

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

3849

HOUSE BILL NO. _____



Introduced by Representative **TYRONE D AGABAS**

EXPLANATORY NOTE

This bill seeks to reduce food waste through food donations and food waste recycling in the country. This bill has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. It is however necessary that this bill be filed due to its importance in strengthening food security and in lowering the incidence of "involuntary hunger" in the country.

The State values the dignity of every human person and guarantees full respect for human rights (Section 11, Article II, 1987 Constitution). The State shall also foster food production and food security.

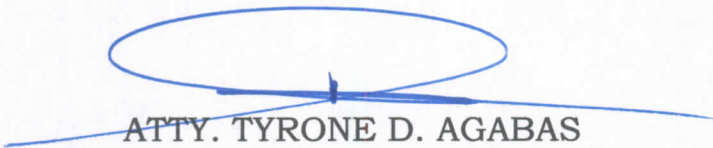
Food waste refers to food that is good quality and fit for consumption, but does not get consumed because it is discarded – either before or after it is left to spoil. The prevalence of food waste is alarming vis-a-vis the high rate of involuntary hunger in the country.

In the Social Weather Survey conducted on the First Quarter of 2019 (March 28-31, 2019), it was found out "that 9.5% or an estimated 2.3 million families experienced involuntary hunger at least once in the past three months. The measure of Hunger refers to involuntary suffering since the survey question specifies that the hunger experienced was due to lack of food to eat. The Hunger rate in March 2019 is one percentage point lower than the 10.5% (est. 2.4 million families) in December 2018." The data on the estimated 2.3 million families suffering involuntary hunger is very disturbing. Alongside the effort of the Department of Agriculture to advance food security in conjunction with other allied agencies, there is a need to take up a parallel legislative

measure that would reduce, if not totally eradicate, food waste in the country.

Through this legislative measure, food donations and food waste (recycled) will be certified as fit for consumption and will be donated to food banks which will distribute them to persons who have no means and/or have difficulty producing or purchasing foods in coordination with the Department of Social Welfare and Development and Local Government Units.

Approval of this bill is earnestly sought.



ATTY. TYRONE D. AGABAS
Representative
6th District, Pangasinan

Republic of the Philippines
HOUSE OF THE REPRESENTATIVE
Quezon City

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HOUSE BILL NO.

Introduced by Representative **TYRONE D. AGABAS**

AN ACT
REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD
WASTE RECYCLING

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

1 **SECTION 1.** *Short Title.* – This act shall be known as the
2 *“Food Waste Reduction Act”.*
3

4 **SEC. 2.** *Declaration of Policy.* – The state recognizes that each
5 person has a right to an adequate standard of living, including
6 sufficient, safe and nutritious food. It is hereby declared a policy of
7 the State to attain food security, end hunger, and promote the
8 efficient use of the country’s food resources. The considerable
9 number of people going hungry daily is a breach of a human right
10 that this Act intends to correct and the massive amount of food
11 waste produced presents an opportunity for the State to address
12 hunger and its efforts on the quality of life of the underprivileged.
13

14 Towards this end, The State shall adopt a system to promote,
15 facilities and ensure the reduction of food waste through
16 redistribution and recycling. The State shall likewise implement
17 measures to make it mandatory to donate edible food surplus for
18 charitable purposes.
19

20 **SEC. 3.** *Definition of Terms.* – As used in this Act:
21

22 (a) *Edible food surplus* refers to excess food or surplus food in
23 the retail and consumption stages, determined to be fit for
24 consumption based on standards set by the National
25 Nutrition Council (NNC) and Food and Drug
26 Administration(FDA);
27

(b) *Food insecure* refers to persons or groups of persons who have no means and/or have difficulty producing or purchasing food;

(c) *Food surplus reduction* refers to the decrease in food surplus generation, the redistribution of food surplus to the food insecure or the recycling of food as fertilizer or compost;

(d) Food-related business refers to public and private businesses as involved in the manufacturing and processing of food products, private business involved in the wholesaling and retailing of food products, private business involved in serving food products, and private institutions offering courses in the art and science of preparation, cooking and presentation of food;

(e) Food banks refer to non-profit, charitable or other social mission-oriented organizations that distribute food to the food insecure; and

(f) Inedible food surplus refers to food discarded in the retail and consumption stages, determined to be unfit for consumption based on the standards set by the NNC and FDA, including but not limited to 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 manufacturer, 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;

(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.

74 **SEC. 5. *Determination of Food Insecures.*** – The criteria for the
75 determination of food insecures will be made by the Department of
76 Social Welfare and Development (DSWD), in coordination with the
77 local government units (LGU's).
78

79 **SEC. 6. *National Food Surplus Campaign.*** – The NNC, in close
80 coordination with the DSWD, Department of the Interior and Local
81 Government (DILG), Department of Environment and Natural
82 Recourses (DENR), Department of Education (DepEd), Department
83 of Trade and Industry (DTI), Department of Health (DOH),
84 Department of Science and Technology (DOST), Department of
85 Agriculture (DA), FDA, other concerned agencies and LGU's, shall
86 undertake a National Food Surplus Campaign to raise awareness
87 on the impact of food surplus and strategies to decrease wasted
88 food starting at the household level. The campaign shall also
89 promote the food surplus reduction hierarchy and recommend
90 means of reducing individual food waste.
91

92 To educate the younger generation, the DepEd shall have the
93 duty to ensure that the prescribed curriculum includes informative
94 materials on the following:
95

- 96 (a) Current global and national food waste situation;
- 97
- 98 (b) Ways to minimize food surplus;
- 99
- 100 (c) National and food surplus prevention programs;
- 101
- 102 (d) Food recovery; and
- 103
- 104 (e) Pertinent provision of this Act.
- 105

106 **SEC. 7. *Edible Food Surplus Distribution Steps.*** – The following
107 steps shall be followed in edible food surplus distribution:
108

- 109 (a) The owners of the covered establishments will segregate
110 their edible and inedible food surplus;
- 111
- 112 b) The facilitate distribution, food manufacturers may opt to
113 perform the segregation of their products at the supermarket
114 that sell their products;
- 115
- 116 (c) Before a donation is made, a duly accredited health
117 inspector of the LGU will check if the edible food surplus is fit
118 for consumption based on the standards set by the NNC and
119 FDA;

(d) Upon certifying that the edible food surplus is fit for consumption, the edible food surplus will be donated to accredited food banks , as determined by the DSWD; and

(e) Food banks, in coordination with the DSWD and LGU's, will distribute the edible food surplus to the food insecure.

SEC. 8. *Food-related Business Waste 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 Correct with food banks to redistribute edible food surplus to the food insecurities; and

(c) Ensure that edible food surplus is unadulterated and in good condition upon arrival at the food bank's distribution center, in accordance with standard set by the NNC and FDA.

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 for food banks;

(b) Ensure what 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 edible food surplus;

(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 to the DENR in accordance with the standard set by it;

(b) Initiate waste segregation efforts per household through local campaigns;

(c) Shoulder the cost of transporting inedible food surplus from the 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; and

(e) Facilitate the distribution of fertilizer or compost to farms and community gardening associations.

SEC. 11. *Accreditation and Training of Health Inspectors.* – The DOH, in coordination with the FDA, shall conduct seminars and provide adequate training to LGU health inspectors regarding the proper sorting, collection and determination of edible and inedible food surplus.

SEC. 12. *Supervision.* – The NNC in coordination with the DSWD, shall supervise the enforcement and implementation of this Act.

SEC. 13. *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 has been made to the accredited food banks and/or farms, the owner shall be exempt from any liability and/or injury arising therefrom.

SEC. 14. *Prohibition of Selling Edible and Inedible Food Surplus.* – The reselling of donated edible and inedible food surplus is strictly prohibited. The penalty of *prision 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 15. Penal Provisions/Penalties. – The penalty of a fine amounting to Five hundred thousand pesos [Php 500,000.00] shall be imposed upon 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:

First time offenders.....Php 1,000,000.00

Second time offenders.....Php 1,500,000.00

Third time offenders.....Php 2,000,000.00

Fourth time offenders.....Php 3,000,000.00

Fifth time offenders and up.....Php 5,000,000.00

SEC. 16. Implementing Rules and Regulations. - Within sixty [60] days from the effectivity of this Act, the NNC, in coordination with the 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 provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 18. Repealing Clause. – All other laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orderS, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended 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,