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SENATE
S. B. NO. 79

RE BY: *ji*

Introduced by Senator Poe

Explanatory Note

The World Health Organization (WHO) said that hunger and malnutrition are the world's greatest threats to public health. Ditto, in the Philippines.

Consider the following statistics:

- In a newspaper report¹, the United Nations (UN) has estimated that six million Filipino children are malnourished and around 66 % under the age of six do not have childcare;
- The same report is mirrored in a survey of the Social Weather Station (SWS) for the Third Quarter of 2012 citing that 21 % or at least 4.3 million households experienced having nothing to eat in the last three months prior to the survey period;
- Malnutrition has long been a serious concern in Mindanao where a significant number of children are already undernourished, as cited by the UNICEF;
- In a news report featured on Christmas Day of 2012², it stated the banner story "Poverty pushes more than half of elementary pupils to severe malnutrition. And that as the Department of Education disclosed: 562,262 pupils in kindergarten and elementary levels enrolled in public schools this year have been considered "severely wasted" based on nutritional status as of August 31, 2012.

Hunger and malnutrition must be addressed, especially amongst children. Now.

It is a premium rationale for this bill that the government must now institutionalize a Free Nutri-Meals Program to be known as the Sustansiya sa Batang Pilipino Program for children in all public elementary schools and high schools. Priority must be accorded to getting quality nutrition to prevent malnutrition to co-exist with diseases.

The bill is highlighted by the following provisions:

1. It institutionalizes the Sustansiya sa Batang Pilipino Program and for its feasible implementation, initially school children in the elementary levels including kindergarten in public schools shall be given free nutritious meals. Following the K-12 Policy, it shall cover pupils in the Kindergarten and Grades I-VI. On its third year of implementation, the Program shall cover all levels of public elementary schools including kindergarten and Junior High School Level of the K-12 Policy. On its fifth year of implementation, the Program shall cover both elementary and high school levels in the K-12 public education sector.
2. As the legislation recognizes administrative and resources limitations, public schools in areas where severe malnutrition are reported, armed conflict and highly congested are accorded prioritization.

¹ Philippine Star, October 11, 2012

² www.inquirer.net, December 25, 2012, paraphrased

3. Private sector support is encouraged in this Act. It can be through their respective Corporate Social Responsibility (CSR) activities or through simple donations to public schools.
4. A unified super body composed of relevant government agencies is created. The reason is to have an integrated approach to oversee the meaningful implementation of the Program.

It is the full intent of this legislation to seek the full participation of all relevant departments in the bureaucracy and other sectors including those most vulnerable to hunger so that it can be meaningfully implemented. Our children and our children's children must be spared from the bondage of poverty so that they can have true opportunity in the future.

With the recognition that the 1987 Philippine Constitution enshrined a basic policy and that the same must be fully realized, "the State shall promote a just and dynamic social order that will ensure x x x an improved quality of life for all," the early enactment of this policy measure is earnestly sought.


GRACE POE



SIXTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

13 JUL -1 AM 12:25

SENATE
S. B. NO. 79

RECEIVED BY: *ja*

Introduced by Senator Poe

AN ACT

INSTITUTING A FREE NUTRI-MEALS PROGRAM TO CHILDREN ENROLLED IN ALL ELEMENTARY SCHOOLS INCLUDING KINDERGARTEN AND HIGH SCHOOLS IN THE K-12 PUBLIC EDUCATION SECTOR, PROVIDING FRAMEWORK FOR ITS MEANINGFUL IMPLEMENTATION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. Title – This Act shall be known as the “*Sustansiya sa Batang Pilipino Act of 2013*”

Section 2. Declaration of Policy. It is a declared policy of the State that it shall promote a just and dynamic social order that will ensure an improved quality of life for all. Towards this end, it is the objective of this Act to provide a government-united and practical feasible approach to address the issue of malnutrition and hunger among school children in public elementary schools including kindergarten and high schools through the institutionalization of the Sustansiya sa Batang Pilipino Program (Free Nutri-Meals for Filipino Children in Public Schools Program as cited in this Act or Program, for brevity).

Section 3. *Sustansiya sa Batang Pilipino Program (Free Lunch for Filipino Children in Public Schools Program)* – To improve the attendance, nutrition, health, and academic performance of school children in public elementary and high schools, a Sustansiya sa Batang Pilipino Program (Free Nutri-Meals for Filipino Children in Public Schools Program) is hereby institutionalized.

The Sustansiya sa Batang Pilipino Program is a nutrition-driven initiative and is a free nutria-meals program for school children enrolled in public schools. The food shall be served at the start of the class for five (5) days a week and to complete the duration of one hundred and twenty (120) feeding days.

The Program shall follow a 5-year full implementation phase. The Program shall be initially implemented in all public elementary schools including kindergarten centers (Kindergaten to Grade VI, following the K-12 Policy).

On the third year after the enactment of this Act, the Program shall be implemented in all public elementary schools including kindergarten and in the Junior High School levels following the K-12 Policy.

On the fifth year of its implementation, its implementation shall be simultaneous in all levels in the elementary and kindergarten and secondary education, covering both Junior and Senior High School Levels.

Provided, That schools located in areas or local governments where severe malnutrition or where “severely wasted” pupils as defined by existing government guidelines are reported, schools located in areas of armed conflict and schools located in highly congested areas shall be accorded prioritization in the implementation of this Act.

Section 4. *Child Nutrition Network.* – There is hereby created a Child Nutrition Network (CNN), a super body that will implement the Program. It shall be composed of the Department of Education (DepEd), the Department of Social Welfare and Development (DSWD), the Department of Agriculture (DA), the National Nutrition Council (NNC), the Food and Nutrition Research Institute (FNRI) and the Department of Health (DOH). The Secretary of DepEd and the Secretary of DSWD shall be Co-Chairpersons of the CNN.

The super body shall then establish a Nutrition Framework for its implementation. The Nutrition Framework, among others, will serve as blueprint containing the details of its implementation; integrated package of nutrition services; institutionalization of a system of qualification, accreditation and the corresponding incentives for private corporations; development of a data base of information, knowledge and best practices for nutrition programs; food and health aspects of school-based implementation; monitoring progress report on children; participation of communities and civil society and private-public sector partnership.

Section 5. *Integrated Nutrition Education and Social Preparation.* The National Lunch Program shall be complemented by public health and nutrition education campaign programs, which aims to promote a holistic and integrated approach to health and nutrition education of school pupils. For this purpose, relevant and user-friendly nutrition information and education materials shall be developed and distributed in the public school. Orientation-training shall be held among DepEd health and nutrition unit personnel at the regional and division levels, concerned local government representatives, and the parent-teacher associations (PTAs), in order to orient them on the Program’s objectives and mechanics and generate support for the Program.

Section 6. *Periodic Health Examination.* A simultaneous health examination including relevant vaccination and de-worming of all school pupils shall be undertaken before the start of the feeding program, and shall be conducted by either the respective local Health Officer or Barangay Nutrition Scholars (BNS). Children found with ailments shall be given proper treatment and referred to hospitals. Class Advisers shall note the progress of each pupil for the entire duration of the implementation of this program. The respective Principals shall submit a quarterly progress report to the Division Superintendent. The Division Superintendent shall submit the consolidated reports to the Child Nutrition Network.

Section 7. *Role of the Department of Education (DepEd).* - The Department of Education shall be responsible for institutionalizing the standard lunch program in the public education system, which will:

- a) Provide free lunch meals to all public elementary and high school children;
- b) Ensure that the standard lunch meals meet the required nutritional level for school pupils, in coordination with the NNC
- c) Institute a system of effective sourcing, procurement and delivery of the required raw materials and other necessary inputs.

Section 8. *Role of the Department of Social Welfare and Development (DSWD).* - The DSWD shall identify the priority areas, in the cities and municipalities where malnutrition rates are most severe, as may be determined by the NNC. For the first two (2) years of the feeding program, the DSWD shall facilitate the piloting of the program in the Conditional Cash Transfer (CCT) areas.

Section 9. *Role of the Department of Agriculture (DA).* - The Department of Agriculture (DA) shall identify and accredit farmers, farmers’ organizations or farmer’s cooperatives, who can supply good quality fresh fruits, vegetables and other healthy food stuffs.

The DA, as far as practicable, shall identify the farmers and farmers' organizations from the locality where the feeding program is to be administered. The farmers shall be chosen pursuant to a transparent and fair selection system, which the Department of Agriculture shall design, promulgate and implement. The DA shall likewise provide technical assistance in cost-effective vegetable and rice farming within the school premises, whenever applicable. The Bureau of Fisheries and Aquatic Resources (BFAR) shall provide technical assistance in the development of cost-effective ways of raising tilapia, and other fish resources that are available in the locality.

Section 10. *Role of the Department of Health (DOH).* - The DOH shall identify the fruits, vegetables, and other healthy foods which are appropriate for the feeding programs in the specified locality and shall recommend these to the DA for purchasing. The DOH shall also procure personnel or volunteers from the locality, preferably from the Parent Teacher Associations (PTAs) and provide technical assistance in the training on the proper and healthy preparation, cooking, and other healthy practices in relation to the feeding programs.

Section 11. *Role of the Department of the Interior and Local Government (DILG).* - The DILG shall implement an effective monitoring system that will be implemented through the Barangay Nutrition Scholars (BNS), and shall institutionalize a fair and progressive system of compensation and incentives for the BNS, which shall likewise be sourced from the funding of the national feeding program in the public education system. The DILG shall issue memorandum circulars which will institutionalize a subsidized funding scheme for the 5th and 6th class municipalities and a national-local counterparting scheme for 3rd and 4th class municipalities.

Section 12. *Private Sector Participation.* Private sector partnership is encouraged in this Act. The private entity can in the form of their Corporate Social Responsibility donate or adopt a school as recipient of the Sustansiya sa Batang Pilipino Program in cooperation with the concerned agencies identified in this Act or directly organized and coordinated with the DepEd.

For purposes of this provision, the DepEd in coordination with the Department of Finance and other relevant government agencies may provide in a guideline a system of incentives including but not limited to creditable expenses in income tax, or discount in business permits registration or other assistance.

Section 13. *Appropriation.* - The amount of Ten Billion pesos (Php 10,000,000,000.00) is hereby appropriated for the implementation of this Program and shall be sourced from the proceeds of Philippine Charity Sweepstakes Office and Philippine Gaming and Amusements Corporation. Initially, a substantial portion shall be sourced from the Social Fund of the Office of the President.

The funds shall be administered by the Child Nutrition Network (CNN).

Thereafter, such sum necessary for its continuous implementation shall be included in the annual General Appropriations Act.

All expenditures, disbursement of funds and other activities made under the program shall be subject to existing government auditing and accounting rules and regulations.

Section. 14. *Implementing Rules and Regulations.* - The Child Nutrition Network (CNN) shall promulgate the necessary rules and regulations implementing the provisions of this Act, within ninety (90) days from the effectivity of this Act. Each of the member national government agencies and instrumentalities shall likewise promulgate the necessary internal memoranda, circulars and other order to institutionalize the program within their respective offices, not later than the date to be determined by the CNN.

Section. 15 *Repealing Clause.* – All laws, decreed and orders or parts thereof which are contrary to or inconsistent with this Act are hereby repealed , amended or modified accordingly. Nothing in this Act shall affect the existing food programs being implemented by other government agencies.

Section. 16. *Effectivity.* – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

APPROVED,