

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

HOUSE OF REPRESENTATIVES  
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Introduced by Representative Herminio Harry L. Roque Jr.

**AN ACT  
PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD**

**EXPLANATORY NOTE**

The Fourth Quarter 2013 Social Weather Survey, fielded over 11-16 December 2013, found 18.1% or an estimated 3.90 million families experiencing involuntary hunger at least once in the past three months. The Social Weather Station had found an average hunger rate of 19.5% for the year 2013.<sup>1</sup> It is this situation of hunger that the right to adequate food framework bill seeks to address. There is an urgent need to clarify that adequate food is not a matter of charity, but of legal entitlement.

Consistent with the principles and rights enshrined in the 1987 Constitution, most especially the right to life, as well as the provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child, and Convention on the Elimination of All Forms of Discrimination against Women, to which the Philippines is a party, it is the declared policy of the State to guarantee the right to adequate food. Article 11 of the ICESCR provides:

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... The States Parties will take appropriate steps to

<sup>1</sup><http://www.sws.org.ph/pr20140122.htm> viewed 13 February 2014.

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 co-operation, 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.

Scattered provisions in various Philippine laws guarantee certain aspects of the right to adequate food. These include: RA 6657 (Comprehensive Agrarian Reform Law), RA 8435 (Agriculture and Fisheries Modernization Act or AFMA), RA 8550 (Philippine Fisheries Code), RA 7607 (Magna Carta for Small Farmers), RA 7884 (National Dairy Act), RA 7900 (High Value Crops Act), RA 8178 (Agricultural Tariffication Act), RA 7308 (Seed Industry Development Act), RA 9168 (Plant Variety Protection Act), RA 7581 (Price Act), RA 71 (Price Tag Law), RA 7900 (High Value Crops Development Act of 1995), RA 8550 (Philippine Fisheries Code), EO 51 (Milk Code), and RA 8976 (Philippine Food Fortification Act of 2000).

There is a need to harmonize these laws. A right to adequate food framework law helps to strengthen food programs, and to ensure that they are maintained across time. A framework law also contributes to improving accountability in the delivery of these programs.

A framework law is important for setting targets to achieve, allocating responsibilities for taking action to different branches of government, and coordinating

their action. Its ultimate aim is the eradication of hunger. In this regard, Section 6 of this framework bill gives expression to freedom from hunger, as section 10 sets a target to achieve **zero hunger** in 10 years.

Section 12 establishes a Commission on the Right to Adequate Food as the lead agency to implement the right to adequate food. In accordance with sections 13 to 21, appropriate measures are adopted, assigning responsibilities across different departments of government, as well as civil society organizations, and imposing deadlines. There is a whole-of-government approach, in which various policies in the areas of health care, education, employment and social protection, agriculture and rural development are coordinated. This approach makes possible the identification of synergies among programs that fall under the responsibility of different departments, such as school-feeding programmes that source from local small-scale producers, or food-for-work programmes that improve rural infrastructures. A multi-year strategy combines short-term approaches that prioritize access to food for the hungry, and long-term concerns aimed at removing the structural causes of hunger, building bridges across them. Sections 22 to 23 make possible available various kinds of relief in case of a violation of the act.

Many of the provisions of this framework bill are inspired by the Food and Agriculture Organization Guide on Legislating for the Right to Food, Part Three Framework Law.<sup>2</sup> To the extent possible, they have been adapted to the Philippine context.

  
HERMINIO HARRY L. ROQUE JR.

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<sup>2</sup> <http://www.fao.org/docrep/014/i0815e/i0815e04.pdf>

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1 AN ACT  
2 PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

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

5 SECTION 1. *Short Title.* - This Act shall be known as the "Right to Adequate  
6 Food Framework Act."

7 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State  
8 to guarantee the right to adequate food.

9 Adequate food is not a matter of charity, but of legal entitlement. Hunger is  
10 inconsistent with human dignity and human rights, and must be eliminated. The aim of  
11 this act is to provide a framework, within which hunger will be addressed in an organized  
12 way, and through which hunger may be ended.

13 SECTION 3. *Definition of Terms.* - As used in this Act, the following terms shall  
14 be defined as follows:

15 a. *Food* means nourishment that includes solid, liquid and semi-liquid  
16 nourishment, as well as drinking water.

17 b. *Hunger* means a spectrum of situations, from starvation, which is not having  
18 enough food of any sort to eat, to undernourishment, which is having enough  
19 food to eat, but of inadequate quality.

20 c. *Right to adequate food* means the right to have regular, permanent and  
21 unrestricted access, either directly or by means of financial purchases, to

quantitatively and qualitatively adequate and sufficient food, corresponding to the cultural traditions of the people, to which he or she belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life, free of fear.

- d. *Vulnerable groups* refers to those who are particularly disadvantaged. These include indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities, individuals living with HIV/AIDS, refugees and internally displaced people, women and children.

SECTION 4. *Normative Content.* – The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food, or means for its procurement. The right to adequate food will therefore not be interpreted in a narrow or restrictive sense, which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, the core obligation is to take the necessary action to mitigate and alleviate hunger, even in times of natural or other disasters. Central to the realization of the right to adequate food is adequacy and sustainability of food availability and access.

- a. The concept of adequacy is particularly significant in relation to the right to adequate food since it serves to underline a number of factors which must be taken into account in determining whether particular foods or diets that are accessible, can be considered the most appropriate under given circumstances. The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations. The precise meaning of adequacy is to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while sustainability incorporates the notion of long-term

availability and accessibility. The core content of the right to adequate food implies:

- i. The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; and
  - ii. The accessibility of such food in ways that are sustainable, and that do not interfere with the enjoyment of other human rights.
- b. Dietary needs imply that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity, that are in compliance with human physiological needs at all stages throughout the life cycle, and according to gender and occupation. Measures therefore need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, including breast-feeding, while ensuring that changes in availability and access to food supply as a minimum do not negatively affect dietary composition and intake.
- c. Freedom from adverse substances sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration, or through bad environmental hygiene, or inappropriate handling at different stages throughout the food chain. Care must also be taken to identify and avoid or destroy naturally occurring toxins.
- d. Cultural or consumer acceptability implies the need also to take into account, as far as possible, perceived non nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.

e. Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.

f. Accessibility encompasses both economic and physical accessibility:

i. Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened, or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food, and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population need attention through special programmes.

ii. Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, those belonging to the informal sector, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas, and other specially disadvantaged groups, need special attention, and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands is threatened.



1       SECTION 5. *Conditions for the Exercise of the Right to Adequate Food.* – Every  
2 person has the right to live in conditions that enable her or him to:

- 3           a. either feed herself or himself directly from productive land or other natural  
4           resources, or rely on well-functioning distribution, processing and market  
5           systems, or both;
- 6           b. be financially able, not only to acquire a sufficient quantity and quality of food,  
7           but also to satisfy her or his other basic needs;
- 8           c. be safe from the risk of losing access to food, as a consequence of sudden  
9           shocks, like an economic or climatic crisis, or cyclical events, such as seasonal  
10          food insecurity;
- 11          d. have the opportunity of good food utilization, through access to an adequate  
12          diet, clean water, sanitation and health care, to reach a state of nutritional well-  
13          being, where all physiological needs are met; and
- 14          e. access foods or diets that are the most appropriate under given circumstances,  
15          in terms of their nutritional value and cultural acceptability.

16       Every girl and boy has a right to adequate food and nutrition adequate for her or his  
17 age, allowing her or him to grow and develop.

18       Every woman has a right to adequate food and adequate nutrition during pregnancy  
19 and lactation.

20       No limitation on the right to adequate food may be allowed, unless it is provided by  
21 law, is necessary for the purpose of a compelling public interest, and is compatible with  
22 the nature of the right to adequate food.

23       SECTION 6. *Freedom from Hunger.* - Every person has a right to be free from  
24 hunger. Every person suffering from hunger or undernourishment, or at risk of suffering  
25 from hunger or undernourishment, is entitled to a minimum amount of food according to  
26 his or her age, sex, health status and occupation, as provided for in section 15 of this Act.



1       SECTION 7. *Non-discrimination.* - Any distinction, exclusion or restriction made on  
2       the basis of race, colour, sex, age, language, religion, political or other opinion, national  
3       or social origin, property, birth or other status, which has the effect or purpose of  
4       impairing or limiting the capacity of an individual to exercise his or her right to adequate  
5       food, is unlawful and will be sanctioned in accordance with the law.

6       All forms of discrimination against women with regard to the guaranteed right to  
7       adequate food, including less favourable treatment of women for reasons of pregnancy  
8       and maternity, will be eliminated and prevented. The equality of opportunities between  
9       men and women will be promoted.

10       The prohibition of discrimination will not be read to include government action to  
11       remedy past effects of discrimination against particular individuals or groups and, to  
12       promote equality of opportunities with regard to the right to adequate food.

13       SECTION 8. *Principles.* – The principles upon which the provisions of this act are  
14       founded, and which must be observed in the process of realizing the right to adequate  
15       food, are:

16       a. Participation: People are able to determine their own well-being and participate  
17       in the planning, design, monitoring and evaluation of decisions affecting them.  
18       Individuals are able to take part in the conduct of public affairs, including the  
19       adoption and implementation of State policies. Such participation is active, free  
20       and meaningful, whether it is exercised directly or through intermediary  
21       organizations representing specific interests. It is supported by capacity-  
22       building where necessary.

23       b. Accountability: Public officials are answerable to their superiors, and to the  
24       people they serve, for their actions. Application of the principle of  
25       accountability in the context of the framework law requires clear assignment of  
26       responsibilities and functions to public authorities for implementation of the

1 framework law and any subsequent measures to be taken. In addition, the  
2 expected results are spelled out clearly and appropriate procedures are  
3 established.

4 c. Non-discrimination: It is a level of protection of human rights objectively and  
5 reasonably the same for everybody, irrespective of sex, age, race, colour,  
6 religion or any other ground. In addition to specifically prohibiting  
7 discrimination on any ground, this principle requires specific measures aimed  
8 at correcting *de facto* discrimination or eliminating conditions that cause or  
9 help to perpetuate discrimination, as well as measures promoting equality. In  
10 the context of this framework act, it means paying particular attention to those  
11 groups that cannot enjoy their rights as fully as others.

12 d. Transparency: It is open access by the public to timely and reliable information  
13 on the decisions and performance of public authorities. Holders of public office  
14 are as open as possible about all their decisions and actions that may affect the  
15 free exercise of the right to adequate food. Applying the principle of  
16 transparency within the context of the framework law means that right-holders  
17 are provided with essential information about the decision-making process and  
18 those accountable and responsible for it. Right-holders also have the power to  
19 demand information on the processes that feed into the achievement of the  
20 particular entitlement, with an easy and low-cost corrective check to  
21 maladministration.

22 e. Human dignity: It is the absolute and inherent worth that persons have, simply  
23 because they are human, not by virtue of any social status or particular powers.  
24 The framework law recognizes in an unequivocal form that every person has a  
25 right to adequate food. To comply with this principle in the implementation of

the framework act, the State, through its public officials, treats persons equally and respects their human worth and dignity.

f. Empowerment: People have the power, capacities, capabilities and access needed to change their own lives, including the power to seek from the State remedies for violations of their human rights. This principle is the logical consequence of all the preceding principles. In the context of the framework act, the empowerment principle entails the inclusion of specific provisions on awareness-raising, capacity-building and right to adequate food education

g. Rule of law: It means that governmental authority is legitimately exercised only in accordance with written, publicly disclosed and accessible laws, adopted and enforced in conformity with established procedures. The principle is intended as a safeguard against arbitrary use of State authority and lawless acts of both organizations and individuals. Any implementing rules and regulations to be adopted for ensuring the implementation of the framework act will be clear, fair and accessible. The rule of law also means that no person or body can breach the law with impunity. There is access to justice including the right to an effective remedy for anyone whose rights are violated, as well as the guarantee of due process in all legal proceedings.

SECTION 9. *Governmental Obligations.* – The State has the duty to respect, protect and fulfil the right to adequate food.

a. Respect: It is the duty of the State not to interfere with or impair the enjoyment of the right to adequate food. No public authority may deprive any person of food or means for its procurement, apply laws and regulations, or pursue a policy or practice, in a way that could result in preventing the enjoyment of or infringing the human right to adequate food, or repeal formally or suspend legislation necessary for the continued enjoyment of the right to adequate food.

1       b. Protect: It is the duty of the State to provide guarantees against threats and  
2       risks stemming from private actors or societal forces that are controllable by  
3       State action. It is bound to take preventive measures necessary to protect  
4       persons whose capacity to access sufficient and adequate food or means for its  
5       procurement is endangered by the acts of others. It also ought to review the  
6       relevant administrative and legislative framework ensuring that activities  
7       within their competence undertaken by private actors do not infringe on the  
8       right to adequate food of others.

9       c. Fulfil: It is the duty of the State to facilitate the enjoyment of the right to  
10      adequate food by adopting or pursuing appropriate policies and measures, in a  
11      manner to foster and promote the human right to adequate food and to create  
12      and maintain conditions under which every person can freely and regularly  
13      enjoy her or his right to adequate food. It is equally the duty of the State to  
14      provide the right to adequate food, by adopting and putting in place measures  
15      to provide food, or means for its procurement, to persons who cannot take care  
16      of their own needs, due to reasons beyond their control, in particular for  
17      children whose parents die or disappear or otherwise no longer take care of  
18      them.

19      SECTION 10. *Targets.* - The Government will ensure that in two and a half years,  
20      the incidence of hunger will be reduced, from the level current at the time of the passage  
21      of the framework act, by 25%; in five years, it will be further reduced by 25%; in seven  
22      and a half years, it will be further reduced by 25%; and in 10 years, zero hunger will be  
23      achieved.

24      The Government will also ensure that in 10 years, land devoted to food production  
25      will be increased to 50% of all prime agricultural land in every region, and that the  
26      following indicators will considerably and steadily increase over the same 10 years,

1 together with other structural and process indicators, as may be determined in the  
2 implementing rules and regulations of this framework act:

- 3 a) percentage of development of ancestral lands;
- 4 b) percentage of rural population with access to productive resources;
- 5 c) share of budget spent on programmes aiming at creating access to  
6 productive resources;
- 7 d) percentage of budget spent on agri-research, agri-extension, irrigation,  
8 training, technology, credits and rural development;
- 9 e) percentage of rural female-headed households, or rural women, with legal  
10 title to agriculture land;
- 11 f) percentage of public budget allocation for social transfer programmes to  
12 those unable to feed themselves;
- 13 g) coverage of marginalized and disadvantaged population taking part in  
14 social transfer programmes;
- 15 h) percentage of marginalized and disadvantaged population covered by a  
16 public nutrition supplement programme;
- 17 i) percentage of population aware of available food and nutrition  
18 programmes; and
- 19 j) coverage of school feeding programmes.

20 Periodic reviews will be undertaken to ensure compliance with set targets. In  
21 the implementation of this framework act, priority will be given to identified areas  
22 with chronically malnourished individuals. In measuring the incidence of hunger,  
23 the key primary data sources will include the National Nutrition Surveys (NNS);  
24 the Survey of Hunger Incidence in the Philippines (SHIP); the self-rated hunger  
25 indicator of the Social Weather Stations (SWS); and household surveys of the  
26 National Statistics Office (NSO), namely the Family Income and Expenditure

Survey (FIES) and the Annual Poverty Indicators Survey (APIS). There shall be authorized to be appropriated such amounts as necessary to carry out the provisions of this Act, to be included in the annual budget of the Department of Tourism in the General Appropriations Act.

SECTION 11. *Impact Assessment.* - All proposed government actions, plans and projects, including any development plan, will take into account the right to adequate food, and will undergo an objective impact assessment prior to its adoption and implementation. The steps for this objective impact assessment include:

- a. Screening: identifying proposals subject to impact assessment, and their level of detail.
- b. Scoping: identifying the issues and impacts that are likely to be significant for the effective enjoyment of the right to adequate food.
- c. Examination of alternatives: determining other options for achieving the same objectives as those of the proposal.
- d. Impact analysis: identifying and predicting the likely social, economic, environmental, and other related effects of the proposal.
- e. Mitigation and impact management: establishing measures necessary to avoid or minimize predicted adverse impacts, and to incorporate these into the proposal implementation plan.
- f. Impact statement or report: assessment of significant outcomes including a simplified summary for public debate.
- g. Public consultation: seeking the public's input on matters affecting them.
- h. Review of the impact assessment report: determining whether the report identifies all relevant information on the possible impacts on the enjoyment of the right to adequate food, takes into consideration all potential social, economic, environmental and other effects of the proposal, and contains

1 concerns and comments of the potentially affected population, and all the  
2 information necessary for decision-making.

3 i. Decision-making: approving or rejecting the proposal, and establishing the  
4 terms and conditions for its implementation.

5 j. Evaluation and monitoring: systematic determination of merit, worth and  
6 significance.

7 Any strategic intervention aimed at ensuring the enjoyment of the right to  
8 adequate food will similarly undergo an objective impact assessment prior to its adoption  
9 and implementation.

10 SECTION 12. *Commission on the Right to Adequate Food.* - The Commission on  
11 the Right to Adequate Food is hereby established.

12 a. It will be composed of a Chairperson and two members who must be natural-  
13 born citizens of the Philippines and, at the time of their appointment, at least thirty-five  
14 years of age, and must not have been candidates for any elective position in the elections  
15 immediately preceding their appointment. At least one of them will be a member of the  
16 Philippine Bar. This Commission will be an agency attached to the Commission on  
17 Human Rights of the Philippines.

18 The Chairperson and the Members of the Commission will not, during their  
19 tenure, hold any other office or employment. Neither shall they engage in the practice of  
20 any profession, or in the active management or control of any business, which in any way  
21 may be affected by the functions of their office, nor shall they be financially interested,  
22 directly or indirectly, in any contract with, or in any franchise or privilege granted by the  
23 government, any of its sub-divisions, agencies, or instrumentalities, including  
24 government-owned or controlled corporations or their subsidiaries.



1       The Chairperson and the Members will be appointed by the President for a term of  
2       seven years without reappointment. Appointment to any vacancy will be only for the  
3       unexpired term of the predecessor. Of those first appointed, the Chairperson will hold  
4       office for seven years, a Commissioner for five years, and another Commissioner for  
5       three years, without reappointment. Appointment to any vacancy shall be only for the  
6       unexpired term of the predecessor. In no case will any Member be appointed or  
7       designated in a temporary or acting capacity.

8       The Chairperson and the Members of the Commission on the Right to Adequate  
9       Food will receive the same salary and benefits as the Chairperson and Members,  
10      respectively, of the Constitutional Commissions, which shall not be decreased during  
11      their term of office.

12      b. The Commission on the Right to Adequate Food will have the following  
13      powers:

- 14           1) Receive complaints of violations of the right to adequate food from  
15           individuals and groups
- 16           2) Investigate, *motu proprio* or on complaint by any party, all forms of  
17           violations of the right to adequate food;
- 18           3) Adopt operational guidelines and rules of procedure, and cite for contempt  
19           for their violation, in accordance with the Rules of Court.
- 20           4) Provide appropriate legal measures for the protection of the right to  
21           adequate food of all persons within the Philippines, as well as Philippine  
22           citizens residing abroad, and provide for preventive measures and legal aid  
23           services to the under-privileged whose right to adequate food has been  
24           violated or needs protection;
- 25           5) Establish a continuing program of research, education and information to  
26           enhance respect for the primacy of the right to adequate food;

- 6) Recommend to Congress effective measures to promote the right to adequate food, to harmonize existing laws affecting the right to adequate food, to ensure their complementation, and the availability of remedies for violations and compensation to victims of violations of the right to adequate food;
- 7) Monitor the Philippine Government's compliance with its obligations in regard to the right to adequate food;
- 8) Request the assistance of any department, bureau, office or agency in the performance of its functions;
- 9) Appoint officers and employees in accordance with law; and
- 10) Perform such other duties and functions as may be provided by law.

c. In exercising its powers and duties, the Commission on the Right to Adequate Food will:

- 1) Apply the human rights principles established by this act.
- 2) Work in close cooperation with representatives of civil society and take their views into consideration.
- 3) Use, to the fullest possible extent, the services, facilities and information, including statistical information, of the relevant public and private bodies and organizations, to prevent duplication of effort and expenses.

SECTION 13. *Institutional Responsibilities.* - In implementing the right to adequate food, the Commission on the Right to Adequate Food may call out other agencies to ensure the right to adequate food. In the implementation of the right to adequate food, the Department of Agriculture will have the primary duty to ensure food availability, stability and adequacy; the Department of Health will have the primary duty to ensure food quality and safety; the Department of Trade and Industry will have the primary duty to ensure physical and economic access to food; and the Department of

1 Public Works and Highways will have the primary duty to ensure well-functioning  
2 distribution, processing and market systems.

3 SECTION 14. *Inter-Agency Council on the Right to Adequate Food.* - To  
4 facilitate inter-agency cooperation, there is hereby established an Inter-Agency Council  
5 on the Right to Adequate Food, which will be headed by the Chairperson of the  
6 Commission on the Right to Adequate Food, and which will be composed additionally of  
7 the following agencies and representatives:

- 8 a. Department of Agriculture;
- 9 b. Department of Agrarian Reform;
- 10 c. Department of Health;
- 11 d. Department of Trade and Industry
- 12 e. Department of Public Works and Highways;
- 13 f. Department of Environment and Natural resources;
- 14 g. Department of Energy;
- 15 h. Department of Social Welfare and Development
- 16 i. National Economic and Development Authority;
- 17 j. National Anti-Poverty Commission;
- 18 k. National Disaster Coordinating Council
- 19 l. Philippine News Agency
- 20 m. Philippine Information Agency
- 21 n. Two representatives of people's organizations; and
- 22 o. Two representatives of non-governmental organizations

23 The council members are tasked to formulate programs and projects to provide  
24 strategic interventions to respect, protect and fulfil the right to adequate food. The council  
25 will also serve as the monitoring body in regard to right to adequate food initiatives.

1       The council members that are government agencies may designate their duly  
2 authorized representative, who will have a rank not lower than an assistant secretary or its  
3 equivalent. The council members who are representatives of people's organizations and  
4 non-governmental organizations will be chosen by the Commission on the Right to  
5 Adequate Food from a list of nominees provided by people's organizations and non-  
6 governmental organizations engaged in the promotion of the right to adequate food.  
7 These members will attend council meetings, and will receive emoluments as may be  
8 determined by the council, in accordance with existing budget and accounting rules and  
9 regulations.

10       SECTION 15. *Minimum Amount of Food.* – The Commission on the Right to  
11 Adequate Food, in coordination with the Department of Social Welfare and  
12 Development, will ensure regular, reliable and timely delivery of a minimum amount of  
13 food, or the means for its procurement, to persons who are suffering from hunger or  
14 undernourishment, or are at risk from suffering from hunger or undernourishment, but  
15 who cannot take care of their own needs, due to reasons beyond their control, including,  
16 but not limited, to children whose parents die or disappear, or otherwise no longer take  
17 care of them, elderly, and persons with disabilities.

18       Implementing rules and regulations will be adopted on the minimum amount of  
19 food. These implementing rules and regulations will determine the exact quantity of  
20 calories, proteins and micronutrients, to which the minimum amount of food will  
21 correspond, according to the age, sex, health status and occupation of a person. There will  
22 be a simple and accessible application or certification procedure for the minimum amount  
23 of food entitlement, as provided for in the implementing rules and regulations. There will  
24 be transparent, fair and non-discriminatory eligibility or certification criteria.

25       Fair, independent and accessible recourse procedures to the Commission on the  
26 Right to Adequate Food for complaints and appropriate remedies in case of a determined

1 violation of the right to adequate food, will be established. There will also be an  
2 appropriate monitoring and evaluation mechanism in which the Department of Social  
3 Welfare and Development will report to the Commission on the Right to Adequate Food  
4 on a regular basis. The national budget will include a specific item allocating resources  
5 necessary for the implementation of this fundamental right. Specific support measures  
6 will be designed and adopted to prevent or compensate for disadvantages that identified  
7 vulnerable persons or groups suffer from, in regard to the enjoyment of their right to  
8 adequate food. The Commission on the Right to Adequate Food will review proposed  
9 support measures and, where necessary, will give further guidance, so as to ensure that all  
10 groups are covered appropriately.

11 SECTION 16. *Emergencies.* - The Commission on the Right to Adequate Food, in  
12 coordination with the National Disaster Coordinating Council, will have the duty to  
13 ensure that:

- 14 a. Food emergencies cover both early warning and preparedness for a crisis, as  
15 well as organizing and managing food response in the case of a crisis, and  
16 comply with the right to adequate food and the relevant international standards.
- 17 b. Emergency food responses be compatible with the right to adequate food and  
18 international standards regulating emergencies.
- 19 c. Requests for international assistance be initiated in case of necessity, alongside  
20 supervising and coordinating distribution of food response received.

21 SECTION 17. *Information.* - All government agencies, under the direction of the  
22 Commission on the Right to Adequate Food, in coordination with the Philippine News  
23 Agency and Philippine Information Agency, have a duty to:

- 24 a. Inform the population about the rights established in this framework act and  
25 about the implementing rules and regulations adopted upon its entry into force,

1 as well as about any other measure taken for the purpose of facilitating and  
2 promoting the realization of the right to adequate food.

- 3 b. Use the most appropriate ways and methods of disseminating information,  
4 including by providing information in oral ways, such as rural radio, and in  
5 local languages, notably in the most marginalized areas and among populations  
6 with a high rate of illiteracy.

7 SECTION 18. *Education and Awareness Raising.* - The Commission on the Right  
8 to Adequate Food, in coordination with the Department of Education, Commission on  
9 Higher Education and Technical Education and Skills Development Authority, will have  
10 the duty to ensure that:

- 11 a. The school curriculum includes material related to food and nutrition  
12 education, the right to adequate food, and human rights principles.  
13 b. Adult education and training programmes, when relevant, include material  
14 related to food and nutrition, the right to adequate food, and human rights  
15 principles.

16 SECTION 19. *International Cooperation.* - The Commission on the Right to  
17 Adequate Food, in coordination with the Commission on Human Rights and the  
18 Department of Foreign Affairs, will have the duty to:

- 19 a. Ensure that activities undertaken in other countries, including those by private  
20 actors, do not infringe on the enjoyment of the right to adequate food by people  
21 in the concerned countries; and  
22 b. Promote international cooperation and provide assistance to ensure the  
23 realization of the right to adequate food in other countries, if in a position to do  
24 so.

1       SECTION 20. *Monitoring System.* - There will be an integrated monitoring  
2 system in which all government agencies at all levels, under the supervision of the  
3 Commission on the Right to Adequate Food, will:

- 4       a. Collect data related to food and nutrition security, using monitoring  
5       methodologies and processes consistent with human rights principles as  
6       established by this act.
- 7       b. Disaggregate collected data by age, sex, status and group.
- 8       c. Monitor progress achieved in the realization of the right to adequate food.
- 9       d. Establish or identify an early warning mechanism.

10       SECTION 21. *Representation and Participation of People's Organizations and*  
11 *Civil Society.* - To guarantee public participation, the Commission on the Right to  
12 Adequate Food has the duty to ensure:

- 13       a. Free and meaningful participation, including freedom of information and  
14       freedom of association.
- 15       b. Consultations on specific areas of implementation of this framework act.
- 16       c. National public hearings every two years, at which the Government is required  
17       to report on progress made with the implementation of this framework act, and  
18       the progressive realization of the right to adequate food in the country.

19       SECTION 22. *Penal Provisions.* - The penalty of *prision mayor* will be imposed  
20 on any public or private actor, who deliberately starves or denies access to food to any  
21 particular individual or group, as through the commission of any of the following acts:

- 22       a. food blockade;
- 23       b. refusal to implement a food-related program;
- 24       c. discrimination in implementing a food-related program;
- 25       d. negligence in implementing food-related programs, resulting in death;
- 26       e. obstructing access to food in time of calamity or war;



- f. theft, corruption or black marketeering of food being given as humanitarian aid, in time of calamity or war,
- g. distribution of expired, or unsafe food at a school feeding program or other feeding program, in time of calamity or war;
- h. contamination of food or water sources, through mining activities, aerial spraying of plantations, or any other similar means;
- i. other analogous acts.

A food blockade is any knowing and willful effort to cut off food supplies from a particular area by force either in part or totally.

The penalty is imposable without prejudice to any other criminal, civil or administrative liability under Philippine law.

SECTION 23. *Civil and Administrative Liabilities.* - Any public officer or employee who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of a person's rights guaranteed in this framework act, will be liable to this person for damages. Any violation of a provision of this framework act, whether committed by public or private actors, will similarly give rise to liability for damages.

It is hereby declared a ministerial duty on the part of the Government to ensure the enjoyment of the rights guaranteed in this framework act, and to perform the duties embodied in it. Appropriate cases may be filed before the courts to compel compliance with the provisions of this act. These cases will be without prejudice to liability for damages, as well as administrative liability that may be incurred.

SECTION 24. *Appropriations.* - There shall be authorized to be appropriated such amounts as necessary to carry out the provisions of this Act. Afterwards, such sums as may be necessary for the continued implementation of this act shall be included in the annual General Appropriations Act. There will be an allocation of specific and sufficient resources for the purposes of the implementation of the right to adequate food, in

1 accordance with priorities set by the Commission on the Right to Adequate Food. The  
2 allocation will be aimed at the progressive realization of the right to adequate food over  
3 the long term. Every person's right to be free from hunger can never be deviated from by  
4 temporary or permanent cutbacks.

5       SECTION 25. *Implementing Rules and Regulations.* - The Commission on  
6 Human Rights will issue the necessary rules and regulations to implement the provisions  
7 of this act within sixty (60) days from its effectivity. In the formulation of these rules and  
8 regulations, the Commission on Human Rights will take the lead and will coordinate with  
9 the Department of Agriculture, Department of Agrarian Reform, Department of Social  
10 Welfare and Development, Department of Health, Department of Trade and Industry,  
11 Department of Public Works and Highways, National Economic and Development  
12 Authority, and National Anti-Poverty Commission, and with the active participation of  
13 people's organizations and human rights nongovernmental organizations.

14       SECTION 26. *Rationalization of Policies.* - All existing policies, laws, decrees,  
15 executive orders, memorandum orders, memorandum circulars, administrative orders,  
16 and ordinances will be rationalized in accordance with the right to adequate food, as  
17 provided for by this framework act.

18       Laws affecting the realization of the right to adequate food will be interpreted in a  
19 way compatible with the right to adequate food and this framework act.

20       The cabinet secretaries concerned and other executive authorities will report, at  
21 regular intervals, to the Commission on the Right to Adequate Food, on legislative and  
22 regulatory measures that have been elaborated and adopted, and the time frames within  
23 which they are envisaged to achieve their objectives.

1       SECTION 27. *Separability Clause.* - If any provision or part hereof, is held invalid  
2 or unconstitutional, the remainder of the law of the provision not otherwise affected shall  
3 remain valid and subsisting.

4       SECTION 28. *Repealing Clause.* - Any law, presidential decree or issuance,  
5 executive order, letter of instruction, administrative order, rule or regulation contrary to,  
6 or inconsistent with, the provisions of this Act is hereby repealed, modified or amended  
7 accordingly.

8       SECTION 29. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after  
9 its publication in at least two (2) newspapers of general circulation.

Approved,