

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1645

HOUSE OF REPRESENTATIVES

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Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

The State must address the matter of hunger affecting Filipinos by ensuring adequate food for all. This will provide for a healthy and strong population, better equipped to push the Philippines to progress and prosperity.

In the fourth quarter of 2013, however, the Social Weather Survey fielded from 11 to 16 December 2013, found 18.1% or an estimated 3.90 million families experiencing involuntary hunger at least once in the past three months. The Social Weather Station found an average hunger rate of 19.5% for the year 2013. This, notwithstanding the various existing laws that guarantee certain aspects of the right to adequate food, namely: R.A. No. 6657 (Comprehensive Agrarian Reform Law); R.A. No. 8435 (Agricultural and Fisheries Modernization Act); R.A. No. 8550 (Philippine Fisheries Code); R.A. No. 7607 (Magna Carta for Small Farmers); R.A. No. 7884 (National Dairy Act); R.A. No. 7900 (High Value Crops Act); R.A. No. 8178 (Agricultural Tariffication Act); R.A. No. 7308 (Seed Industry Development Act); R.A. No. 9168 (Plant Variety Protection Act); R.A. No. 7581 (Price Act); R.A. No. 71 (Price Tag Law); R.A. No. 7900 (High Value Crops Development Act); R.A. No. 8550 (Philippine Fisheries Code); E.O. No. 51 (Milk Code); and R.A. No. 8976 (Philippine Food Fortification Act).

This bill seeks to provide for an adequate food framework law to help strengthen food programs, harmonize these laws and to ensure that they are effectively implemented. This framework law will improve accountability in the delivery of these food programs.

Support for the enactment of this measure is earnestly requested.



REP. LINABELLE RUTH R. VILLARICA

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Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

AN ACT
PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD,
ESTABLISHING FOR THE PURPOSE A COMMISSION ON THE RIGHT TO
ADEQUATE FOOD AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the “Right to Adequate Food Framework Act”.

SEC. 2. *Declaration of Policy.* – It shall be the policy of the State to guarantee the right to adequate food which is a matter of legal entitlement, consistent with human rights and human dignity.

The State shall provide for a framework to address and eliminate hunger in an organized manner

SEC. 3. *Definition of Terms.* – As used in this Act, the following terms shall be defined as follows:

- a.) *Food* is nourishment that includes solid, liquid and semi-liquid nourishment, as well as drinking water;
- b.) *Hunger* is starvation, which is not having not enough food of any sort to eat, to undernourishment, which is having enough food to eat, but of inadequate quality;
- 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 sufficient food, corresponding to the cultural traditions of the people,

to which he or she belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life, free of fear;

- d.) *Vulnerable groups* are particularly disadvantaged. These include indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities, individuals living with HIV/AIDS, refugees and internally displaced people, women and children.

SEC. 4. *Conditions for the Exercise of the Right to Adequate Food.* – Every person has the right to live in conditions that enable him or her to:

- a.) either feed himself or herself directly from productive land or other natural resources, or rely on well-functioning distribution, processing and market systems or both;
- b.) be financially able, not only to acquire a sufficient quantity and quality of food, but also to satisfy his or her basic needs;
- c.) 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.) 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.) access foods or diets that are the most appropriate under given circumstances, in terms of their nutritional value and cultural acceptability.

There shall be no limitation, on the right to adequate food, unless it is provided by law, is necessary for the purpose of a compelling public interest, and is compatible with the nature of the right to adequate food.

SEC. 5. *Freedom from Hunger.* – Every person has a right to be free from hunger. Every person suffering from hunger or undernourishment, or at risk of suffering from hunger or undernourishment, is entitled to a minimum amount of food according to his or her age, sex, health status and occupation, as provided for under Section 16 of this Act.

SEC. 6. *Non-Discrimination.* – Any distinction, exclusion or restriction made on the basis of race, color, sex, 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 his or her right to adequate food, is unlawful and will be sanctioned in accordance with the 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. 7. *Targets.* – The Government will ensure that in two and a half years, the incidence of hunger will be reduced, from the level current at the time of the passage of the framework act, by 25%; in five years, it will be further reduced by 25%; in seven and a half years, it will be further reduced by 25% ; and in ten years, zero hunger will be achieved.

The Government will also ensure that in 10 years, land devoted to food production will be increased to 50% of all prime agricultural land in every region.

Periodic reviews will be undertaken to ensure compliance with set targets. In the implementation of this framework act, priority will be given to identified areas with chronically malnourished individuals. In measuring the incidence of hunger, the key primary data sources will include the National Nutrition Surveys (NNS); the Survey of Hunger Incidence in the Philippines (SHIP); the self-rated hunger indicator of the Social Weather Stations (SWS); and the household surveys of the National Statistics Office (NSO), namely the Family Income and Expenditure Survey (FIES) and the Annual Poverty Indicators Survey (APIS).

SEC. 8. *Impact Assessment.* - All proposed government actions, plans and projects including any development plan, will take into account the right to adequate food, and will undergo an objective impact assessment prior to its adoption and implementation.

Any strategic intervention aimed at ensuring the enjoyment of the right to adequate food will similarly undergo an objective impact assessment prior to its adoption and implementation.

SEC. 9. *Commission on the Right to Adequate Food; Composition.* – There is hereby created a Commission on the Right to Adequate Food attached to the Commission on Human Rights (CHR).

SEC. 10. *Composition; Qualifications; Salary.* – It shall be composed of a Chairperson and two members who shall be appointed by the President for a term of seven (7) years without reappointment. Their reappointment to any vacancy will be only for the unexpired term of their predecessor. Of those first appointed, the Chairperson will hold office for seven (7) years, a Commissioner for five (5) years, and another Commissioner for three (3) years

without reappointment. In no case shall any Member be appointed or designated in a temporary capacity.

They shall be natural born citizens, and at least thirty five (35) years of age at the time of their appointment. At least one of them shall be a member of the Philippine Bar.

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.

SEC. 11. *Prohibition against Holding any Other Office.* – The Chairman and Members of the Commission shall not hold any other office or employment during their tenure. They shall not, during their tenure 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 subdivisions, agencies, or instrumentalities, including government-owned or controlled corporation or their subdivisions.

SEC. 12. *Powers and Functions of the Commission on the Right to Adequate Food.* – The following are the powers and functions of the Commission on the Right to Adequate Food:

- a.) Receive complaints of violations of the right to adequate food from individuals and groups;
- b.) Investigate, *motu proprio* or on 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 of the right to adequate food;

- g.) Monitor the Philippine 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.

In exercising its powers and duties, the Commission on the Right to Adequate Food shall:

- 1. Apply the human rights principles as declared under this Act;
- 2. Work in close cooperation with representatives of civil society and take their views into consideration;
- 3. Use to the fullest extent possible the services, facilities and information, including statistical information, of the relevant public and private bodies and organizations, to prevent duplication of efforts and expenses.

SEC. 13. *Institutional Responsibilities.* – In implementing the right to adequate food, the Commission on the Right to Adequate Food may call out other agencies to ensure the right to adequate food. In the implementation of the right to adequate food, the Department of Agriculture (DA) will have the primary duty to ensure food availability, stability and adequacy; the Department of Health (DOH) will have the primary duty to ensure food quality and safety; the Department of Trade and Industry (DTI) will have the primary duty to ensure physical and economic access to food; and the Department of Public Works and Highways (DPWH) will have the primary duty to ensure well-functioning distribution, processing and market systems.

SEC. 14. *Inter-Agency Council on the Right to Adequate Food.* – To facilitate inter-agency cooperation, there shall be created an Inter-Agency Council on the Right to Adequate Food, which will be headed by the Chairperson of the Commission on the Right to Adequate Food, which will be composed of the following additional agencies:

- a.) Department of Agriculture (DA);
- b.) Department of Agrarian Reform (DAR);
- c.) Department of Health (DOH);

- d.) Department of Trade and Industry (DTI);
- e.) Department of Public Works and Highways (DPWH);
- f.) Department of Environment and Natural Resources (DENR);
- g.) Department of Energy (DOE);
- h.) Department of Social Welfare and Development (DSWD);
- i.) National Economic and Development Authority (NEDA);
- j.) National Anti-Poverty Commission (NAPC);
- k.) National Disaster Coordinating Council (NDCC);
- l.) Philippine News Agency (PNA);
- m.) Philippine Information Agency (PIA);
- n.) Two (2) representatives of people's organizations; and
- o.) Two (2) representatives of non-government organizations.

SEC. 15. *Powers and Functions of the Inter-Agency Council on the Right to Adequate Food.* – The Council members shall formulate programs and projects to provide strategic interventions to respect, protect and fulfill the right to adequate food. The Council shall also serve as the monitoring body in regard to the right to adequate food initiatives.

The council members that are government agencies may designate their duly authorized representatives with the rank of assistant secretary or its equivalent. The council members who are representatives of people's organizations and non-governmental organizations will be chosen by the Commission on the Right to Adequate Food from a list of nominees provided by the people's organizations and non-governmental organizations engaged in the promotion of the right to adequate food. These members shall attend council meetings, and will receive emoluments as may be determined by the council, in accordance with existing budget and accounting rules and regulations.

SEC. 16. *Minimum Amount of Food.* – The Commission on the Right to Adequate Food, in coordination with the Department of Social Welfare and Development (DSWD), will ensure regular, reliable and timely delivery of a minimum amount of food, which is the exact quantity of calories, proteins and micronutrients corresponding to age, sex, health status or occupation of a person pursuant to a certification procedure, or the means for its procurement, to persons who are suffering from hunger or undernourishment, or are at risk from suffering from hunger or undernourishment, but who cannot take care of their own needs, due to reasons beyond their control, including, but not limited to, children whose parents die or disappear, or otherwise no longer take care of them, elderly, and persons with disabilities.

There shall be a fair, independent and accessible recourse procedure 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. For purposes of monitoring and evaluation, the DSWD shall report to the Commission on the Right to Adequate Food on a regular basis. Specific support measures shall be designed and implemented to prevent or compensate for disadvantages that identified vulnerable groups suffer from, in regard to the enjoyment of their right to adequate food, subject to review by the Commission on the Right to Adequate Food, and where necessary, will give further guidance, so as to ensure that all groups are covered appropriately.

SEC. 17. *Emergencies.* – During emergency situations, the Commission on the Right to Adequate Food in coordination with the National Disaster Coordinating Council shall:

- a.) Organize and manage early warning preparedness for a crisis as well as comply with international standards on the right to adequate food;
- b.) Prepare adequate food responses based on international standards during emergencies;
- c.) Request for international assistance when necessary, alongside supervising and coordinating the distribution of food received.

SEC. 18. *Information.* – All government agencies, under the direction of the Commission on the Right to Adequate Food, in coordination with the PNA and the PIA shall:

- a.) Inform the public about the rights established in this framework act together with its implementing rules and regulations and the measures taken for the purpose of facilitating and promoting the realization of the right to adequate food.
- b.) Use the most appropriate ways of information dissemination so as to reach out to the most marginalized areas of the population with high rate of illiteracy.

SEC. 19. *Education and Awareness Raising.* – The Commission on the Right to Adequate Food in coordination with the Department of Education (DepEd), the Commission on Higher Education (CHED) and the Technical Education Skills Development Authority (TESDA) shall:

- a.) Include in the school curriculum materials related to food and nutrition education, the right to adequate food, and human rights principles.
- b.) Adult education and training programs, when relevant, include materials related to food and nutrition, the right to adequate food, and human rights principles.

SEC. 20. *International Cooperation.* – The Commission on the Right to Adequate Food, in coordination with the CHR and the Department of Foreign Affairs (DFA) shall:

- 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; and
- 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.

SEC. 21. *Monitoring System.* – There shall 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 shall:

- a.) Collect data related to food and nutrition security, using monitoring procedures consistent with human right 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 an early warning mechanism.

SEC. 22. *Representation and Participation of People's Organizations and Civil Society.* – To ensure public participation, the Commission on the Right to Adequate Food shall:

- a.) Provide free and meaningful participation, including freedom of information and freedom of association;
- b.) Conduct consultations on specific areas of implementation of this framework Act;

- c.) Ensure in national public hearings every two (2) years at which the Government is required to report on the progress of the implementation of this framework act and the progressive realization of the right to adequate food.

SEC. 23. *Penal Provisions.* – The penalty of *prision mayor* shall be imposed on any public or private person who deliberately starves or denies access to food to any particular individual or group, as though the commission of any of the following acts:

- a.) Food blockade or the willful effort to cut off supplies from a particular area by force either by force either partially or totally;
- 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 a 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. 24. *Civil and Administrative Liabilities.* – Any public officer or employee who directly or indirectly obstructs, defeats, violates or in any manner impairs any person's rights guaranteed under this framework act, shall be liable to him for damages. Any violation of a provision of this framework act, whether committed by public or private persons, will similarly give rise to liability of damages.

It is hereby declared a ministerial duty on the part of the Government to ensure the enjoyment of the rights guaranteed in this framework 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 shall be without prejudice to liability for damages, as well as administrative liability that may be incurred.

SEC. 25. *Appropriations.* – There shall be authorized to be appropriated such amounts as necessary to carry out the provisions of this Act. Afterwards, such sums as may be necessary for the implementation of this Act shall be included in the General Appropriations Act.

SEC. 26. *Implementing Rules and Regulations.* – The CHR shall issue the necessary rules and regulations to implement the provisions of this Act within sixty (60) days from its effectivity, in coordination with the DA, DAR, DSWD, DOH, DTI, DPWH, NEDA, NAPC and with the participation of people's organizations and human rights non-governmental organizations.

SEC. 27. *Separability Clause.* – If any provisions or part hereof, is held invalid or unconstitutional, the remainder of the law of the provisions not otherwise affected shall remain valid and subsisting.

SEC. 28. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 29. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,