AN ACT PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

EXPLANATORY NOTE

The United Nations estimated that as of July 2017, the Philippine population already reached 103 million. Our own Commission on Population (POPCOM) meanwhile projected that the number of Filipinos would balloon to nearly 107 million by the end of 2018—reaching 142 million by 2045.

Such a huge and fast-growing population has often been cited as one of the main factors driving the country’s enhanced global competitiveness and improving attractiveness to investment. It also poses a burning question that our leadership will need to urgently address—will the country be able to meaningfully provide adequate food and nutrition to present and future generations of Filipinos?

Unfortunately, the Philippines ranked a dismal 79th out of 113 in the 2017 Global Food Security Index by the Economist Intelligence Unit (EIU), falling behind other poor countries including Guatemala, Honduras, Ghana, and Pakistan. Out of 23 Asia-Pacific countries surveyed, the Philippine was 17th, falling behind Sri Lanka and Pakistan.

Specifically, we ranked 77th for food affordability, 80th for food availability, 69th for quality and safety and 101st for resilience. Among the sub-categories, the Philippines ranked first in only one, nutritional standards—pointing perhaps to our perennial problem with being excellent in law-making, but extremely poor in implementation.

Reversing these numbers and improving food security ought to be among the foremost concerns that we as a country should urgently address. Food insecurity is a
complex issue, making it essential that an “all-hands-on-deck” approach is adopted when it comes to solving it.

Several laws may already be in place to deal with the issues of food production and agricultural productivity. The urgency of protecting every Filipino's right to food however makes it imperative that a broader legal framework is established to harmonize all of the country's policies towards making "Zero Hunger" a palpable reality.

Among its many provisions, the proposed measure explicitly lists down governmental obligations of the State to respect, protect, and fulfill every Filipino's right to adequate food. This includes the duty to protect every person's right to adequate food, and "provide guarantees against threats and risks stemming from private actors or societal forces that are controllable by State action"—for instance, by unlawful or irregular rice trading practices.

For the sake of every Filipino, those who are already here and have yet to come, the swift passage and enactment of this measure is earnestly sought.

SONNY ANGARA
AN ACT PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

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 “Right to Adequate Food Framework Act.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to guarantee the right to adequate food.

Adequate food is not a matter of charity, but of legal entitlement. Hunger is inconsistent with human dignity and human rights, and must be eliminated. The aim of this act is to provide a framework, within which hunger will be addressed in an organized way, and through which hunger may be ended.

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

a. Food means nourishment that includes solid, liquid and semi-liquid nourishment, as well as drinking water;

b. Hunger means a spectrum of situations, from starvation, which is not having 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* means the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and 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; and

d. *Vulnerable groups* refer to those who 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. Normative Content.** – The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food, or means for its procurement. The right to adequate food will therefore not be interpreted in a narrow or restrictive sense, which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, the core obligation is to take the necessary action to mitigate and alleviate hunger, even in times of natural or other disasters. Central to the realization of the right to adequate food is adequacy and sustainability of food availability and access.

a. The concept of adequacy is particularly significant in relation to the right to adequate food since it serves to underline a number of factors which must be taken into account in determining whether particular foods or diets that are accessible, can be considered the most appropriate under given circumstances.

The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations. The precise weaning of adequacy is largely determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while sustainability incorporates the notion of long-term availability and accessibility. The core content of the right to adequate food implies:
i. The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; and

ii. The accessibility of such food in ways that are sustainable, and that do not interfere with the enjoyment of other human rights.

b. Dietary needs imply that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity, that comply with human physiological needs at all stages throughout the life cycle, and according to gender and occupation. Measures therefore need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, including breast-feeding, while ensuring that changes in availability and access to food supply as a minimum do not negatively affect dietary composition and intake.

c. Freedom from adverse substances sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration, or through bad environmental hygiene, or inappropriate handling at different stages throughout the food chain. Care must also be taken to identify and avoid or destroy naturally occurring toxins

d. Cultural or consumer acceptability implies the need also to take into account, as far as possible, perceived non nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.

e. Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.
Accessibility encompasses both economic and physical accessibility:

i. Economic accessibility implies that personal or household costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened, or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food, and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population need attention through special programs; and

ii. Physical accessibility implies that adequate food must be accessible everyone, including physically vulnerable individuals, such as infants and young children, elderly people, those belonging to the informal sector, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas, and other specially disadvantaged groups, need special attention, and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands is threatened.

SEC. 5. Conditions for the Exercise of the Right to Adequate Food. — Every person has the right to live in conditions that enable her or him to:

a. Either feed herself or himself 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 her or his other 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.

Every girl and boy has a right to adequate food and nutrition adequate for her
or his age, allowing her or him to grow and develop.

Every woman has a right to adequate food and adequate nutrition during
pregnancy and lactation.

No limitation on the right to adequate food may be allowed, 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. 6. 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 in Section 15 of
this Act.

SEC. 7. 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. 8. Principles.** – The principles upon which the provisions of this Act are
founded, and which must be observed in the process of realizing the right to
adequate food, are:

a. Participation: People are able to determine their own well-being and
participate in the planning, design, monitoring and evaluation of decisions
affecting them. Individuals are able to take part in the conduct of public
affairs, including the adoption and implementation of State policies. Such
participation is active, free and meaningful, whether it is exercised directly or
through intermediary organizations representing specific interests. It is
supported by capacity-building where necessary.

b. Accountability: Public officials are answerable to their superiors, and to the
people they serve, for their actions. Application of the principle of
accountability in the context of the framework law requires clear assignment
of responsibilities and functions to public authorities for implementation of
the framework law and any subsequent measures to be taken. In addition, the
expected results are spelled out clearly and appropriate procedures are
established.

c. Non-discrimination: It is a level of protection of human rights objectively and
reasonably the same for everybody, irrespective of sex, age, race, color,
religion or any other ground. In addition to specifically prohibiting
discrimination on any ground, this principle requires specific measures aimed
at correcting *de facto* discrimination or eliminating conditions that cause or
help to perpetuate discrimination, as well as measures promoting equality. In
the context of this framework act, it means paying particular attention to
those groups that cannot enjoy their rights as fully as others.

d. Transparency: It is open access by the public to timely and reliable
information on the decisions and performance of public authorities. Holders of
public office are as open as possible about all their decisions and actions that
may affect the free exercise of the right to adequate food. Applying the
principle of transparency within the context of the framework law means that
right-holders are provided with essential information about the decision-
making process and those accountable and responsible for it. Right-holders
also have the power to demand information on the process that feed into the
achievement of the particular entitlement, with an easy and low-cost
corrective check to maladministration.

e. Human dignity: It is the absolute and inherent worth that persons have, simply
because they are human, not by virtue of any social status or particular powers.
The framework law recognizes in an unequivocal form that every person has
a right to adequate food. To comply with this principle in the implementation of
the framework act, the State, through its public officials, treats persons
equally and respects their human worth and dignity.

f. Empowerment: People have the power, capacities, capabilities and access
needed to change their own lives, including the power to seek from the
State remedies for violations of their human rights. This principle is the logical
consequences of all the preceding principles. In the context of the framework
act, the empowerment principle entails the inclusion of specific provisions on
awareness-raising, capacity-building and right to adequate food education.

g. Rule of law: It means that governmental authority is legitimately exercised
only in accordance with written, publicly disclosed and accessible law,
adopted and enforced in conformity with established procedures. The principle
is intended as a safeguard against arbitrary use of State authority and lawless
acts of both organizations and individuals. Any implementing rules and
regulations to be adopted for ensuring the implementation of the framework act will be clear, fair and accessible. The rule of law also means that no person or body can breach the law with impunity. There is access to justice including the right to an effective remedy for anyone whose rights were violated, as well as the guarantee of due process in all legal proceedings.

SEC. 9. Governmental Obligations. – The State has the duty to respect, protect and fulfill the right to adequate food.

a. Respect: It is the duty of the State not to interfere with or impair the enjoyment of the right to adequate food. No public authority may deprive any person of food or means for its procurement, apply laws and regulations, or pursue a policy or practice, in a way that could result in preventing the enjoyment of or infringing the human right to adequate food, or repeal formally or suspend legislation necessary for the continued enjoyment of the right to adequate food.

b. Protect: It is the duty of the State to provide guarantees against threats and risks stemming from private actors or societal forces that are controllable by State action. It is bound to take preventive measures necessary to protect persons whose capacity to access sufficient and adequate food or means for its procurement is endangered by the acts of others. It also ought to review the relevant administrative and legislative framework ensuring that activities within their competence undertaken by private actors do not infringe on the right to adequate food of others.

c. Fulfill: It is the duty of the State to facilitate the enjoyment of the right to adequate food by adopting or pursuing appropriate policies and measures, in a manner to foster and promote the human right to adequate food and to create and maintain conditions under which every person can freely and regularly enjoy his or her right to adequate food. It is equally the duty of the State to provide the right to adequate food, by adopting and putting in place measures to provide food, or means for its procurement, to persons who
cannot take care of their own needs, due to reasons beyond their control, in particular for children whose parents die or disappear or otherwise no longer take care of them.

SEC. 10. 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 10 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, and that the following indicators will considerably and steadily increase over the same 10 years, together with other structural and process indicators, as may be determined in the implementing rules and regulations of this framework act:

a) percentage of development of ancestral lands;
b) percentage of rural population with access to productive resources;
c) share of budget spent on programs aiming at creating access to productive resources;
d) percentage of budget spent on agri-research, agri-extension, irrigation, training, technology, credits and rural development;
e) percentage of rural female-headed households, or rural women, with legal title to agriculture land;
f) percentage of public budget allocation for social transfer programs to those unable to feed themselves;
g) coverage of marginalized and disadvantaged population taking part in social transfer programs;
h) percentage of marginalized and disadvantaged population covered by a public nutrition supplement program;
i) percentage of population aware of available food and nutrition programs; and
j) coverage of school feeding programs.
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 household surveys of the Philippine Statistics Authority (PSA), namely the Family Income and Expenditure Survey (FIES) and the Annual Poverty Indicators Survey (APIS). There shall be authorized to be appropriated such amounts as necessary to carry out the provisions of this Act, to be included in the annual budget of the Department of Tourism in the General Appropriations Act.

SEC. 11. 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. The steps for this objective impact assessment include:

a. Screening: identifying proposals subject to impact assessment, and their level of detail;

b. Scoping: identifying the issues and impacts that are likely to be significant for the effective enjoyment of the right to adequate food;

c. Examination of alternatives: determining other options for achieving the same objectives as those of the proposal;

d. Impact analysis: identifying and predicting the likely social, economic, environmental, and other related effects of the proposal;

e. Mitigation and impact management: establishing measures necessary to avoid or minimize predicted adverse impacts, and to incorporate these into the proposal implementation plan;

f. Impact statement or report: assessment of significant outcomes including a simplified summary for public debate;

g. Public consultation: seeking the public’s input on matters affecting them;

h. Review of the impact assessment report: determining whether the report
identifies all relevant information on the possible impacts on the enjoyment of
the right to adequate food, takes into consideration all potential social,
economic, environmental and other effects of the proposal, and contains
concerns and comments of the potentially affected population, and all
the information necessary for decision-making;

i. Decision-making: approving or rejecting the proposal, and establishing the
terms and conditions for its implementation;

j. Evaluation and monitoring: systematic determination of merit, worth and
significance.

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. 12. Commission on the Right to Adequate Food. – The Commission on
the Right to Adequate Food is hereby established.

a. It will be composed of a Chairperson and two members who must be natural-
born citizens of the Philippines and, at the time of their appointment, at least
thirty-five years of age, and must not have been candidates for any elective
position in the elections immediately preceding their appointment. At least
one of them will be a member of the Philippine Bar. This Commission will be
an agency attached to the Commission on Human Rights of the Philippines.

The Chairperson and the Members of the Commission will not, during
their tenure, hold any other office or employment. Neither shall they 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
sub-divisions, agencies, or instrumentalities, including government-owned or
controlled corporations or their subsidiaries.
The Chairperson and the Members will be appointed by the President for a term of seven years without reappointment. Appointment to any vacancy will be only for the unexpired term of the predecessor. Of those first appointed, the Chairperson will hold office for seven years, a Commissioner for five years, and another Commissioner for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no case will any Member be appointed or designated in a temporary or acting capacity.

The Chairperson and the Members of the Commission on the Right to Adequate Food 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.

b. The Commission on the Right to Adequate Food will have the following powers:

1) Receive complaints of violations of the right to adequate food from individuals and groups;
2) Investigate, *motu proprio* or on complaint by any party, all forms of violations of the right to adequate food;
3) Adopt operational guidelines and rules of procedure, and cite for contempt for their violation, in accordance with the Rules of Court;
4) 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 under-privileged whose right to adequate food has been violated or needs protection;
5) Establish a continuing program of research, education and information to enhance respect for the primacy of the right to adequate food;
6) 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
violation and compensation to victims of violations of the right to adequate food;
7) Monitor the Philippine Government’s compliance with its obligations in regard to the right to adequate food;
8) Request the assistance of any department, bureau, office or agency in the performance of its functions;
9) Appoint officers and employees in accordance with law; and
10) Perform such other duties and functions as may be provided by law.

c. In exercising its powers and duties, the Commission on the Right to Adequate Food will:

1) Apply the human rights principles established by this act;
2) Work in close cooperation with representatives of civil society and take their views into consideration; and
3) Use, to the fullest possible extent, the services, facilities and information, including Statistical information, of the relevant public and private bodies and organizations, to prevent duplication of effort 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 will have the primary duty to ensure food availability, stability and adequacy; the Department of Health will have the primary duty to ensure food quality and safety; the Department of Trade and Industry will have the primary duty to ensure physical and economic access to food; and the Department of Public Works and Highways 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 is hereby established 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, and which will be composed additionally
of the following agencies and representatives:

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 Risk Reduction and Management Council (NDRRMC);
l. Philippine News Agency (PNA);
m. Philippine Information Agency (PIA);
n. Two representatives of people’s organizations; and
o. Two representatives of non-governmental organizations.

The Council members are tasked to formulate programs and projects to provide strategic interventions to respect, protect and fulfill the right to adequate food. The Council will also serve as the monitoring body in regard to right to adequate food initiatives.

The Council members that are government agencies may designate their duly authorized representative, who will have a rank not lower than an 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 people’s organizations and non-governmental organizations engaged in the promotion of the right to adequate food. These members will 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. 15. Minimum Amount of Food. – The Commission on the Right to Adequate Food, in coordination with the Department of Social Welfare and Development, will ensure regular, reliable and timely delivery of a minimum amount of food, 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.

Implementing rules and regulations will be adopted on the minimum amount of food. These implementing rules and regulations will determine the exact quantity of calories, proteins and micronutrients, to which the minimum amount of food will correspond, according to the age, sex, health status and occupation of a person. There will be a simple and accessible application or certification procedure for the minimum amount of food entitlement, as provided for in the implementing rules and regulations. There will be transparent, fair and non-discriminatory eligibility or certification criteria.

Fair, independent and accessible recourse procedures 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, will be established. There will also be an appropriate monitoring and evaluation mechanism in which the DSWD will report to the Commission on the Right to Adequate Food on a regular basis. The national budget will include a specific item allocating resources necessary for the implementation of this fundamental right. Specific support measures will be designed and adopted to prevent or compensate for disadvantages that identified vulnerable persons or groups suffer from, in regard to the enjoyment of their right to adequate food. The Commission on the Right to Adequate Food will review proposed support measures and, where necessary, will give further guidance, so as to ensure that all groups are covered appropriately.

SEC. 16. Emergencies. – The Commission on the Right to Adequate Food, in coordination with the National Disaster Coordinating Council, will have the duty to ensure that:
a. Food emergencies cover both early warning and preparedness for a crisis, as well as organizing and managing food response in the case of a crisis, and comply with the right to adequate food and the relevant international standards; b. Emergency food responses be compatible with the right to adequate food and international standards regulating emergencies; and c. Requests for international assistance be initiated in case of necessity, alongside supervising and coordinating distribution of food response received.

SEC. 17. Information. – All government agencies, under the direction of the Commission on the Right to Adequate Food, in coordination with the Philippine News Agency and Philippine Information Agency, have a duty to:

a. Inform the population about the rights established in this framework act and about the implementing rules and regulations adopted upon its entry into force, as well as about any other measure taken for the purpose of facilitating and promoting the realization of the right to adequate food; and b. Use the most appropriate ways and methods of disseminating information, including by providing information in oral ways, such as rural radio, and in local languages, notably in the most marginalized areas and among populations with a high rate of illiteracy.

SEC. 18. Education and Awareness Raising. – The Commission on the Right to Adequate Food, in coordination with the Department of Education, Commission on Higher Education and Technical Education and Skills Development Authority, will have the duty to ensure that:

a. The school curriculum includes material related to food and nutrition education, the right to adequate food, and human rights principles; and b. Adult education and training programs, when relevant, include material related to food and nutrition, the right to adequate food, and human rights principles.
SEC. 19. International Cooperation. – The Commission on the Right to Adequate Food, in coordination with the Commission on Human Rights and the Department of Foreign Affairs, will have the duty to:

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. 20. Monitoring System. – There will 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, will:

a. Collect data related to food and nutrition security, using monitoring methodologies and processes consistent with human rights 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 or identify an early warning mechanism.

SEC. 21. Representation and Participation of People’s Organizations and Civil Society. – To guarantee public participation, the Commission on the Right to Adequate Food has the duty to ensure:

a. Free and meaningful participation, including freedom of information and freedom of association;

b. Consultations on specific areas of implementation of this framework act; and

c. National public hearings every two years, at which the Government is required to report on progress made with the implementation of this framework act, and the progressive realization of the right to adequate food in the country.
SEC. 22. Penal Provisions. – The penalty of prison mayor will be imposed on any public or private actor, who deliberately starves or denies access to food to any particular individual or group, as through the commission of any of the following acts:

a. food blockade;
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 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.

A food blockade is any knowing and willful effort to cut off food supplies from a particular area by force either in part or totally.

The penalty is imposable without prejudice to any other criminal, civil or administrative liability under Philippine laws.

SEC. 23. Civil and Administrative Liabilities. – Any public officer or employee who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of a person’s rights guaranteed in this framework act, will be liable to this person for damages. Any violation of a provision of this framework act, whether committed by public or private actors, will similarly give rise to liability for 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 will be without prejudice to
liability for damages, as well as administrative liability that may be incurred.

SEC. 24. 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 continued implementation of this act shall be included in
the annual General Appropriations Act. There will be an allocation of specific and
sufficient resources for the purposes of the implementation of the right to adequate
food, in accordance with priorities set by the Commission on the Right to Adequate
Food. The allocation will be aimed at the progressive realization of the right to
adequate food over the long term. Every person’s right to be free from hunger can
never be deviated from by temporary or permanent cutbacks.

SEC. 25. Implementing Rules and Regulations. – The Commission on
Human Rights will issue the necessary rules and regulations to implement the
provisions of this act within sixty (60) days from its effectivity. In the formulation of
these rules and regulations, the Commission on Human Rights will take the lead and
will coordinate with the DA, DAR, DSWD, DTI, DPWH, NEDA, and NAPC, and with
the active participation of people’s organizations and human rights nongovernmental
organizations.

SEC. 26. Rationalization of Policies. – All existing policies, laws, decrees,
executive orders, memorandum orders, memorandum circulars, administrative
orders, and ordinances will be rationalized in accordance with the right to adequate
food, as provided for by this framework act.

Laws affecting the realization of the right to adequate food will be interpreted in a
way compatible with the right to adequate food and this framework act.

The cabinet secretaries concerned and other executive authorities will report, at
regular intervals, to the Commission on the Right to Adequate Food, on legislative
and regulatory measures that have been elaborated and adopted, and the
timeframes within which they are envisaged to achieve their objectives.
SEC. 27. Reparability Clause. – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law of the provision 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, 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,