

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

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5974



Introduced by HON. JESUS MANUEL C. SUNTAY

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

EXPLANATORY NOTE

The Food and Agriculture Organization (FAO) of the United Nations (FAO) defines food losses as the dissipation of the edible food mass throughout the food's supply chain, which may take place at any stage of the chain. The food losses at the end of the chain or during the retail and final consumption are referred to as "food waste", which are dependent on the retailers' and consumers' behavior.

The issue of food waste is of high importance because of its impact on food security, food quality and safety, economic development, and the environment.

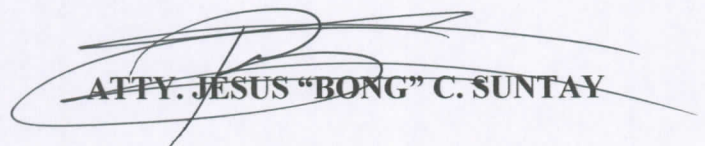
FAO reports that roughly one-third of food produced for human consumption is lost or wasted globally, which sums up to about 1.3 billion tons per year. While a huge amount of food is being squandered, the World Food Program estimates that 821 million people, or one in every nine people, go hungry every day. In our country, the case of food waste amidst the staggering hunger seems not outlandish. A recent study conducted by the Social Weather Station (SWS) shows that our hunger rate rose to 10% in the second quarter of 2019, which totals to a soaring 2.5 million families suffering from involuntary hunger. Also, a recent study by the Food and Nutrition Research Institute (FNRI) reveals that the current chronic malnutrition rate among Filipino children aged 0 to 2 is at 26.2%, which is the highest in 10 years.

On the other hand, FAO elucidates how sustainability is being compromised because of food loss and waste, which actually translates to misuse of resources, i.e. land, water, energy, labor, and capital. Meanwhile, food waste also contributes to environmental degradation because throughout the food mass production, they contribute to increase in greenhouse gas emissions which in turn results to global warming and climate change. The Intergovernmental Panel on Climate Change (IPCC) reiterates that wasted and lost food accounts to as much as a 10th of all our greenhouse gas emissions with the carbon footprint of 3.3 billion tons released into the atmosphere every year. IPCC added that since only a low percentage of food wastage

is composted, most of said waste ends up in landfills, and methane emissions even as these landfills represent one of the largest sources of GHG emissions from the waste sector.

Food waste represents one of the most urgent concerns in the world today. Ending hunger worldwide, encouraging consumers and producers to be responsible are amongst the Sustainable Development Goals (SDGs), i.e. SDG 2 (Zero Hunger) and SDG 12 (Responsible Consumption and Production). A more plausible alternative or solution is food donation, wherein organizations which used to discard food in acceptable condition, would instead offer them to individuals in need or organizations that can pass them to others in need. According to the Global Food Banking Network, there are over 500 food banks in the world, serving more than 20 million people as of 2019. These food banks are connected by the Global Network of Food Banks (GFN) which includes Argentina, Canada, Mexico, United States, United Kingdom, Japan, South Africa, Australia, Guatemala, Colombia, Brazil, Bulgaria, Chile, Costa Rica, Ecuador, Egypt, El Salvador, France, Honduras, Hong Kong, India, Israel, Namibia, Nicaragua, Nigeria, Paraguay, Russia, Sierra Leone, Singapore, South Korea, Taiwan, Turkey and Uruguay. This network is dedicated to help existing food bank systems, broaden their operations, increase impact, and deliver food to hungry populace. As for a significant case to alleviate food insecurity and mitigate hunger, Canada encourages food donation by providing protections to companies and individuals who would donate food instead of discarding them.

This proposed legislation is intended to prohibit food-related businesses like food manufacturers, supermarkets, restaurants, cafeterias, culinary schools, and hotels from throwing away edible food surplus and adjure them to donate the said food to food banks or charities. It is also intended to encourage the said businesses, as well as households and local government units, to recycle inedible food surplus into fertilizer or compost.



ATTY. JESUS "BONG" C. SUNTAY

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**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 Session assembled;

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

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

Toward this end, the State shall adopt a system to promote, facilitate, and ensure the reduction of food waste through redistribution and recycling. The State shall likewise implement measures to make it mandatory to donate edible food surplus for charitable purposes.

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

- a. Edible food surplus refers to excess food or surplus food in the retail and consumption stages, determined to be fit for consumption based on standards set by the National Nutrition Council (NNC) and the Food and Drug Administration (FDA).
- 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 of 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 involved in the manufacturing and processing of food products, private businesses involved in the wholesaling and retailing of food products, and private institutions offering courses in the art and science of preparation, cooking, and presentation of food.

- e. Food bank refers to non-profit, charitable or other social mission-oriented organizations that distribute food to the food insecure.
- 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 NNC and FDA, including but not limited to prepackaged food products that have gone beyond their declared expiry dates.
- g. Waste Management and Recycling Enterprises refers to organizations that manage inedible food waste by converting these into fertilizers or compost.

SECTION 4. *Covered Establishments.* – The establishments covered by this Act are as follows:

- a) Food manufacturers, 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.

SECTION 5. *Determination of Food Insecures.* – The criteria for determination of food insecures will be made by the Department of Social Welfare and Development (DSWD), in coordination with the Local Government Units (LGUs).

SECTION 6. *National Food Surplus Campaign.*– The NNC, in close coordination with DSWD, Department of Interior and Local Government (DILG), Department of Environment and Natural Resources (DENR), Department of Education (DepEd), Department of Trade and Industry (DTI), Department of Health (DOH), Department of Science and Technology (DOST), Department of Agriculture (DA), FDA, other concerned agencies and LGUs, shall undertake a National Food Surplus Campaign to raise awareness on the impact of food surplus and strategies to decrease wasted food starting at the household level. The campaign shall also promote the food surplus reduction hierarchy and recommend means of reducing individual food waste.

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

- a) Current global and national food waste situation;
- b) Ways to minimize food surplus;
- c) National and local food surplus prevention programs;
- d) Food recovery; and
- e) Pertinent provisions of this Act

The Department of Trade and Industry shall encourage food-related businesses to purchase lower-price, non-standard size or shape produce to be used in their food products.

SECTION 7. *Edible Food Surplus Distribution Steps* – the following steps shall be followed in edible food surplus distribution:

- a) The owners of the covered establishments will segregate their edible and inedible food surplus;
- b) To facilitate distribution, food manufacturers may opt to perform the segregation of their products at the supermarkets that sell their products;
- c) Before a donation is made, a duly accredited health inspector of the local government unit will check if the edible food surplus is fit for consumption based on the standards set by the NNC and 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 LGUs will distribute the edible food surplus to the food insecure.

SECTION 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 contract with food banks to redistribute edible food surplus to the food insecure;
- c. Ensure that edible food surplus is unadulterated and in good condition upon arrival at the food bank's distribution center, in accordance with the standard set by NNC and FDA.

SECTION 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 to food banks;
- b. Ensure that 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.

SECTION 10. *Responsibility of Local Government Units in Waste Reduction Strategy*. – LGUs are hereby required to:

- a. Submit an annual 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 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 to farms and community gardening associations;
- e. Reach and maintain inedible food waste levels at the target set by DENR.

SECTION 11. *Accreditation and Training of Health Inspectors.* – The DOH, in coordination with 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.

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

SECTION 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 to farms, the owners shall be exempt from any liability and/or injury arising therefrom.

SECTION 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.

SECTION 15. *Penal Provisions/Penalties.* – the penalty of a fine amounting to Five Hundred Thousand Pesos (Php 500,000) 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

SECTION 16. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the NNC, in coordination with DSWD, DILG, DENR, DOST, DepEd, and DOH, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 17. *Separability Clause.* – If any provision or part thereof is held invalid, or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

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

SECTION 19. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,