

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

HOUSE OF REPRESENTATIVES
H. No. **3276**

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

EXPLANATORY NOTE

According to the 1987 Constitution, the State shall protect and promote the right of all citizens to quality education. To do so, the State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society.

Anchored on the policy and principles behind the enactment of this Act, this program envisions to serve as a social protection mechanism for the underprivileged school children who, by reason of social and economic conditions in their family, are deprived of and unable to receive the proper and nutritious food elements much required of their stage in life for their optimum mental, physical and intellectual growth and development. Studies and common experience clearly reveal the direct relationship between good nutrition and learning: healthy students attend school more regularly, are physically able to cope with the needs of school, are more attentive in class, and get along better with their peers.

Although the State has raised the budget for education in the past, many students are still unable to attend school because of poverty. Even if school were free, the associated costs of attending school and the foregone opportunities to work, still leave one out of six children out of

school. This bill seeks to reduce these problems by reducing the burden on impoverished families of sending their children to school, while maximizing the ability of all students to learn.

A handwritten signature in black ink, appearing to read "H. Harry L. Roque Jr.", written in a cursive style.

H. HARRY L. ROQUE JR.

SEVENTEENTH CONGRESS OF THE REPUBLIC)
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First Regular Session)

HOUSE OF REPRESENTATIVES
H.B. No. 3276

Introduced by Representative Herminio Harry L. Roque Jr.

**AN ACT
PROVIDING FOR A NATIONAL SCHOOL LUNCH PROGRAM
FOR FILIPINO SCHOOL CHILDREN**

SECTION 1. *Short title* – This Act shall be known as the National School Lunch Act of the Philippines (NSLAP) for Filipino School Children.

SECTION 2. *Declaration of policy* – The State recognizes the right of children to assistance, including proper care and nutrition, as well as the vital role of youth in nation building and the promotion and protection of their physical, moral, intellectual, and social well-being. It is an indispensable right towards a just and dynamic social order that will contribute to increasing productivity as the key to raising the quality of life for all, especially the underprivileged.

Further, it is hereby declared the policy of Congress, as a measure of national welfare and security, to safeguard the health and well-being of the nation's children and to encourage the domestic consumption of nutritious agricultural produce and other vital food varieties, by assisting qualified regions, through grants-in-aid and other means, in providing for an adequate supply of foods and other facilities for the establishment, maintenance, and operation of nonprofit school lunch programs.

SECTION 3. *Definition of terms*. As used in this act, the following terms shall mean:

- a) "Public schools" refer to primary and secondary educational institutions established and administered by the government defined by Section 26 of B.P. 232. All other schools are private schools.
- b) "Student" refers to any person below the majority age of 18 years old currently enrolled in a public or private school as provided by this act.
- c) "Underprivileged" refers to those children who are deprived of some economic or social conditions in the society and who came from poor family falling below the poverty line within the context as defined herein.
- d) "National School Lunch Program" (NSLP) is the food assistance program providing for free lunch or reduced priced meals to all school children who are eligible, as provided for by this Act.
- e) The "Board" shall refer to the National School Lunch Board, as provided by this Act.
- f) The "Chairman" shall refer to the chairman of the Board, as provided by this Act.
- g) The "Secretary" shall refer to the Secretary of the Department of Education or his duly authorized representative.
- h) "Regional educational agencies" are local schools and institutions per region who participate in this NSLAP.

SECTION 4. *Coverage of the free lunch program.* – Every eligible student, as defined by this act, shall be eligible to one (1) free meal provided by the State on every school day where students are required to attend school activities. This Act shall cover eligible students from all public schools and private schools.

SECTION 5. *Eligibility for the free lunch program.* The following persons shall be eligible for the free lunch program:

- a) Students who live with a family whose income in the place of domicile falls below the poverty line as determined by the National Economic and Development Authority (NEDA) and subject to the assessment of the DSWD;
- b) Students who are members of households receiving assistance under the DSWD current supplemental feeding program;
- c) Students who are orphans or otherwise declared administrative or judicially available for adoption.

Students under Subparagraph (a) of this Section, must file an application using a pro-forma application along with sufficient proof of their family income and economic status. Only one application for the entire household shall be submitted to the participating school. The household application shall identify the names of each child in the household for whom meal benefits are requested.

The school principal, or his authorized representative, shall certify whether the applying student is enrolled in their institution for the current year.

Students under Subparagraph (b) of this Section shall be covered by this act without further application.

SECTION 6. *Nutritional standards of the free lunch program* – All schools shall serve lunches that are consistent with recommended daily allowances provided by the Department of Health, in line with the latest dietary guidelines, and in consideration of

the nutritional needs of children. To this end, the Board, in coordination with the Department of Health, shall develop and provide to schools or their approved counterpart food service companies, as the case may be, standardized recipes, menu cycles, and food product specification and preparation techniques.

Lunches served by schools or their approved 3rd party meal providers participating in the school lunch program shall meet minimum nutritional requirements prescribed by the Board on the basis of tested nutritional research, except that the minimum nutritional requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students; and shall, at a minimum, be based on the weekly average of the nutrient content of school lunches.

SECTION 7. *Food Safety Program.* –Each school food authority or its approved counterpart food service companies or individuals shall implement a school food safety program, in the preparation and service of each meal served to children, that complies with any hazard analysis and critical control point (HACCP) system as established by the nutrition department of the DOH.

Every school food authority or its authorized 3rd party meal provider shall at obtain at least twice during each academic year, a food safety inspection conducted by the Board. A report on the most recent inspection must be made visible within school premises.

SECTION 8. *Preference for locally produced foods.* – The Board shall seek the support of the Secretary of Agriculture who shall encourage schools and/or 3rd party meal

providers to purchase unprocessed agricultural products locally grown or raised within their communities, to the maximum extent practicable and appropriate.

SECTION 9. *The National School Lunch Board* – To carry out its objectives under this Act, the Board is hereby vested with the following powers:

- a) To succeed in its corporate name, to sue and be sued in such corporate name and to adopt, alter and use a corporate seal which shall be judicially noticed;
- b) To adopt, amend and repeal its bylaws;
- c) To enter into, make, perform and carry out contracts of every class, kind and description which are necessary or incidental to the realization of its purposes with any person, firm or corporation, private or public, and with foreign government entities;
- d) To contract loans, indebtedness, credit and issue commercial papers and bonds, in any local or convertible foreign currency from any international financial institutions, foreign government entities, and local or foreign private commercial banks or similar institutions under terms and conditions prescribed by law, rules and regulations;
- e) To execute any deed of guarantee, mortgage, pledge, trust or assignment of any property for the purpose of financing the programs and projects deemed vital for the early attainment of its goals and objectives, subject to the provisions of Article VII, Sec. 20, and Article XII, Sec. 2, paragraphs (4) and (5) of the Constitution;
- f) To construct, own, lease, operate and maintain public utilities as well as infrastructure facilities;

- g) To acquire, own, hold, administer, and lease real and personal properties, including agricultural lands, property rights and interests and encumber, lease, mortgage, sell, alienate or otherwise dispose of the same at fair market value it may deem appropriate;
- h) To receive donations, grants, bequests and assistance of all kinds from local and foreign governments and private sectors and utilize the same;
- i) To promulgate all necessary rules and regulations; and
- j) To perform such other powers as may be necessary and proper to carry out the purposes of this Act.

SECTION 10. *Capitalization.* — The Board shall have an authorized capital of Fifty million pesos (P50,000,000) which may be fully subscribed by the Republic of the Philippines.

An initial operating capital in the amount of Ten million pesos (P10,000,000) is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated.

SECTION 11. *Composition and Compensation of the Board*—The powers and functions of the Board shall be exercised by a Board of Directors to be composed of nine (9) members, as follows:

- a) A full-time Chairman;
- b) One (1) representative each from the Department of Education, Department of Health, Department of Agriculture, and the Department of Social Welfare and

Development;

- c) And four (4) members from the private sector, two (2) of whom coming from the food industry.

The Chairman and members shall be appointed by the President of the Republic of the Philippines with the consent of the Commission on Appointments. Of the members of the Board, the Chairman, shall be appointed for a term of six (6) years, the representatives of the government for a term of four (4) years, and the representatives from the private sector for a term of two (2) years.

The Board established for this purpose may contract (under standards established by the Secretary) with a third party to assist it and the local educational agencies, including local school boards provided for in Republic Act 7160, the 1991 Local Government Code, in carrying out the NSLAP.

The members of the Board shall be entitled to an honorarium of Php 5,000.00 per meeting, subject to periodic adjustments as may be approved by the Governance Commission for Government Owned and Controlled Corporations.

SECTION 12. *Functions of the Board.* — The Board of Directors shall perform the following functions:

- a) Determine the organizational structure of the Board, define the duties and responsibilities of all officials and employees and adopt a compensation and benefit scheme consistent with its goals;
- b) Appoint all officials down to the third level and authorize the Chairman to appoint all others: provided, that all appointments shall be on the basis of

merit and fitness and all personnel action shall be in pursuance of Civil Service Laws, rules and regulations, except those coterminous employees of the members of the Board;

- c) Prepare the annual and supplemental budgets of the National School Lunch Program;
- d) Submit an annual report of the operation of the Board to the Secretary; and
- e) Carry out the purposes of the Board in the most effective and practicable means possible.

SECTION 13. *Duties and Responsibilities of the Chairman of the Board.* — The Chairman shall have the following duties and responsibilities:

- a) To execute, administer and implement the policies and measures approved by the Board;
- b) To direct and supervise the operations and administration of the Board
- c) To represent the Board in all dealings with offices, agencies and instrumentalities of the Government and with all persons and entities, public or private, domestic or foreign;
- d) To direct and supervise the preparation of the agenda for the meeting of the Board, and to submit for the consideration of the Board such policies and measures as he believes necessary to carry out the purposes and objectives of this Act; and
- e) To exercise such other powers and functions as may be vested in him by the Board.

SECTION 14. *Funding*– For each fiscal year, there is hereby authorized to be appropriated to the Department of Education, through the Secretary, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Board to carry out the provisions of this Act.

Appropriations to carry out the provisions of this Act for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to each region. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which it was appropriated until finally expended.

SECTION 15. *Apportionments to each educational institution* – The Secretary, through the Board, shall make food assistance payments to each qualified educational institution or its 3rd party meal provider each fiscal year, at such times as the Secretary may determine, from the sums appropriated for such purpose, in a total amount equal to the number of lunches to be served during each academic year and the national average lunch payment which should not exceed PHP 45, without prejudice to future reasonable adjustments that may be undertaken by reason of inflation, international monetary fluctuations and other attendant opportunity costs warranting adjustments.

SECTION 16. *Exclusive use of information gathered by this program.* – All information and data furnished herein collected and received about the child or their families in connection with the application and implementation of this program by the Board or any of partners shall only be used exclusively for this purpose. Violation therefor shall be sufficient cause for appropriate sanctions and disciplinary actions on the part of the violating party.

SECTION 17. *Falsity or misrepresentations* – Any false, malicious or fraudulent representations on the part of the household applying for and served under the provisions of this Act shall be a ground for automatic revocation of any subsisting or future privileges that have been claimed, is being claimed or will be claimed in the future without prejudice to liabilities, civil or criminal that may arise by virtue of falsifying, forging, or tampering any document with the intent of circumventing the procedures set forth in this Act.

SECTION 18. *Annual Report to Congress* - The Secretary shall submit a report within one year from the implementation of this Act, and every year thereafter, on the program.

SECTION 19. *Separability Clause*. - If any provision is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 20. *Repealing Clause*. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 21. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.