



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

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BY:

SENATE

Senate Bill No. 1114

Introduced by **SENATOR CYNTHIA A. VILLAR**

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

EXPLANATORY NOTE

Malnutrition and hunger are problems that, to this date, still permeate the Philippine society. Under the 2015 Global Hunger Index (GHI), which is a tool adopted by the International Food Policy Research Institute (IFPRI) to comprehensively measure and track hunger globally, regionally, and by country, the Philippines garnered a score of 20.1.¹ The figure was arrived at by measuring the prevalence of undernourished in the population, the prevalence of wasting and stunting in children, and the under five mortality rate in the country. The higher the score of the country in the GHI, the higher the level of the hunger problem. The 20.1 score of the Philippines indicates that the country has a serious or alarming level of hunger in the country; and comparing it with its neighboring countries, it is 6.8 points higher than the East and Southeast Asia average of 13.2 points.²

The hunger figures above somehow confirms the figures derived in an earlier survey. According to the 2013 National Nutrition Survey (NNS), 19.8% of Filipino children aged zero to five years old are underweight, 7.9% are wasted or too thin for their height, and 30.3% are stunted or too short for their age.

The first 1,000 days, from the time of conception up to the child's first two years of life, is considered a "window of opportunity" which is a critical period of growth and development. Poor nutritional status of mother and child during this period is the primary cause of stunting; thus, necessitating specific interventions focusing on maternal and child health.³ After all, a mother's health is directly linked to a child's nutritional status.

¹ <http://ghi.ifpri.org/trends/>

² <http://www.rappler.com/move-ph/issues/hunger/110803-global-hunger-index-2015-philippines-serious>

³ 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

Thus, any program on malnutrition must cover women of reproductive age, pregnant women and lactating mothers.

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 already 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 prioritizes 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. As mentioned above, 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.


The attached bill suggests a rights-based and multi-sectoral approach to maternal health and nutrition. 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.

Thus, the approval of this bill is highly recommended.


CYNTHIA A. VILLAR

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Senate Bill No. 1114

Introduced by **SENATOR CYNTHIA A. VILLAR**

**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 2016”.

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

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

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

4 The State finally refocuses the intervention program on malnutrition to the first
5 1,000 days of a child's life cycle, covering the nine months in the womb and 0 to 24
6 months of his/her life is crucial in preventing malnutrition.

7 SEC. 3. *Objectives.* — This Act specifically aims to:

8 (a) Provide a more comprehensive, sustainable and multisectoral
9 approach to address malnutrition;

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

11 (c) Provide mechanisms, strategies and approaches in implementing
12 programs and projects to improve nutritional status and to eradicate malnutrition and
13 hunger;

14 (d) Strengthen the National Nutrition Council (NNC) as the policy-making
15 body on nutrition; and

16 (e) Ensure the meaningful and active participation, partnership and
17 cooperation of NNC-member agencies, other National Government Agencies
18 (NGAs), Local Government Units (LGUs), Non-Government Organizations (NGOs),
19 and the private sector in an integrated and holistic manner for the promotion of the
20 nutritional well-being of the population.

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

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

31 The Comprehensive Anti-Malnutrition Program, hereinafter cited as CAMP,
32 shall be implemented in two phases. The first phase which will be implemented in
33 the first three years of the program, will cover areas identified by the FNRI as having
34 the most number of nutritionally at risk populations. The second phase, which will be

1 implemented in the succeeding three years of the program, shall be implemented in
2 the fourth to sixth class municipalities in the country.

3 SEC. 6. Types and Definition of Malnutrition. - The following types of
4 malnutrition are hereby defined:

5 a) Low birth weight refers to weight at birth of less than 2500 grams or 5.5
6 pounds;

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

9 c) Stunting refers to low height-for-age, which is less than negative 2
10 standard deviations (SD) of the WHO Child Growth Standard median. An indicator
11 of long standing or chronic malnutrition;

12 d) Wasting refers to low weight-for-height, which is less than negative 2
13 standard deviations (SD) of the WHO Child Growth Standard median;

14 e) Overweight refers to weight above normal for height, which is greater
15 than positive 2 standard deviations (SD) of the WHO Child Growth Standard median.

16 SEC. 7. *Target.* - The CAMP shall target to reduce the prevalence rate of
17 underweight children from 0 to 5 years of age by 10 percent in five (5) years.

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

22 SEC. 9. *Breastfeeding and the Mother's Right to Informed Choice.* - Consistent
23 with Republic Act No. 10028 or the Expanded Breastfeeding Promotion Act of 2009,
24 the State shall provide adequate information and communication materials to
25 promote breastfeeding and all forms of nutritious food and supplement to ensure
26 every Filipino child's optimal nutrition.

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

33 SEC. 10. *Philippine Plan of Action for Nutrition (PPAN) and Strategies.* - The
34 PPAN is the integrated short, medium and long-term plan of the government in

1 response to the global call to eradicate hunger and malnutrition. It is the blueprint for
2 achieving nutrition adequacy for all as an important element for international
3 competitiveness, people empowerment and human development.

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

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

11 SEC.11. *The National Nutrition Council.*--The National Nutrition Council (NNC),
12 composed of a Governing Board and a Secretariat, is the highest policy making body
13 on nutrition. It coordinates the formulation and the implementation of the Philippine
14 Plan of Action for Nutrition (PPAN). It shall provide overall direction for the nutrition
15 plans and programs and coordinate all others agencies which contribute resources
16 and expertise for nutrition development.

17 Due to the urgent need to address malnutrition, and in order to increase its
18 efficiency and effectiveness, the NNC is hereby transferred to the Office of the
19 President (OP) immediately upon the effectivity of this Act.

20 The composition of the NNC Governing Board is hereby amended and further
21 expanded:

- 22 I. The Governing Board. - The Governing Board (GB) shall be composed of
23 the following:
- 24 (a) President of the Philippines, as Chairperson;
 - 25 (b) Secretary of Agriculture;
 - 26 (c) Secretary of the Department of Social Welfare and Development;
 - 27 (d) Secretary of the Department of Health;
 - 28 (e) Secretary of the Department of Education;
 - 29 (f) Secretary of the Department of Science and Technology;
 - 30 (g) Secretary of the Department of Budget and Management;
 - 31 (h) Department of Trade and Industry;

1 (i) Chairperson of the Philippine Commission on Women;

2 (j) Presidents of the League of Cities, League of Municipalities, League of
3 Provinces;

4 (j) Three representatives from the private sector to be appointed by the
5 President of the Philippines shall each come from the food and nutrition
6 industry, and women.

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

10 The Secretariat shall serve as the Executive arm of the Governing Board. It
11 shall be headed by an Executive Director, assisted by two Deputy Executive
12 Directors, all of whom shall be appointed by the President.

13 SEC. 12. *Functions and Powers of the NNC.* - The Council shall have the
14 following functions and powers:

15 (a) Formulate national nutrition policies, plans, strategies and approaches
16 for nutrition improvement;

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

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

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

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

30 (f) Call upon any government agency and instrumentalities comprising the
31 pillars of the executive system for such assistance as may be required to implement

1 the provisions of this Act in order to reduce and eventually eliminate malnutrition in
2 the country.

3 SEC.13. *Role of NNC-Member Agencies, other National Government Agencies,*
4 *Local Government Units, and the Private Sector in the implementation of this Act. -*
5 Member agencies shall be responsible for insuring the implementation of programs
6 and projects, development of promotive, preventive and curative nutrition programs,
7 and integration of health and nutrition concerns into their respective policies and
8 plans. It shall provide additional resources in any form insupport of the local nutrition
9 programs as a continuing involvement of the national government to local programs.

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

15 Local Government Units (LGUs), pursuant to the Local Government Code of
16 1991, shall provide and deliver basic nutrition services and facilities to the
17 community. The LGUs shall integrate nutrition considerations in their short, medium
18 and long-term development plans, and programs and shall coordinate with the
19 Council in the enforcement of this Act. The State shall provide incentives to the
20 LGUs for projects targeting young children. Other National Government Agencies
21 (NGAs) shall serve as important links in promoting nutrition in development through
22 its participation in the continuing advocacy for nutritional improvement, and
23 integration of nutrition considerations in their sectoral plans and programs.

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

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

31 SEC. 14. *Remuneration and Skills Training for Barangay Health Workers and*
32 *Barangay Nutrition Scholars. -*LGUs are mandated to provide adequate honoraria to
33 Barangay Nutrition Scholars (BNS) and Barangay Health Workers (BHWs). They
34 shall likewise endeavour to provide sustained capability building skills to BNS and
35 BHWs in support of local nutrition programs.

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

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

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

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

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

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

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

27 LGUs which have been identified by the FNRI as among those that have
28 populations that are nutritionally at risk, will supplement the funds necessary for the
29 implementation of this Act through a mandatory allocation of at least five percent
30 (5%) of their Internal Revenue Allotment for malnutrition reduction: *Provided That,*
31 the Local Gender and Development Budget shall likewise be utilized for nutrition
32 programs pursuant to the nutrition standard promulgated by the NNC on local
33 feeding programs.

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

1 Funds needed by SUCs in implementing BIDANI and other nutrition
2 approaches shall be incorporated in the annual appropriation of SUCs.

3 SEC. 18. *Review and Sunset Clause.* -- Six years after the effectivity of this Act
4 and every three years thereafter, the NNC shall conduct a review of the nutrition
5 status of the country and shall make a determination if international standards have
6 been complied with.

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

10 SEC. 19. *Separability Clause.* -- If any provision of this Act or the application of
11 such provision to any instrumentalities or entities or circumstances is held invalid or
12 unconstitutional for any reason or reasons, the remainder of this Act or the
13 application of such other provisions shall not be affected thereby.

14 SEC. 20. *Repealing Clause.* -- All laws and part of laws, decrees,
15 orders, proclamations, issuance, rules and regulations which are inconsistent with
16 the provisions of this Act are hereby repealed, amended or modified accordingly.

17 SEC. 21. *Effectivity.* -- This Act shall take *effect* fifteen days after its publication
18 in the Official Gazette or at least two (2) national newspapers of general circulation
19 whichever comes earlier.

20 Approved,