

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 3938



Introduced by REP. KAKA BAG-AO

EXPLANATORY NOTE

It is the policy of the State, as provided in Section 9, Article II of the *1987 Philippine Constitution*, to "promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all." Though not explicitly stated, the promotion of each person's *right to adequate food* is implied, as part of the State's mandate to break the cycle of poverty through the elimination of hunger, thereby improving the quality of life of each citizen.

As a State-Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the State is obliged to abide by the commitments set forth in the Covenant, which includes the express guarantee of the *right to adequate food* of each individual. Article 11 of the ICESCR provides that:

"*Article 11.* (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**, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation 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 cooperation, 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 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.” (emphasis supplied)

Access to adequate and nutritious food across the country continues to be a pressing issue, which can be thoroughly addressed through the passage of this bill. This bill establishes a clear and comprehensive framework law that will clarify the scope of the right and institute the principles for its proper implementation, promotion and protection, and harmonize the already existing provisions in various laws which recognize the right to adequate food. Hopefully, with the proposed framework in place, we would be able to eliminate hunger progressively, reducing the incidence of hunger by 25% within two and a half years from its enactment, by another 25% in five years, another 25% in seven years, and ultimately achieving a zero-hunger state in ten years.

In 2015, the United Nations Special Rapporteur on the Right to Food, Hilal Elver, made the enactment of this bill her principal recommendation during her official visit to the Philippines. Unfortunately, the bill only reached approval at the committee level (Committee on Human Rights) last 16th Congress. Hence, the prompt passage of this bill is earnestly sought.


REP. KAKA BAG-AO
Lone District of Dinagat Islands

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AN ACT
PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD,
AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.*—This Act shall be known as the "*Right to Adequate Food Framework Act of 2016.*"

SEC. 2. *Statement of Policy.*—Consistent with the principles enshrined in the *1987 Philippine Constitution*, as well as the provisions of the *International Covenant on Economic, Social and Cultural Rights*, *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 State Party, it is hereby made the declared policy of the State to guarantee the *right to adequate food*.

SEC. 3. *Definitions.*—As used in this Act:

- (a) *Food* is anything that is when taken into the body serves to nourish, build and repair tissues, supply energy, or regulate body processes;
- (b) *Hunger* is a condition in which people do not get enough food to eat to provide the nutrients for fully productive, active and healthy living due to problems on availability and accessibility of food. It can be acute, such as during a major

disaster when food supply channels are cut, or chronic, which means regularly not getting enough food to conduct an active life for a long time.

- (c) *Right to adequate food* is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate, sufficient and food, corresponding to the cultural traditions of the people, to which a person belongs, and which ensure physical and mental, individual and collective, fulfilling and dignified life, free of fear;
- (d) *Vulnerable groups* are those who are particularly disadvantaged. These include, but shall not be limited to, indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities, persons living with HIV or AIDS, refugees and internally displaced people, elderly, women and children;
- (e) *Food emergency* is a situation in which access to food is endangered, as that caused by natural events like drought, floods, storms, earthquakes, or crop failures resulting from pests or diseases, or by human agency, such as internal or international armed conflict;
- (f) *Food blockade* is an act of knowingly and willfully cutting off food supplies from a particular area by force, either in part or totally.

SEC. 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:

- (1) 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
 - (2) 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:

(1) 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 programs.

(2) 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.

SEC. 5. *Conditions for the exercise of the right to adequate food.*—Every person has the right to live in conditions that will enable the person:

(a) Either to:

- (1) Feed directly from productive land or other natural resources; or
- (2) Rely on well-functioning distribution, processing and market systems; or
- (3) Both;

- (b) To be financially able, not only to acquire a sufficient quantity and quality of food, but also to satisfy her or his other basic needs;
- (c) To be safe from the risk of losing access to food, as a consequence of sudden shocks, like an economic or climatic crisis, or cyclical events, such as seasonal food insecurity;
- (d) To have the opportunity of good food utilization, through access to an adequate diet, clean water, sanitation and health care, to reach a state of nutritional well-being, where all physiological needs are met; and
- (e) To access foods or diets that are the most appropriate under given circumstances, in terms of their nutritional value and cultural acceptability.

Every infant, girl and boy has a *right to adequate food* and to optimal health, development and to nutrition adequate for their age for growth and development.

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

No limitation on the *right to adequate food* may be allowed, unless it is (a) provided by law, (b) necessary for the purpose of a compelling public interest, and (c) compatible with the nature of the right to adequate food.

SEC. 6. *Freedom from hunger.*—Every person has a right to be free from hunger. Every person suffering from hunger or under nutrition, or at risk of suffering from hunger or under nutrition, is entitled to a minimum amount of food according to his or her age, sex, health status and occupation, as provided for in Section 13 of this Act.

SEC. 7. *Non-discrimination.*—Any distinction, exclusion or restriction made on the basis of race, color, sex, gender, sexual orientation, gender identity, age, language, religion, political or other opinion, national or social origin, property, birth or other status, which has the effect or purpose of impairing or limiting the capacity of an individual to exercise the *right to adequate food*, is unlawful and will be sanctioned in accordance with law.

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

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

SEC. 8. Principles.—The principles upon which the provisions of this Act are founded are:

- (a) *Participation* – people should be able to determine their own well-being and participate in the planning, design, monitoring and evaluation of decisions affecting them. Individuals are able to take part in the conduct of public affairs, including the adoption and implementation of State policies. Such participation is active, free and meaningful, whether it is exercised directly or through intermediary organizations representing specific interests. It is supported by capacity-building where necessary.
- (b) *Accountability* – public officials are answerable to their superiors and to the people they serve. Application of the principle of accountability in the context of the framework law requires clear assignment of responsibilities and functions to public authorities for implementation of the framework law and any subsequent measures to be taken. In addition, the expected results are spelled out clearly and appropriate procedures are established.
- (c) *Non-discrimination* – a level of protection of human rights objectively and reasonably the same for everybody, irrespective of sex, age, race, color, religion or any other ground. In addition to specifically prohibiting discrimination on any ground, this principle requires specific measures aimed at correcting *de facto* discrimination or eliminating conditions that cause or help to perpetuate discrimination, as well as measures promoting equality. In the context of this Act, it means paying particular attention to those groups that cannot enjoy their rights as fully as others.

- (d) *Transparency* – open access by the public to timely and reliable information on the decisions and performance of public authorities. Holders of public office are as open as possible about all their decisions and actions that may affect the free exercise of the *right to adequate food*. Applying the principle of transparency within the context of this Act means that people are provided with essential information about the decision-making process and those accountable and responsible for it. People also have the power to demand information on the processes that feed into the achievement of the particular entitlement, with an easy and low-cost corrective check to malfeasance.
- (e) *Human dignity* – absolute and inherent worth that persons have, simply because they are human, not by virtue of any social status or a particular power. This Act recognizes in an unequivocal form that every person has a *right to adequate food*. To comply with this principle in the implementation of this Act, the State, through its public officials, treats persons equally and respects their human worth and dignity.
- (f) *Empowerment* – people have 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 this Act, empowerment entails including specific provisions on awareness-raising, capacity-building and right to adequate food education.
- (g) *Rule of law* – government 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 this 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.

SEC. 9. *Governmental obligations.*—The State has the duty to respect, protect and fulfill the *right to adequate food*.

- (a) *Respect* – the State has the obligation 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*.
- (b) *Protect* – the State has the duty to provide guarantees against threats and risks stemming from private actors or societal forces that are controllable by State action. It is bound to take preventive measures necessary to protect persons whose capacity to access sufficient and adequate food or means for its procurement is endangered by the acts of others. It also ought to review the relevant administrative and legislative framework ensuring that activities within their competence undertaken by private actors do not infringe the right to adequate food of others.
- (c) *Fulfill* – the State has the power to facilitate the enjoyment of the *right to adequate food* by adopting or pursuing appropriate policies and measures, in a manner to foster and promote the human *right to adequate food* and to create and maintain conditions under which every person can freely and regularly enjoy the *right to adequate food*. It is equally the duty of the State to provide *right to adequate food*, by adopting and putting in place measures to provide food, or means for its procurement, to persons who cannot take care of their own needs, due to reasons beyond their control, in particular for children whose parents die or disappear or otherwise no longer take care of them.

SEC. 10. *Targets.*—The State will ensure that in two and a half years after the effectivity of this Act, the incidence of hunger will be reduced, from the level at the time of the passage of this Act, by twenty-five percent (25%): *Provided*, That five years after the effectivity of this Act such incidence of hunger will be further reduced by twenty-five percent (25%): *Provided, further*, That in seven and a half years, it will be further reduced by

twenty-five (25%): *Provided, finally,* That in ten (10) years a zero (0) incidence of hunger will be achieved.

The State shall also ensure that in ten (10) years, land devoted to food production will be increased to fifty percent (50%) of all prime agricultural land in every region, and, within the same period, the State shall ensure that the following indicators will considerably and steadily increase, as may be determined in the implementing rules and regulations of this Act:

- (a) Percentage of development of ancestral lands;
- (b) Percentage of rural population with access to productive resources;
- (c) Share of budget spent on programs aimed at creating access to productive resources;
- (d) Percentage of budget spent on agri-research, agri-extension, irrigation, training, technology, credits and rural development;
- (e) Percentage of rural female-headed households, or rural women, with legal title to agriculture lands;
- (f) Percentage of public budget allocation for social transfer programs to those unable to feed themselves;
- (g) Coverage of marginalized and disadvantaged population taking part in social transfer programs;
- (h) Percentage of marginalized and disadvantaged population covered by a public nutrition supplement program;
- (i) Percentage of population aware of available food and nutrition programs; and
- (j) Coverage of school feeding programs.

Periodic reviews will be undertaken to ensure compliance with set targets. In the implementation of this Act, priority will be given to identified areas with chronically malnourished. In measuring the incidence of hunger, the key primary data sources will include national nutrition surveys, survey of hunger incidence in the Philippines, household surveys of the Philippine Statistics Authority (PSA), namely the Family Income and Expenditure Survey and the Annual Poverty Indicators Survey, and global hunger indices as benchmarks.

SEC. 11. Institutional Responsibilities. – The following agencies of the government are required to fulfill their respective mandates in a manner that will ensure full implementation of the primary objectives of this Act:

- (a) Department of Agriculture (DA);
- (b) Department of Agrarian Reform (DAR);
- (c) Department of Education (DepEd);
- (d) Department of Environment and Natural Resources (DENR);
- (e) Department of Health (DOH);
- (f) Department of Justice (DOJ);
- (g) Department of Labor and Employment (DOLE);
- (h) Department of Public Works and Highways (DPWH);
- (i) Department of Social Welfare and Development (DSWD);
- (j) Department of Science and Technology (DOST);
- (k) Department of Trade and Industry (DTI);
- (l) Commission on Human Rights (CHR);
- (m) National Anti-Poverty Commission (NAPC);
- (n) National Economic Development Authority (NEDA);
- (o) National Food Authority (NFA);
- (p) National Nutrition Council (NNC);
- (q) Technical Education And Skills Development Authority (TESDA); and
- (r) Other agencies and instrumentalities of the government whose functions are necessary for the efficient and effective implementation of the right to adequate food.

SEC. 12. *Commission on the Right to Adequate Food.*—There is hereby created a Commission on the Right to Adequate Food, hereinafter referred to as the Commission, an agency attached to the Office of the President.

The Commission shall be the primary policy-making and coordinating body to guarantee full exercise of the right to adequate food. It shall exercise monitoring and oversight functions, apply human rights principles, conduct objective impact assessment on all government policies, programs and projects prior to adoption and implementation, work in close cooperation with civil society organizations and use all available resources of the

government and private bodies or organizations for the efficient and effective implementation of this Act.

The Commission shall be composed of a Chairperson and two (2) Members who must be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age, and must not have been candidates for any elective position in the elections immediately preceding their appointment. At least one (1) of them shall be a member of the Philippine Bar.

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

The Chairperson and the Members will be appointed by the President for a term of ten (10) years, without reappointment. Appointment to any vacancy will be only for the unexpired term of the predecessor. Of those first appointed, the Chairperson will hold office for ten (10) years, a Commissioner for seven (7) years, and another Commissioner for five (5) years, without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no case will any Member be appointed or designated in a temporary or acting capacity.

The Chairperson and the Members of the Commission will receive the same salary and benefits as the Chairperson and Members, respectively, of the Constitutional Commissions, which shall not be decreased during their term of office.

The Commission on the Right to Adequate Food will have the following powers:

- (a) Receive complaints of violations of the *right to adequate food* from individuals and groups;
- (b) Investigate, *motu proprio*, or upon complaint by any party, all forms of violations of the *right to adequate food*;

- (c) Adopt operational guidelines and rules of procedure, and cite for contempt for their violation, in accordance with the Rules of Court.
- (d) Provide appropriate legal measures for the protection of the *right to adequate food* of all persons within the Philippines, as well as Philippine citizens residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose *right to adequate food* has been violated or needs protection;
- (e) Establish a continuing program of research, education and information to enhance respect for the primacy of the *right to adequate food*;
- (f) 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*;
- (g) Monitor the Government's compliance with its obligations in regard to the *right to adequate food*;
- (h) Request the assistance of any department, bureau, office or agency in the performance of its functions;
- (i) Appoint officers and employees in accordance with law; and
- (j) Perform such other duties and functions as may be provided by law.

SEC. 13. *Minimum Amount of Food.*—The Department of Social Welfare and Development (DSWD) will ensure regular, reliable and timely delivery of a minimum amount of food to any person who is suffering from hunger or under nutrition, or is at risk from suffering from hunger or under nutrition. Implementing rules and regulations will be adopted setting the minimum amount of food. These implementing rules and regulations will determine the exact quantity of calories, proteins and micronutrients, to which the minimum amount of food will correspond, according to the age, sex, health status and occupation of a person. There will be a simple and accessible application or certification procedure for the minimum amount of food entitlement, as provided for in the implementing rules and regulations. There will be transparent, fair and non-discriminatory eligibility or certification criteria.

Fair, independent and accessible recourse procedures to the Commission on the Right to Adequate Food for complaints and appropriate remedies in case of a determined violation of the *right to adequate food*, shall be established. There will also be an appropriate monitoring and evaluation mechanism in which the Department of Social Welfare and

Development will report to the Commission on the Right to Adequate Food on a regular basis. The annual national appropriations law shall include a specific item allocating resources necessary for the implementation of the *right to adequate food*. Specific support measures will be designed and adopted to prevent or compensate for disadvantages that identified vulnerable persons or groups suffer from, in regard to the enjoyment of their *right to adequate food*. The Commission on the Right to Adequate Food will review proposed support measures and, where necessary, will give further guidance, so as to ensure that all groups are covered appropriately.

SEC. 14. *Emergencies.*—The Commission on the Right to Adequate Food, in coordination with the National Disaster Risk Reduction and Management Council (NDRRMC), will have the duty to ensure that:

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

SEC. 15. *Information.*—All government agencies, under the direction of the Commission on the Right to Adequate Food, in coordination with the Philippine News Agency (PNA) and Philippine Information Agency (PIA), are mandated to:

- (a) Inform the population about the rights established in this Act and the implementing rules and regulations adopted upon its entry into force, as well as about any other measure taken for the purpose of facilitating and promoting the realization of the *right to adequate food*.
- (b) Use the most appropriate ways and methods of disseminating information, including by providing information in oral ways, such as rural radio, and in local

languages, notably in the most marginalized areas and among populations with a high rate of illiteracy.

SEC. 16. *Education and Awareness Raising.*—The Commission on the Right to Adequate Food, in coordination with the Department of Education (DepED), Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA), will have the duty to ensure that:

- (a) The school curriculum includes material related to food and nutrition education, the *right to adequate food*, and human rights principles; and
- (b) Adult education and training program, when relevant, include material related to food and nutrition, the *right to adequate food*, and human rights principles.

SEC. 17. *International Cooperation.*—The Commission on the Right to Adequate Food, in coordination with the Commission on Human Rights (CHR) and the Department of Foreign Affairs (DFA), will have the duty to:

- (a) Ensure that activities undertaken in other countries, including those by private actors, do not infringe on the enjoyment of the right to adequate food by people in the concerned countries;
- (b) Promote international cooperation and provide assistance to ensure the realization of the *right to adequate food* in other countries, if in a position to do so; and
- (c) Ensure that international and other agreements which the Philippine Government enters into, take into account the guarantee on the right to food.

SEC. 18. *Monitoring and Evaluation System.*—There will be an integrated monitoring system in which all government agencies at all levels, under the supervision of the Commission on the Right to Adequate Food, will:

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

SEC. 19. Representation and Participation of People's Organizations and Civil Society.—To guarantee public participation, the Commission on the Right to Adequate Food has the duty to ensure:

- (a) Free and meaningful participation, including freedom of information and freedom of association;
- (b) Capacity building, participation in the institutions overseeing the realization of the right to adequate food and special measures for disadvantaged groups to establish appropriate procedures and mechanisms, allowing civil society and other concerned stakeholders to participate actively in the process of making and implementing decisions that may affect their right to adequate food; and
- (c) The conduct of national public hearings every two (2) years, at which the Government is required to report on progress made with the implementation of this Act, and the progressive realization of the right to adequate food in the country.

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

- (a) Blockade;
- (b) Refusal to implement a food-related program;
- (c) Discrimination in implementing a food-related program;
- (d) Negligence in implementing food-related programs, resulting in death;
- (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; and
- (i) Other analogous acts.

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

SEC. 21. *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 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 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.

SEC. 22. *Appropriations.*—There will be an allocation in the annual budget, specific and sufficient resources for the purposes of the implementation of the *right to adequate food*, in accordance with priorities set by the Commission. The allocation will be aimed at the progressive realization of the *right to adequate food* over the long term.

SEC. 23. *Implementing Rules and Regulations.*—The Commission on the Right to Adequate Food will issue the necessary rules and regulations to implement the provisions of this act within sixty (60) days from its effectivity. In the formulation of these rules and regulations, the Commission on the Right to Adequate Food will take the lead and will coordinate with the CHR, DA, DAR, DSWD, DOH, DTI, DPWH, NEDA, and NAPC, and with the active participation of people's organizations and human rights nongovernmental organizations.

SEC. 24. *Separability Clause.*—If any part or provision of this Act will be declared unconstitutional or invalid, the other provisions not affected will remain in full force and effect.

SEC. 25. *Repealing Clause.*—All laws, decrees, executive orders, memorandum orders, memorandum circulars, administrative orders, ordinances, or their parts, which are inconsistent with the *right to adequate food* and the provisions of this Act, are hereby deemed repealed or modified accordingly.

SEC. 26. *Effectivity.*—This Act will take effect fifteen (15) days after its publication in at least two (2) newspapers of national circulation.

Approved,