

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
17th CONGRESS
First Regular Session
House Bill No. **2990**

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Introduced by Representative Wes Gatchalian

EPLANATORY NOTE

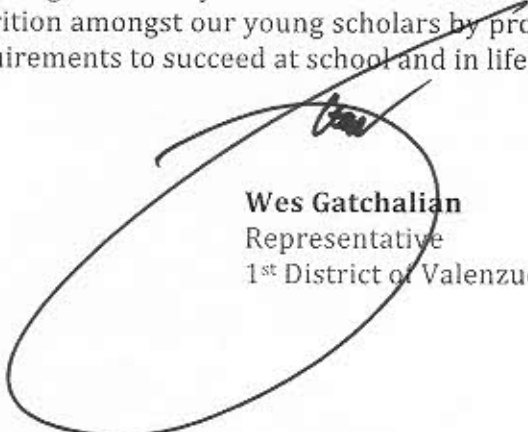
More than a hundred years ago our national hero Dr. Jose Rizal uttered the famous words that to this day echoes true in the consciousness of our nation – “Ang Kabataan ang Pag-asa ng Bayan.” This sentiment is echoed by the letters of our constitution, the document which is the embodiment of our people’s collective spirit. There is therefore an irresistible mandate to the state to provide and ensure that the children in our society are provided all that they need in order to fulfill the hopes placed by generations gone by on their fragile shoulders. This bill proposes to provide the nutritional needs of children in elementary.

Hunger hampers a child’s progress in his education during the critical formative years of his growth. Despite the existing consider the following facts:

- 66 million primary-age children in the developing world go to class hungry.
- In the Philippines, due to hunger, 8.6 percent of school-aged children between the ages of 5-19 years old are wasted, indicating that they suffer from acute malnutrition.
- According to the Department of Education (DepEd), for the 2012-2013 academic year, 1,918,464 public elementary school children were wasted or severely wasted.

These statistics show that we, as a Nation, have failed to satisfy the adequate nutritional needs of today’s children. The basic right of a child to proper care and nutrition as provided for in our Constitution has largely gone ignored in the case of at least one million school children.

It is with these alarming facts that this legislation, otherwise known as the Nutri-Skwela Act of 2016, is brought before you. It aims to address the issue of eradicating hunger and malnutrition amongst our young scholars by providing them with the proper nutritional requirements to succeed at school and in life.



Wes Gatchalian
Representative
1st District of Valenzuela

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AN ACT
ESTABLISHING THE PHILIPPINE BASIC EDUCATION NUTRITION AND
PERFORMANCE ACCELERATION PROGRAM, APPROPRIATING FUNDS
THEREFOR,
AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "Nutri-Skwela Act of 2016".

SEC. 2. Declaration of Policy. - The State shall protect and promote the right of every Filipino child to a nurturing and fulfilling experience in the basic education system. For this purpose, the State shall dedicate significant resources to the strengthening of the capacities of children to perform well and succeed in school. Pursuant to this declaration, the State shall undertake programs and advocacies to solve the nutritional and dietary needs of young students.

SEC. 3. The Program. - The Philippine Basic Education Nutrition and Performance Acceleration Program, hereinafter referred to as the Program, is hereby established. The Program shall accomplish the following objectives:

(a) Institutionalize a production and service system to address the nutritional and dietary needs of elementary school children during school hours;

(b) Streamline the various school children feeding programs of the Department of Education, the Department of Social Welfare and Development, and other government agencies into one system, in order to increase efficacy in the use of allocated resources;

Development, and other government agencies into one system, in order to increase efficiency in the use of allocated resources;

(c) Eliminate the incidence of the nutritionally "wasted" and "severely wasted" condition among children enrolled in public elementary schools;

- (d) Accelerate and improve the academic performance and participation, and physical development of children during the course of their basic education course;
- (e) Further increase elementary education enrollment rates and school attendance records;
- (f) Empower local government officials, members of the community, and other local stakeholders to actively participate in the nutritional and educational development of their local children;
- (g) Ensure transparency, accountability, and efficacy in the disbursement and distribution of funds and goods for the purposes of this Act.

The Program shall ensure that at least one meal on each school day of the academic year is made available free-of-charge to all children enrolled in day care, kindergarten, and grades 1-6 in all public educational institutions within the Philippines.

Children who attend classes in the morning shall be provided with breakfast before the start of their classes while children whose classes start in the afternoon shall be provided with lunch before the start of their classes. Children whose daily academic program exceeds (5) hours per day shall be provided with both breakfast and lunch free-of-charge.

SEC. 4. *National Committee.* - The National Nutrition Council and its member agencies, constituent departments, and committees shall be the implementing body of the Program.

The National Nutrition Council Governing Board, its Secretariat and Technical Committee, hereinafter collectively referred to as the National Committee, shall be primarily responsible for policy formulation and evaluation of the Program. Specifically, the National Committee shall have the following functions:

- (a) Define the optimal nutrition standards and create a meal plan that will meet the essential dietary requirements of children for active and energetic participation in school;
- (b) Create an operations manual that details the Program system and instructs the various sub-committees on their specific role in the implementation of the Program, including but not limited to rules and guidelines concerning logistics, procurement, uniform brand and packaging identity, and quality control. The National Committee shall then disseminate said manual to the sub-committees;
- (c) Draft an organizational staffing plan that outlines the number, nature, and position of the personnel required by the sub-committees for the purpose of implementing the Program;
- (d) Facilitate efficient policy coordination between the various committees,

agencies, civil society and private sector stakeholders referred to under this Act; and,

(e) Establish a strategy for prioritized implementation of the Program in areas where severe malnutrition occurs, and in conflict areas.

SEC. 5. *Regional Nutrition Committees* - The Regional Committees will be primarily responsible for overseeing the implementation of the production and service level of the Program by the City Nutrition Committees of those designated by law as independent component or highly urbanized cities. Specifically, the Regional Committees shall have the following functions:

(a) Conduct regular on-site inspections of the food preparation and delivery operations of the Program undertaken by the City Committees under their supervision;

(b) Submit quarterly progress reports to the National Committees detailing the level of accomplishment of the City Committees under their supervision and evaluating their compliance with the operations manual and other pertinent provisions of this Act; and,

(c) Develop and implement quality control strategies to maintain an even baseline of service quality amongst the City Committees under their jurisdiction.

SEC. 6. *Provincial Nutrition Committees* - The Provincial Committees shall likewise perform the functions of the Regional Committees in overseeing the Municipal Committees, and the City Committees not otherwise covered under Sec. 5 of this Act.

SEC. 7. *Local Committees* - The City and Municipal Nutrition Committees, hereinafter referred to as Local Committees, shall be primarily responsible for the implementation of the production and service level of the Program. Specifically, the Local Committees shall perform the following functions:

(a) Procure the necessary raw foodstuffs and other materials to prepare the meals;

(b) Coordinate the necessary logistical support for implementation of the Program, including but not limited to the delivery of food stuffs to the preparation facilities, the preparation of the meals on-site, and distribution of the meals to the students;

(c) Implement the organizational staffing plan to ensure the training and employment of the necessary support staff for the efficient implementation of the Program; and,

(d) Submit a monthly progress report to the corresponding Regional or Provincial Committee detailing vital Program success indicators, including but not limited to the quantity and price of food stuffs procured, the number of meals prepared and served daily, the participation rate among students covered under this Act, among others. The report should also indicate any Program weaknesses, liabilities, or other problems incurred during the implementation of the Program.

SEC. 8. *Barangay Nutrition Committees* - The Barangay Committees shall be primarily responsible for documentation and other auxiliary concerns. Specifically, the Barangay Committees shall perform the following functions:

- (a) Record and document the daily service indicators and other information at the school level, including but not limited to the indicators mentioned in Sec. 7(d) of this Act, and forward the information to their respective Local Committees; and,
- (b) Formulate and implement strategies to encourage volunteerism and engagement in the Program by members of the community, to supplement manpower needs and improve service quality.

SEC. 9. *De-worming* - In order to improve the effectiveness of the nutritional outcomes of the Program, the Department of Health shall be responsible for coordinating a de-worming program which shall serve all students identified as Program beneficiaries under Sec. 4 of this Act. The de-worming shall be conducted before the start of the meal schedule.

SEC. 10. *Role of the Department of Education*. - In addition to its responsibilities as a member agency of the National Committee, the Department of Education have the following responsibilities:

- (a) Coordinate with the participating Program schools to install sufficient permanent facilities for the purpose of preparing the student meals, subject to the provisions of applicable laws on sanitation;
- (b) Implement an assessment system to track the academic performance of Program beneficiaries; and,
- (c) Provide logistical support for the Program at the school level, as necessary.

SEC. 11. *Role of the Department of Social Welfare and Development*. - In addition to its responsibilities as a member agency of the National Committee, the Department of Social Welfare and Development shall use its expertise in feeding programs to assist the Local Committees at the production and service level of implementation of the Program. DSWD shall also assist the National Committee in identifying and targeting priority areas as provided under Sec. 4(e) of this Act.

SEC. 12. *Role of the Technical Education and Skills Development Authority*. - TESDA shall provide assistance to the Local Committees in training and employing personnel as provided under Sec. 7(c) of this Act.

SEC. 13. *Private Sector Participation* - Private sector participation is encouraged under this Act. The National Committee, in cooperation with the subcommittees, the Department of Finance, and relevant government agencies, shall formulate a system of incentives to encourage corporate social responsibility and individual donations for the benefit of Program through various methods, including but not limited to income tax credits, discounts for business permits registration, or other assistance.

SEC. 14. *Monitoring and Quality Control.* - The National Committee in coordination with its subcommittees and the LGUs shall strictly monitor the activities that will be conducted at the production and service level of the program. The procurement, handling, storage, transportation and sanitation of the products whether in its raw or end stage must ensure that the quality and safety protocols are followed and that measures are undertaken for the prevention and control of food safety problems. Towards this end, the National Committee shall facilitate the training and development of operating guidelines in food safety under this Program to ensure reliable and consistent food products.

The Local Committees shall ensure the actual delivery of the food to the student-beneficiaries in accordance with the program specification and requirements. A weekly compliance report, to include the liquidation and summary of expenses shall form part of the quarterly assessment on the program.

SEC. 15. *Performance and Financial Audit.* - To further strengthen accountability and improve public expenditure management, with the end in view of eliminating waste and the ascertainment of the effectiveness of the program, a quarterly performance audit shall be conducted by the Commission on Audit in the first two years of the program's implementation, and every year thereafter.

The audit shall provide an overall picture of how various segments of the program are implemented and whether the expected roles and responsibilities of stakeholders are met, which outcome may lead to the identification of areas where improvements can be introduced, and shall include, among others:

- 1) Review of the procedures for the program;
 - 2) Evaluation of performance reports by the Local Committees;
 - 3) Random interview of staff involved in the implementation of the program;
- and,
- 4) Documentation of reports and validation from data source.

SEC. 16. *Prohibition on Political Signage.* - The Local Committees shall ensure that the packaging of the meals and other produced materials are in conformance to the uniform packaging and branding identity contained in the operations manual as provided in Sec. 4(b) of this Act. It shall be prohibited for any public officer to alter or cause an alteration in the packaging and branding identity, including but not limited to:

- (a) Affixing, or causing to be affixed, the name, image, or logo of any public official on any production and service level materials related to the Program;
- and,
- (b) Installing, or causing to be installed, signage at the implementation site or at any other place crediting an individual public officer for implementation of any level of the Program, or bearing his or her image, name, or logo.

SEC. 17. *Penal Provision.* - Any public officer committing any of the prohibited acts in the preceding section shall be punished with imprisonment for not less than six (6) months nor more than one (1) year, and perpetual disqualification from public office.

SEC. 18. Appropriations. - For the initial operating expenses of the Program, the sum of Sixty Billion Pesos (P60,000,000,000) is hereby appropriated from the Presidential Social Fund, and from the profits and earnings of the Philippine Charity Sweepstakes Office, the Philippine Gaming and Amusements Corporation, and other revenue-generating agencies of the government. Thereafter, such sum necessary for its continuous implementation shall be included in the annual General Appropriations Act.

SEC. 19. Implementing Rules and Regulations. - Within ninety (90) days from the approval of this Act, the Department of Health, in coordination with the National Nutrition Council and the Local Government Units through the Department of Interior and Local Government, shall promulgate the rules and regulations to implement the provisions of this Act.

SEC. 20. Separability Clause. - Should any part of this Act be declared unconstitutional, the rest of the provisions of this Act shall continue to be in effect and subsisting.

SEC. 21. Repealing Clause. - The provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SEC. 22. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette and/or in at least two (2) national newspapers in general circulation.