

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 MAY 28 P3:48

SENATE
S. No. 2790

RECEIVED BY: X

Introduced by Senator Miriam Defensor Santiago

AN ACT
ESTABLISHING THE PHILIPPINE BASIC EDUCATION NUTRITION AND
PERFORMANCE ACCELERATION PROGRAM, APPROPRIATING FUNDS
THEREFOR

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

SEC. 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

According to the United Nations Children's Fund (UNICEF), early childhood until the age of eight is critical for the cognitive, physical and emotional development of a child.¹

Thus, education imparted to a child during his or her first decade of learning will in large part determine the opportunities available to him or her in the future. In order to give today's children every opportunity of succeeding, fulfilling their nutritional requirements during these formative years is essential. Doing so is made even more imperative given that hunger impairs a child's ability to learn by

¹ Freedom from Hunger, "World Hunger Facts," URL <<https://www.freedomfromhunger.org/world-hunger-facts>>

hampering their cognitive and physical growth and leaves them more vulnerable to disease.²

Despite the existing dangers to a child's education progress due to hunger, we consider the following facts:

1. Sixty-six million primary-age children in the developing world go to class hungry.³
2. In the Philippines, due to hunger, 8.6% of school-aged children between the ages of 5-19 years old suffer from acute malnutrition.⁴

These statistics show that we have much to do to address the needs of our school children.

Thus we need to enact a measure that addresses the issue of eradicating hunger and malnutrition among our young scholars by providing them with the proper nutritional requirements to succeed at school and in life.

This bill mandates a school-based feeding program spearheaded by the National Nutrition Council.

This is the Senate counterpart bill of House Bill No. 5348, otherwise known as Nutriskwela Act, authored by Rep. Sherwin Gatchalian.


MIRIAM DEFENSOR SANTIAGO
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² National Hunger Association, "Facts About Child Nutrition," URL <<http://www.nea.org/home/39282.htm>>

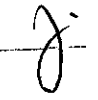
³ Stop Hunger Now, "Facts on Hunger," URL <<http://www.stophungernow.org/hunger-facts>>

⁴ Rodriguez, Fritzie, "Latest PH Nutrition Survey Reveals Little Progress in Beating Hunger." Rappler. 10 July 2014.

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1 AN ACT
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3 PERFORMANCE ACCELERATION PROGRAM, APPROPRIATING FUNDS
4 THEREFOR

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

5 SECTION 1. *Short Title.* - This Act shall be known as the "Nutriskwela
6 Act."

7 SECTION 2. *Declaration of Policy.* - The State recognizes the primacy of
8 education as a means to a better life. Towards this end, the State shall enact
9 measures to promote meaningful education for everyone and aid our students in
10 need by addressing their nutritional requirements and providing them sufficient
11 nourishment to help them make the most of our educational system.

12 SECTION 3. *The Program.* - The Philippine Basic Education Nutrition and
13 Performance Acceleration Program (Program) is hereby established. The Program
14 shall have the following objectives:

15 a. Institutionalize a production and service system to address the
16 nutritional and dietary needs of elementary school children during school hours;

1 b. Streamline the various school children feeding programs of the
2 Department of Education, the Department of Social Welfare and Development, and
3 other government agencies into one system in order to increase efficiency in the
4 use of allocated resources;

5 c. Eliminate the incidence of the nutritionally wasted and severely
6 wasted condition among children enrolled in public elementary schools;

7 d. Accelerate and improve the academic performance and participation
8 and physical development of children during the course of their basic education
9 course;

10 e. Further increase elementary education enrolment rates and school
11 attendance records;

12 f. Empower local government officials, members of the community and
13 other local stakeholders to actively participate in the nutritional and educational
14 development of their local children;

15 g. Ensure transparency, accountability, and efficacy in the disbursement
16 and distribution of funds and goods for the purposes of this Act.

17 There shall be established a feeding program directed towards the students
18 most in need of proper nourishment. The beneficiaries of this program shall be
19 entitled to one free meal to be made available to them within the first two hours of
20 their school shift.

1 SECTION 4. *National Committee.* – The National Nutrition Council and its
2 member agencies, constituent departments, and committees shall be the
3 implementing body of the Program.

4 The National Nutrition Council Governing Board, its Secretariat and
5 Technical Committee, hereinafter referred to as the National Committee, shall be
6 primarily responsible for policy formulation and evaluation of the Program.
7 Specifically, the National Committee shall have the following functions:

8 a. Define the optimal nutrition standards and create a meal plan that will
9 meet the essential dietary requirements of children for active and energetic
10 participation in school. The standards shall take into consideration the traditional
11 dietary patterns of the area and food supplies that are locally available;

12 b. Create an operations manual that details the Program system and
13 instructs the various sub-committees on their specific role in the implementation of
14 the program, including but not limited to rules and guidelines concerning logistics,
15 procurement, uniform brand and packaging identity and quality control. The
16 National Committee shall then disseminate said manual to the sub-committees;

17 c. Draft and organizational staffing plan that outlines the number, nature
18 and position of the personnel required by the subcommittees for the purpose of
19 implementing the Program;

20 d. Facilitate efficient policy coordination between the various
21 committees, agencies, civil society and private sector stakeholders referred to
22 under this Act; and

1 e. Establish a strategy for prioritized implementation of the Program in
2 areas where severe malnutrition occurs and in conflict areas.

3 SECTION 5. *Regional Nutrition Committees.* – The Regional Committees
4 shall be primarily responsible for overseeing the implementation of the production
5 and service level of the Program by the City Nutrition Committees of those
6 designated by law as independent component or highly urbanized cities.
7 Specifically, the Regional Committees shall have the following functions:

8 a. Conduct regular on-site inspections of the food preparation and
9 delivery operations of the Program undertaken by the City Committees under their
10 supervision;

11 b. Submit quarterly progress reports to the National Committees
12 detailing the level of accomplishments of the City Committees under their
13 supervision and evaluating their compliance with the operations manual and other
14 pertinent provisions of this Act; and

15 c. Develop and implement quality control strategies to maintain and
16 even baseline of service quality among the City Committees under their
17 jurisdiction.

18 SECTION 6. *Provincial Nutrition Committees.* – The Provincial Committees
19 shall likewise perform the functions of the Regional Committees in overseeing the
20 Municipal Committees, and the City Committees not otherwise covered under Sec.
21 5 of this Act.

1 SECTION 7. *Local Committees.* – The City and Municipal Nutrition
2 Committees, hereinafter referred to as Local Committees, shall be primarily
3 responsible for the implementation of the production and service level of the
4 Program. Specifically, the Local Committees shall perform the following
5 functions:

6 a. Procure the necessary raw foodstuffs and other materials to prepare
7 the meals, which shall be, to the extent possible, sourced from local suppliers;

8 b. Coordinate the necessary logistical support for implementation of the
9 Program, including but not limited to the delivery of food stuffs to the preparation
10 facilities, the preparations of the meals on-site, and distribution of the meals to the
11 students;

12 c. Implement the organizational staffing plan to ensure the training and
13 employment of the necessary support staff for the efficient implementation of the
14 Program; and

15 d. Submit a monthly progress report to the corresponding Regional or
16 Provincial Committee detailing vital Program success indicators, including but not
17 limited to the quantity and price of food stuffs procured, the number of meals
18 prepared and served daily, the participation rate among students covered under this
19 Act, among others. The report should also indicate any Program weaknesses,
20 liabilities or other problems incurred during the implementation of the Program.

21 SECTION 8. *Barangay Nutrition Committees.* – The Barangay Committees
22 shall be primarily responsible for documentation and other auxiliary concerns.
23 Specifically, the Barangay Committees shall perform the following functions:

1 a. Record and document the daily service indicators and other
2 information at the school level, including but not limited to the indicators
3 mentioned in Section 7 (d) of this Act, and forward the information to their
4 respective Local Committees; and

5 b. Formulate and implement strategies to encourage volunteerism and
6 engagement in the Program by members of the community to supplement
7 manpower needs and improve service quality.

8 SECTION 9. *Deworming.* – In order to improve the effectiveness of
9 nutritional outcomes of the Program, the Department of Health (DOH) shall be
10 responsible for coordinating a deworming program which shall serve all students
11 identified as Program beneficiaries under Sec. 4 of this Act. The deworming shall
12 be conducted annually within the first quarter of each academic year. The DOH
13 shall promulgate the implementing rules for a deworming program which shall
14 include the following:

- 15 1. Identification of the beneficiaries
- 16 2. Procurement of the necessary medicine and equipment
- 17 3. Establish a schedule for implementation which shall be coordinated with
18 the activities of the Program as provided in this Act.

19 SECTION 10. *Implementation Areas.* – For the first three years of
20 implementation of this Act, the National Committee shall pick the five poorest
21 provinces in the priority areas as provided under Section 4(e) which shall serve as
22 the pilot areas for implementation and shall be limited to public elementary and

1 high school institutions. During the third year of said implementation and every
2 year thereafter, the National Committee shall make a recommendation to the
3 President on the additional provinces, cities or municipalities that may be covered
4 by the Program. The recommendation must be acted upon by the President within
5 six months of its submission, otherwise, it shall be deemed disapproved by the
6 President.

7 Upon approval of the President, the necessary funds for additional
8 implementation shall be included in the next annual budget.

9 SECTION 11. *Beneficiaries.* – The Local Committees shall maintain a strict
10 list of beneficiaries for this Program. The National Committee shall establish an
11 enrolment system for the Program as well as delisting. The enrolment system shall
12 have at least the following guidelines:

13 1. The poorest students shall be prioritized and assisted in any
14 administrative requirement for this Program.

15 2. Only enrolled students may be recipients of this Program.

16 The National Committee may provide for other guidelines to ensure that the
17 resources are properly directed to the students who most in need.

18 SECTION 12. *Role of the Department of Education.* – In addition to its
19 responsibilities as a member agency of the National Committee, the Department of
20 Education (DepEd) shall have the following responsibilities:

1 a. Coordinate with the participating Program schools to install sufficient
2 permanent facilities for the purpose of preparing the student meals, subject to the
3 provisions of applicable laws on sanitation;

4 b. Implement an assessment system to track the academic performance
5 of the Program beneficiaries; and

6 c. Provide logistical support for the Program at the school level, as
7 necessary.

8 SECTION 13. *Role of the Department of Social Welfare and Development.* –

9 In addition to its responsibilities as a member agency of the National Committee,
10 the Department of Social Welfare and Development (DSWD) shall use its
11 expertise in feeding programs to assist the Local Committees at the production and
12 service level of implementation of the Program. The DSWD shall also assist the
13 National Committee in identifying and targeting priority areas as provided under
14 Section 4(e) of this Act.

15 SECTION 14. *Role of the Technical Education and Skills Development*

16 *Authority.* – The Technical Education and Skills Development Authority (TESDA)
17 shall provide assistance to the Local Committees in training and employing
18 personnel as provided under Section 7(c) of this Act.

19 SECTION 15. *Private Sector Participation.* – Private sector participation is

20 encouraged under this Act. The National Committee, in cooperation with the
21 subcommittees, the Department of Finance, and relevant government agencies,
22 shall formulate a system of incentives to encourage corporate social responsibility
23 and individual donations for the benefit of the Program through various methods,

1 including but not limited to income tax credits, discounts for business permits
2 registration or other assistance.

3 SECTION 16. *Monitoring and Quality Control.* – The National Committee
4 in coordination with its subcommittees and the Local Committees shall strictly
5 monitor the activities that will be conducted at the production and service level of
6 the program. The procurement, handling, storage, transportation and sanitation of
7 the products whether in its raw or end stage must ensure that the quality and safety
8 protocols are followed and that measures are undertaken for the prevention and
9 control of food safety problems. Towards this end, the National Committee shall
10 facilitate the training and development of operating guidelines in food safety under
11 this Program to ensure reliable and consistent food products.

12 The Local Committees shall ensure the actual delivery of the food to the
13 student-beneficiaries in accordance with the program specification and
14 requirements. A weekly compliance report, to include the liquidation and summary
15 of expenses shall form part of the quarterly assessment on the Program.

16 SECTION 17. *Performance and Financial Audit.* – To further strengthen
17 accountability and improve public expenditure management, with the end in view
18 of eliminating waste and ascertainment of the effectiveness of the program, a
19 quarterly performance audit shall be conducted by the Commission on Audit in the
20 first two years of the program's implementation and every year thereafter.

21 The audit shall provide an overall picture of how various segments of the
22 program are implemented and whether the expected roles and responsibilities of

1 stakeholders are met, which outcome may lead to the identification of areas where
2 improvements can be introduced, and shall include, among others:

- 3 1. Review of the procedures of the program;
- 4 2. Evaluation of the performance reports by the Local Committees;
- 5 3. Random interview of staff involved in the implementation of the
6 program; and
- 7 4. Documentation of reports and validation from data source.

8 SECTION 18. *Prohibition on Political Signage.* – The Local Committees
9 shall ensure that the packaging of the meals and other produced materials are in
10 conformity to the uniform packaging and branding identity contained in the
11 operations manual as provided in Sec. 4 (b) of this Act. It shall be prohibited for
12 any public officer to alter or cause any alteration in the packaging and branding
13 identity, including but not limited to:

- 14 a. Affixing or causing to be affixed, the name, image, or logo of any
15 public official on any production and service level materials related to the
16 Program; and
- 17 b. Installing or causing to be installed, signage at the implementation site
18 or at any other place crediting and individual public officer for implementation of
19 any level of the Program, or bearing his or her image, name or logo.

20 SECTION 19. *Penal Provision.* – Any public officer committing any of the
21 prohibited acts in the preceding section shall be punished with imprisonment of not

1 less than six months nor more than one year, and perpetual disqualification from
2 public office.

3 SECTION 20. *Appropriations.* – For the initial operating expense of the
4 Program, the sum of Five Hundred Million Pesos (₱500,000,000) is hereby
5 appropriated from the Presidential Social Fund.

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

8 SECTION 21. *Separability Clause.* – If any provision or part hereof, is held
9 invalid or unconstitutional, the remainder of the law or the provision not otherwise
10 affected shall remain valid and subsisting.

11 SECTION 22. *Repealing Clause.* – Any law, presidential decree or issuance,
12 executive order, letter of instruction, administrative order, rule or regulation
13 contrary to or is inconsistent with the provision of this Act is hereby repealed,
14 modified, or amended accordingly.

15 SECTION 23. *Effectivity Clause.* – This Act shall take effect fifteen (15)
16 days after its publication in at least two (2) newspapers of general circulation.

Approved,

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