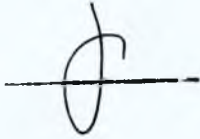


'22 NOV -2 P2 :03

SENATE
S. No. 1438

RECEIVED BY: 

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
PROVIDING A FRAMEWORK TO PROTECT AND PROMOTE THE RIGHT TO
ADEQUATE FOOD**

EXPLANATORY NOTE

A Social Weather Stations (SWS) survey for the second quarter of 2022 showed that 11.6% of Filipino families experienced involuntary hunger at least once in the past three months. The figure represents an estimated 2.4 million families who experienced “moderate hunger” and an estimated 546,000 who experienced “severe hunger.” While it is lower than those recorded during the two previous quarters, the rate remains higher compared to the pre-pandemic annual average of 9.3% in 2019¹.

At the global scale, the problem of hunger and lack of access to adequate food remain, as shown by these facts²:

- About 1 in 10 people worldwide are suffering from hunger
- Nearly 1 in 3 people lack regular access to adequate food
- 2 billion people worldwide did not have regular access to safe, nutritious and sufficient food
- 149.2 million children under age 5 suffer from stunting

¹ “Second Quarter 2022 Social Weather Survey: Hunger eases from 12.2% to 11.6%.” September 10, 2022. Accessed through <https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20220910153623>

² <https://www.un.org/sustainabledevelopment/hunger/>

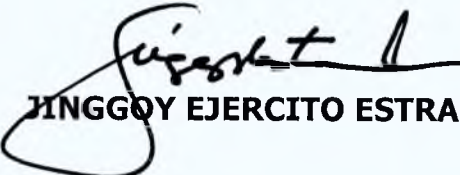
- 47 million children under age 5 were affected by wasting or acute undernutrition
- The world is not on track to achieve Zero Hunger by 2030.

Consistent with the principles found in the Constitution, as well as the Universal Declaration of Human Rights and in numerous international conventions such as International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women, to which the Philippines is a State Party, this proposed legislation declares as policy the right to adequate food.

As many Filipinos continue to suffer from hunger and lack of access to adequate food due to poverty, armed conflict, or effects of climate change, it is incumbent upon the State to ensure that food will be available, accessible and adequate for the entire population. In addition, the State must provide the enabling environment that allows the people to produce and procure food that is safe and sufficient for themselves, their families and their communities, and in accordance to their preferences, specific needs and cultural norms. Further, upholding the right to food necessitates efforts in promoting sustainable food production and the protection of natural resources against destruction and degradation to ensure availability of food for future generations.

This measure was already approved on Third and Final Reading by the House of Representatives during the Seventeenth and Eighteenth Congresses.

In view of the foregoing, the immediate passage of this measure is earnestly sought.


JINGGOY EJERCITO ESTRADA



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

22 NOV -2 P2 :03

SENATE

RECEIVED BY: _____

S. No. 1438

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
PROVIDING A FRAMEWORK TO PROTECT AND PROMOTE THE RIGHT TO
ADEQUATE FOOD**

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

1 Section 1. *Short Title.* – This Act shall be known as the "*Right to Adequate*
2 *Food Act.*"

3 Sec. 2. *Declaration of Policy.* – Consistent with the principles enshrined in the
4 Constitution as well as the provisions of the International Covenant on Economic,
5 Social and Cultural Rights, Convention on the Rights of the Child, and the
6 Convention on the Elimination of All Forms of Discrimination Against Women, to
7 which the Philippines is a State Party, it is hereby declared the policy of the State to
8 guarantee the right to adequate food.

9 Adequate food is not a matter of charity, but a legal entitlement. Hunger is
10 inconsistent with human dignity and human rights, and must be eliminated. Towards
11 this end, the State shall provide for a framework to address and eliminate hunger in
12 an organized manner, and protect the right of the people to adequate food.

13 Sec. 3. *Definitions.* – As used in this Act:

14 a) *Dietary needs* refer to a mix of nutrients for physical and mental growth,
15 development and maintenance, and physical activity, that follow human
16 physiological needs at all stages throughout the life cycle, and according
17 to gender and occupation;

- 1 b) *Food* refers to solid, liquid, and semi-liquid nourishment, as well as
2 drinking water, and when taken into the body serves to nourish, build and
3 repair tissues, supply energy or regulate body processes;
- 4 c) *Food blockade* refers to an act of cutting off food supplies from a
5 particular area by force, either in part or totally;
- 6 d) *Food emergency* refers to a situation in which access to food is
7 endangered, that is caused by natural events like drought, floods, storms,
8 earthquakes, or crop failures resulting from pests or diseases; or by
9 human agency such as internal or international armed conflict; or
10 infectious disease outbreaks or pandemics, such as Severe Acute
11 Respiratory Syndrome (SARS) and Coronavirus-19 disease (Covid-19);
- 12 e) *Food sovereignty* refers to the right of people to healthy and culturally
13 appropriate food produced through ecologically sound and sustainable
14 methods, and their right to define their own food and agriculture systems,
15 putting the aspirations and needs of those who produce, distribute and
16 consume food at the heart of food systems and policies rather than the
17 demands of markets and corporations;
- 18 f) *Hunger* refers to a condition in which people do not get enough food to
19 eat to provide the necessary nutrients for fully productive, active and
20 healthy living due to the unavailability and inaccessibility of food, which
21 may be (a) acute, such as during a major disaster when food supply
22 channels are cut, (b) chronic, when people are regularly not getting
23 enough food to conduct an active life for a long time, or (c) a condition of
24 starvation, which is not having enough food of any sort to eat, or (d)
25 undernourishment, which is having enough food to eat but of inadequate
26 quality;
- 27 g) *Vulnerable groups* refer to those who are particularly disadvantaged such
28 as indigenous peoples, ethnic, linguistic or religious minorities, persons
29 with disabilities, persons living with Human Immunodeficiency Virus (HIV)
30 or Acquired Immune Deficiency Syndrome (AIDS), refugees and internally
31 displaced people, elderly, women, including pregnant and lactating

1 mothers and children, particularly those from zero to twenty-three (23)
2 months of age.

3 *Sec. 4. Progressive Realization of the Right to Adequate Food.* – Every person
4 has the right to have regular, permanent and unrestricted access, either directly or
5 by means of financial purchases, to quantitatively and qualitatively adequate,
6 sufficient and safe food, corresponding to the cultural traditions of the people to
7 which a consumer belongs, and which ensure physical and mental, individual and
8 collective, fulfilling and dignified life, free of fear.

9 The right to adequate food is realized when every man, woman and child,
10 alone or in community with others, have physical and economic access at all times to
11 adequate food, or means for its procurement. The right to adequate food must not
12 be interpreted in a narrow or restrictive sense, which equates it with a minimum
13 package of calories, proteins and other specific nutrients. The right to adequate food
14 must be realized progressively.

15 *Sec. 5. Core content on the Right to Adequate Food.* – The core content of
16 the right to adequate food includes the concepts of food availability and accessibility,
17 which must be in a quantity and quality sufficient to satisfy the dietary needs of
18 individuals, and in ways that are sustainable, and do not interfere with the
19 enjoyment of other human rights.

20 *Sec. 6. Food Adequacy Standard.* – Central to the realization of the right to
21 adequate food is the standard of adequacy in terms of quality, quantity and cultural
22 acceptability, sustainability of food availability and access.

23 The standard of adequacy includes a number of factors which must be
24 considered in determining whether particular foods or diets that are accessible can
25 be considered the most appropriate under given circumstances. Sustainability is
26 intrinsically linked to the concept of adequate food or food security, implying that
27 food must be accessible to both present and future generations.

28 The concept of adequacy to a large extent is determined by prevailing social,
29 economic, cultural, climatic, ecological and other conditions, while sustainability
30 incorporates long-term availability and accessibility.

31 *Sec. 7. Availability Standard.* – Food must be available for feeding oneself
32 directly from productive land or other natural resources, or for well-functioning

1 distribution, processing, and market systems, that can move food from the site of
2 production to where it is needed on accordance with demand.

3 *Sec. 8. Accessibility Standard.* – Food accessibility is both economic, which
4 refers to the acquisition pattern or entitlement through which people procure their
5 food, and physical food must be accessible to everyone.

6 Economic accessibility means that the personal or household financial cost
7 associated with the acquisition of food for an adequate diet should be at a level such
8 that the attainment and satisfaction of other basic needs are not threatened or
9 compromised. Economic accessibility applies to any acquisition pattern or
10 entitlement through which people procure their food, and is a measure of the extent
11 to which it is satisfactory for the enjoyment of the right to adequate food.

12 Physical accessibility means that adequate food must be accessible to
13 everyone, including physically vulnerable individuals, such as infants and young
14 children, elderly people, those belonging to the informal sector, the physically
15 disabled, the terminally ill and persons with persistent medical problems, including
16 the mentally ill. Victims of natural disasters, people living in disaster-prone areas and
17 other specially disadvantaged groups, and many indigenous peoples groups whose
18 access to their ancestral lands is threatened, need special attention and priority
19 consideration with respect to accessibility of food.

20 Socially vulnerable groups such as landless persons and other particularly
21 impoverished segments of the population may need attention through special
22 programs.

23 *Sec. 9. Cultural or Consumer Acceptability.* – In providing food, there is a
24 need to consider, as far as possible, the perceived non-nutrient based values
25 attached to food and the consumer's concerns on the accessible food supplies.

26 Food must be free from adverse substances to ensure food safety. Measures
27 must be taken to maintain, adapt, or strengthen dietary diversity and appropriate
28 consumption and feeding patterns, including optimal breast-feeding, to ensure that
29 changes in availability and access to food supply do not negatively affect dietary
30 composition and intake. Care must also be taken to identify and avoid or destroy
31 naturally occurring toxins.

1 Freedom from adverse substances implies that the requirements for food
2 safety and a range of protective measures are implemented to prevent
3 contamination of food stuff through adulteration, bad environmental hygiene, or
4 inappropriate handling at different stages throughout the food chain.

5 Sec. 10. *Conditions for the Exercise of the Right to Adequate Food.* – Every
6 person has the right to live in conditions that shall enable the person to:

- 7 a) Acquire food directly from productive land or other natural resources; or
8 rely on well-functioning food distribution, processing and market systems,
9 or both;
- 10 b) Financially acquire a sufficient quantity and quality of food and to satisfy
11 other basic needs;
- 12 c) Be safe from the risk of losing access to food, as a consequence of sudden
13 shocks, like an economic or climatic crisis, or one that is brought about by
14 internal displacements of people, or cyclical events, such as seasonal food
15 insecurity;
- 16 d) Have the opportunity of good food utilization through access to adequate
17 diet, clean water, sanitation and health care and to reach a state of
18 nutritional well-being, where all physiological needs are met; and
- 19 e) Access food or diet that is the most appropriate under given
20 circumstances, in terms of their nutritional value and cultural acceptability.

21 Every infant, girl and boy, has a right to adequate food and to optimal health,
22 development and nutrition adequate for their age, growth and development.

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

25 Unless it is provided by law, or is necessary for the purpose of a compelling
26 public interest, and is compatible with the nature of the right to adequate food,
27 there is no limitation on the right to adequate food.

28 Sec. 11. *Freedom from Hunger.* – Every person has a right to be free from
29 hunger. Every person suffering from hunger or under nutrition or at risk of suffering
30 from hunger or under nutrition is entitled to a minimum amount of food according to
31 one's age, sex, health status and occupation, as provided for in Section 19 of this
32 Act.

1 Sec. 12. *Principles.* – The provisions of this Act are founded on the rights-
2 based principles of participation, accountability, non-discrimination, transparency,
3 human dignity, empowerment, and rule of law, and are consistent with the
4 progressive realization of the right to adequate food.

5 Sec. 13. *Non-discrimination.* – Any distinction, exclusion, or restriction made
6 on the basis of race, color, sex, language, religion, political or other opinion, national
7 or social origin, property, birth or other status, which has the effect or purpose of
8 impairing or limiting the capacity of an individual to exercise the right to adequate
9 food, is unlawful and shall be sanctioned in accordance with law.

10 All forms of discrimination against women with regard to the right to
11 adequate food, including less favorable treatment of women for reasons of
12 pregnancy and maternity, shall be eliminated and prevented. The equality of
13 opportunities between men and women shall be promoted.

14 The prohibition of discrimination shall not include government action to
15 remedy past effects of discrimination against particular individuals or groups and to
16 promote equality of opportunities with regard to the right to adequate food.

17 Sec. 14. *Governmental Obligations.* – The State, as the primary duty bearer,
18 has the duty to respect, protect, and fulfil the right to adequate food and maintain
19 food sovereignty, in accordance with the conditions provided under Section 10 of
20 this Act.

21 The State has the core obligation to take the necessary action to mitigate and
22 alleviate hunger, even in times of natural or other disasters. The right to be free
23 from hunger ensures a minimum daily nutritional intake and the bare survival of a
24 person. The right to adequate food goes beyond freedom from hunger.

25 a) *Respect* – the State has the obligation not to interfere with or impair the
26 enjoyment of the right to adequate food. No public authority may deprive
27 any person of food or means for its procurement, apply laws and
28 regulations, or pursue a policy or practice, in a way that may result in
29 preventing the enjoyment of or infringing the human right to adequate
30 food, or repeal formally or suspend legislation necessary for the continued
31 enjoyment of the right to adequate food.

1 b) *Protect* – the State has the duty to provide guarantees against threats and
2 risks stemming from private actors or societal forces that are controllable
3 by State action. It shall take preventive measures necessary to protect
4 persons whose capacities to access sufficient and adequate food or means
5 for its procurement are endangered by the acts of others. It also must
6 review the relevant administrative and legislative framework ensuring that
7 activities within their competence undertaken by private actors do not
8 infringe on the right to adequate food of others.

9 c) *Fulfill* – the State shall facilitate the enjoyment of the right to adequate
10 food by adopting or pursuing appropriate policies and measures that
11 promote the human right to adequate food and to create and maintain
12 conditions under which every person can freely and regularly enjoy the
13 right to adequate food.

14 Sec. 15. *Targets.* – The State shall ensure that in two and a half years (2 ½)
15 after the effectivity of this Act, the incidence of hunger is reduced by twenty-five
16 percent (25%) from the level recorded at the time of the passage of this Act:
17 *Provided,* That five (5) years after the effectivity of this Act, such incidence of
18 hunger will be further reduced by twenty-five percent (25%): *Provided, further,* That
19 in seven and a half (7 ½) years, the incidence of hunger will be further reduced by
20 twenty-five percent (25%): *Provided, finally,* That in ten (10) years, there shall be
21 zero hunger incidence.

22 The State shall also ensure that within ten (10) years from the effectivity of
23 this Act, land devoted to food production is increased to fifty percent (50%) of all
24 prime agricultural land in every region, and within the same period, the State shall
25 ensure that the following indicators are considerably and steadily increased:

- 26 a) Percentage of development of ancestral lands;
27 b) Percentage of rural population with access to productive resources;
28 c) Share of budget spent on programs aimed at creating access to productive
29 resources;
30 d) Percentage of budget spent on agri-research, agri-extension, irrigation,
31 training, technology, credits and rural development;

- 1 e) Percentage of rural female-headed households, or rural women, with legal
- 2 title to agriculture lands;
- 3 f) Percentage of public budget allocation for social transfer programs to
- 4 those unable to feed themselves;
- 5 g) Coverage of marginalized and disadvantaged population taking part in
- 6 social transfer programs;
- 7 h) Percentage of marginalized and disadvantaged population covered by a
- 8 public nutrition supplement program;
- 9 i) Percentage of population aware of available food and nutrition programs;
- 10 and
- 11 j) Coverage of school feeding programs.

12 The percentage rates used as indicators herein shall also be stipulated in the
13 rules and regulations issued to implement the provisions of this Act.

14 Periodic reviews shall be undertaken to ensure compliance with set targets. In
15 the implementation of this Act, priority shall be given to identify areas with
16 chronically malnourished population. In measuring the incidence of hunger, the key
17 primary data sources will include national nutrition surveys of the Philippine Statistics
18 Authority (PSA), namely the Family Income and Expenditure Survey and the Annual
19 Poverty Indicators Survey, and global hunger indices as benchmarks.

20 *Sec. 16. Institutional Responsibilities.* – The following agencies of the
21 government are required to fulfil their respective mandates in a manner that shall
22 ensure full implementation of the primary objectives of this Act:

- 23 a) Department of Agriculture (DA);
- 24 b) Department of Agrarian Reform (DAR);
- 25 c) Department of Budget and Management (DBM);
- 26 d) Department of Education (DepEd);
- 27 e) Department of Environment and Natural Resources (DENR);
- 28 f) Department of Health (DOH);
- 29 g) Department of the Interior and Local Government (DILG);
- 30 h) Department of Justice (DOJ);
- 31 i) Department of Labor and Employment (DOLE);
- 32 j) Department of Public Works and Highways (DPWH);

- 1 k) Department of Social Welfare and Development (DSWD);
- 2 l) Department of Science and Technology (DOST);
- 3 m) Department of Trade and Industry (DTI);
- 4 n) Commission on Human Rights (CHR);
- 5 o) Commission on Higher Education (CHED);
- 6 p) National Anti-Poverty Commission (NAPC);
- 7 q) National Economic and Development Authority (NEDA);
- 8 r) National Food Authority (NFA);
- 9 s) National Nutrition Council (NNC);
- 10 t) Technical Education and Skills Development Authority (TESDA); and
- 11 u) Other agencies and instrumentalities of the government whose functions
- 12 are necessary for the efficient and effective implementation of the right to
- 13 adequate food.

14 In addition, the development of a fully integrated whole-of-government
15 approach to implement the national policy governing the right to adequate food and
16 the use of a human rights-based approach for the establishment and implementation
17 of the national policy must be institutionalized.

18 *Sec. 17. Commission on the Right to Adequate Food.* – There is hereby
19 created a Commission on the Right to Adequate Food, hereinafter referred to as the
20 Commission, which shall be attached to the Office of the President.

21 The Commission shall be the primary policy-making and coordinating body to
22 guarantee full exercise of the right to adequate food. It shall exercise monitoring
23 and oversight functions, apply human rights principles, conduct objective impact
24 assessment on all government policies, programs and projects prior to adoption and
25 implementation, work in close cooperation and coordination with relevant
26 government agencies and in consultations with civil society organizations and the
27 private sector, and use all available resources for the efficient and effective
28 implementation of this Act.

29 It shall formulate a national food policy consistent with the policy formulated
30 by the Inter-Agency Task Force on Zero Hunger. The Commission shall implement
31 programs of action to eradicate hunger, achieve food security, improve nutrition and
32 promote sustainable agriculture.

1 The Commission on the Right to Adequate Food shall have the following
2 powers:

- 3 a) Receive complaints of violations of the right to adequate food from
4 individuals and groups;
- 5 b) Investigate, *motu proprio*, or upon complaint by any party, all forms of
6 violations of the right to adequate food;
- 7 c) Adopt operational guidelines and rules of procedure, and cite for contempt
8 individuals and groups for their violations in accordance with the Rules of
9 Court;
- 10 d) Provide appropriate legal measures for the protection of the right to
11 adequate food of all persons within the Philippines, as well as Philippine
12 citizens residing abroad, and provide for preventive measures and legal
13 aid services to the underprivileged whose right to adequate food has been
14 violated or needs protection;
- 15 e) Establish a continuing program of research, education and information to
16 enhance respect for the primacy of the right to adequate food;
- 17 f) Recommend to Congress effective measures to promote the right to
18 adequate food, to harmonize existing laws affecting the right to adequate
19 food, to ensure their complementation, and the availability of remedies for
20 violations and compensation to victims of violations of the right to
21 adequate food;
- 22 g) Monitor the Government's compliance with its obligations in regard to the
23 right to adequate food;
- 24 h) Request the assistance of any department, bureau, office or agency in the
25 performance of its functions;
- 26 i) Appoint officers and employees in accordance with law; and
- 27 j) Perform such other duties and functions as may be provided by law.

28 *Sec. 18. Composition.* – The Commission is composed of a chairperson and
29 two (2) members who must be natural-born citizens; at least thirty-five (35) years of
30 age, at the time of their appointment; and must not have been candidates for any
31 elective position in the elections immediately preceding their appointment. At least
32 one (1) of them must be a member of the Philippine Bar.

1 The Chairperson and members of the Commission shall not, during their
2 tenure, hold any other office or employment. Neither shall they engage in the
3 practice of any profession, or in the active management or control of any business
4 which, in any way, may affect the functions of their office, nor shall they be
5 financially interested, directly or indirectly, in any contract with, or in any franchise
6 or privilege granted by the government, any of its subdivisions, agencies or
7 instrumentalities, including government-owned or controlled corporations or their
8 subsidiaries.

9 The Chairperson and members of the Commission shall be appointed by the
10 President and shall not be reappointed to another term. From among the members,
11 one (1) shall serve as the Chairperson and shall hold office for ten (10) years,
12 another member shall be appointed as Commissioner for seven (7) years, and
13 another shall be appointed Commissioner and shall serve for five (5) years, without
14 reappointment. A member who shall be appointed to fill a vacancy shall serve only
15 the unexpired portion of the term of the predecessor. In no case shall any member
16 be appointed or designated in a temporary or acting capacity.

17 The Chairperson and members of the Commission shall receive the same
18 salary, benefits, privileges and emoluments of a Cabinet Secretary and
19 Undersecretary respectively.

20 Sec. 19. *Standards on the Amount of Food.* – Within one (1) year from the
21 effectivity of this Act, the Commission shall, in consultations with the DSWD, DILG,
22 NNC and the DOH, issue guidelines on the minimum amount of food for persons
23 who are suffering from hunger or undernourishment, or are at risk from suffering
24 from hunger or undernourishment, but who cannot take care of their own needs,
25 due to reasons beyond their control, including children whose parents die or
26 disappear, or otherwise no longer take care of them, elderly, and persons with
27 disabilities. The guidelines include:

- 28 a) The exact quantity of calories, proteins and micronutrients, to which the
29 minimum amount of food will correspond, according to the age, sex,
30 health status and occupation of a person;

- 1 b) A simple and accessible application or certification procedure for the
2 minimum amount of food entitlement with transparent, fair and non-
3 discriminatory eligibility or certification criteria; and
4 c) Relief mechanisms to ensure that such individuals are provided with their
5 minimum food requirement.

6 Specific support measures shall be designed and adopted to prevent or
7 compensate for disadvantages of the identified vulnerable persons or groups suffer
8 from, with regard to the enjoyment of their right to adequate food.

9 *Sec. 20. Emergencies.* – The Commission in coordination with the National
10 Disaster Risk Reduction and Management Council (NDRRMC) shall:

- 11 a) Provide food emergency responses which sufficiently cover both early
12 warning responses and disaster preparedness in case of a crisis; and
13 organize and manage food responses efficiently and effectively;
14 b) Ensure that food supply responses are compatible with the right to
15 adequate food and international standards regulating emergencies; and
16 c) Initiate requests for international assistance in case of necessity; and
17 supervise and coordinate properly the distribution of food to intended
18 recipients.

19 *Sec. 21. Information Dissemination.* – All government agencies, under the
20 direction of the Commission in coordination with the Philippine News Agency (PNA)
21 and Philippine Information Agency (PIA), shall:

- 22 a) Inform the population about the rights established in this Act and the
23 implementing rules and regulations adopted upon its passage into law and
24 other measures taken for the purpose of facilitating and promoting the
25 realization of the right to adequate food; and
26 b) Use the most appropriate ways and methods of disseminating information
27 by providing information through all media forms; and in local languages,
28 notably in the most marginalized areas and among populations with a high
29 rate of illiteracy.

30 *Sec. 22. Education and Awareness Program.* – The Commission, in
31 coordination with the DepEd, CHED, and TESDA, shall ensure that:

- 1 a) School curriculum includes materials related to food and nutrition
2 education, the right to adequate food and human rights principles; and
3 b) Relevant adult education and training programs shall include materials
4 related to food and nutrition, the right to adequate food and human rights
5 principles.

6 *Sec. 23. International Cooperation.* – The Commission, in coordination with
7 the CHR and the Department of Foreign Affairs (DFA), shall:

- 8 a) Ensure that activities undertaken in other countries, including those by
9 private actors, do not infringe on the enjoyment of the right to adequate
10 food by people in the concerned countries, in coordination with DA, DTI,
11 DOH, and NEDA and other relevant agencies;
12 b) Promote international cooperation and help to ensure the realization of the
13 right to adequate food in other countries, if in a position to do so; and
14 c) Ensure that international and other agreements which the Philippine
15 Government enters into, consider the guarantee on the right to food.

16 *Sec. 24. Monitoring and Evaluation System.* – There shall be an integrated
17 monitoring system that shall ensure that all government agencies at all levels, under
18 the supervision of the Commission on the Right to Adequate Food, shall:

- 19 a) Collect data related to food and nutrition security, using monitoring
20 methodologies and processes consistent with human rights principles;
21 b) Disaggregate collected data by age, sex, income, bracket, civil status and
22 ethnicity;
23 c) Monitor progress achieved in the realization of the right to adequate food;
24 and
25 d) Establish or identify an early warning mechanism for food supply
26 shortages and emergencies.

27 *Sec. 25. Representation and Participation of People's Organizations and Civil*
28 *Society.* – To guarantee public participation, the Commission shall ensure that:

- 29 a) All persons can freely and meaningfully participate in all forms of public
30 discourse, access information and exercise freedom of association, in
31 relation to the formulation and implementation of policies pertaining to the
32 right to adequate food;

1 b) Civil society and other stakeholders actively participate in the institutions
2 that oversee the realization of the right to adequate food, as well as in
3 formulating capacity building mechanisms and special measures for
4 disadvantaged groups; and

5 c) National public hearings are conducted every two (2) years, at which the
6 government is required to report on the progress made with the
7 implementation of this Act, and progressive realization of the right to
8 adequate food in the country.

9 *Sec. 26. Penal Provisions.* – The penalty of imprisonment of six (6) months
10 and one (1) day to six (6) years, or a fine of not less than One hundred thousand
11 pesos (P100,000.00) but not more than Five hundred thousand pesos
12 (P500,000.00), or both, at the discretion of the court, shall be imposed on any
13 person who causes the starvation or denial of the access to food of any particular
14 individual or group, through the commission of any of the following acts:

- 15 a) Blockade;
16 b) Refusal to implement a food-related program;
17 c) Discrimination in implementing a food-related program;
18 d) Negligence in implementing food-related programs, resulting in death;
19 e) Obstructing access to food in time of calamity or war;
20 f) Theft, corruption or black marketeering of food being given as
21 humanitarian aid, in times of calamity or war;
22 g) Distribution of expired, or unsafe food at a school feeding program or
23 other feeding program, in times of calamity or war;
24 h) Contamination of food or water sources, through mining activities, aerial
25 spraying of plantations, or any other similar means; and
26 i) Other analogous acts.

27 *Provided,* That the penalty is imposable without prejudice to any other
28 criminal, civil or administrative liability under existing laws. If the act committed is
29 food blockade during armed conflict, the penalty imposable shall be without
30 prejudice to the application of Republic Act No. 9851 or the "Philippine Act on Crimes
31 Against International Humanitarian Law, Genocide and Other Crimes against
32 Humanity," and other relevant laws.

1 *Sec. 27. Civil and Administrative Liabilities.* – The government shall ensure the
2 enjoyment of the rights guaranteed in this Act and perform the duties provided for in
3 this Act. Appropriate cases may be filed before the courts to compel compliance with
4 the provisions of this Act. These cases shall be without prejudice to liability for
5 damages and administrative liability that may be incurred.

6 If the violator is a public official or employee, in addition to the penalty of
7 imprisonment or fine or both, the accessory penalty of perpetual absolute
8 disqualification to hold public office shall be imposed.

9 *Sec. 28. Appropriations.* – There shall be an allocation in the annual budget
10 specifically for the purposes of the implementation of the right to adequate food, in
11 accordance with priorities set by the Commission on the Right to Adequate Food.
12 The allocation shall be aimed at the progressive realization of the right to adequate
13 food over the long term.

14 *Sec. 29. Implementing Rules and Regulations.* – Within sixty (60) days from
15 the effectivity of this Act, the Chairperson of the Commission, shall, in coordination
16 with the CHR, DA, DAR, DSWD, DOH, DTI, DPWH, NEDA, NNC, and NAPC and
17 people’s organizations and human rights nongovernmental organizations,
18 promulgate the necessary rules and regulations for the effective implementation of
19 this Act.

20 *Sec. 30. Rationalization of Policies.* – All existing policies, laws, decrees,
21 executive orders, memorandum orders, memorandum circulars, administrative
22 orders, and ordinances shall be rationalized and interpreted in a way that shall
23 guarantee the realization of the right to adequate food as provided for by this Act.

24 Cabinet secretaries and other executive authorities involved in the
25 implementation of the right to adequate food shall report on a regular basis to the
26 Commission on the Right to Adequate Food on legislative and regulatory measures
27 that have been formulated and adopted, and the time frames within which they are
28 envisaged to achieve their objectives in order to achieve zero hunger.

29 *Sec. 31. Separability Clause.* – If any part or provision of this Act shall be
30 declared or held to be unconstitutional or invalid, other parts or provisions hereof
31 which are not affected thereby shall continue to be in full force and effect.

1 Sec. 32. *Repealing Clause.* – Any law, presidential decree or issuance,
2 executive order, letter of instruction, administrative order, rule, or regulation
3 contrary to or inconsistent with the provisions of this Act are hereby repealed,
4 modified, or amended accordingly.

5 Sec. 33. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
6 its publication in the Official Gazette or in at least two (2) national newspapers of
7 general circulation.

Approved,