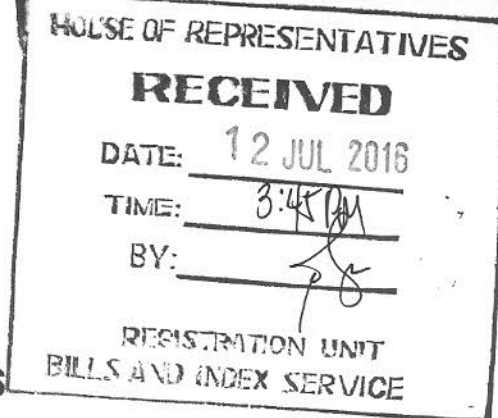


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

HOUSE OF REPRESENTATIVES

H. No. 1428



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Introduced by **Representative Raul C. Tupas**

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### EXPLANATORY NOTE

#### **AN ACT INSTITUTING THE FREE NUTRI-MEALS PROGRAM IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS, PROVIDING MECHANISMS FOR ITS IMPLEMENTATION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

The Sustainable Development Goals (SDGs) aim to end all forms of hunger and malnutrition by 2030, making sure all people – especially children and the more vulnerable – have access to sufficient and nutritious food all year round.

According to the Food and Agriculture Organization, due to the lack of nourishing food sources and nutrition education, hunger and malnutrition are still dominant in the Philippines.<sup>1</sup> Protein deficiency is one of the leading malnutrition problems in the Philippines. Over three million children suffer from protein deficiency, which causes these children to be severely underweight and suffer from stunted growth.<sup>2</sup>

Based on the Global Hunger Index, the Philippines faces a "serious" level of hunger in 2015. The GHI is a tool made to "comprehensively measure and track hunger." As a country scores higher in the index, the level of the hunger problem also increases.<sup>3</sup>

The Philippines' detailed components show that stunting is still the most prevalent problem among children:<sup>4</sup>

Component

Latest Philippine Data

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<sup>1</sup> <http://borgenproject.org/fighting-malnutrition-philippines/>

<sup>2</sup> Ibid.

<sup>3</sup> <http://www.rappler.com/move-ph/issues/hunger/110803-global-hunger-index-2015-philippines-serious>

<sup>4</sup> Ibid.

Proportion of undernourished in population	13.5%
Prevalence of wasting in children under 5 years old	7.9%
Prevalence of stunting in children under 5 years old	30.3%
Under 5 mortality rate	3%

It is the rationale of this bill for the government to take a concerted efforts to institutionalize a Free Nutri-Meals Program for children in all public elementary and secondary schools to tackle the problem of hunger and malnutrition. Through this initiative marked improvement in the attendance, nutrition, health, and academic performances of school children in public elementary and secondary schools can be realized.

It is the full intent of this legislation to empower the National Nutrition Council to be in the forefront in fighting malnutrition and establish the Nutri-Meal Fund

In viewing of the foregoing, the passage of this measure is earnestly sought.

  
**RAUL C. TUPAS**

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PURPOSES**

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

**SECTION 1. Title.** –This Act shall be known as the “Free Nutri-Meals Program of  
2016”.

**SECTION 2. Declaration of Policy.** - It is the declared policy of the State to::

- a. Protect and promote the right to health of the people and instil health  
consciousness among them;
- b. End hunger, achieve food security, and improve nutrition;
- c. Institutionalize a concerted and focused approach to address the incidence of  
malnutrition and hunger among school children;

**SECTION 3. Free Nutri-Meals Program for Filipino Children in Public Elementary  
and Secondary Schools.** –To improve the attendance, nutrition, health, and  
academic performances of school children in public elementary and secondary  
schools, the Free Nutri-Meals for Filipino Children in Public Elementary and  
Secondary Schools Program is hereby institutionalized.

The program is a nutrition-driven initiative that will provide free nutri-meals for school  
children enrolled in public elementary and secondary schools.

The nutri-meals shall be served during lunchtime break of the class for five (5) days a  
week and to complete the duration of one hundred (100) feeding days.

**SECTION 4. Program Phase** - The Program shall be implemented in two phases following a 5-year full implementation phase.

The first phase which will be implemented in the first two years shall be initially implemented in all public elementary schools including kindergarten centers (Kindergarten to Grade VI, following the K-12 Policy).

The second phase shall commence on the third year after the enactment of this Act, and shall cover all public elementary schools including kindergarten centers (Kindergarten to Grade VI) and secondary schools (including the Junior and Senior High School levels following the K-12 Policy).

Provided, that schools located in the following areas shall be accorded prioritization in the implementation of this Act:

- a. those where severe malnutrition or where "severely wasted" pupils as defined by existing government guidelines are reported;
- b. those located in areas of armed conflict; and
- c. those located in highly congested areas.

**SECTION 5. Role of the National Nutrition Council.** -The National Nutrition Council (NNC) shall establish a Nutrition Framework for implementation of the program. The Nutrition Framework, among others, will serve as blueprint containing the implementation mechanisms; integrated package of nutrition services; institutionalization of a system of qualification; development of a data base of information, knowledge and best practices for nutrition programs; food and health aspects of school-based implementation; monitoring progress report on children; participation of communities and civil society and private-public sector partnership.

**SECTION 6. Integrated Nutrition Education and Social Preparation.** - The Free Nutri-Meals Program shall be complemented by information, education, and communication campaigns, which aims to promote a holistic and integrated approach to health and nutrition education of schoolchildren. For this purpose, relevant and user-friendly nutrition information and education materials shall be developed and distributed in the public school. Orientation-training shall be held among DepEd health and nutrition unit personnel at the regional and division levels, concerned local government representatives, and the parent-teacher association (PTAs), in order to orient them on the Program's objectives and mechanics and generate support for the Program.

**SECTION 7. Periodic Health Examination.** - A simultaneous health examination including relevant vaccination and de-worming of all school children shall be undertaken before the start of the feeding program, and shall be conducted by either the respective local Health Officers or Barangay Health Workers (BHW). Children found with ailments shall be given proper treatment and referred to hospitals.

1 Class advisers shall note the baseline record and progress of each pupil for the entire  
2 duration of the implementation of this program. The respective Principals shall submit  
3 a quarterly progress to the report to the Division Superintendent. The Division  
4 Superintendent shall submit the consolidated reports to the NNC.

5  
6 **SECTION 8. Role of the Department of Education (DepEd)** –The Department of  
7 Education shall be responsible for institutionalizing the standard free nutri-meals  
8 program in the public education system, which will:

- 9
- 10 a. Provide free nutri-meals to all schoolchildren enrolled in public elementary and  
11 high schools;
  - 12
  - 13 b. Ensure that the standard nutri-meals meet the required nutritional level for  
14 schoolchildren, as set by the NNC and DOH;
  - 15
  - 16 c. Institute a system of effective sourcing, procurement and delivery of the  
17 required raw materials and other necessary inputs for the preparation of the  
18 nutri-meals.
  - 19

20 **SECTION 8. Role of the Department of Social Welfare and Development (DSWD).**  
21 –The DSWD shall identify the priority areas, in the provinces, cities and municipalities  
22 where malnutrition rates are most severe, based on the results of the National Home  
23 Targeting System (NHTS). The DSWD shall converge the free nutri-meals program  
24 with the schoolchildren beneficiaries of the Conditional Cash Transfer (CCT) program.

25  
26 **SECTION 9. Role of the Department of Agriculture (DA).** –The Department of  
27 Agriculture (DA) shall identify and accredit farmers, farmers' organization or farmer's  
28 cooperative, who can supply good quality poultry products, fresh fruits, grains,  
29 vegetables and other healthy food ingredients.

30  
31 The DA, as far as practicable, shall accredit the farmers and farmers' cooperatives  
32 and organizations from the locality where the feeding program is to be administered.  
33 The accreditation shall be based on a transparent and fair selection system, which the  
34 Department of Agriculture shall design, promulgate and implement. The DA shall  
35 provide technical assistance in cost-effective vegetable and rice farming within the  
36 school premises, whenever applicable. The Bureau of Fisheries and Aquatic  
37 Resources (BFAR) shall provide technical assistance in the development of cost-  
38 effective ways of raising fish resources that are available in the locality.

39  
40 **SECTION 10. Role of the Department of Health (DOH).** –In addition to Section 7,  
41 the DOH shall identify the fruits, vegetables, and other healthy foods which are  
42 appropriate for the free nutri-meals program in the specified locality and shall  
43 recommend these to the DA for purchasing. The DOH shall activate Barangay Health  
44 Workers (BHWs) and provide technical assistance in the training on the proper and  
45 healthy preparation, cooking, and other healthy practices in relation to the feeding  
46 programs.



**SECTION 11. Role of the Department of the Interior and Local Government (DILG).** –The DILG shall implement an effective monitoring system that will be implemented through the Barangay Nutrition Scholars (BNS), and shall institutionalize a fair and progressive system of compensation and incentives for the BNS, which shall likewise be sourced from the funding of the national feeding program in the public education system. The DILG shall issue memorandum circulars which will institutionalize a subsidized funding scheme for the 5<sup>th</sup> and 6<sup>th</sup> class municipalities and a national-local counter parting scheme for 3<sup>rd</sup> and 4<sup>th</sup> class municipalities.

**SECTION 12. Private Sector Participation.** Private sector partnership is encouraged in this Act. The private entity can in the form of their Corporate Social Responsibility donate or adopt a school as recipient of the Free Nutri-Meals Program in cooperation with the concerned agencies identified in this Act or directly organized and coordinated with the DepEd.

For purposes of this provision, the NNC in coordination with the Department of Finance and other relevant government agencies may provide guidelines in a system of incentives including but not limited to creditable expenses in income tax, or discount in business permits registration or other assistance.

**SECTION 13. Creation of the Nutri-Meal Fund.** – There is hereby created the Nutri-Meal Fund, the proceeds of which shall be raised from the following sources:

- a. Special PCSO lotto draws. At least one special PCSO lotto draw per year shall be conducted by the Philippine Charity Sweepstakes Office (PCSO); the 30% of Net Receipts (minus operating and other expenses) usually set aside as contribution to the charity fund shall be set aside for the Nutri-Meal Fund;
- b. PAGCOR. One percent (1%) of Philippine Amusement and Gaming Corporation (PAGCOR)'s net income per year shall be set aside for the Nutri-Meal Fund; and
- c. Collection from Sin Taxes. One percent (1%) of tax collected from sin taxes allotted to health programs shall be set aside for the Nutri-Meal Fund.

**SECTION 14. Management of the Nutri-Meal Fund.**– The Nutri-Meal Fund shall be managed by the NNC. .

All expenditures, disbursement of funds and other activities made under the program shall be subject to existing government auditing and accounting rules and regulations.

**SECTION 15. Implementing Rules and Regulations.** – The NNC shall serve as the lead implementing agency of the program. In consultation with the Department of Health (DOH), Department of Education (DepEd), Department of Social Welfare and Development (DSWD), Department of Agriculture (DA), and Department of Interior and Local Government (DILG), it shall, within ninety (90) days from the effectivity of this Act, formulate and promulgate the rules and regulations which shall guide the program's implementation and carry out the provisions of this Act.

1  
2 **SECTION 16. Separability Clause.** –If any reason, any provision of this Act or any  
3 part thereof shall be held unconstitutional and invalid, the other parts of provision of  
4 this Act, which are not affected thereby, shall remain in full force and effect.  
5

6 **SECTION 17. Repealing Clause.** –All laws decrees, resolutions, orders or ordinances  
7 or parts thereof inconsistent with this Act, are hereby repealed, amended or modified  
8 accordingly.  
9

10 **SECTION 18. Effectivity Clause.** –This Act shall take effect fifteen (15) days after its  
11 publication in the Official Gazette or in at least two (2) newspaper of general  
12 circulation.  
13

14 Approved,