

SENATE

'18 AUG -9 A11 :50

S.B. No. 1928

RECEIVED



INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

EXPLANATORY NOTE

The right to adequate food is a protected human right enshrined in the 1987 Philippine Constitution, as well as the provisions of the International Covenant on Economic, Social and Cultural Rights, Convention of the Rights of the Child, and Convention on the Elimination of All Forms of Discrimination Against Women, to which the Philippines is a State Party.

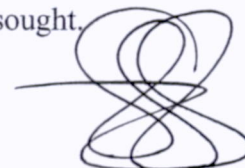
In 2017, it was reported by Brain Trust, Inc., an independent review commissioned by the World Food Programme (WFP) that the Philippines missed the Millennium Development Goals (MDG) target of reducing childhood malnutrition into half by 2015. It showed that more than 3.7 million or 33.4% of the 11.2 million children aged 0-5 years in 2015 are stunted. With this, hunger remained, putting the future of these children at stake.

It is the duty of the government to promote the welfare of every Filipino and provide each citizen with regular and unrestricted access to sufficient nutritious food. Prevalent hunger and starvation is a human rights violation.

In lieu of this, there is a need to toughen the efforts of the State to fight hunger and ensure food production.

For this purpose, this bill seeks to eradicate hunger across the country in the next ten years and at the same time ensure an increased food production by raising to 50% all prime agricultural land in every region. A Commission on Right to Adequate Food shall be created, which will conduct periodic reviews and monitor the compliance of the set goals, to accomplish the objectives of this measure.

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



EMMANUEL D. PACQUIAO

SENATE

S.B. No. 1928

'18 AUG -9 A11 :50

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT

AN ACT PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Right to Adequate Food*
2 *Framework Act of 2018.*”

3 **SEC. 2. Declaration of Policy.** – Consistent with the principles enshrined in the 1987
4 Philippine Constitution, as well as the provisions of the International Covenant on Economic,
5 Social and Cultural Rights, Convention of the Rights of the Child, and Convention on the
6 Elimination of All Forms of Discrimination Against Women, to which the Philippines is a
7 State Party, it is hereby declared the policy of the State to guarantee the right to adequate
8 food.

9 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms shall be defined as
10 follows:

- 11 a. *Food* means nourishment that includes solid, liquid and semi-liquid nourishment, as
12 well as drinking water;
- 13 b. *Hunger* means a spectrum of situations, from starvation, which is not having enough
14 food of any sort to eat, to undernourishment, which is having enough food to eat, but
15 of inadequate quality;
- 16 c. *Right to adequate food* means the right to have regular, permanent, and unrestricted
17 access, either directly or by means of financial purchases, to quantitatively and
18 qualitatively adequate and sufficient food, corresponding to the cultural traditions of
19 the people, to which he or she belongs, and which ensure a physical and mental,
20 individual and collective, fulfilling and dignified life, free of fear;
- 21 d. *Vulnerable groups* refer to those who are particularly disadvantaged. These include
22 indigenous peoples, ethnic, linguistic, or religious minorities, persons with
23 disabilities, individuals living with HIV/AIDS, refugees and internally displaced
24 people, and women and children.

25 **SEC. 4. Freedom from Hunger.** – Every person has a right to be free from hunger. Every
26 person suffering from hunger or undernourishment, or at risk of suffering from hunger or

1 undernourishment is entitled to a sufficient amount of food appropriate for the dietary needs
2 of every person, free from adverse substances and acceptable within a given culture.

3 **SEC. 5. Targets.** – The government will ensure that in two and a half (2.5) years, the
4 incidence of hunger will be reduced from the level current at the time of the passage of this
5 Act by 25%; in five (5) years, it will be further reduced by 25%; in eight (8) years, it will be
6 further reduced by 25%; and in ten (10) years, zero hunger will be achieved.

7 The government will also ensure that in 10 years, land devoted to food production
8 will be increased to 50% of all prime agricultural land in every region. The following
9 indicators must also considerably and steadily increase over the same period of 10 years:

- 10 (a) Percentage of development of ancestral lands;
- 11 (b) Percentage of rural population with access to productive resources;
- 12 (c) Share of budget spent on programs aimed at creating access to productive
13 resources;
- 14 (d) Percentage of budget spent on agricultural-extension, irrigation, training,
15 technology, credits and rural development; percentage of rural development;
- 16 (e) Percentage of rural female-headed households, or rural women, with legal title to
17 agricultural land;
- 18 (f) Percentage of public budget allocation for social transfer programs to those unable
19 to feed themselves;
- 20 (g) Coverage of marginalized and disadvantaged population taking part in social
21 transfer programs;
- 22 (h) Percentage of marginalized and disadvantaged population covered by a public
23 nutrition supplement program;
- 24 (i) Percentage of population aware of available food and nutrition programs;
- 25 (j) Coverage of school feeding programs; and
- 26 (k) Other structural and process indicators as may be determined in the implementing
27 rules and regulations of this Act.

28 Periodic reviews will be undertaken to ensure compliance with set targets. In the
29 implementation of this Act, priority will be given to identified areas with chronically
30 malnourished individuals.

31 In measuring the incidence of hunger, the key primary data sources will include the
32 National Nutrition Survey (NNS); the Survey of Hunger Incidence in the Philippines
33 (SHIP); the self-rated hunger indicators of the Social Weather Stations (SWS); and
34 household surveys of the National Statistics Office (NSO), namely the Family Income
35 and Expenditure Survey (FIES) and the Annual Poverty Indicators Survey (APIS).
36 There shall be authorized to be appropriated such amounts as necessary to carry out
37 the provisions of this Act, to be included in the annual budget of the Commission on
38 Human Rights in the General Appropriations Act.

1 **SEC. 6. *Impact Assessment.*** – All proposed government actions, plans and projects,
2 including any development plan, will take into account the right to adequate food, and will
3 undergo an objective impact assessment which include:

- 4 (a) *Screening*: identifying proposals subject to impact and assessment, and their level
5 of details.
- 6 (b) *Scoping*: identifying the issues and impacts that are likely to be significant for the
7 effective enjoyment of the right to adequate food.
- 8 (c) *Examination of alternatives*: determining other options for achieving the same
9 objectives as those of the proposal.
- 10 (d) *Impact analysis*: identifying and predicting the likely social, economic,
11 environmental, and other related effects of the proposal.
- 12 (e) *Mitigation and impact management*: establishing measures necessary to avoid or
13 minimize predicted adverse impacts, and to incorporate these into the proposal
14 implementation plan.
- 15 (f) *Impact statement or report*: assessment of significant outcomes including a
16 simplified summary for public debate.
- 17 (g) *Public consultation*: seeking the public's input on matters affecting them.
- 18 (h) *Review of the impact assessment report*: determining whether the report identifies
19 all relevant information on the possible impacts on the enjoyment of economic,
20 environmental and other effects of the proposal, and contains concerns and
21 comments of the potentially affected population, and all the information necessary
22 for decision-making.
- 23 (i) *Decision-making*: approving or rejecting the proposal, and establishing the terms
24 and conditions for its implementation.
- 25 (j) *Evaluation and monitoring*: systematic determination of merit, worth and
26 significance.
- 27 (k) Any strategic intervention aimed at ensuring the enjoyment of the right to
28 adequate food will similarly undergo an objective impact assessment prior to its
29 adoption and implementation.

30 **SEC. 7. *Commission on the Right to Adequate Food.*** – The Commission on the Right to
31 Adequate Food is hereby established.

- 32 (a) It will be composed of a Chairperson and two (2) members, who must be citizens
33 of the Philippines and, at the time of their appointment, must not have been
34 candidates for any elective position in the elections immediately preceding their
35 appointment. At least one of them will be a member of the Philippine Bar. This
36 Commission will be an agency attached to the Commission on Human Rights of
37 the Philippines.

38 The Chairperson and the Members of the Commission cannot hold any other
39 office or employment during their tenure. Neither shall they engage in the practice
40 of any profession, nor in the active management or control of any business, which
41 in any way may be affected by the functions of their office, nor shall they be

1 financially interested, directly or indirectly, in any contract with, or in any
2 franchise or privilege granted by the government, any of its subdivisions,
3 agencies, or instrumentalities, including government-owned or controlled
4 corporations or their subsidiaries.

5 The Chairperson and the Members will be appointed by the President for a term of
6 seven years without reappointment. Appointment to any vacancy will be only for
7 the unexpired term of the predecessor. Of those first appointment, the Chairperson
8 will hold office for seven years, a Commissioner for five years, and other
9 Commissioner for three years, without reappointment. Appointment to any
10 vacancy shall be only for the unexpired term of the predecessor. In no case will
11 any Member be appointed or designated in a temporary or acting capacity.

12 The Chairperson and the Members of the Commission on the Right to Adequate
13 Food will receive the same salary and benefits as the Chairperson and Members,
14 respectively, of the Constitutional Commissions, which shall not be decreased
15 during their term of office.

- 16 (b) The Commission on the Right to Adequate Food will have the following powers:
- 17 a. Receive complaints of violations of the right to adequate food;
 - 18 b. Investigate, *motu proprio* or on complaint by any party, all forms of
19 violations of the right to adequate food;
 - 20 c. Adopt operational guidelines and rules of procedure, and cite for contempt
21 for their violation, in accordance with the Rules of the Court;
 - 22 d. Provide appropriate legal measures for the protection of the right to
23 adequate food of all persons within the Philippines, as well as Philippine
24 citizens residing abroad, and provide for preventive measures and legal aid
25 services to the under-privileged whose right to adequate food has been
26 violated or needs protection;
 - 27 e. Establish a continuing program of research, education and information to
28 enhance respect for the primacy of the right to adequate food;
 - 29 f. Recommend to Congress effective measures to promote the right to
30 adequate food, to harmonize existing laws affecting the right to adequate
31 food, to ensure their complementation, and the availability of remedies for
32 violations and compensation to victims of violations of the right to
33 adequate food;
 - 34 g. Monitor the Philippine Government's compliance with its obligation in
35 regard to the right to adequate food;
 - 36 h. Request the assistance of any department, bureau, office or agency in the
37 performance of its functions;
 - 38 i. Appoint officers and employees in accordance with law; and
 - 39 j. Perform such other duties and functions as may be provided by law.

- 40
41 (c) In exercising its powers and duties, the Commission on the Right to Adequate
42 Food will:

- 1 a. Apply the human rights principles established by this Act;
- 2 b. Work in close cooperation with representatives of civil society and take
- 3 their views into consideration;
- 4 c. Use, to the fullest possible extent, the services, facilitates and information,
- 5 including statistical information, of the relevant public and private bodies
- 6 and organizations, to prevent duplication of efforts and expenses.

7 **SEC. 8. *Institutional Responsibilities.*** – In implementing the right to adequate food, the
8 Commission on the Right to Adequate Food may call out other agencies to ensure the right to
9 adequate food. In the implementation of the right to adequate food, the Department of
10 Agriculture (DA) will have the primary duty to ensure food availability, stability and
11 adequacy; the Department of Health (DOH) will have the primary duty to ensure food quality
12 and safety; the Department of Trade and Industry (DTI) will have the primary duty to ensure
13 physical and economic access to food; and the Department of Public Works and Highways
14 (DPWH) will have the primary duty to ensure well-functioning distribution, processing and
15 market systems.

16 **SEC. 9. *Minimum Amount of Food.*** – The Commission on the Right to Adequate Food, in
17 coordination with the Department of Social Welfare and Development (DSWD), will ensure
18 regular, reliable and timely delivery of a minimum amount of food, or the means for its
19 procurement, to persons who are suffering from hunger or undernourishment, or are at risk
20 from suffering from hunger or undernourishment, but who cannot take care of their own
21 needs, due to reasons beyond their control, including but not limited to children whose
22 parents die or disappear or otherwise no longer take care of them, elderly, and persons with
23 disabilities.

24 Implementing rules and regulations will be adopted on the minimum amount of food.
25 These implementing rules and regulations will determine the exact quantity of calories,
26 proteins and micronutrients, to which the minimum amount of food will correspond,
27 according to the age, sex, health status and occupation of a person. There will be a simple and
28 accessible application or certification procedure or the minimum amount of food entitlement,
29 as provided for in the implementing rules and regulations. There will be transparent, fair and
30 non-discriminatory eligibility or certification criteria.

31 Fair, independent and accessible recourse procedures to the Commission of the Right
32 Adequate Food for complaints and appropriate remedies in case of a determined violation of
33 the right to adequate food, will be established. There will also be an appropriate monitoring
34 and evaluation mechanism in which the DSWD will report to the Commission on the Right to
35 Adequate Food on a regular basis. The national budget will include a specific item allocating
36 resources necessary for the implementation of this fundamental right. Specific support
37 measures will be designated and adopted to prevent or compensate for disadvantages that
38 identified vulnerable persons or groups suffer from, in regard to the enjoyment of their right
39 to adequate food. The Commission on the Right to Adequate Food will review proposed
40 support measures and, where necessary, will give further guidance, so as to ensure that all
41 groups are covered appropriately.

1 **SEC. 10. *Emergencies.*** – The Commission on the Right to Adequate Food, in coordination
2 with the National Disaster and Risk Reduction Management Council (NDRRMC), will have
3 the duty to ensure that:

- 4 (a) Food emergencies cover both early warning and preparedness for a crisis, as well
5 as organizing and managing food response in the case of a crisis, and comply with
6 the right to adequate food and the relevant international standards.
- 7 (b) Emergency food responses be compatible with the right to adequate food and
8 international standards regulating emergencies.
- 9 (c) Requests for international assistance be initiated in case of necessity, alongside
10 supervising and coordinating distribution of food response received.

11 **SEC. 11. *Information.*** – All government agencies, under the direction of the Commission on
12 the Right to Adequate Food, in coordination with the Philippine News Agency (PNA) and
13 Philippine Information Agency (PIA), have a duty to:

- 14 (a) Inform the population about the rights established in this Act and about the
15 implementing rules and regulations adopted upon its entry into force, as well as
16 about any other measures taken for the purpose of facilitating and promoting the
17 realization of the right to adequate food.
- 18 (b) Use the most appropriate ways and methods of disseminating information,
19 including rural radio using local languages especially in the most marginalized
20 areas and among populations with a high rate of illiteracy.

21 **SEC. 12. *Education and Awareness Raising.*** – The Commission on the Right to Adequate
22 Food, in coordination with the Department of Education (DepEd), Commission on Higher
23 Education (CHED), and Technical Education and Skills Development Authority (TESDA),
24 will have the duty to ensure that:

- 25 (a) The school curriculum includes material related to food and nutrition education,
26 the right to adequate food, and human rights principles.
- 27 (b) Adult education and training programs, when relevant, include material related to
28 food and nutrition, the right to adequate food, and human rights principles.

29 **SEC. 13. *International Cooperation.*** – The Commission the Right to Adequate Food, in
30 coordination with the Commission on Human Rights (CHR) and the Department of Foreign
31 Affairs (DFA), will have the duty to:

- 32 (a) Ensure that activities undertaken in other countries, including those by private
33 actors, do not infringe on the enjoyment of the right to adequate food by people in
34 the concerned countries; and
- 35 (b) Promote international cooperation and provide assistance to ensure the realization
36 of the right to adequate in other countries, if in a position to do so.

37 **SEC. 14. *Monitoring System.*** – There will be an integrated monitoring system in which all
38 government agencies at all levels, under the supervision of the Commission on the Right to
39 Adequate Food, will:

- 1
2 (a) Collect data related to food and nutrition security, using monitoring
3 methodologies and processes consistent with the human rights principles as
4 established by the act.
5 (b) Disaggregate collected data by age, sex, status and group.
6 (c) Monitor progress achieved in the realization of the right to adequate food.
7 (d) Establish or identify an early warning mechanism
8

9 **SEC. 15. *Representation and Participation of People's Organizations and Civil Society.*** –

10 To guarantee public participation, the Commission on the Right to Adequate Food has the
11 duty to ensure:

- 12
13 (a) Free and meaningful participation, including freedom of information and
14 freedom of association.
15 (b) Consultation on specific areas of implementation of this Framework Act.
16 (c) National public hearings every two years, at which the Government is required
17 to report on progress made with the implementation of this Framework Act, and
18 the progressive realization of the right to adequate food in the country.
19

20 **SEC. 16. *Penal Provisions.*** – The penalty of *prison mayor* or imprisonment from six years
21 and one day to twelve years will be imposed on any public or private person or sector, who
22 deliberately starves or denies access to food to any particular individual or group, as through
23 the commission of any of the following acts:

- 24
25 (a) Food blockade or any willful act to cut off food supplies, in part or in total, from
26 a particular area by force.
27 (b) Refusal to implement a food-related program;
28 (c) Discrimination in implementing a food-related program;
29 (d) Negligence in implementing food-related programs, resulting in death;
30 (e) Obstructing access to food in time of calamity of war;
31 (f) Theft, corruption or black marketeering of food being given as humanitarian
32 aid, in time of calamity or war;
33 (g) Distribution of expired or unsafe food at a school feeding program or other
34 feeding program, in time of calamity or war;
35 (h) Contamination of food or water resources through mining activities, aerial
36 spraying of plantations, or any other similar means;
37 (i) Other analogous acts.
38

39 The penalty will be imposed without prejudice to any other criminal, civil or
40 administrative liability under Philippine laws.
41

42 **SEC 17. *Civil and Administrative Liabilities.*** – Any violation of a provision of this Act,
43 whether committed by public or private actors, will similarly give rise to liability for
44 damages.
45

46 Appropriate cases may be filed before the courts to compel compliance with the provisions of
47 this Act. These cases will be without prejudice to liability that may be incurred.
48

49 **SEC 18. *Implementing Rules and Regulations.*** – Within sixty (60) days from the effectivity
50 of this Act, the Commission on Human Rights (CHR) in coordination with the Department of

1 Agriculture (DA), Department of Agrarian Reform (DAR), Department of Social Welfare
2 and Development (DSWD), Department of Health (DOH), Department of Trade and Industry
3 (DTI), Department of Public Works and Highways (DPWH), National Economic and
4 Development Authority (NEDA), and National Anti-Poverty Commission (NAPC), and with
5 active participation of people's organization and human rights non-governmental
6 organizations and other relevant government agencies, shall promulgate the necessary rules
7 and regulations for the effective implementation of this Act.
8

9 **SEC 19. Appropriations.** – The funds needed to implement this Act shall be included in the
10 Annual General Appropriations Act.
11

12 **SEC 20. Rationalization of Policies.** – All existing policies, laws, decrees, executive orders,
13 memorandum orders, memorandum circulars, administrative orders, and ordinances will be
14 rationalized in accordance with the right to adequate food, as provided for by this Act.
15

16 The cabinet secretaries concerned and other executive authorities will report, at regular
17 intervals, to the Commission on the Right to Adequate Food, on legislative and regulatory
18 measures that have been elaborated and adopted, and the time frames within which they are
19 envisaged to achieve their objectives.
20

21 **Section 21. Separability Clause.** – Should any provision herein be declared unconstitutional,
22 the same shall not affect the validity of the other provisions of this Act.
23

24 **Section 22. Repealing Clause.** – All laws, decrees, orders, rules, and regulations or other
25 issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified
26 accordingly.
27

28 **Section 23. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in
29 the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.
30

31 Approved,