

SENATE

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Senate Bill No. 423



Introduced by Senator FRANCIS N. PANGILINAN

AN ACT  
REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE  
RECYCLING

EXPLANATORY NOTE

The Food and Agriculture Organization (FAO) of the United Nations reveals that about 1.3 billion tonnes of food is squandered every year worldwide, which is more than enough to feed the world. Locally, most recent data from the Philippine Statistics Authority (PSA) show that a Filipino household wastes 1.676 kilograms of rice annually. This amount of food waste represents about 38.507 million kilograms, valued at P1.617 billion.

This staggering food wastage exists at the same time as people around the world are suffering and dying from hunger. The World Food Programme estimates that around 821 million people worldwide do not have enough food on their tables. A Social Weather Stations (SWS) survey reveals that 9.5% or an estimated 2.3 million Filipino families experienced involuntary hunger at least once in the first quarter of 2019.

According to a FAO Report, the global food wastage does not only cause major economic losses, but also wreaks significant harm on the natural resources. The FAO estimated food wastage's carbon footprint at 3.3 billion tonnes of CO2 equivalent of greenhouse gas (GHG) released into the atmosphere every year. It added further that since only a low percentage of food wastage is composted, most of said waste ends up in landfills, and methane emissions from these landfills represent one of the largest sources of GHG emissions from the waste sector.

Food waste is, thus, an urgent issue that should be solved. Reducing food loss and waste is critical to ending hunger worldwide and reaching the Sustainable Development Goals (SDGs), particularly SDG 2 (Zero Hunger) and SDG 12 (Responsible Consumption and Production). France is the first country in the world that banned supermarkets from throwing away or destroying edible food surplus and forced them instead to donate said food to charities and food banks. Italy has become the second European Union (EU) country after France to pass legislation to reduce the amount of food thrown away by enabling schools, supermarkets, and restaurants to donate clean surpluses and leftovers to those in need. A city in Belgium requires supermarkets to donate their surpluses to food banks. Japan has a Food Recycling Law which aims to reduce food waste and promote recycling of the same into animal feeds and fertilizers.

In order to achieve food security, end hunger, and promote the efficient use of the country's food resources, this proposed legislation seeks to prohibit food-related businesses such as grocery stores, fast food outlets, and restaurants from throwing away edible food surplus and enjoin them to donate said food to food banks or charities. It also encourages said businesses, as well as households and local government units, to recycle inedible food surplus into fertilizer or compost. Tax incentives shall be enjoyed by food-related businesses that donate edible food surplus to food banks.

The immediate passage of this bill is earnestly sought.



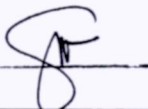
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*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress  
assembled:*

1        **Section 1. Short Title.** – This Act shall be known as the “Food Waste Reduction Act.”

2        **Sec. 2. Declaration of Policy.** – The State recognizes that each person has a right to  
3 an adequate standard of living, including sufficient, safe, and nutritious food. It is hereby  
4 declared a policy of the State to achieve food security, end hunger, and promote the  
5 efficient use of the country’s food resources. The considerable number of people going  
6 hungry daily is a breach of a human right that this Act intends to correct, and the massive  
7 amount of food waste produced presents an opportunity for the State to address hunger  
8 and raise the quality of life of the underprivileged.

9        Towards this end, the State shall adopt a system to promote, facilitate, and ensure  
10 the reduction of food waste through redistribution and recycling. The State shall likewise  
11 implement measures to make it mandatory to donate edible food surplus for charitable  
12 purposes.

13        **Sec. 3. Definition of Terms.** – As used in this Act:

- 14        a) *Edible food surplus* – refers to excess food or surplus food in the retail and  
15 consumption stages, determined to be fit for consumption based on  
16 standards set by the National Nutrition Council (NNC) and the Food and  
17 Drug Administration (FDA);



- b) *Food insecure* – refers to persons or groups of persons who have no means and/or have difficulty producing or purchasing food;
- c) *Food surplus reduction* – refers to the decrease in food surplus generation, the redistribution of food surplus to the food insecure or the recycling of food as fertilizer or compost;
- d) *Food-related business* – refers to public and private businesses involved in the manufacturing and processing of food products, private businesses involved in the wholesaling and retailing of food products, private businesses involved in serving food products, and private institutions offering courses in the art and science of preparation, cooking, and presentation of food;
- e) *Food banks* – refer to nonprofit, charitable or other social mission-oriented organizations that distribute food to the food insecure; and
- f) *Inedible food surplus* – refers to food discarded in the retail and consumption stages, determined to be unfit for consumption based on the standards set by the NNC and the FDA, including but not limited to prepackaged food products that have gone beyond their expiry dates.

**Sec. 4. Covered Establishments.** – The establishments covered by this Act are as follows:

- a) Food manufacturers, notwithstanding any restriction imposed by any existing law and regulation on food manufacturers: *Provided, That* any donation made by such manufacturers under the provisions of this Act shall constitute an exception to the applicability of restrictions under existing laws and regulations;
- b) Food establishments (restaurants, cafes, diners, fast food chains or hotels);
- c) Supermarkets with at least five hundred (500) square meters of selling space; and

1           d) Culinary schools with at least fifty (50) students.

2           **Sec. 5. *Determination of Food Insecure.*** – The criteria for the determination of food  
3 insecure will be made by the Department of Social Welfare and Development (DSWD),  
4 in coordination with the local government units (LGUs).

5           **Sec. 6. *National Food Surplus Campaign.*** – The NNC, in close coordination with  
6 the DSWD, Department of the Interior and Local Government (DILG), Department of  
7 Environment and Natural Resources (DENR), Department of Education (DepEd),  
8 Department of Trade and Industry (DTI), Department of Health (DOH), Department of  
9 Science and Technology (DOST), Department of Agriculture (DA), FDA, and other  
10 concerned agencies and LGUs, shall undertake a National Food Surplus Campaign to  
11 raise awareness on the impact of food surplus and strategies to decrease wasted food  
12 starting at the household level. The campaign shall also promote the food surplus  
13 reduction hierarchy and recommend means of reducing individual food waste.

14           To educate the younger generation, the DepEd shall have the duty to ensure that  
15 the prescribed curriculum includes informative materials on the following:

- 16           a) Current global and national food waste situation;  
17           b) Ways to minimize food surplus;  
18           c) National and local food surplus prevention programs;  
19           d) Food recovery; and  
20           e) Pertinent provisions of this Act.

21           **Sec. 7. *Edible Food Surplus Distribution Steps.*** – The following steps shall be  
22 followed in edible food surplus distribution:

- 23           a) The owners of the covered establishments will segregate their edible and  
24 inedible food surplus;  
25           b) To facilitate distribution, food manufacturers may opt to perform the  
26 segregation of their products at the supermarkets that sell their products;

- c) Before a donation is made, a duly accredited health inspector of the LGU will check if the food surplus is fit for consumption based on the standards set by the NNC and FDA;
- d) Upon certifying that the food surplus is fit for consumption, the edible food surplus will be donated to accredited food banks, as determined by the DSWD; and
- e) Food banks, in coordination with the DSWD and LGUs, will distribute the edible food surplus to the food insecure.

**Sec. 8. Food-related Business Waste Reduction Strategy.** – the owners of food-related businesses such as food manufacturers, supermarkets, restaurants, cafeterias, culinary schools, and hotels shall:

- a) Submit their respective reports to the DSWD and DENR containing data on the amount (in tons) of its edible and inedible food surplus, organized according to the manner of disposal, including donation, composting, or discarding;
- b) Enter into a contract with food banks to redistribute edible food surplus to the food insecure; and
- c) Ensure that the edible food surplus is unadulterated and in good condition upon arrival at the food bank’s distribution center, in accordance with the standards set by the NNC and FDA.

**Sec. 9. National Food Surplus Scheme.** – The DSWD, as the coordinating agency between food businesses and food banks, shall:

- a) Provide guidelines and standards for the collection, storage, and distribution of edible food donated for food banks;
- b) Ensure that food businesses have entered into contracts with food banks and issue acceptance certificates to food businesses;
- c) Ensure that food banks have adequate storage for edible food surplus;



- d) Promote linkages between food banks and LGUs to create a community-based food distribution system for the food insecure; and
- e) Create as self-sufficiency program that will provide the food insecure with skills training in managing food banks and livelihood programs to avoid the dependence on donation solely.

**Sec. 10. Responsibility of LGUs in Waste Reduction Strategy.** – LGUs are hereby required to:

- a) Submit a report to the DENR containing data on the amount (in tons) of inedible food surplus that can be recycled as raw materials for fertilizer or compost, in accordance with the standards set by said department;
- b) Initiate waste segregation efforts per household through local campaigns;
- c) Shoulder the cost of transporting inedible food surplus from collection areas to waste management sites;
- d) Enter into contract with waste management and recycling enterprises to recycle inedible food waste into fertilizer or compost; and
- e) Facilitate the distribution of fertilizer or compost to farms and community gardening associations.

**Sec. 11. Accreditation and Training of Health Inspectors.** – The DOH, in coordination with the FDA, shall conduct seminars and provide adequate training to LGU health inspectors regarding the proper sorting, collection, and determination of edible and inedible food surplus.

**Sec. 12. Supervision.** – The NNC, in coordination with the DSWD, shall supervise the enforcement and implementation of this Act.

**Sec. 13. Liability Protection.** – To protect the food donors from possible abuses and encourage donations, the liability of owners of the food-related businesses is limited only to the time that they have possession of the food surplus. Once a donation has been made

to the accredited food banks, the owners shall be exempt from any liability and/or injury arising therefrom.

**Sec. 14. Tax Incentive.** – Donations of edible food surplus by food-related businesses shall be exempt from donor’s tax and the same shall be considered as allowable deductions from their gross income, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

**Sec. 15. Prohibition of Selling Edible and Inedible Food Surplus.** – The reselling of donated *edible* and inedible food surplus is strictly prohibited. The penalty of *prision mayor* shall be imposed upon anyone caught reselling donated food surplus. If the offender is a juridical entity, the responsible officers will be held liable for said violation.

**Sec. 16. Penal Provisions/Penalties.** – The penalty of a fine amounting to Five Hundred Thousand Pesos (P500,000.00) shall be imposed upon any individual or entity who makes edible food surplus unfit for consumption. Penalties shall also be imposed upon any individual or entity who prevents the redirection of edible food surplus to food banks or inedible food surplus to waste management and recycling enterprises. The fines shall be imposed as follows:

First time offenders	P1,000,000.00
Second time offenders	P1,500,000.00
Third time offenders	P2,000,000.00
Fourth time offenders	P3,000,000.00
Fifth time offenders	P5,000,000.00

**Sec. 17. Implementing Rules and Regulations.** – Within sixty (60) days from the effectivity of this Act, the NNC, in coordination with the DSWD, DILG, DENR, DOST, DepEd, and DOH, shall promulgate the necessary rules and regulations for the effective implementation of this Act.



1        **Sec. 18. *Separability Clause.*** – If any portion or provision of this Act is declared  
2        unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
3        remain in force and effect.

4        **Sec. 19. *Repealing Clause.*** – Any law, presidential decree or issuance, executive  
5        order, letter of instruction, rule or regulation inconsistent with the provisions of this Act  
6        is hereby repealed or modified accordingly.

7        **Sec. 20. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its  
8        complete publication in the Official Gazette or in two (2) newspapers of general  
9        circulation.

*Approved,*