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SENATE

S. B. NO. 344

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Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT
ESTABLISHING THE PAGKAIN PARA SA LAHAT PROGRAM,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

According to the Global Hunger Index, 20% of the Philippine population is underweight and 32% has stunted growth, even while there has been an exponential growth in the number of food establishments operating in the country. In 2018 alone, it is reported that more than 2,000 food establishments have opened up. In Bonifacio Global City alone, there are already 889 operating food establishments.

Unfortunately, the growing number of restaurants also contributed to the amount of food wasted in the country. According to a report by the Asia Pacific Economic Cooperation or APEC, about 33% of food produced in the country goes to waste.

These figures tell us of the disturbing irony in the food market. On the one hand, the country is facing a crisis in malnourishment and hunger, but on the other, there is a boom in the culinary market. This picture is even made more appalling by the fact that a significant number of food produced does not go to the tables of the people who need it the most and simply ends up in the landfill.

Indeed, the stark contrast between those who have access to food and those who have not is an inescapable reality which needs to be remedied in the soonest possible time.

To address this gap in food production and hunger and food waste in the country, this bill seeks to establish a Pagkain Para sa Lahat Program,

which ensures that food surplus of all food-related businesses is channeled and distributed to food banks and soup kitchens established and/or accredited in accordance with this Act. In turn, the food banks and soup kitchens store and utilize the food surplus for distribution and/or preparation to citizens who need food the most.

This bill also empowers local government units to establish their own food bank and/or soup kitchens to ensure that all Filipinos in every LGU have access to quality food.

All food-related businesses and other partners who participate in the Program can claim the full amount of their donation as a deduction to their gross income. All donations made are also not subject to donor's tax. In addition, the Department of Social Welfare and Development must establish an incentive system to recognize the best practices of all partners in the implementation of the Program.

The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

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**AN ACT
ESTABLISHING THE PAGKAIN PARA SA LAHAT PROGRAM,
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*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 "Pagkain Para sa
2 Lahat Act."
3
4 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State
5 to safeguard food security, end hunger, and promote the efficient use of the
6 country's food resources. Towards this end, the State shall adopt a system to
7 promote, facilitate, and ensure that food surplus in establishments and food
8 manufacturers are distributed to food banks and soup kitchens.
9
10 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms shall
11 mean:
12
13 a) **Food banks** refer to either public, private, non-profit, charitable or other
14 social mission-driven organizations that store food surplus and distribute
15 it to soup kitchens or other establishments or sell it to consumers;
16
17 b) **Food surplus** refers to food inventory from food-related businesses
18 which have been left unsold during the ordinary course of business, but
19 still fit for consumption based on standards set by relevant laws, rules,
20 and regulations;
21
22 c) **Food-related businesses** refer to public and private businesses
23 involved in the manufacturing and processing of food products, private
24 businesses involved in the wholesaling and retailing of food products,
25 and private businesses involved in serving food products, which may

1 include, but are not limited to, farms, factories, supermarkets,
2 restaurants, cafeterias, and hotels;

3
4 d) **Logistics service providers** refer to persons or entities engaged in the
5 transport or delivery of goods;

6
7 e) **National Nutrition Council (Council)** is the agency in-charge of
8 developing an integrated national nutrition program and supervises,
9 coordinates, and integrates the implementation of policies concerning
10 nutrition.

11
12 f) **Soup Kitchens** refer to either public, private, non-profit, charitable or
13 other social mission-driven organizations that prepare and serve food
14 given by food banks or other donors.

15
16 **SEC. 4. Establishment of Pagkain Para sa Lahat Program; Role of**
17 **DSWD.** – There shall be created a Pagkain Para sa Lahat Program which
18 shall ensure that food surplus of all food-related businesses shall be
19 channeled and distributed to food banks and soup kitchens established and/or
20 accredited in accordance with this Act.

21
22 The Department of Social Welfare and Development (DSWD) shall be the
23 lead and coordinating agency for the proper implementation of the Program.
24 In the performance of this function, the DSWD shall:

25
26 a) Provide the framework, guidelines and standards for the collection,
27 storage and distribution of food surplus donated to food banks and/or
28 soup kitchens.

29
30 b) Coordinate with local government units on the establishment of local
31 food banks and/or soup kitchens;

32
33 c) Promote linkages between food-related businesses, food banks, and
34 soup kitchens to create a community-based food distribution system;
35 and

36
37 d) Coordinate with food-manufacturers, food banks, and other government
38 agencies for the development of programs to bolster food distribution to
39 beneficiaries.

40
41 **SEC. 5. Accreditation and Establishment of Food Banks and Soup**
42 **Kitchens.** – The DSWD shall establish a system of accreditation of private
43 food banks and soup kitchens. The DSWD shall also ensure that at least one
44 (1) food bank and soup kitchen is available in every city or municipality. In the
45 absence thereof, the DSWD shall immediately inform and coordinate with the
46 LGU concerned, for the establishment of a food bank and soup kitchen in
47 such locality.

1 To ensure that all food surplus is consumed properly and in a timely fashion, a
2 food bank shall, as far as practicable, have a partner a soup kitchen. All food
3 banks and soup kitchens established and/or accredited in accordance with
4 this Act shall offer their products to the public without any qualification.
5

6 **SEC. 6. Duties of Food-related Businesses.** – To achieve the objectives of
7 this Act, all food-related businesses shall:
8

- 9 a) Determine the amount, type, and quantity of surplus food that can be
10 delivered for consumption of beneficiaries of food banks and/or soup
11 kitchens;
12
- 13 b) Enter into contracts or agreements with food banks and soup kitchens to
14 redistribute food surplus to beneficiaries of food banks and/or soup
15 kitchens;
16
- 17 c) Shoulder the costs, on its own or in partnership with a logistics service
18 provider, of transporting food surplus from the business or storage site to
19 the food bank or soup kitchen, or to their respective warehouse or
20 distribution center; and
21
- 22 d) Ensure that the food surplus is unadulterated, fit for human consumption,
23 and in good condition upon arrival at the food bank's distribution center.
24 For this purpose, prior to the delivery of the food surplus to food banks
25 and soup kitchens, all food-related businesses shall be tested by the
26 National Nutrition Council to ensure that food surplus is fit for human
27 consumption.
28

29 **SEC. 7. Duties of Food Banks.** – To ensure that all food surplus given or
30 donated to food banks benefit all citizens, all food banks shall:
31

- 32 a) Submit periodic reports to the DSWD and the concerned LGU on the
33 type of food donated, quantity donated, and other pertinent information
34 on the distribution of food surplus in their establishments;
35
- 36 b) Ensure that all food surplus given or donated to it is fit for human
37 consumption, and shall require as proof a certification from the National
38 Nutrition Council for this purpose;
39
- 40 c) Establish linkages with soup kitchens;
41
- 42 d) Store food surplus for distribution to beneficiaries and partner-soup
43 kitchens; and
44
- 45 e) Ensure that their facilities follow best practices and procedures on food
46 storage.
47
48
49

1 **SEC. 8. Duties of Soup Kitchens.** – To ensure that all food ingredients used
2 by soup kitchens are fit for human consumption, soup kitchens shall:

- 3
- 4 a) Ensure that all food surplus given or donated to it is fit for human
5 consumption, and shall require as proof a certification from the National
6 Nutrition Council for this purpose; and
7
- 8 b) Prepare food surplus to cooked or processed form fit for consumption,
9 and such is free from contamination.

10
11 **SEC. 9. Duties of the Local Government Units.** –LGUs are hereby required
12 to:

- 13
- 14 a) As far as practicable and in the absence of a food bank and/or soup
15 kitchen located in their respective localities, establish local food banks
16 and soup kitchens in their area;
17
- 18 b) Utilize food banks and/or soup kitchens and, if possible, merge the latter
19 with its community development programs;
20
- 21 c) Provide technical, financial, and logistical support for food bank and/or
22 soup kitchen operation within its territorial jurisdiction; and
23
- 24 d) Regularly inspect the establishments of food-related businesses, food
25 banks and soup kitchens to ensure that the same is compliant with all
26 sanitation and other related laws.
27

28 **SEC. 10. Incentives for Participation.** – All donations of surplus food or
29 service donated by food-related businesses or logistics service providers,
30 respectively, shall be exempt from donor's tax. In addition, the full amount of
31 such surplus food and service shall be claimed as a deduction from the gross
32 income of a food-related business or logistics service provider, as the case
33 may be.

34
35 The DSWD, in coordination with the Department of Interior and Local
36 Government and the LGUs, shall also establish a system of incentives to
37 participants of the Program to recognize their best practices with regard to
38 achieving the objectives of this Act, such as training packages, technical
39 guidance, awards and other similar incentives.
40

41 **SEC. 11. Liability.** – The certification issued by the National Nutrition Council
42 shall serve as sufficient proof that the surplus food donated or distributed are
43 fit for human consumption; *Provided*, That the distribution or preparation of
44 food surplus, processed or otherwise, was done in good faith and in
45 compliance with good food handling processes.
46

47 **SEC. 12. Implementing Rules and Regulations.** – Within sixty (60) days
48 from the effectivity of this Act, the DSWD, in coordination with the DILG,
49 Department of Health (DOH), the Bureau of Internal Revenue (BIR) and other

1 relevant government agencies, shall promulgate the necessary rules and
2 regulations for the effective implementation of this Act.

3

4 **SEC. 13. Annual Report.** – The DSWD, in coordination with the DILG, DOH
5 and other relevant agencies, shall submit an annual report on the
6 implementation of this Act to the President of the Philippines and both Houses
7 of Congress on or before April 30 of each year.

8

9 **SEC. 14. Appropriations.** – The funds needed to implement the provisions of
10 this Act shall be included in the annual General Appropriations Act.

11

12 **SEC. 15. Separability Clause.** – Should any provision herein be declared
13 unconstitutional or invalid, the same shall not affect the validity of the other
14 provisions of this Act.

15

16 **SEC. 16. Repealing Clause.** – All laws, decrees, orders, rules, and
17 regulations or other issuances or parts inconsistent with the provisions of this
18 Act are hereby repealed or modified accordingly.

19

20 **SEC. 17. Effectivity.** – This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in any two (2) newspapers of general
22 circulation in the Philippines.

23 **Approved,**

24