

SENATE
S. B. 160

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**

Explanatory Note

Philippines has been reported as one of the countries in the world that account for the bulk of malnutrition worldwide.¹ The Philippines has 3.6 million stunted children which made it rank 9th in terms of countries with the highest burden of stunting.² It ranked 10th among the countries with the highest burden of wasting.³ Moderate or severe wasting in the Philippines was estimated at 8 percent in 2013. This translates to about 769,000 children suffering from either moderate or severe wasting.⁴ National nutrition surveys also revealed that there are specific areas in the country that are more vulnerable to malnutrition.⁵ Provinces in the Autonomous Region of Muslim Mindanao (ARMM) have consistently exhibited critical levels of stunting and wasting.⁶ The volatile peace and order situation adds to the vulnerability brought about by less than ideal socioeconomic situation that characterized the region.⁷

Though official statistics and reports on the economic situation of the Philippines portray it to have grown by leaps and bounds in the past three decades, said economic gains did not trickle down to poor households.⁸ 4 in 10 households in the Philippines are unable to provide their children nutritionally adequate meals, resulting to food security in a significant proportion (23%) of children under 10 years.⁹ The Philippine Government must ensure that economic gains must reach every nook and cranny especially those who need help the most.

¹ United Nations System in the Philippines. 2011. Supporting inclusive, sustainable and resilient development: The United Nations Development Assistance for the Philippines. In

http://www.un.org.ph/UNDAF%20launch_FINAL%20printing.pdf. Accessed 28 August 2015.

² https://www.savethechildren.org.ph/__data/assets/pdf_file/0007/109834/Save-the-Children-LahatDapat-Sizing-Up-the-stunting-and-child-malnutrition-problem-in-the-Philippines-Report-September-2015.pdf

³ *Ibid.*

⁴ UNICEF. 2013. Improving Child Nutrition: The achievable imperative for global progress. New York. UNICEF.

⁵ https://www.savethechildren.org.ph/__data/assets/pdf_file/0007/109834/Save-the-Children-LahatDapat-Sizing-Up-the-stunting-and-child-malnutrition-problem-in-the-Philippines-Report-September-2015.pdf

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

Hunger and malnutrition must be immediately addressed, especially amongst children. It is a premium rationale for this bill that the government must now institutionalize a Free Nutri-Meals Program to be known as the "*Libreng Pananghalian sa Pamublikong Paaralan*" program for school 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.

Dr. Jose Ramon "Toots" Albert,¹⁰ a Senior Research Fellow of the Philippine Institute for Development Studies (PIDS), explained that "while malnutrition is largely an economic issue, poor nutrition persists across socio-economic classes, but there is evidence from the Food and Nutrition Research Institute (FNRI) that poor nutrition is connected with poverty." This bill seeks to halt the vicious circuitous cycle of hunger and poverty in the Philippines.

The bill is highlighted by the following provisions:

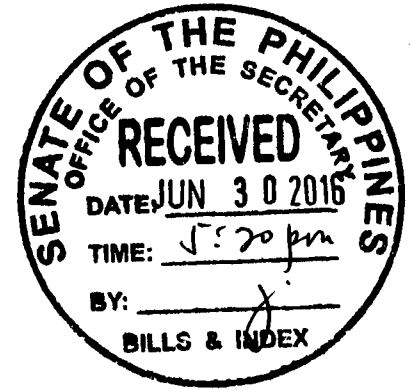
1. It institutionalizes the "*Libreng Pananghalian sa Pamublikong Paaralan*" Program and for its feasible implementation, initially, school children in the elementary levels including kindergarten in public schools shall be given free nutritious meals. Following the K-12 Policy, it shall cover pupils 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.
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 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 hunger, malnutrition and 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 State shall promote a just and dynamic social order that will ensure x x x an improved quality of life for all," as well as the Philippines' commitment to the 2030 Agenda for Sustainable Development and the Sustainable Development Goals to ensure no child gets left behind in both schooling and nutrition, the early enactment of this policy measure is earnestly sought.


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¹⁰ Dr. Jose Ramon "Toots" Albert is a professional statistician who has written on poverty measurement, education statistics, agricultural statistics, climate change, macro prudential monitoring, survey design, data mining, and statistical analysis of missing data.



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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 “*Libreng Pananghalian sa*
2 *Pampublikong Paaralan Act of 2016.*”
3

4 Section 2. Declaration of Policy. It is a declared policy of the State that it shall promote a
5 just and dynamic social order that will ensure an improved quality of life for all. Towards this
6 end, it is the objective of this Act to provide a government-united and practical feasible approach
7 to address the issue of malnutrition and hunger among school children in public elementary
8 schools including kindergarten and high schools through the institutionalization of the *Libreng*
9 *Pananghalian sa Pampublikong Paaralan* Program (the “Program” for brevity).
10

11 Section 3. *Libreng Pananghalian sa Pampublikong Paaralan* - To improve nutrition,
12 health, class attendance, attentiveness and academic performance in school, as well as to increase
13 the sociability of children in public elementary and high schools, *Libreng Pananghalian sa*
14 *Pampublikong Paaralan* Program is hereby institutionalized.
15

16 The Program is a nutrition-driven initiative and is a free nutri-meals program for school
17 children enrolled in public schools. The food shall be served at the start of the class for five (5)
18 days a week and to complete the duration of one hundred and twenty (120) feeding days. The
19 duration of the feeding program may be extended depending on the assessment and evaluation of
20 its beneficiaries.
21

22 The Program shall follow a 5-year full implementation phase. The Program shall be
23 initially implemented in all public elementary schools including kindergarten centers
24 (Kindergarten to Grade VI, following the K-12 Policy).
25

26 On the third year after the enactment of this Act, the Program shall be implemented in all
27 public elementary schools including kindergarten and in the Junior High School levels following
28 the K-12 Policy.
29

30 On the fifth year of its implementation, its implementation shall be simultaneous in all
31 levels in the elementary and kindergarten and secondary education, covering both Junior and
32 Senior High School Levels.
33

1 Provided, That prioritization in the implementation of this Act shall be accorded to: (a)
2 schools located in areas where there is severe malnutrition; (b) schools where there are numerous
3 "severely wasted" pupils reported; (c) schools located in areas of armed conflict; and (d) schools
4 located in highly congested areas.

5
6 Section 4. *Child Nutrition Network.* - There is hereby created a body called the Child
7 Nutrition Network (CNN) to implement the Program. It shall be composed of the Department of
8 Education (DepEd), the Department of Social Welfare and Development (DSWD), the
9 Department of Agriculture (DA), the National Nutrition Council (NNC), the Food and Nutrition
10 Research Institute (FNRI) and the Department of Health (DOH). The Secretary of DepEd and the
11 Secretary of DSWD shall be Co-Chairpersons of the CNN.

12
13 The CNN shall then establish a Nutrition Framework for its implementation. The
14 Nutrition Framework, among others, will serve as blueprint containing the following:

- 15
16 (a) integrated package of nutrition services;
17
18 (b) institutionalization of a system of qualification, accreditation and the corresponding
19 incentives for private corporations;
20
21 (c) development of a database of information, knowledge and best practices for nutrition
22 programs;
23
24 (d) food and health aspects of school-based implementation to ensure the proper
25 nutritional and caloric contents of meals to be given, among others;
26
27 (e) Standard weighing protocols and instruments to be utilized in schools;
28
29 (f) Program cost per student per meal and administration costs and the continuing re-
30 examination and re-evaluation of said costs;
31
32 (g) monitoring progress report on children;
33
34 (h) participation of communities and civil society and private-public sector partnership;
35 and
36
37 (i) other details necessary for the efficient and proper implementation of the program.

38
39 Section 5. *Integrated Nutrition Education and Social Preparation.* - The Program shall be
40 complemented by public health and nutrition education campaign programs, which aims to
41 promote a holistic and integrated approach to health and nutrition education of school pupils. For
42 this purpose, relevant and user-friendly nutrition information and education materials shall be
43 developed and distributed in the public school. Orientation-training shall be held among DepEd
44 health and nutrition unit personnel at the regional and division levels, concerned local
45 government representatives, and the parent-teacher associations (PTAs), in order to orient them
46 on the Program's objectives and mechanics and generate support for the Program.

47
48 Section 6. *Periodic Health Examination.* A simultaneous health examination including
49 relevant vaccination and de-worming of all school pupils shall be undertaken before the start of
50 the Program, and shall be conducted by either the respective local Health Officer or Barangay
51 Nutrition Scholars (BNS). Children found with ailments shall be given proper treatment and
52 referred to hospitals. Class Advisers shall note the progress of each pupil for the entire duration
53 of the implementation of this program. The respective Principals shall submit a quarterly
54 progress report to the Division Superintendent. The Division Superintendent shall submit the
55 consolidated reports to the Child Nutrition Network.

1 Section 7. *Role of the Department of Education (DepEd)*. - The Department of Education
2 shall be responsible for institutionalizing the Program in the public education system, which will:
3

- 4 (a) Provide free lunch meals to all public elementary and high school children;
5
6 (b) Ensure that the standard lunch meals meet the required nutritional level for school pupils,
7 in coordination with the NNC; and
8
9 (c) Institute a system of effective sourcing, procurement and delivery of the required raw
10 materials and other necessary inputs.
11

12 Section 8. *Role of the Department of Social Welfare and Development (DSWD)*. The
13 DSWD shall identify the priority areas, in the cities and municipalities where malnutrition rates
14 are most severe, as may be determined by the NNC. For the first two (2) years of the Program,
15 the DSWD shall facilitate the piloting of the Program in the Conditional Cash Transfer (CCT)
16 areas.
17

18 Section 9. *Role of the Department of Agriculture (DA)*. - The Department of Agriculture
19 (DA) shall identify and accredit farmers, farmers' organizations or farmer's cooperatives, who
20 can supply good quality fresh fruits, vegetables and other healthy food stuffs.
21

22 The DA, as far as practicable, shall identify the farmers and fanners' organizations from
23 the locality where the feeding program is to be administered. The farmers shall be chosen
24 pursuant to a transparent and fair selection system, which the Department of Agriculture shall
25 design, promulgate and implement. The DA shall likewise provide technical assistance in cost-
26 effective vegetable and rice fanning within the school premises, whenever applicable. The
27 Bureau of Fisheries and Aquatic Resources (BFAR) shall provide technical assistance in the
28 development of cost-effective ways of raising tilapia, and other fish resources that are available
29 in the locality.
30

31 Section 10. *Role of the Department of Health (DOH)*. - The DOH shall identify the fruits,
32 vegetables, and other healthy foods which are appropriate for the feeding programs in the
33 specified locality and shall recommend these to the DA for purchasing. The DOH shall also
34 procure personnel or volunteers from the locality, preferably from the Parent Teacher
35 Associations (PTAs) and provide technical assistance in the training on the proper and healthy
36 preparation, cooking, and other healthy practices in relation to the Programs.
37

38 Section 11. *Role of the Department of the Interior and Local Government (DILG)*. - The
39 DILG shall implement an effective monitoring system that will be implemented through the
40 Barangay Nutrition Scholars (BNS), and shall institutionalize a fair and progressive system of
41 compensation and incentives for the BNS, which shall likewise be sourced from the funding of
42 the national feeding program in the public education system. The DILG shall issue memorandum
43 circulars which will institutionalize a subsidized funding scheme for the 5th and 6th class
44 municipalities and a national-local counter parting scheme for 3rd and 4th class municipalities.
45

46 Section 12. *Private Sector Participation*. - Private sector partnership is encouraged in this
47 Act. The private entity can in the form of their Corporate Social Responsibility donate or adopt a
48 school as a beneficiary of the Program in cooperation with the concerned agencies identified in
49 this Act or directly organized and coordinated with the DepEd.
50

51 For purposes of this provision, the DepEd in coordination with the Department of
52 Finance and other relevant government agencies may provide in a guideline a system of
53 incentives including but not limited to creditable expenses in income tax, or discount in business
54 permits registration or other assistance.
55

1 Section 13. *Appropriation.* - The amount of Ten Billion pesos (Php10,000,000,000.00) is
2 hereby appropriated for the implementation of this Program and shall be sourced from the
3 proceeds of Philippine Charity Sweepstakes Office (PCSO) and Philippine Gaming and
4 Amusements Corporation (PAGCOR). Initially, a substantial portion shall be sourced from the
5 Social Fund of the Office or the President.

6
7 The funds shall be administered by the CNN.

8
9 Thereafter, such sum necessary for its continuous implementation shall be included in the
10 annual General Appropriations Act.

11
12 All expenditures, disbursement of funds and other activities made under the Program
13 shall be subject to existing government auditing and accounting rules and regulations.

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

21
22 Section. 15 *Repealing Clause.* - All laws, decreed and orders or parts thereof which are
23 contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly.
24 Nothing in this Act shall affect the existing food programs being implemented by other
25 government agencies.

26
27 Section. 16. *Effectivity.* - This Act shall take effect fifteen (15) days following its
28 complete publication in the Official Gazette or in at least two (2) newspapers of general
29 circulation, whichever comes earlier.

30
31 Approved.
32