

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4903



Introduced by Hon. John Marvin "Yul Servo" C. Nieto

EXPLANATORY NOTE

This bill seeks to provide for the mandatory donation of all surplus or left over but still edible foods to charitable institutions and foundations by all restaurants, hotels, supermarkets, fast food chains and other similar food establishments, and providing penalties for violation thereof.

The Philippine chronic malnutrition rate among children aged 0-2 was at 26.2%, the highest in 10 years, according to a recent survey by the Food and Nutrition Research Institute (FNRI) of the Department of Science and Technology (DOST). Malnutrition in the country has resulted in childhood stunting – the most prevalent kind of undernutrition which has permanent effects on a child's growth and development. The result from this is that members of the workforce who experienced childhood stunting have lower income levels. In addition, child deaths result in a loss of income for both the family and the country.

More than 26 million Filipinos remain poor with almost half, or a little more than 12 million, living in extreme poverty and lacking the means to feed themselves, according to official government statistics for the first semester of 2015.

It is then the duty of the State 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. It is incumbent upon the government to make sure that its citizens will be afforded a lifestyle that will enable them to enhance their capabilities to the end of helping the country.

In view of the foregoing, approval of this bill is highly recommended.


JOHN MARVIN "YUL SERVO" C. NIETO

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AN ACT

MANDATING THE DONATION OF ALL SURPLUS OR LEFT OVER BUT STILL EDIBLE FOODS TO CHARITABLE INSTITUTIONS AND FOUNDATIONS BY ALL RESTAURANTS, HOTELS, SUPERMARKETS, FAST FOOD CHAINS AND OTHER SIMILAR FOOD ESTABLISHMENTS AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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 "Mandatory Food Surplus Donation Act of 2016.

SEC. 2. Declaration of Policy – It shall be the policy of the State to alleviate national poverty and reduce food wastage. As such, the State shall implement measures to make it mandatory to donate surplus but still edible food for charitable purposes.

SEC. 3. Definition of Terms – For purposes of this act, the following terms shall mean as follows:

- a. "Donate" is to dispose of an apparently edible food in favour of another. It includes the giving by one person or entity to another person or entity, of an edible food fit for human consumption for charitable purposes.
- b. "Edible Food" refers to any raw, cooked, processed, baked, roasted or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption. This does not include food left by the costumers which in for or in part be capable of consuming.
- c. "Charitable purposes" refers to philanthropic, humanitarian and non-profit objectives, including the benefit of the poor, needy, sick, prisoners, orphans and those others similarly situated.

SEC. 4. Mandatory donations – It is hereby provided that all supermarkets, restaurants, hotels, fast food chains and other food establishments shall donate all of its surplus or left-over but still fit for human consumption foods to accredited charitable institutions and foundations.

SEC. 5. Accreditation – To ensure effective and sustained inter-agency and multi-sectoral coordination, all charitable institutions and foundations shall be accredited with the Department of Social Welfare and Development, who shall serve as the

main accreditation agency together with the Philippine Red Cross as auxiliary for the implementation of this Act.

SEC. 6. Liability for damages from donated foods – All supermarkets, restaurants, hotels, fast food chains and other food establishments, or any person whether natural or juridical shall not be subject to any civil or criminal liability arising from the nature, age, packaging, or condition of apparently edible food that were donated in good faith for charitable purposes.

SEC. 7. Repealing Clause – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly, Republic act No. 98.03 is hereby repealed.

SEC. 8. Implementing rules and regulations – Within ninety (90) days from the approval of this Act, the Secretary of Health in coordination with the Secretary of Social Welfare and Development together with the Philippine Red Cross shall issue rules and regulations for the effective implementation of this Act.

SEC.9. Penal provision – Any person or corporation who violates any of the provisions of this Act shall be punished with imprisonment of at least six (6) months and one (1) day but not more than six (6) years or a fine of at least Ten Thousand Pesos (P10, 000.00) but not more than One Hundred Thousand Pesos (P100, 000.00) at the discretion of the court.

If the offender is a juridical person, corporation or association, the President and the Managers of said corporation and association, or its agent or representative in the Philippines, in case of a foreign corporation or association, shall be liable.

SEC. 10. Effectivity – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,