities like food banks, where the most deprived of our countrymen can avail of a full stomach in a safe and dignified environment. As for the donations that will be deemed no longer suitable for human consumption by the concerned

government agencies, these can still be put to use as organic fertilizer, thus benefitting not just our environment but also the impoverished farmers who can get it for free.

We have a long way to go before there is enough food in each Filipino home, but with the cooperation of all the public and private stakeholders in the battle against food waste, I believe that we can get a whole lot closer to the desired result of this undertaking.



CONRADO M. ESTRELLA III
Representative
ABONO Party-list

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2 **HOUSE OF THE REPRESENTATIVES**
3 **Quezon City**
4 SEVENTEENTH CONGRESS
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6
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8
9

10
11 Introduced by **REPRESENTATIVE CONRADO M. ESTRELLA III**
12

13
14
15 AN ACT PROVIDING FOR A SYSTEM OF REDISTRIBUTING AND
16 RECYCLING
17 FOOD SURPLUS TO PROMOTE FOOD SECURITY
18

19 Be it enacted by the Senate and House of Representatives of the Philippines in
20 Congress assembled:
21

22 **Section 1. Short Title-** This act shall be known as the “*Food Surplus Act* “
23

24 **Section 2. Declaration of Policy** – The State recognizes that each person has
25 a right to an adequate standard of living, including to sufficient food. It is
26 hereby declared a policy of the State to safeguard food security, end hunger,
27 and promote the efficient use of the country’s food resources.
28

29 Toward this end, the State shall adopt a system to promote, facilitate, and
30 ensure the reduction of food waste through redistribution and recycling. The
31 massive amount of food wasted and the considerable number of people going
32 hungry daily is a breach that this Act intends to correct.
33

34 **Section 3. Definition of Terms** – As used in this Act, the following terms
35 shall mean:
36

- 37
38 a. Food – anything edible that people consume to keep them alive.
39
40 b. Food insecure – persons or groups of persons who have no means
41 and/or have difficulty producing or purchasing food.
42

- c. Edible food surplus – excess food/surplus food in the retail and consumption stages, determined to be fit for consumption based on standards set by the National Nutrition Council. Edible food surplus excludes “*pagpag*”.
- d. Food surplus reduction – the decrease of food surplus generation, the redistribution of food surplus to the food insecure or the recycling of food as fertilizer or compost.
- e. Food-related business – public and private businesses involved in the manufacturing and processing of food products (i.e. food manufacturers), private businesses involved in the wholesaling and retailing of food products (i.e. supermarkets), private businesses involved in serving food products (i.e. restaurants, cafeterias, hotels), and private institutions offering courses in the art and science of preparation, cooking and presentation of food. (i.e. culinary schools, baking schools, pastry schools, etc)
- f. Food banks – non-profit, charitable or other social mission-oriented organizations that distribute food to the food insecure.
- g. Inedible food surplus – food discarded in the retail and consumption stages, determined to be unfit for consumption based on the standards set by the National Nutrition Council.
- h. Pagpag – leftover food from restaurants scavenged from garbage sites and dumps. This includes frozen meat, fish or vegetables discarded by supermarkets and scavenged in the garbage trucks where those expired foods are collected. For the purposes of this act, pagpag also includes unfinished meals of customers.

Section 4. Covered Establishments – For purposes of this act, the covered establishments are as follows:

- a) Food manufacturers
- b) Establishments that serve buffets and/or offer unli-rice promos (whether restaurants, cafes, diners, fastfood chains or hotels);
- c) Supermarkets with at least 500 square meters of selling space (the space excludes stockrooms, cashier area, and any other area which does not showcase or feature products)
- d) Culinary schools with at least 50 students. (Culinary schools include baking and pastry schools, and similar institutions which offers culinary, baking and pastry courses)

Section 5. Determination of Food Insecures: The criteria for determination of food insecures will be made by the DSWD, in coordination with the LGUs’.

1 Provided however, that those who are qualified under the Pantawid Pamilyang
2 Pilipino Program (4Ps) will be automatically considered as food insecure, and
3 beneficiaries under this Act.
4

5 **Section 6. National Food Surplus Campaign** – The National Nutrition
6 Council (NNC), in close coordination with the Department of Social Welfare and
7 Development (DSWD), the Department of Environment and Natural Resources
8 (DENR), the Department of Education (DepEd), the Department of Trade and
9 Industry (DTI), the Department of Health (DOH), Department of Science and
10 Technology (DOST), Department of Agriculture (DA), Food and Drug
11 Administration (FDA), other concerned agencies and Local Government Units
12 (LGUs), is hereby tasked to undertake a National Food Surplus Campaign to
13 raise awareness on the impact of food surplus and strategies to decrease
14 wasted food starting at the household level. The campaign shall also promote
15 the food surplus reduction hierarchy, and recommend means of reducing
16 individual food waste.
17

18 To educate the younger generation, DepEd shall have the duty to ensure that
19 the prescribed curriculum includes informative materials on the following: a)
20 current global and national food waste situation; b) ways to minimize food
21 surplus; c) national and local food surplus prevention programs; d) food
22 recovery; and e) pertinent provisions of this Act. DTI shall encourage food-
23 related businesses to purchase lower-price, non-standard size, or shape
24 produce to be used in their food products.
25

26 **Section 7. Edible food surplus distribution steps** – The following steps
27 shall be followed in edible waste distribution:
28

- 29 a) The owners of the covered establishments will segregate their edible
30 and inedible food surplus.
31
- 32 b) Before donation, a representative from the National Nutrition Council
33 will check if the edible food surplus is fit for consumption based on its
34 standards.
35
- 36 c) Upon certifying that edible food surplus is fit for consumption, the
37 edible food surplus will be donated to accredited food banks, to be
38 determined by the DSWD.
39
- 40 d) The food banks, in coordination with the DSWD and LGU's will
41 distribute the edible food surplus to the food insecure.
42

43 **Section 8. Inedible food surplus distribution** – The inedible food surplus,
44 together with the food waste determined as unfit for human consumption will
45 be distributed to farms to be used as compost/fertilizer in a manner to be
46 determined by the DENR, DOST and DA.

Section 9. Responsibilities of the owners of covered establishments – The owners of food-related businesses such as food manufacturers, supermarkets, restaurants, cafeterias, culinary schools and hotels are hereby required to:

- a. Submit its report to the DSWD, DENR and DOST that contains data on the amount (in tons) of its edible and inedible food waste, 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. Shoulder the cost of transporting, edible food surplus from business location to the food bank's warehouse or distribution center, and inedible food surplus to waste management sites.
- d. Ensure that edible food surplus is unadulterated and in good condition upon arrival at the food bank's distribution center, in accordance with the standard set by the DENR, (DA), and DOST
- e. Enter into contract with waste management and recycling enterprises to recycle inedible food surplus into fertilizers or compost.

Section 10. National Food Surplus Scheme – 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 storage for the edible food surplus.
- d. Promote linkages between food banks and LGUs to create a community-based food distribution system for the food insecure.
- 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.

1 **Section 11. Responsibility of the Local Government Unit in Waste**
2 **Reduction Strategy** – LGUs are hereby required to:

- 3
- 4 a. Submit its report that contains data on the amount (in tons) of
5 inedible food surplus that can be recycled as raw materials for
6 fertilizers or compost to the DENR in accordance with the
7 standard set by it.
- 8
- 9 b. Initiate waste segregation efforts per household through local
10 campaigns.
- 11
- 12 c. Enter into contract with waste management and recycling
13 enterprises to recycle inedible food waste from households into
14 fertilizers or compost.
- 15
- 16 d. Shoulder the cost of transporting inedible food surplus from
17 collection areas to waste management sites.
- 18
- 19

20 **Section 12. Training of representatives of the National Nutrition Council.**

21 – The DOH, in coordination with FDA, shall conduct seminars and provide
22 adequate training to representatives of the National Nutrition Council regarding
23 the proper sorting, collection and determination of edible and inedible food
24 surplus.

25

26 **Section 13. Tax incentives for food-related businesses** – To eliminate food
27 wastage and encourage strict compliance with this Act, the establishments,
28 which donated edible food surplus to food banks, and inedible food waste for
29 use as compost in farms will be given tax incentives in accordance with law.

30

31 **Section 14. Supervision** – The National Nutrition Council, in coordination
32 with the DSWD, shall supervise the enforcement and implementation of this
33 Act.

34

35 **Section 15. Prohibition of selling edible and inedible food surplus.** The
36 reselling of donated edible and inedible food waste is strictly prohibited. The
37 penalty of *prision mayor* shall be imposed upon anyone caught reselling
38 donated food surplus. If the offender is a juridical entity, the responsible
39 officers will be held liable for said violation.

40

41 **Section 16. Liability Protection-** To protect the food donors from possible
42 abuses, and encourage donations, the liability of owners of the food-related
43 businesses is limited only to the time that they have possession of the food
44 surplus. Once donation has been made to the accredited food banks and/or to
45 farms, the owners are exempt from any liability and/or injury arising
46 therefrom.

Section 17. Reward for Voluntary Compliance – Any establishment not covered under this act but voluntary complies with its provisions shall also be given tax incentives subject to the guidelines that will be set forth by the National Nutrition Council, in coordination with the DSWD and other concerned agencies.

Section 18. Penal Provisions/Penalties – The penalty of FINE amounting to FIVE HUNDRED THOUSAND PESOS shall be imposed on any individual, private or public entity, who makes edible food surplus unfit for consumption. The same penalty is applicable to private or public persons/entities who 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:

NUMBER OF TIMES	FINE
First time offenders	Php500,000.00
Second time offenders	Php1,000,000.00
Third Time Offenders	Php2,000,000.00
Fourth Time Offenders	Php, 3,000,000.00
Fifth time offenders and up	Pho5,000,000.00

Section 19. Implementing Rules and Regulations – Within sixty (60) days from the effectivity of this Act, the National Nutrition Council, in coordination with the Department of Social Welfare and Development (DSWD), the Department of Environment and Natural Resources (DENR), the Department of Science and Technology (DOST), the Department of Education (DepEd), the Department of Trade and Industry (DTI), the Department of Health (DOH), Food and Drugs Administration (FDA), shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Section 20. Periodic Review – The implementing agencies shall submit an annual report to Congress on the progress in the implementation of this Act.

Section 21. Appropriations – The funds needed to implement this Act shall be included in the annual General Appropriations Act.

Section 22. Separability Clause – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

1 **Section 23. Repealing Clause** – All laws, decrees, orders, rules, and
2 regulations or other issuances or parts inconsistent with the provisions of this
3 Act are hereby repealed or modified accordingly.
4

5 **Section 24. Effectivity** – This Act shall take effect fifteen (15) days after the
6 publication in the Official gazette or in any two (2) newspapers of general
7 circulation in the Philippines.
8

9
10 *Approved ,*
11
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