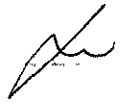


9 JUN -2 P4:40

SENATE

COMMITTEE REPORT NO. 531

RECEIVED BY



Submitted jointly by the Committees on Health and Demography (Sub-Committee on Food Donation) and Social Justice, Welfare and Rural Development on JUN - 2 2009

RE : **SB No. 150**

Recommending its approval with amendments.

Sponsor : Senator Gordon

MR. PRESIDENT:

The Committee on Health and Demography (Sub-Committee on Food Donation), jointly with the Committee on Social Justice, Welfare and Rural Development to which was referred **SB No. 150** introduced by Senator Gordon, entitled:

**“AN ACT
TO ENCOURAGE THE DONATION OF FOOD FOR CHARITABLE PURPOSES”**

have considered the same and have the honor to report it back to the Senate with the recommendation that **SB No. 150** be approved with the following amendments:

1. On page 1, line 11, Section 3 (1), “Apparently Wholesome Food”, add the following sentence after the word “conditions.”: **IT DOES NOT INCLUDE MILK PRODUCTS AS DEFINED AND COVERED UNDER EXECUTIVE ORDER NO. 51, THE “NATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES, BREASTMILK SUPPLEMENTS AND OTHER RELATED PRODUCTS.”**

2. On page 2, line 5, insert a new Section 4, which shall read as follows:

“SEC. 4. COORDINATING MECHANISM. TO ENSURE EFFECTIVE AND SUSTAINED INTER-AGENCY AND MULTI-SECTORAL COORDINATION, THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) SHALL SERVE AS THE MAIN COORDINATING AGENCY FOR THE IMPLEMENTATION OF THIS ACT.”

3. The previous Sec. 4, *Liability for Damages from Donated Food* shall now become Section 5.

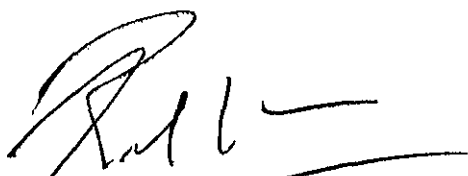
4. On page 2, after Sec. 5, *Liability for Damages from Donated Food*, insert a new Section 6 which shall read as follows:

“SEC. 6. IMPLEMENTING RULES AND REGULATIONS. – THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD), IN

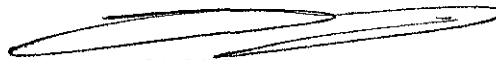
COORDINATION WITH THE DEPARTMENT OF HEALTH (DOH) AND ITS ATTACHED AGENCIES, THE BUREAU OF FOOD AND DRUGS (BFAD) AND THE NATIONAL NUTRITION COUNCIL (NNC); THE NATIONAL DISASTER COORDINATING COUNCIL (NDCC); THE UNION OF LOCAL AUTHORITIES OF THE PHILIPPINES (ULAP); OTHER RELEVANT GOVERNMENT AGENCIES, NON-GOVERNMENT ORGANIZATIONS AND PRIVATE ENTITIES SHALL FORMULATE AND ISSUE THE NECESSARY RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THIS ACT WITHIN NINETY (90) DAYS AFTER THE EFFECTIVITY OF THIS ACT. “

5. The subsequent sections shall be renumbered accordingly.

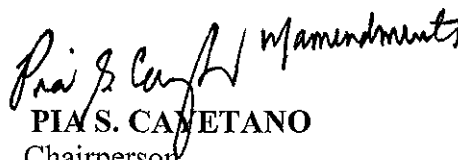
Respectfully Submitted:



RICHARD J. GORDON
Chairperson
Sub-Committee on Food Donation
Committee on Health and Demography



LOREN B. LEGARDA
Chairperson
Committee on Health and Demography



PIA S. CAMETANO
Chairperson
Committee on Social Justice, Welfare
and Rural Development
Member, Committee on Health
and Demography

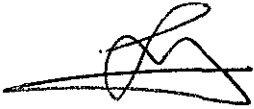
Members:

EDGARDO J. ANGARA
Committee on Health and Demography



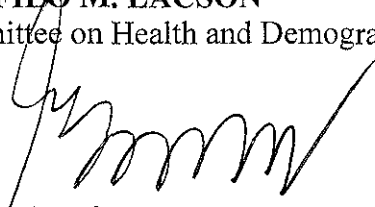
RÓDOLFO G. BIAZON
Committee on Health and Demography

M.A. MADRIGAL
Committee on Health and Demography



FRANCIS "Chiz" G. ESCUDERO
Committee on Health and Demography

PANFILO M. LACSON
Committee on Health and Demography

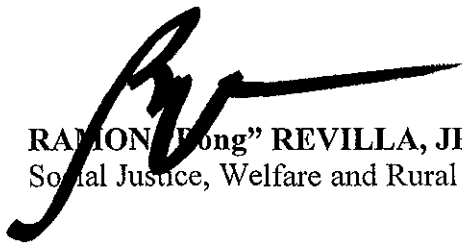


GREGORIO B. HONASAN II
Committee on Health and Demography
Social Justice, Welfare and
Rural Development

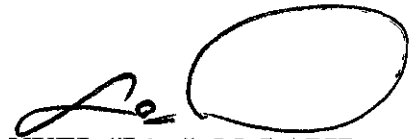


ALLAN PETER S. CAYETANO
Committee on Health and Demography
Social Justice, Welfare and Rural Development

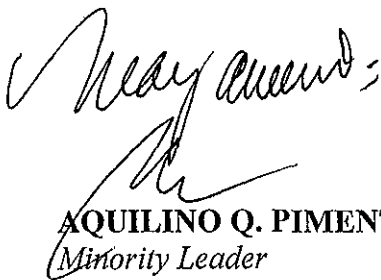
FRANCIS N. PANGILINAN
Committee on Health and Demography



RAMON "Bong" REVILLA, JR.
Social Justice, Welfare and Rural Development

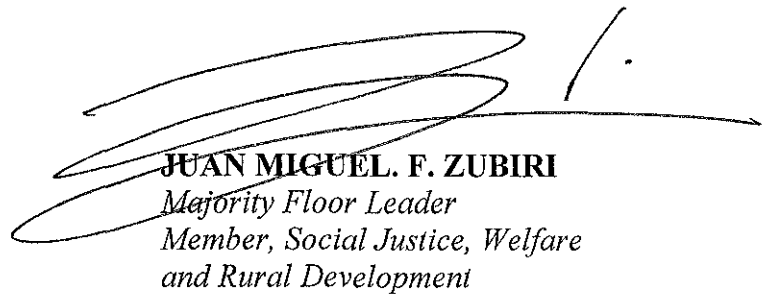


MANUEL "Lito" M. LAPID
Social Justice, Welfare and
Rural Development




AQUILINO Q. PIMENTEL, JR.
Minority Leader

Ex-Officio Members:



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader
Member, Social Justice, Welfare
and Rural Development

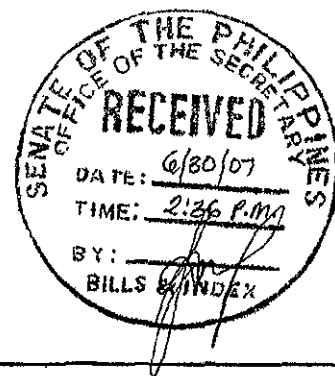


JINGGOY EJERCITO ESTRADA
President Pro-Tempore

JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S. No. 150



Introduced by Senator Richard J. Gordon

EXPLANATORY NOTE

According to statistics provided by the National Statistical Coordination Board (NSCB) last 6 June 2006, approximately 24 out of 100 Pinoy families did not earn enough in 2003 to satisfy their basic food and non-food requirements.

At the same time, large amounts of apparently wholesome food are wasted everyday by hotels, restaurants, supermarkets, etc. To address the poverty issue and to curtail food wastage, surplus food can be donated, collected and distributed to our less fortunate brothers and sisters in the Philippines. However, prospective donors and helpers are unwilling or afraid to donate, collect and distribute surplus food due to possible legal liability that may arise as a result of their charitable acts.

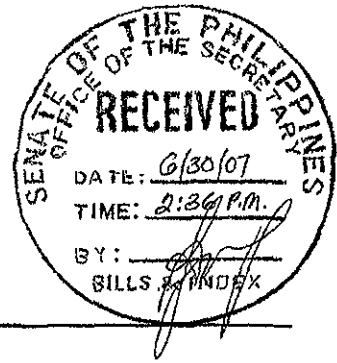
In the United States, the Federal Bill Emerson Good Samaritan Food Donation Act is a law that encourages the donation of food and grocery products to non-profit organizations for distribution to needy individuals by providing a standardized donor liability exposure.

This bill adapts a similar principle to address the issue of legal liability in the donation of apparently wholesome food for charitable purposes to encourage the donation of surplus food to needy people. For this and the foregoing reasons, the passage of this bill is earnestly sought.


RICHARD J. GORDON
Senator

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S. No. 150



Introduced by Senator Richard J. Gordon

AN ACT TO ENCOURAGE THE DONATION OF FOOD FOR CHARITABLE PURPOSES

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Food Donation Act of
2 2007.”

3 **Sec. 2. Declaration of Policy.** – It is the policy of the State to alleviate national
4 poverty and reduce food wastage. As such, the State shall implement measures to
5 encourage the donation of apparently wholesome food for charitable purposes.

6 **Sec. 3. Definition of Terms.** – For purposes of this Act, the following terms shall be
7 defined as follows:

8 (1) “Apparently Wholesome Food” refers to food that meets all quality and labeling
9 standards imposed by pertinent laws and administrative regulations even though the
10 food may not be readily marketable due to appearance, age, freshness, grade, size,
11 surplus, or other conditions.

12 (2) “Donate” is to dispose of an apparently wholesome food in favor of another. It
13 includes giving by one person to another person of an apparently wholesome food
14 for distribution, notwithstanding that the former has charged a nominal fee from the
15 latter, if the ultimate beneficiary is not required to give anything of monetary value.

16 (3) “Food” refers to any raw, cooked, processed, or prepared edible substance, ice,
17 beverage, or ingredient used or intended for use in whole or in part for human
18 consumption.

19 (4) “Gross Negligence” refers to voluntary and conscious conduct, including a failure to
20 act, by a person who, at the time of the conduct, knew that the conduct was likely to
21 be harmful to the health or well-being of another person.

BJ

1 (5) "Intentional Misconduct" refers to conduct by a person with knowledge at the time of
2 the conduct that the conduct is harmful to the health or well-being of another person.

3 (6) "Charitable Purposes" refers to philanthropic, humanitarian and non-profit objectives,
4 including the benefit of the needy, poor, sick, prisoners, orphans, etc.

5 **Sec. 4. Liability for Damages from Donated Food.** – A person, whether natural or
6 juridical, shall not be subject to civil or criminal liability arising from the nature, age,
7 packaging, or condition of apparently wholesome food that a person donates in good faith
8 for charitable purposes. This shall not apply, however, to an injury or death of an ultimate
9 beneficiary of the donated food that results from an act or omission of a person constituting
10 gross negligence or intentional misconduct.

11 **Sec. 5. Repealing Clause.** – Any law, presidential decree or issuance, executive
12 order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is
13 hereby repealed or modified accordingly.

14 **Sec. 6. Separability Clause.** – If any portion or provision of this Act is declared
15 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
16 remain in force and effect.

17 **Sec. 7. Effectivity Clause.** – This Act shall take effect fifteen (15) days from the
18 date of its publication in at least one (1) newspaper of general circulation.

19 Approved,

