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SENATE  
S. B. No. 1455

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Introduced by SENATOR CYNTHIA VILLAR

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#### EXPLANATORY NOTE

In the last three years, the national government expenditure for social services has gone up by an annual average of 19.2 percent. The share of social services to the total budget has also increased, from 28.2 percent in 2010 to 34.8 percent in 2013. This is mainly due to the increase in the funding for social security welfare and employment, particularly the Pantawid Pamilyang Pilipino program (4Ps). In 2013 alone, the budget for social services is nearly PhP700 billion. While the budgets for health and education also saw a substantial increase, they are still well below international standards.

The United Nations Educational, Scientific, and Cultural Organization (UNESCO) provides a benchmark figure of around 6 percent of GNP for education spending, whereas the World Health Organization (WHO) recommends 5 percent of GDP for health spending.

National government spending for education was only 2.4 percent of the GNP in 2012 while spending for healthcare was merely 0.5 percent of the GDP. Indeed, the field of development economics argue that investments in human capital formation is a necessary ingredient of sustainable economic development. Undoubtedly, it is the means that will shape the quality of the next generation of Filipinos. Missing the opportunity to prioritize this does not bode well for the country's future.

A good indicator of the government's under-investment in human capital formation is malnutrition which has long been a perennial problem in the country. Certainly, this demonstrates the quality and state of delivery of public services in the country and the magnitude of the poverty situation.

According to the 2011 Nutritional Status of Filipino Children conducted by the Food Nutrition and Research Institute (FNRI), **20 percent of children zero to five years old are underweight. Meanwhile, 33 percent of this age group are stunted, and about two percent are overweight.** There is no significant difference whether the household head is a man or a woman. In absolute terms, data according to the UN Report on the State of Food Insecurity in the World 2012, six (6) million Filipino children are malnourished.

A mother's health is directly linked to a child's nutritional status. Moreover, children of teen-age mothers are among the most at risk. About 25.4 percent of

malnourished children are those whose mothers are teen-agers, according to the FNRI. Thus, any program on malnutrition must cover women of reproductive age, pregnant women and lactating mothers. Among pregnant women, the FNRI estimates that 25 percent are nutritionally at risk potentially leading to low birthweight, neo-natal and infant deaths. The FNRI also finds that a total of 15.9 percent Filipino children ages 0-3 years old were born with low birthweight. Among lactating mothers, 11.9 percent are underweight while 17.7% are overweight.

The 1987 Constitution enshrines the right to health. Specifically, in Section 15, Article 2, it emphasizes that "The State shall protect and promote the right to health of the people and instill health consciousness among them." Moreover, the country is signatory to various international conventions and agreements that highlight a rights-based approach to health and nutrition. In support of this international legal framework, Congress has recently passed two landmark laws that stand to make a big difference in responding to maternal health and child nutrition: The Magna Carta of Women (R.A. 9710) and the Responsible Parenthood and Reproductive Health Act (R.A.1035). The Philippine Development Plan 2011 to 2016 aims to prioritize population groups and areas highly affected by or at risk of malnutrition, specifically pregnant women, infants, children 1 to 2 years old, underweight children 0 to 5 years old, and local government units with high levels of child undernutrition or at risk of undernutrition. These are certainly steps in the right direction that could both complement and support existing government programs.

The country's current quest for inclusive growth will not be realized unless malnutrition is sustainably addressed. The FNRI emphasizes that the first 1,000 days of a child's life from womb to 2 years old is crucial in preventing malnutrition. Otherwise, the child's health and educational outcomes will forever be compromised. What this means is a generation of Filipinos unable to contribute to the country's competitiveness in the local and global labor markets. Undoubtedly, the situation is urgent and calls for a comprehensive policy that will seek to sustainably address program, budgetary and policy gaps, and complement earlier initiatives.

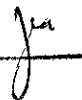
A rights-based and multi-sectoral approach to maternal health and nutrition is recommended, given the international and national policy framework discussed above. Such an approach will seek to expand the current DOH program on maternal health and nutrition, equip local government units to scale up their programs, enhance the role of the National Nutrition Council, empower women to make informed decisions on their sexual and reproductive rights, protection from violence, adequate, safe and gender sensitive maternal health services, and provide the wherewithal to key stakeholders to ensure they can implement and attain the goal of a malnutrition-free Philippines, among others.

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

  
CYNTHIA A. VILLAR

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**AN ACT PROVIDING FOR A COMPREHENSIVE MALNUTRITION PROGRAM  
AND APPROPRIATING FUNDS THEREFOR**

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

1       **SECTION 1. Title.** – This Act shall be known as “*The Malnutrition-Free Act of*  
2 *2013*”.

3  
4       **SEC. 2. Declaration of Policy.** – The right to health is a fundamental principle  
5 guaranteed by the State. Section 15, Article 2, the 1987 Constitution emphasizes that  
6 “The State shall protect and promote the right to health of the people and instill health  
7 consciousness among them.” Moreover, pursuant to various international human rights  
8 instruments and agreements that the State adheres to, the State guarantees the right to  
9 adequate food, care and nutrition to children, specifically those from zero to five-year  
10 olds. The advancement and protection of the right of men and women to access all  
11 information necessary to make informed choice on the proper care, nutrition and food  
12 choices for their children and family shall be central to the efforts of the State to  
13 comprehensively and sustainably address malnutrition.

14  
15       The State likewise declares its determination to eliminate hunger and to reduce all  
16 forms of malnutrition; that, hunger and malnutrition are unacceptable. The State further  
17 maintains that nutrition is both an end-goal and a means to achieve sustained  
18 development. It is a multi-faceted issue requiring the committed inputs from all sectors.  
19 As such, nutrition shall be a priority of the government to be implemented by all its  
20 branches in collaboration with non-government organizations and the private sector in  
21 an integrated manner.

22  
23       The State furthermore allocates its resources in sustainable manner thereby  
24 eradicating malnutrition of women of reproductive age, pregnant women, and children  
25 from 0 to 24 months only.

26  
27       The State finally refocuses the intervention program on malnutrition to the first  
28 1,000 days of a child’s life cycle, covering the nine months in the womb and 0 to 24  
29 months of his/her life is crucial in preventing malnutrition.

30           **SEC. 3. Objectives.** – This Act specifically aims to:

31  
32           (a)     Provide a more comprehensive, sustainable and multisectoral approach to  
33 address malnutrition;

34  
35           (b)     Provide a policy environment conducive to nutrition improvement;

36  
37           (c)     Provide mechanisms, strategies and approaches in implementing  
38 programs and projects to improve nutritional status and to eradicate malnutrition and  
39 hunger;

40  
41           (d)     Strengthen the National Nutrition Council (NNC) as the policy-making  
42 body on nutrition; and

43  
44           (e)     Ensure the meaningful and active participation, partnership and  
45 cooperation of NNC-member agencies, other National Government Agencies (NGAs),  
46 Local Government Units (LGUs), Non-Government Organizations (NGOs), and the  
47 private sector in an integrated and holistic manner for the promotion of the nutritional  
48 well-being of the population.

49  
50           **SEC. 4. Comprehensive Anti-Malnutrition Program.** – There shall be a  
51 comprehensive and sustainable program to address malnutrition in the country to be  
52 formulated by the National Nutrition Council, in cooperation with other government  
53 agencies, local government units, the private sector, relevant civil society organizations  
54 and industry, within three (3) months from the effectivity of this Act.

55  
56           **SEC. 5. Coverage and Phases of the Program.** – This Act covers all Filipinos  
57 who are nutritionally at risk, with specific focus on women of reproductive age, pregnant  
58 women, lactating mothers, particularly teen-age mothers, and all Filipino children ages  
59 zero to two (2) years old that reside in nutritionally-poor areas identified by the Food and  
60 Nutrition Research Institute (FNRI).

61  
62           The Comprehensive Anti-Malnutrition Program, hereinafter cited as CAMP, shall  
63 be implemented in two phases. The first phase which will be implemented in the first  
64 three years of the program, will cover areas identified by the FNRI as having the most  
65 number of nutritionally at risk populations. The second phase, which will be  
66 implemented in the succeeding three years of the program shall be implemented in the  
67 fourth to sixth class municipalities in the country.

68  
69           **SEC. 6. Types and Definition of Malnutrition.** – The following types of  
70 malnutrition are hereby defined:

71  
72           a)     Low birth weight refers to weight at birth of less than 2500 grams or 5.5  
73 pounds;

74  
75           b)     Underweight refers to low weight-for-age which is less than negative two (2)  
76 standard deviations (SD) of the WHO Child Growth Standard median;

- 77 c) Stunting refers to low height-for-age which is less than negative 2 standard  
78 deviations (SD) of the WHO Child Growth Standard median. An indicator of  
79 long standing or chronic malnutrition;  
80  
81 d) Wasting – refers to low weight-for-height which is less than negative 2  
82 standard deviations (SD) of the WHO Child Growth Standard median;  
83  
84 e) Overweight – refers to weight above normal for height, which is greater than  
85 positive 2 standard deviations (SD) of the WHO Child Growth Standard  
86 median.  
87

88 **SEC. 7. Target.** – The CAMP shall target to reduce the prevalence rate of  
89 underweight children from 0 to 5 years of age by 10 percent from 2011 to 2018 or a total  
90 of five (5) years.  
91

92 For purposes of this Act, the first phase of CAMP shall endeavor to decrease the  
93 prevalence rate of underweight children from 0 to 5 years old from 20.2 percent in 2011  
94 to 13.6 percent in 2015, consistent with the target indicated in the Philippine  
95 Development Plan 2011-2016.  
96

97 By the second phase, covering 2016 to 2018, the prevalence rate of underweight  
98 Filipino children from 0 to 5 years old shall be 10 percent.  
99

100 **SEC. 8. Shared Responsibility.** – Couples must share responsibility in providing  
101 care, health, and nutrition to children, according to their religious and cultural beliefs.  
102 *Provided, that* such beliefs are not detrimental to the over-all well being of their children.  
103

104 **SEC. 9. Breastfeeding and the Mother's Right to Informed Choice.** –  
105 Consistent with Republic Act No. 10028 or the Expanded Breastfeeding Promotion Act  
106 of 2009, the State shall provide adequate information and communication materials to  
107 promote breastfeeding and all forms of nutritious food and supplement to ensure every  
108 Filipino child's optimal nutrition.  
109

110 However, in cases when the mother is unable to breastfeed for various reasons,  
111 and consistent with international human rights instruments that the State has adhered to  
112 which guarantees the right to information and informed choice, the mother has the right  
113 to access all available information on and to choose from among the many options of  
114 feeding her child and should not be made inferior if she chose to opt for the latter.  
115

116 **SEC. 10. Philippine Plan of Action for Nutrition (PPAN) and Strategies.** – The  
117 PPAN is the integrated short, medium and long-term plan of the government in  
118 response to the global call to eradicate hunger and malnutrition. It is the blueprint for  
119 achieving nutrition adequacy for all as an important element for international  
120 competitiveness, people empowerment and human development.  
121

122 The PPAN aims to reduce prevalence of protein-energy malnutrition, Vitamin A  
123 deficiency, iron deficiency anemia and iodine deficiency disorders.

124 The PPAN shall employ a twin strategy: promotion of household food security; and  
125 the prevention, control and elimination of micro-nutrient malnutrition. It shall involve  
126 short, medium, and long-term interventions to address hunger and malnutrition. Further,  
127 programs to ensure household food security through availability and accessibility of safe  
128 and nutritious foods shall be encouraged.  
129

130 **SEC. 11. The National Nutrition Council.** – The National Nutrition Council  
131 (NNC), composed of a Governing Board and a Secretariat, is the highest policy making  
132 body on nutrition. It coordinates the formulation and the implementation of the  
133 Philippine Plan of Action for Nutrition (PPAN). It shall provide overall direction for the  
134 nutrition plans and programs and coordinate all others agencies which contribute  
135 resources and expertise for nutrition development.

136 Due to the urgent need to address malnutrition, and in order to increase its  
137 efficiency and effectiveness, the NNC is hereby transferred to the Office of the  
138 President (OP) immediately upon the effectivity of this Act. The transfer of the NNC to  
139 the OP shall be for a period of six (6) years, or until such time as the country's nutrition  
140 status has greatly improved.

141 The composition of the NNC Governing Board is hereby amended and further  
142 expanded:

143 A. The Governing Board. – The Governing Board (GB) shall be composed of the  
144 following:

- 145 (a) President of the Philippines (Chairperson);
- 146 (b) Secretary of Agriculture;
- 147 (c) Secretary of the Department of Social Welfare and Development;
- 148 (d) Secretary of the Department of Health;
- 149 (e) Secretary of the Department of Education;
- 150 (f) Secretary of the Department of Science and Technology;
- 151 (g) Secretary of the Department of Budget and Management;
- 152 (h) Department of Trade and Industry;
- 153 (i) Chairperson of the Philippine Commission on Women;
- 154 (j) Presidents of the League of Cities, League of Municipalities, League of  
155 Provinces;
- 156 (k) Three representatives from the private sector to be appointed by the  
157 President of the Philippines shall each come from the food and nutrition  
158 industry, and women.

159 The Board shall create a Technical Committee or such other committee of experts  
160 as it may deem necessary to act as the Council's advisory body on policy and program  
161 matters.

162 B. The Secretariat. – The Secretariat shall serve as the Executive arm of the  
163 Governing Board. It shall be headed by an Executive Director, assisted by two Deputy  
164 Executive Directors, all of whom shall be appointed by the President.

165           **SEC. 12. Functions and Powers of the NNC.** – The Council shall have the  
166 following functions and powers:

167           (a) Formulate national nutrition policies, plans, strategies, and approaches for  
168 nutrition improvement;

169           (b) Oversee and serve as a focal point in the integration of nutrition policies and  
170 programs of all member agencies and instrumentalities charged with the implementation  
171 of existing laws, policies, rules and regulations concerning nutrition;

172           (c) Coordinate, monitor, and evaluate programs and projects of both public and  
173 private sectors, as well as of LGUs in order to insure integration of nutrition with national  
174 policies;

175           (d) Receive grants, donations and contributions in any form from foreign  
176 governments, private institutions, and other funding entities for nutrition programs and  
177 projects: *Provided, That* no conditions shall be made contrary to the policies or  
178 provisions of this Act;

179           (e) Coordinate the release of public funds for the promotion of nutrition well-being  
180 of the country in accordance with the approved programs and projects; and

181           (f) Call upon any government agency and instrumentalities comprising the pillars of  
182 the executive system for such assistance as may be required to implement the  
183 provisions of this Act in order to reduce and eventually eliminate malnutrition in the  
184 country.

185

186           **SEC. 13. Role of NNC-Member Agencies, other National Government**  
187 **Agencies, Local Government Units, and the Private Sector.** – Member agencies  
188 shall be responsible for insuring the implementation of programs and projects,  
189 development of promotive, preventive and curative nutrition programs, and integration  
190 of health and nutrition concerns into their respective policies and plans. It shall provide  
191 additional resources in any form in support of the local nutrition programs as a  
192 continuing involvement of the national government to local programs.

193           The consortium of State Universities and Colleges (SUCs) shall intensify nutrition  
194 related training, research and extension support activities through the Barangay  
195 Integrated Development Approach for Nutrition Improvement (BIDANI) Network  
196 Program of the Rural Poor and other relevant approaches, thereby strengthening  
197 delivery systems in partnership with the LGUs.

198           Local Government Units (LGUs), pursuant to the Local Government Code of 1991,  
199 shall provide and deliver basic nutrition services and facilities to the community. The  
200 LGUs shall integrate nutrition considerations in their short, medium and long-term  
201 development plans, and programs and shall coordinate with the Council in the  
202 enforcement of this Act. The State shall provide incentives to the LGUs for projects  
203 targeting young children. Other National Government Agencies (NGAs) shall serve as  
204 important links in promoting nutrition in development through its participation in the  
205 continuing advocacy for nutritional improvement, and integration of nutrition  
206 considerations in their sectoral plans and programs.

207 Non-Government Organizations (NGOs) shall be encouraged to undertake  
208 nutrition related researches and to recommend procedures and guidelines promotive of  
209 good nutrition among employees of agencies or members of NGOs.

210 The Private Sector shall also be encouraged to provide technical and financial  
211 assistance to community-based nutrition projects through their corporate social  
212 responsibility programs, as their participation in the country's bid to enhance human  
213 capital formation.

214

215 **SEC. 14. Remuneration and Skills Training for Barangay Health Workers and**  
216 **Barangay Nutrition Scholars.** – LGUs are mandated to provide adequate honoraria  
217 to Barangay Nutrition Scholars (BNS) and Barangay Health Workers (BHWs). They  
218 shall likewise endeavour to provide sustained capability building skills to BNS and  
219 BHWs in support of local nutrition programs.

220 The DOH shall be responsible for disseminating all information necessary and  
221 providing training programs to the LGUs' nutrition programs. The LGUs, with the  
222 technical assistance of the DOH, shall be responsible for the training of BHWs and BNS  
223 and other barangay volunteers on nutrition promotion.

224 The national government shall provide additional and necessary funding and other  
225 necessary assistance for the effective implementation of this Act.

226

227 **SEC. 15. Nutrition in the Aftermath of Natural Disasters and Calamities.** –  
228 Areas that are struck by disasters must be prioritized in the delivery of nutrition  
229 programs. National, regional, and local governments are mandated to immediately  
230 provide emergency food supplies for proper nourishment of lactating mothers and  
231 children, specifically those from zero to two (2) years old.

232

233 Private sector donations in emergency situations shall be allowed immediately in  
234 the aftermath of natural disasters and calamities. The National Disaster Risk Reduction  
235 Management Council (NDRMMC) is hereby mandated to formulate guidelines in pursuit  
236 of this Section.

237

238 National and local disaster risk reduction and management councils are hereby  
239 enjoined to involve women in the decision making process, allowing them to take part in  
240 implementing disaster preparedness, recovery and rehabilitation programs.

241

242 **SEC. 16. Teen-Age Mothers and Lactating Women.** – LGUs shall endeavour to  
243 monitor teen-age mothers and lactating women from poor households. Access to  
244 nutrition by these nutritionally at risk populations must at all times be ensured by health  
245 centers and barangay officials.

246

247 **SEC. 17. Appropriations.** - An initial sum of 100 Million Pesos (PhP100,000,000)  
248 is hereby appropriated for this Act in support of locally initiated nutrition programs;  
249 Thereafter, an appropriation for this Act shall be provided annually in the General  
250 Appropriations Act.



251 LGUs which have been identified by the FNRI as among those that have  
252 populations that are nutritionally at risk, will supplement the funds necessary for the  
253 implementation of this Act through a mandatory allocation of at least five percent (5%)  
254 of their Internal Revenue Allotment for malnutrition reduction: *Provided That*, the Local  
255 Gender and Development Budget shall likewise be utilized for nutrition programs  
256 pursuant to the nutrition standard promulgated by the NNC on local feeding programs.  
257

258 The funds needed by the NNC to carry out the provisions of this Act shall be  
259 charged to the appropriations of the NNC under the annual General Appropriations Act  
260 in addition to the appropriations of other department/agencies whose programs and  
261 activities are in support of the PPAN and this Act: *Provided That*, no public fund shall  
262 be used for feeding programs that will be implemented for less than 120 days  
263 continuously.  
264

265 Funds needed by SUCs in implementing BIDANI and other nutrition approaches  
266 shall be incorporated in the annual appropriation of SUCs.  
267

268 **SEC. 18. Review and Sunset Clause.** – Six years after the effectivity of this Act  
269 and every three years thereafter, the NNC shall conduct a review of the nutrition status  
270 of the country and shall make a determination if international standards have been  
271 complied with.  
272

273 In the event the standards have not been met upon expiry of this Act, Congress  
274 shall reauthorize this Act for such period as may be necessary to comply with the  
275 international standards set on malnutrition.  
276

277 **SEC. 19. Separability Clause.** – If any provision of this Act or the application of  
278 such provision to any instrumentalities or entities or circumstances is held invalid or  
279 unconstitutional for any reason or reasons, the remainder of this Act or the application of  
280 such other provisions shall not be affected thereby.  
281

282 **SEC. 20. Repealing Clause.** – All laws and part of laws, decrees,  
283 orders, proclamations, issuance, rules and regulations which are inconsistent with  
284 the provisions of this Act are hereby repealed, amended or modified accordingly.  
285

286 **SEC. 21. Effectivity.** – This Act shall take *effect* fifteen days after its publication in  
287 the Official Gazette or at least two (2) national newspapers of general circulation  
288 whichever comes earlier.  
289

290 Approved,