

SENATE  
S.B. No. 1364

20 FEB 18 P3:44

---

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

---

RECEIVED BY: 

**AN ACT**  
**REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE**  
**RECYCLING**

EXPLANATORY NOTE

The World Wide Fund for Nature (WWFN) Philippines reported that 2.4 million Filipino families experienced involuntary hunger at least once in the first quarter of 2019. Only one (1) out of three (3) Filipino households are considered food secure. Worldwide, the UN Food and Agriculture Organization (FAO) reported that 2 billion people experience moderate or severe food insecurity in 2019.

Despite these statistics and the fact that the Philippines has topped as biggest rice importer in the world, it has been estimated that each Filipino wastes an average of 3.29kg of rice per year, enough to feed 4.3 million Filipinos, according to WWF.

Furthermore, food wastages generate not only economic concerns but also environmental concerns given its contribution to increased greenhouse gases, deforestation, among others.

While the Philippines has excess supply of edible food, 13 million Filipinos cannot afford three (3) meals a day. This edible food surplus, instead of being thrown away and wasted should be better utilized by donating it to the millions of hungry Filipinos while the inedible food surplus be recycled as raw materials for compost or fertilizer.

This bill seeks to address the food wastage and hunger in the country by requiring food businesses to donate their safe and edible excess food to food banks and charities and to recycle the inedible food surplus into fertilizer or compost instead of disposing the same.

In view of the foregoing, the approval of this bill is earnestly sought.

  
EMMANUEL D. PACQUIAO

SENATE  
S.B. No. 1364

20 FEB 18 P 3:44

---

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

---

RECEIVED BY: 

AN ACT  
REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE  
RECYCLING

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as “Food Waste Reduction Act.”

2  
3 **SEC. 2.** *Definition of Terms.* As used in this Act:

- 4  
5 a. *Edible Food Surplus* refers to excess food or surplus food in the retail and consumption  
6 stages, determined to be fit for consumption based on standards set by the National  
7 Nutrition Council (NNC) and the Food and Drug Administration (FDA).  
8  
9 b. *Food Insecure*, as defined by Food and Agriculture Organization (FAO), exists when  
10 people lack secure access to sufficient amounts of safe and nutritious food for normal  
11 growth and development and an active and healthy life.  
12  
13 c. *Food Surplus Reduction* refers to the decrease of food surplus, ideally through the  
14 redistribution of food surplus to the food insecure or the recycling of food as fertilizer  
15 or compost.  
16  
17 d. *Food-Related Business* refers to activities and establishments involved in the  
18 manufacturing and processing of food products, businesses involved in the wholesaling  
19 and retailing of food products, businesses involved in serving food products, and  
20 institutions offering courses in the art and science of preparation, cooking and  
21 presentation of food.  
22  
23 e. *Food Banks* refer to non-profit, charitable or other social mission-oriented  
24 organizations that distribute food to the food insecure.  
25

1 f. *Inedible Food Surplus* refers to food discarded in the retail and consumption stages,  
2 determined to be unfit for consumption based on the standards set by NNC and FDA,  
3 including but not limited to prepackaged food products that have gone beyond their  
4 declared expiry dates.

5  
6 g. *Waste management and recycling enterprises* refers to organizations that manage  
7 inedible food surplus by converting these into fertilizers or compost.  
8

9 **SEC. 3. *Covered Establishments.*** - The establishments covered by this Act are as follows:  
10

11 a) Food manufacturers, notwithstanding any restriction imposed by any existing law  
12 and regulation on food manufacturers: Provided, that any donation made by such  
13 manufacturers under the provisions of this Act shall constitute an exception to the  
14 applicability of restrictions under existing laws and regulations;  
15

16 b) Food establishments including but not limited to restaurants, cafes, diners, fast food  
17 chains or hotels;  
18

19 c) Culinary schools and other food service training institutions; and  
20

21 d) Markets and other food distribution centers.  
22

23 **SEC. 4. *National Food Surplus Campaign.*** - The NNC, in close coordination with the  
24 Department of Social Welfare and Development (DSWD), Department of Interior and Local  
25 Government (DILG), Department of Environment and Natural Resources (DENR),  
26 Department of Education (DepEd), Department of Trade and Industry (DTI), Department of  
27 Health (DOH), Department of Science and Technology (DOST), Department of Agriculture  
28 (DA), National Food Authority (NFA), FDA and other concerned agencies and Local  
29 Government Units (LGUs), shall undertake a National Food Surplus Campaign to raise  
30 awareness on the impact of food surplus and strategies to decrease wasted food starting at the  
31 household level. The campaign shall also promote the food surplus reduction hierarchy and  
32 recommend means of reducing individual food waste.  
33

34 **SEC. 5. *Determination of Food Insecure.*** - The criteria for determination of food insecurity will  
35 be made by the DSWD in coordination with the LGUs.  
36

37 **SEC. 6. *Edible Food Surplus Distribution Steps.*** - The following steps shall be followed in edible  
38 food surplus distribution:  
39

40 a) The owners of the covered establishments will segregate their edible and inedible  
41 food surplus;  
42

1 b) Before a donation is made, a duly accredited health inspector of the local government  
2 unit will check if the edible food surplus is fit for consumption based on the standards  
3 set by the NNC and FDA;

4  
5 c) Upon certifying that the edible food surplus is fit for consumption, the edible food  
6 surplus will be donated by food-related businesses to charities of their choice as  
7 monitored by the DSWD or to accredited food banks as determined by the DSWD  
8 within the period that said surplus remains edible; and

9  
10 d) Food banks, in coordination with the DSWD and LGUs will distribute the edible  
11 food surplus to the food insecure.

12  
13 e) Surplus food not distributed and become inedible shall be forwarded to waste  
14 management and recycling enterprises.

15  
16  
17 **SEC. 7. *Food-Related Business Waste Reduction Strategy.*** - The owners of food-related  
18 businesses such as food manufacturers, supermarkets, restaurants, cafeterias, culinary schools  
19 and hotels shall:

20  
21 a. Submit their respective reports to the DSWD and DENR containing data on the  
22 amount (in tons) of its edible and inedible food surplus, organized according to the  
23 manner of disposal, including donation, composting, or discarding;

24  
25 b. Enter into a contract with food banks to redistribute edible food waste to the food  
26 insecure subject to Sec. 6 (e) of this Act;

27  
28 c. Enter into a contract with waste management and recycling enterprises to recycle  
29 inedible food waste;

30  
31 d. Ensure that edible food surplus is unadulterated and in good condition upon arrival  
32 at the food bank's distribution center.

33  
34 **SEC. 8. *National Food Surplus Scheme.*** - The DSWD, as the coordinating agency between  
35 food businesses and food banks, shall:

36  
37 a. Provide guidelines and standards for the collection, storage, and distribution of edible  
38 food donated to food banks;

39  
40 b. Ensure that food businesses have entered into contracts with food banks and issue  
41 acceptance certificates to food businesses;

42  
43 c. Ensure that food banks have adequate storage for edible food surplus;

1 d. Promote linkages between food banks and LGUs to create a community-based food  
2 distribution system for the food insecure; and

3  
4 e. Create a Self-Sufficiency Program that will provide the food insecure with skills  
5 training in managing food banks and livelihood programs to avoid sole dependence on  
6 donations.

7  
8 **SEC. 9. Household and Local Government Unit Responsibility in Waste Reduction Strategy.** -  
9 LGUs are hereby required to:

10  
11 a. Submit an initial report that contains data on the amount (in tons) of inedible food  
12 surplus that can be recycled as raw materials for fertilizers or compost to the DENR in  
13 accordance with the standard set by it;

14  
15 b. Submit an annual report that contains data on the amount (in tons) of inedible food  
16 waste that can be recycled as raw material for fertilizers or compost to the DENR;

17  
18 c. Initiate waste segregation awareness, understanding, and efforts per household  
19 through local campaigns;

20  
21 d. Shoulder the cost of transporting inedible food surplus from collection areas to waste  
22 management sites;

23  
24 e. Enter into contract with waste management and recycling enterprises to recycle  
25 inedible food waste into fertilizer or compost; and

26  
27 f. Facilitate the distribution of fertilizer or compost to farms and community gardening  
28 associations.

29  
30 **SEC. 10. Accreditation and Training of Health Inspectors.** - The DOH, in coordination with  
31 FDA, shall conduct seminars and provide adequate training to LGU health inspectors regarding  
32 the proper determination, sorting, and collection of edible and inedible food surplus.

33  
34 **SEC. 11. Liability Protection.** - To protect the food donors from possible abuses and encourage  
35 donations, the liability of owners of the food-related businesses is limited only to the time that  
36 they have possession of the food surplus. Once a donation has been made to the accredited food  
37 banks and/or to farms, the owners of food-related businesses shall be exempt from any liability  
38 and/or injury arising therefrom.

39  
40 **SEC. 12. Tax Incentive.** - Donations of edible food surplus by food-related businesses shall be  
41 exempt from donor's tax and the same shall be considered as allowable deductions from their  
42 gross income, in accordance with the provisions of the National Internal Revenue Code of  
43 1997, as amended;

1 **SEC. 13. *Penal Provisions Penalties.*** - Any individual, natural or juridical, who makes edible  
2 food surplus unfit for consumption, who prevents the redirection of edible food waste to food  
3 banks or inedible food surplus to waste management and recycling enterprises, and who resells  
4 donated edible and inedible food surplus shall be penalized with a fine amounting from  
5 Php500,000 to Php1,000,000.

6  
7 The fines may be increased on the basis of prevailing economic indicators such as, but not  
8 limited to, inflation rate and consumer price index.

9  
10 **SEC. 14. *Implementing Rules and Regulations.*** - Within sixty (60) days from the effectivity of  
11 this Act, the NNC, in coordination with DSWD, DILG, DENR, DOST, DepEd and DOH, shall  
12 promulgate the necessary rules and regulations for the effective implementation of this Act.

13  
14 **SEC. 15. *Periodic Review.*** The implementing agencies shall submit an annual report to  
15 Congress on the progress in the implementation of this Act.

16  
17 **SEC. 16. *Separability Clause.*** - If any provision or part hereof is held invalid, or  
18 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
19 valid and subsisting.

20  
21 **SEC. 17. *Repealing Clause.*** - All other laws, presidential decrees or issuances, executive orders,  
22 letters of instruction, administrative orders, rules and regulations contrary to or inconsistent  
23 with the provisions of this Act are hereby repealed, modified, or amended accordingly.

24  
25 **SEC. 18. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in the  
26 Official Gazette or a newspaper of general circulation.

Approved,