

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL No. **1764**

Introduced by BAYAN MUNA
Rep. CARLOS ISAGANI T. ZARATE

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND LEGISLATIVE SERVICE	

AN ACT
INSTITUTIONALIZING THE NATIONAL SCHOOL FEEDING PROGRAM FOR
PUBLIC KINDERGARTEN AND ELEMENTARY PUPILS AND APPROPRIATING
FUNDS THEREFOR

EXPLANATORY NOTE

The future lies in the hands of today's children. To prepare them for their role as our future leaders, they must be afforded quality nutrition to give them a good start in developing their skills and potentials during their tender years. Adequate and quality nutrition is integral to a child's total development.

Food is the most basic of all necessities that, unfortunately, cannot be adequately provided by all parents to their children all the time. Regular meals have become a privilege to most. A child going to school on an empty stomach is a crude testament of the grinding poverty besetting most Filipinos.

This Bill seeks to re-file House Bill 5618, entitled "*An Act Institutionalizing The National School Feeding Program For Public Kindergarten And Elementary Pupils And Appropriating Funds Therefor*". The original and mother bill, House Bill 1452, entitled "*An Act Providing For A Mandatory Nationwide Child Nutrition Program In All Public Elementary Schools And Barangay Day Care Centers*", was authored by former Bayan Muna Party-list Rep. Teddy Casino in the 15th Congress and was re-filed by Bayan Muna Party-list Representatives Neri Colmenares and Carlos Zarate during the 16th Congress with one objective: to institutionalize a Nationwide School Feeding Program (NSFP). The institutionalization of an NSFP is a realization of our children's right to adequate food while at the same time gives our less fortunate more capacity to appreciate their right to education.

The Food and Nutrition Research Institute (FNRI) of the Department of Science and Technology (DOST), by virtue of Executive Order No. 128, is mandated to conduct research every five years on the nutritional status of the population particularly malnutrition. Its latest 2008 survey results include the following:

1. The number of Filipino children who were underweight and under-height or stunted increased from 2005 to 2008;

2. The prevalence of underweight children aged 0-5 years increased from 24.6 percent to 26.2 percent, about 3.35 million children;

3. The under-height rate increased from 26.3 percent to 27.9 percent, representing 3.57 million children; and

4. There was also a significant increase in the prevalence of underweight children aged 6-10 years from 22.8 percent in 2005 to 25.6 percent in 2008, equivalent to 2.6 million. The number of underheight children in this age group likewise increased from 32 percent to 33.1 percent.

The research also showed that a very high level of acute malnutrition among preschoolers (aged 0-5) was noted in six regions, namely Mimaropa, Bicol, Western Visayas, Eastern Visayas, Zamboanga Peninsula and Soccsksargen where the underweight-for-age prevalence was at least 30 percent.

A high prevalence of underheight-for-age or stunted preschoolers was mostly observed in Mimaropa, Bicol, and all the regions in the Visayas and Mindanao.

Chronic malnutrition affected a very high percentage of preschoolers in the provinces of Masbate, Biliran, Northern Samar, Western Samar, Zamboanga Sibugay, Sarangani, Abra and Mountain Province.

Meanwhile, the regions with very high prevalence of stunted schoolchildren were Mimaropa, Eastern Visayas, Zamboanga Peninsula, Northern Mindanao and Soccsksargen.

According to FNRI, long standing or chronic malnutrition affected a very high percentage of schoolchildren in 25 provinces, including Abra, Aurora, Mindoro Occidental, Mindoro Oriental, Marinduque, Catanduanes, Masbate, Negros Occidental, Northern Samar, Western Samar, Leyte, Bukidnon, Agusan del Sur, Davao del Norte, Davao Oriental, Zamboanga del Norte, Zamboanga Sibugay, Misamis Occidental, Sultan Kudarat, Lanao del Norte, Lanao del Sur and Basilan.

Immediate approval of this Bill is earnestly sought.

Approved,


Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-list

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SECTION 1. *Short Title.* – This Act shall be known as the “National School Feeding Program (NSFP) Act”.

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote the rights of children to survival, development, and special protection with full recognition on the nature of childhood and its special needs.

Recognizing the direct correlation between good nutrition and the propensity of children to develop into physically and mentally healthy individuals, the State shall endeavor to promote and fortify proper nutrition among school children, especially those belonging to low-income households, in order to safeguard them from the ill effects of malnutrition and to enhance as well their learning capacities.

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

- a) *Fortified food* refers to food with deliberately increased content of essential micronutrient, i.e. vitamins and minerals (including trace elements) irrespective of whether or not the nutrients were originally in the food before processing, so as to improve the nutritional quality of the food supply and to provide a public health benefit with minimal risk to health;
- b) *Fresh milk* refers to pasteurized fresh milk with limited shelf life, usually seven (7) to ten (10) days, and requiring refrigeration;
- c) *Fresh milk-based food* refers to food product containing fresh milk blended with powdered milk;
- d) *National Household Targeting System for Poverty Reduction (NHTS-PR)* or *Listahanan* refers to an information management system that identifies who and where the poor are in the country and serves as a reference in identifying potential beneficiaries of social protection program; and

- e) *Powdered milk* refers to a manufactured dairy product made by evaporating milk into powder form purposely to preserve it and to have a far longer shelf life than liquid milk due to its low moisture content.

SEC. 4. *Objectives.* – The National School Feeding Program (NSFP) shall pursue the following objectives:

- a) Ensure that adequate health and nutrition programs are accessible to school children throughout their early childhood years;
- b) Achieve improved survival rates attendance in public kindergarten and elementary schools;
- c) Enhance the physical, social, cognitive, psychological, and language development of young children;
- d) Mitigate malnourishment among school children, thus, ensuring that they will be adequately prepared for the formal learning system; and
- e) Establish an efficient system for early identification, prevention, referral, and intervention of developmental disorders and disabilities in early childhood.

SEC. 5. *Establishment of the NSFP.* – The NSFP is hereby established as an alternative approach of providing free supplementary meals, including fresh milk-based food products, through a program menu that shall be designed by the Department of Education (DepED) particularly for children studying in public kindergarten and elementary schools nationwide.

SEC. 6. *Implementation and Interagency Coordination.* – The DepED is hereby authorized to lead in the administration and implementation of the NSFP.

In coordination with the DepED, the following national government agencies shall be tasked to make available such resources as may be necessary to ensure the successful implementation of the NSFP:

- a) The Department of Agriculture (DA) and the National Food Authority (NFA) shall tap farmers associations and cooperatives in the locality for possible sources of food supplies and shall share with the DepED any available resources and facilities that may be used for the NSFP;
- b) The Department of the Interior and Local Government (DILG) shall help enlist the support of local government units (LGUs) as DepED partners in the operation of the NSFP, including the possibility of utilizing the services of barangay nutrition scholars and barangay health workers;
- c) The Department of Social Welfare and Development (DSWD) shall support the DepED by ensuring the availability of data on poor households based on the NHTS-PR or Listahanan;

- d) The Department of Trade and Industry (DTI), the DA, the Department of Health (DOH) and the Food and Drug Administration (FDA) shall help the DepED look for cost-effective sources of foodstuff, vaccines, and vitamin supplements;
- e) The National Economic and Development Authority (NEDA) shall support the DepED in the determination of official development assistance sources to expand the inputs needed in the NSFP;
- f) The National Dairy Authority (NDA) shall support the DepED in the procurement of fresh milk-based food products and in coordinating with local cooperatives and dairy corporations for the availability of milk supplies needed; and
- g) The National Nutrition Council (NNC), in coordination with the Food and Nutrition Research Institute (FNRI), shall provide the menu consisting of a combination of foods that meet the recommended energy and nutrient intake of children.

The DepED, the participating national government agencies, and other concerned stakeholders shall execute a Memorandum of Agreement specifying the necessary arrangements relative to the operation of the NSFP.

SEC. 7. *Mechanics of the NSFP.* – In addition to its interdepartmental coordinative and consultative tasks during the operation of the NSFP, the DepED shall oversee the following activities:

- a) Administer the NSFP, in coordination with concerned government institutions, for a minimum of one hundred twenty (120) feeding days per school year to be done five (5) days a week with one (1) feeding activity per school day;
- b) Conduct orientation-training activities utilizing its core of trainers to all DepED health and nutrition unit personnel at the regional and division levels so as to generate their support to the NSFP's objectives and mechanics. DepED personnel trained at the schools division level shall be responsible for training the staff at the district and municipal levels while those trained at the district and municipal levels shall be responsible for training the implementers and feeding coordinators at the school level;
- c) Conduct orientation meetings with parents and pupils utilizing the DepED feeding coordinators for proper information dissemination on the NSFP's objectives and mechanics and in the process generate stakeholders' support for the program;
- d) Conduct simultaneous health examinations, including deworming and vaccination activities, to participating pupils during the orientation meeting set for parents and pupils. The school's medical staff or the medical staff of a public health center in the community shall take charge and provide proper treatment or referral to a hospital for pupils who are found to have defects or ailments. Classroom advisers, who are required to undergo proper training to be conducted by the barangay nutrition scholars and barangay health workers, shall note their

observations regarding the pupils' health condition, including the measurement of the pupils' height and weight before the start of the feeding program and every month thereafter for the entire duration of the feeding program;

- e) Make available the necessary food supplies such as:
 - i. Fresh milk-based and fortified foods; and
 - ii. Vitamin supplements in such dosages and for such duration as the DOH may determine most beneficial to the child's health and nutritional well-being; and
- f) Ensure that the beneficiary school children eat their meals and drink their milk inside the classroom only, and shall thus be prohibited from taking their ration home.

SEC. 8. *Procurement, Storage and Handling System.* – The procurement, storage and handling of appropriate food supplies shall be spearheaded by the DepED, in coordination with the NNC, the FNRI and other concerned government agencies. The DepED shall seek the help of the DA in tapping the services of local farmers associations and cooperatives for the procurement of locally produced food supplies and shall encourage contracts with farmers associations and cooperatives in accordance with existing procurement laws.

In the procurement program, priority shall be given to the utilization of locally produced fresh milk and locally available food supplies, utilizing as well the products of the Gulayan sa Paaralan Project (GPP) of the DepED and the products of community gardens as part of convergence efforts to increase food supplies at the local level.

The DepED shall issue the guidelines necessary for the effective implementation of the procurement, storage and handling system.

SEC. 9. *Priority LGUs.* – In case of shortage of funds, priority in the implementation of the NSFP shall be given to municipalities and cities which are determined and identified by the NNC or by any competent government agency to have high malnutrition rates.

SEC. 10. *Participation of LGUs.* – The Secretary of Education shall initiate partnerships with LGU officials to encourage them to contribute available resources to the feeding program in public schools within the LGUs' respective area of jurisdiction.

SEC. 11. *Participation of Parent-Teacher Associations (PTAs).* – The DepED shall promote the involvement of parents through the PTAs in the planning, implementation, monitoring, and evaluation of the school feeding program.

SEC. 12. *Monitoring and Evaluation System.* – The DepED shall establish a monitoring and evaluation system for the nationwide implementation of the NSFP, which shall incorporate periodic reports from the schools division and regional offices. The report shall provide, among others, the

needed information that may determine whether or not the program has achieved its objectives, including the identification of issues and constraints as well as the corresponding appropriate recommendations.

SEC. 13. *Tax Exemption.* – Any donation or bequest made to the DepED for the NSFP shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended: *Provided*, That the donation is duly approved by the Secretary of Education upon the recommendation of the Executive Director of the NNC, in case of food products, and the Secretary of Health, in case of vaccine and vitamin products.

SEC. 14. *Appropriations.* – The amount necessary to cover the initial implementation of this Act shall be charged against the appropriation of the DepED for school-based feeding program under the current General Appropriations Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 15. *Implementing Rules and Regulations.* – Within ninety (90) days from the approval of this Act, the Secretary of Education, in consultation with the heads of other participating government agencies, shall formulate the rules and regulations implementing the provisions of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.

SEC. 16. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SEC. 17. *Repealing Clause.* – All laws, decrees, orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,