



SENATE  
S. No. 122

'19 JUL -2 A8:56

Introduced by Senator Grace Poe

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*SP*

**AN ACT  
PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD**

*Explanatory Note*

According to the Philippine Statistics Authority (PSA), the subsistence incidence among Filipinos was recorded at 12.1%. In tangible terms, this means that 12 million Filipinos had monthly incomes below the food threshold of Php7,638.00, or roughly Php254.00 a day. In addition, the 8<sup>th</sup> National Nutrition Survey found that 65.1%, or a whopping 6 out of 10 families, experienced some form of food insecurity due to insufficient access to food.

The data above points to a grave and wide-ranging violation of a fundamental human right — the right to adequate food. Thus, it could be argued that widespread and chronic hunger is a human rights violation. It is an affront to the principle of human dignity.

That hunger is a violation of human rights has basis. The right to adequate food is an internationally recognized and protected human right. It is enshrined in no less than the Universal Declaration of Human Rights. Article 25 of the Declaration reads:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including **food**, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

The right to adequate food is also restated in the International Covenant on Economic, Social and Cultural Rights. Article 11, Paragraph 2 of the Convention states that "The States Parties to the present Covenant... **recogniz(e) the fundamental right of everyone to be free from hunger...** " (emphasis supplied).

This proposed measure thus seeks to establish a legal framework for the recognition and protection of the right to adequate food. The proposed framework seeks to establish the parameters of the right to adequate food and its exercise, as well as the obligations of the State to respect, protect, and fulfill it. Towards this end, this proposed measure seeks to mandate the State to reduce the incidence of hunger from the current level by 25%; in five years, it will be further reduced by 25%; in seven and a half years, it will be further reduced by another 25%; and in 10 years, zero hunger should be achieved.

In view of the foregoing, speedy approval of this measure is eagerly sought.



**GRACE POE**



SENATE

Office of the Secretary

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**AN ACT**  
**PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD**

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

**CHAPTER I**  
**GENERAL PROVISIONS**

Section 1. *Short Title.* – This Act shall be known as the "*Right to Adequate Food Act of 2019*".

Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to guarantee the right to adequate food. Adequate food is not a matter of charity, but of legal entitlement. Hunger is inconsistent with human dignity and human rights, and must be eliminated. The aim of this Act is to provide a framework, within which hunger will be addressed in an organized way, and through which hunger may be ended.

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

a.) *Accessibility* – refers to the capacity of individuals to produce or procure food, and the removal of barriers which prevent such access. It encompasses economic and physical accessibility:

1. Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and



satisfaction of other basic needs are not threatened or compromised.

2. Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, those belonging to the informal sector, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill.

b.) *Adequacy* – refers to the presence of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; and to the accessibility of such food in ways that are sustainable, and which do not interfere with the enjoyment of other human rights:

1. Dietary needs imply that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity, that are in compliance with human physiological needs at all stages throughout the life cycle, and according to gender and occupation.
2. Cultural or consumer acceptability implies the need also to take into account, as far as possible, perceived non nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.
3. Freedom from adverse substances sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration, or through bad environmental hygiene, or inappropriate handling at different stages throughout the food chain. Care must also be taken to identify and avoid or destroy naturally occurring toxins.



4. Sustainability refers to the availability, adequacy, and accessibility for both present and future generations, in a manner which does not jeopardize the environmental balance.

c.) *Availability* – refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand;

d.) *Council* – refers to the Inter-Agency Council on the Right to Adequate Food created under this Act;

e.) *Food* – refers to nourishment that includes solid, liquid and semi-liquid nourishment, as well as drinking water;

f.) *Food blockade* – refers to a knowing and willful effort to cut off food supplies from a particular area by force either in part or in total.

g.) *Hunger* – refers to a spectrum of situations, from starvation, which is not having enough food of any sort to eat, to undernourishment, which is having enough food to eat, but of inadequate quality;

h.) *Right to adequate food* – refers to the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food, corresponding to the cultural traditions of the people, to which he or she belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life, free of fear;

i.) *Vulnerable groups* – refer to those who are particularly disadvantaged. These include indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities, individuals living with HIV/AIDS, refugees and internally displaced people, women and children;

## ARTICLE II

## GENERAL PRINCIPLES

Sec. 4. *General Principles.* – The principles upon which the provisions of this Act are founded, and which must be observed in the process of realizing the right to adequate food, are:

- 1 a.) *Accountability.* - Public officials are answerable to their superiors, and to  
2 the people they serve, for their actions. Application of the principle of  
3 accountability in the context of the framework act requires clear  
4 assignment of responsibilities and functions to public authorities for  
5 implementation of the framework act and any subsequent measures to be  
6 taken. In addition, the expected results are spelled out clearly and  
7 appropriate procedures are established;
- 8 b.) *Empowerment.* - People have the power, capacities, capabilities and  
9 access needed to change their own lives, including the power to seek from  
10 the State remedies for violations of their human rights. This principle is the  
11 logical consequence of all the preceding principles. In the context of the  
12 framework act, the empowerment principle entails the inclusion of specific  
13 provisions on awareness-raising, capacity-building and right to adequate  
14 food education;
- 15 c.) *Human dignity.* - It is the absolute and inherent worth that persons have,  
16 simply because they are human, not by virtue of any social status or  
17 particular powers. The framework act recognizes in an unequivocal form  
18 that every person has a right to adequate food. To comply with this  
19 principle in the implementation of the framework act, the State, through  
20 its public officials, treats persons equally and respects their human worth  
21 and dignity;
- 22 d.) *Non-discrimination.* - It is a level of protection of human rights objectively  
23 and reasonably the same for everybody, irrespective of sex, age, race,  
24 color, religion or any other ground. In addition to specifically prohibiting  
25 discrimination on any ground, this principle requires specific measures  
26 aimed at correcting de facto discrimination or eliminating conditions that  
27 cause or help to perpetuate discrimination, as well as measures promoting  
28 equality. In the context of this framework act, it means paying particular  
29 attention to those groups that cannot enjoy their rights as fully as others;
- 30 e.) *Participation.* - People are able to determine their own well-being and  
31 participate in the planning, design, monitoring and evaluation of decisions  
32 affecting them. Individuals are able to take part in the conduct of public



affairs, including the adoption and implementation of State policies. Such participation is active, free and meaningful, whether it is exercised directly or through intermediary organizations representing specific interests. It is supported by capacity- building where necessary;

f.) *Rule of law.* - It means that governmental authority is legitimately exercised only in accordance with written, publicly disclosed and accessible laws, adopted and enforced in conformity with established procedures. The principle is intended as a safeguard against arbitrary use of State authority and lawless acts of both organizations and individuals. Any implementing rules and regulations to be adopted for ensuring the implementation of the framework act will be clear, fair and accessible. The rule of law also means that no person or body can breach the law with impunity. There is access to justice including the right to an effective remedy for anyone whose rights are violated, as well as the guarantee of due process in all legal proceedings; and

g.) *Transparency*. - It is open access by the public to timely and reliable information on the decisions and performance of public authorities. Holders of public office should be as open as possible about all their decisions and actions that may affect the free exercise of the right to adequate food. Applying the principle of transparency within the context of the framework act means that right-holders are provided with essential information about the decision-making process and those accountable and responsible for it. Right-holders also have the power to demand information on the processes that feed into the achievement of the particular entitlement, with an easy and low-cost corrective check to maladministration;

### ARTICLE III

## THE RIGHT TO ADEQUATE FOOD

Sec. 5. *The Right to Adequate Food.* –

a.) Every person has a right to be free from hunger. Every person suffering from hunger or undernourishment, or at risk of suffering from



1           hunger or undernourishment, is entitled to a minimum amount of food  
2           according to his or her age, sex, health status and occupation;

3       b.) Every person has the right to live in conditions that enable her or him  
4       to:

- 5           1. Feed herself or himself directly from productive land or other  
6           natural resources, or rely on well-functioning distribution,  
7           processing and market systems, or both;
- 8           2. Be financially able, not only to acquire a sufficient quantity and  
9           quality of food, but also to satisfy her or his other basic needs;
- 10          3. Be safe from the risk of losing access to food, as a consequence of  
11          sudden shocks, like an economic or climatic crisis, or cyclical  
12          events, such as seasonal food insecurity;
- 13          4. Have the opportunity of good food utilization, through access to an  
14          adequate diet, clean water, sanitation and health care, to reach a  
15          state of nutritional well- being, where all physiological needs are  
16          met; and
- 17          5. Access foods or diets that are the most appropriate under given  
18          circumstances, in terms of their nutritional value and cultural  
19          acceptability.

20       c.) Every girl and boy has a right to adequate food and nutrition adequate  
21       for her or his age, allowing her or him to grow and develop;

22       d.) Every woman has a right to adequate food and adequate nutrition  
23       during pregnancy and lactation.

24       No limitation on the right to adequate food may be allowed, unless it is  
25       provided by law, is necessary for the purpose of a compelling public interest, and is  
26       compatible with the nature of the right to adequate food.

27       Sec. 6. *Non-discrimination.* – Any distinction, exclusion or restriction made on  
28       the basis of race, color, sex, age, language, religion, political or other opinion,  
29       national or social origin, property, birth or other status, which has the effect or  
30       purpose of impairing or limiting the capacity of an individual to exercise his or her  
31       right to adequate food, is unlawful and will be sanctioned in accordance with the  
32       law.

1 All forms of discrimination against women with regard to the guaranteed right  
2 to adequate food, including less favorable treatment of women for reasons of  
3 pregnancy and maternity, will be eliminated and prevented. The equality of  
4 opportunities between men and women will be promoted.

5 The prohibition of discrimination will not be read to include government action  
6 to remedy past effects of discrimination against particular individuals or groups and,  
7 to promote equality of opportunities with regard to the right to adequate food.

8 *Sec. 7. Interpretation of the Right to Food.* – The right to adequate food is  
9 realized when every Filipino has equal physical and economic access at all times to  
10 adequate food, or means for its procurement. The right to adequate food will  
11 therefore not be interpreted in a narrow or restrictive sense, which equates it with a  
12 minimum package of calories, proteins and other specific nutrients. The right to food  
13 shall be interpreted based on the elements of availability, accessibility, and adequacy  
14 as defined in this Act.

15 *Sec. 8. Interrelation with Other Rights.* – The right to adequate food is  
16 interrelated with and indivisible from other rights recognized under the Constitution,  
17 and domestic and international law. No provision of this Act may be construed as a  
18 bar to the exercise of other rights.

## 19 **ARTICLE V**

### 20 **STATE OBLIGATIONS**

21 *Sec. 9. The State as Duty Bearer.* – The State, as the primary duty-bearer of  
22 this Act, has the duty to respect, protect and fulfill the right to adequate food. To  
23 this end:

24 a.) It is the duty of the State not to interfere with or impair the enjoyment  
25 of the right to adequate food. No public authority may deprive any  
26 person of food or means for its procurement, apply laws and  
27 regulations, or pursue a policy or practice, in a way that could result in  
28 preventing the enjoyment of or infringing the human right to adequate  
29 food, or repeal formally or suspend legislation necessary for the  
30 continued enjoyment of the right to adequate food;

31 b.) It is the duty of the State to provide guarantees against threats and  
32 risks stemming from private actors or societal forces that are



1           controllable by State action. It is bound to take preventive measures  
2           necessary to protect persons whose capacity to access sufficient and  
3           adequate food or means for its procurement is endangered by the acts  
4           of others. It also ought to review the relevant administrative and  
5           legislative framework ensuring that activities within their competence  
6           undertaken by private actors do not infringe on the right to adequate  
7           food of others; *and*

8           c.) It is the duty of the State to facilitate the enjoyment of the right to  
9           adequate food by adopting or pursuing appropriate policies and  
10          measures, in a manner that will foster and promote the human right to  
11          adequate food and to create and maintain conditions under which  
12          every person can freely and regularly enjoy her or his right to  
13          adequate food. It is equally the duty of the State to provide the right  
14          to adequate food, by adopting and putting in place measures to  
15          provide food, or means for its procurement, to persons who cannot  
16          take care of their own needs, due to reasons beyond their control, in  
17          particular for children whose parents die or disappear or otherwise no  
18          longer take care of them.

19          Sec. 10. *Duties of State Agencies and Instrumentalities.* – These duties of the  
20          State shall extend to all state agencies, offices, and instrumentalities at all levels and  
21          government-owned and controlled corporations, subject to the Constitution and  
22          pertinent laws, policies, or administrative guidelines that define specific duties of  
23          state agencies and entities concerned.

24          In particular, the following agencies shall the have the following duties and  
25          responsibilities, in addition to those existing under the Constitution and pertinent  
26          laws, policies, or administrative guidelines:

27          a.) The Department of Agriculture will have the primary duty to ensure food  
28          availability, stability and adequacy;

29          b.) The Department of Health will have the primary duty to ensure food  
30          quality and safety;

31          c.) The Department of Trade and Industry will have the primary duty to  
32          ensure physical and economic access to food; *and*



d.) The Department of Public Works and Highways will have the primary duty to ensure well-functioning distribution, processing and market systems.

Sec. 11. *Targets.* – Towards the achievement of the objectives of this Act, the Government will ensure that in two and a half years, the incidence of hunger will be reduced, from the level current at the time of the passage of the framework act, by 25 percent; in five years, it will be further reduced by 25 percent; in seven and a half years, it will be further reduced by 25 percent; and in 10 years, zero hunger will be achieved.

The Government will also ensure that in 10 years, land devoted to food production will be increased to 50 percent of all prime agricultural land in every region, and that the following indicators will considerably and steadily increase over the same 10 years, together with other structural and process indicators, as may be determined in the implementing rules and regulations of this framework act:

- a.) Percentage of development of ancestral lands;
- b.) Percentage of rural population with access to productive resources;
- c.) Share of budget spent on programs aiming at creating access to productive resources;
- d.) Percentage of budget spent on agri-research, agri-extension, irrigation, training, technology, credits and rural development;
- e.) Percentage of rural female-headed households, or rural women, with legal title to agriculture land;
- f.) Percentage of public budget allocation for social transfer programs to those unable to feed themselves;
- g.) Coverage of marginalized and disadvantaged population taking part in social transfer programs;
- h.) Percentage of marginalized and disadvantaged population covered by a public nutrition supplement program;
- i.) Percentage of population aware of available food and nutrition programs; *and*
- j.) Coverage of school feeding programs.

Periodic reviews will be undertaken to ensure compliance with set targets. In the implementation of this framework act, priority will be given to identified areas

1 with chronically malnourished individuals. In measuring the incidence of hunger, the  
2 key primary data sources will include:

- 3 a.) The National Nutrition Survey (NNS);
- 4 b.) the self-rated hunger indicator of the Social Weather Stations (SWS);
- 5 c.) household surveys of the Philippine Statistics Authority (PSA), namely  
6 the Family Income and Expenditure Survey (FIES) and the Annual  
7 Poverty Indicators Survey (APIS); and
- 8 d.) Such other reputable indicators and indices as may be created or  
9 recognized domestically or internationally.

10 There shall be authorized to be appropriated such amounts as necessary to  
11 carry out the provisions of this provision Act, to be included in the annual budget of  
12 the Food and Nutrition Institute and the Philippine Statistics Authority in the General  
13 Appropriations Act.

14 Sec. 12. *Impact Assessment.* – All proposed government actions, plans and  
15 projects, including any development plan, will take into account the right to  
16 adequate food, and will undergo an objective impact assessment prior to its  
17 adoption and implementation. The steps for this objective impact assessment  
18 include:

- 19 a.) Identification of proposals subject to impact assessment, and their  
20 level of detail;
- 21 b.) Identification of the issues and impacts that are likely to be significant  
22 for the effective enjoyment of the right to adequate food;
- 23 c.) Determination of options for achieving the same objectives as those of  
24 the proposal;
- 25 d.) Identification and prediction of the likely social, economic,  
26 environmental, and other related effects of the proposal;
- 27 e.) Establishment of measures necessary to avoid or minimize predicted  
28 adverse impacts, and to incorporate these into the proposal  
29 implementation plan;
- 30 f.) Assessment of significant outcomes including a simplified summary for  
31 public debate.
- g.) Public consultation;



1 h.) Determination of whether the report identifies all relevant information  
2 on the possible impacts on the enjoyment of the right to adequate  
3 food, takes into consideration all potential social, economic,  
4 environmental and other effects of the proposal, and contains concerns  
5 and comments of the potentially affected population, and all the  
6 information necessary for decision-making;

7 i.) Approval or rejection of the proposal, and establishing the terms and  
8 conditions for its implementation; *and*

9 j.) Systematic determination of merit, worth and significance.

10 Any strategic intervention aimed at ensuring the enjoyment of the right to  
11 adequate food will similarly undergo an objective impact assessment prior to its  
12 adoption and implementation.

## 13 **ARTICLE VII**

### 14 **THE INTER-AGENCY COUNCIL ON THE RIGHT TO FOOD**

15 Sec. 13. *Inter-Agency Council on the Right to Adequate Food.* – To facilitate  
16 inter-agency cooperation to fulfill the objectives of this Act, there is hereby  
17 established an Inter-Agency Council on the Right to Adequate Food, which will be  
18 composed of the following agencies and representatives:

19 a.) The Commission on Human Rights, as Chairperson;

20 b.) Department of Agriculture;

21 c.) Department of Agrarian Reform;

22 d.) Department of Health;

23 e.) Department of Trade and Industry;

24 f.) Department of Public Works and Highways;

25 g.) Department of Social Welfare and Development;

26 h.) National Economic and Development Authority;

27 i.) National Anti-Poverty Commission;

28 j.) Two representatives of people's organizations;

29 k.) Two representatives of non-governmental organizations

30 The council members who are representatives of people's organizations and  
31 non-governmental organizations will be chosen by the Council from a list of



nominees provided by people's organizations and non- governmental organizations engaged in the promotion of the right to adequate food.

The council members are tasked to formulate programs and projects to provide strategic interventions to respect, protect and fulfill the right to adequate food. The council will also serve as the monitoring body in regard to right to adequate food initiatives.

The council members that are government agencies may designate their duly authorized representative, who will have a rank not lower than an assistant secretary or its equivalent. These members will attend council meetings, and will receive emoluments as may be determined by the council, in accordance with existing budget and accounting rules and regulations.

Sec. 14. *Powers and Functions of the Council.* – The Council shall have the following powers and functions:

- a.) Receive complaints of violations of the right to adequate food from individuals and groups;
- b.) Review and refer to the CHR complaints of violations of the right to adequate food;
- c.) Adopt operational guidelines and rules of procedure, and cite for contempt for their violation, in accordance with the Rules of Court;
- d.) Establish a continuing program of research, education and information to enhance respect for the primacy of the right to adequate food;
- e.) Recommend to Congress effective measures to promote the right to adequate food, to harmonize existing laws affecting the right to adequate food, to ensure their complementation, and the availability of remedies for violations and compensation. to victims of violations of the right to adequate food;
- f.) Monitor the Philippine Government's compliance with its obligations in regard to the right to adequate food;
- g.) Appoint officers and employees in accordance with law; *and*
- h.) Perform such other duties and functions as may be provided by law.

In exercising its powers and duties, the Council shall:

- a.) Apply the human rights principles established by this Act;

1           b.)Work in close cooperation with representatives of civil society and take  
2           their views into consideration; *and*

3           c.)Use, to the fullest possible extent, the services, facilities and  
4           information, including statistical information, of the relevant public and  
5           private bodies and organizations, to prevent duplication of effort and  
6           expenses.

7           Sec. 15. *Authority of the Chairperson.* – The Chairperson of the Council may  
8           call upon other instrumentalities or entities of the government and nongovernment  
9           and civic organizations for assistance in terms of the use of their facilities and  
10          resources towards the achievement of the objectives of this Act and its  
11          corresponding rules and regulations.

12          Sec. 16. *Minimum Amount of Food.* — Within one (1) year from the effectivity  
13          of this Act, Council shall issue guidelines on the minimum amount of food for  
14          persons who are suffering from hunger or undernourishment, or are at risk from  
15          suffering from hunger or undernourishment, but who cannot take care of their own  
16          needs, due to reasons beyond their control, including, but not limited, to children  
17          whose parents die or disappear, or otherwise no longer take care of them, elderly,  
18          and persons with disabilities. The guidelines shall include:

19          1.) The exact quantity of calories, proteins and micronutrients, to which the  
20          minimum amount of food will correspond, according to the age, sex,  
21          health status and occupation of a person;

22          2.) A simple and accessible application or certification procedure for the  
23          minimum amount of food entitlement with transparent, fair and non-  
24          discriminatory eligibility or certification criteria; *and*

25          3.) A relief mechanism to ensure that such individuals are provided with their  
26          minimum food requirement.

27          Specific support measures will be designed and adopted to-prevent or  
28          compensate for disadvantages that identified vulnerable persons or groups suffer  
29          from, with regard to the enjoyment of their right to adequate food.

30          Sec. 17. *Emergencies.* – The Council, in coordination with the National  
31          Disaster Risk Reduction and Management Council, will have the duty to ensure that:



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

10 Sec. 18. *Information.* – All government agencies, under the direction of the  
11 Council, in coordination with the Philippine News Agency and Philippine Information  
12 Agency, have a duty to:

- 13 a.) Inform the population about the rights established in this framework act  
14 and about the implementing rules and regulations adopted upon its entry  
15 into force, as well as about any other measure taken for the purpose of  
16 facilitating and promoting the realization of the right to adequate food;  
17 *and*  
18 b.) Use the most appropriate ways and methods of disseminating information,  
19 including by providing information in oral ways, and in local languages,  
20 notably in the most marginalized areas and among populations with a high  
21 rate of illiteracy.

22 Sec. 19. *Education and Awareness Raising.* – The Council, in coordination with  
23 the Department of Education, Commission on Higher Education and Technical  
24 Education and Skills Development Authority, will have the duty to ensure that:

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

30 Sec. 20. *International Cooperation.* – The Council, in coordination with the  
31 Department of Foreign Affairs, will have the duty to:



1 a.) Ensure that activities undertaken in other countries, including those by  
2 private actors, do not infringe on the enjoyment of the right to adequate  
3 food by people in the concerned countries; *and*

4 b.) Promote international cooperation and provide assistance to ensure the  
5 realization of the right to adequate food in other countries, if in a position  
6 to do so.

7 Sec. 21. *Monitoring System.* – There will be an integrated monitoring system  
8 in which all government agencies at all levels, under the supervision of the Council  
9 will:

10 a.) Collect data related to food and nutrition security, using monitoring  
11 methodologies and processes consistent with human rights principles as  
12 established by this act;

13 b.) Disaggregate collected data by age, sex, status and group;

14 c.) Monitor progress achieved in the realization of the right to adequate food;  
15 *and*

16 d.) Establish or identify an early warning mechanism.

17 The Commission shall also establish fair, independent and accessible recourse  
18 procedures for complaints and appropriate remedies in case of a determined  
19 violation of the right to adequate food.

20 Sec. 22. *Representation and Participation of People's Organizations and Civil*  
21 *Society.* – To guarantee public participation, the Council shall ensure the following:

22 a.) Free and meaningful participation, including freedom of information and  
23 freedom of association;

24 b.) Consultations on specific areas of implementation of this framework act;  
25 *and*

26 c.) National public hearings every two years, at which the Government is  
27 required to report on progress made with the implementation of this  
28 framework act, and the progressive realization of the right to adequate  
29 food in the country.

## 30 **ARTICLE IX**

### 31 **MISCELLANEOUS PROVISIONS**

1        Sec. 23. *Rationalization of Policies.* – All existing policies, laws, decrees,  
2 executive orders, memorandum orders, memorandum circulars, administrative  
3 orders, and ordinances will be rationalized in accordance with the right to adequate  
4 food, as provided for by this framework act. Laws affecting the realization of the  
5 right to adequate food will be interpreted in a way compatible with the right to  
6 adequate food and this framework act.

7        The cabinet secretaries concerned and other executive authorities will report,  
8 at regular intervals, to the Council, on legislative and regulatory measures that have  
9 been elaborated and adopted, and the time frames within which they are envisaged  
10 to achieve their objectives.

11       Sec. 24. *Penal Provisions.* – The penalty of *prision mayor* will be imposed on  
12 any public or private actor, who deliberately starves or denies access to food to any  
13 particular individual or group, through the commission of any of the following acts:

- 14        a.) Food blockade;
- 15        b.) Refusal to implement a food-related program;
- 16        c.) Discrimination in implementing a food-related program;
- 17        d.) Negligence in implementing food-related programs;
- 18        e.) Obstructing access to food in time of calamity or war;
- 19        f.) Theft, corruption or black marketeering of food being given as  
20        humanitarian aid, in time of calamity or war;
- 21        g.) Distribution of expired, or unsafe food;
- 22        h.) Contamination of food or water sources, through mining activities,  
23        aerial spraying of plantations, or any other similar means; *and*
- 24        i.) Other analogous acts.

25        The penalty is imposable without prejudice to any other criminal, civil or  
26 administrative liability under Philippine law.

27       Sec. 25. *Civil and Administrative Liabilities.* – Any public officer or employee  
28 who directly or indirectly obstructs, defeats, violates or in any manner impedes or  
29 impairs any of a person's rights guaranteed in this framework act, will be liable to  
30 this person for damages.

31        Any violation of a provision of this framework act, whether committed by  
32 public or private actors, will similarly give rise to liability for damages.



1           It is hereby declared a ministerial duty on the part of the Government to  
2 ensure the enjoyment of the rights guaranteed in this framework act. Appropriate  
3 cases may be filed before the courts to compel compliance with the provisions of this  
4 act. These cases will be without prejudice to liability for damages, as well as  
5 administrative liability that may be incurred.

6           *Sec. 26. Appropriations.* – There shall be authorized to be appropriated such  
7 amounts as necessary to carry out the provisions of this Act. Afterwards, such sums  
8 as may be necessary for the continued implementation of this act shall be included  
9 in the annual General Appropriations Act.

10           There will be an allocation of specific and sufficient resources for the purposes  
11 of the implementation of the right to adequate food, in accordance with priorities set  
12 by The Commission. The allocation will be aimed at the progressive realization of the  
13 right to adequate food over the long term. Every person's right to be free from  
14 hunger can never be deviated from by temporary or permanent cutbacks.

15           *Sec. 27. Reportorial Requirements.* – The Council shall submit quarterly and  
16 annually reports to the Office of the President, the Senate of the Philippines, the  
17 House of Representatives, on the status implementation of this Act and the  
18 achievements thereof.

19           *Sec. 28. Implementing Rules and Regulations.* – The Commission on Human  
20 Rights will issue the necessary rules and regulations to implement the provisions of  
21 this act within thirty (30) days from its effectivity, in coordination with the  
22 Department of Agriculture, Department of Agrarian Reform, Department of Social  
23 Welfare and Development, Department of Health, Department of Trade and  
24 Industry, Department of Public Works and Highways, National Economic and  
25 Development Authority, and National Anti-Poverty Commission, and people's  
26 organizations and human rights nongovernmental organizations actively involved in  
27 promoting the right to food and its components as defined in this Act.

28           *Sec. 29. Separability Clause.* – If any provision or part hereof, is held invalid  
29 or unconstitutional, the remainder of the law of the provision not otherwise affected  
30 shall remain valid and subsisting.

31           *Sec. 30. Repealing Clause.* – Any law, presidential decree or issuance,  
32 executive order, letter of instruction, administrative order, rule or regulation contrary

1 to, or inconsistent with, the provisions of this Act is hereby repealed, modified or  
2 amended accordingly.

3       Sec. 31. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after  
4 its publication in at least two (2) newspapers of general circulation.

Approved,