

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

7 JUN 30 1977

SENATE
S. No. 1402

RECEIVED

Introduced by Senator Antonio F. Trillanes IV

EXPLANATORY NOTE

It has been a normal practice in the food industry to be strict in the disposal of their excess productions. In the fast food chain, the allowable shelf life of their food merchandise before the same is thrown in the garbage bag, averages between 10 to 15 minutes. This is in spite of the very fact that it can still last and be safe for human consumption in the following day. Shelf life of food sold in the fast food only guarantees the peak level of its freshness and is far from spoilage.

However, due to fear of causing undue injury or harm to others and consequently facing legal actions due to food poisoning and other related health hazards, it has become a norm in the industry to throw away excess food products instead of giving it away even for their own employees to take home.

Considering that there are thousands of restaurants, fast food chains, bakeries, markets, hotels and similar establishments all over the country who are constantly disposing of their daily excesses, it can be accurately said that we are practically throwing away tons of food enough to feed millions of people suffering from and dying of starvation.

Seventy percent (70%) of the country's population is under the poverty level. This alone indicates that million of Filipinos are miserably scrounging for food anywhere just to survive. Consequently, this state of starvation and undernourishment make the populace unhealthy, thus, the government needs all the support it can get to protect its citizenry from the devastating effect of disease caused by malnourishment.

The same is true with pharmaceutical products. Expiration date stamped on medicines is usually over-stated and inaccurate. It has been claimed by most medical practitioners that the same still has three (3) months grace period before the medical product can be considered ineffective, and yet drug stores already dispose of these expired products even before the said grace period.

This proposed measure which will provide immunity from suit to donors of medicines, food and other supplies will definitely encourage all the good Samaritans (both local and foreign) to answer the government's call for support and assistance.

The immediate passage of this measure is earnestly sought.


ANTONIO F. TRILLANES IV

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AN ACT
TO PROMOTE DONATIONS IN GOOD FAITH OF MEDICINES, FOOD
PRODUCTS OR SUPPLIES BY ESTABLISHMENTS AND OTHER ENTITIES,
INCLUDING INDIVIDUALS, BY EXEMPTING THEM FROM ANY FORM OF
LIABILITY ARISING THEREFROM

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

1 SECTION 1. *Title of the Act.* – *This Act shall be known as the “Good*
2 *Samaritan Act of 2007”.*
3

4 SEC. 2. Declaration of Policy. - It is the policy of the State to promote and
5 protect the interest and social well-being of every citizen of the Philippines by
6 ensuring among others the propagation of social justice among the
7 underprivileged members of the society by making available to them the basic
8 necessities in life which is food and shelter.

9
10 SEC. 3. Definition of Terms. - For the purpose of this Act, the following
11 shall mean:

12 1. Donor– shall refer to all restaurants, hotels, bakeries, fast food chains,
13 markets, caterers, cafeterias, pharmacies, manufacturers, distributors, similar
14 establishments and other entities (foreign or local) including individuals who are
15 willing to give for free – medicines, food products or supplies.

16 2. Donee – shall refer to the ultimate beneficiary of donated medicines,
17 food product or supplies.

18 3. Civic Groups – shall refer to any group or socio-civic organizations that
19 solicit or facilitate and assist in the reception and distribution of donated
20 medicines, food products or supplies.

21 4. Donated Food Products – shall refer to the medicines, food products or
22 supplies that are given voluntarily for free.

23 5. Shelf Life – shall primarily refer to the period of time between the
24 preparation of food or medicine to its expiration following the normal standards
25 set forth by the Bureau of Food and Drugs and other government authorities as
26 complied with by every food and medicine establishment and observed, as well,
27 by non-commercial entities including private individuals.

28

29 SEC. 4. Limitations on Medicine Donation. – Medicines must only be
30 donated to any national or local government unit, including Barangay Health
31 Centers, or private group or socio-civic organization and not directly to end
32 beneficiaries. Provided, however, that the above indirect recipient shall not give
33 the same to the ultimate donee unless there is proper consultation with and
34 prescription from a licensed medical practitioner.

35

36 SEC. 5. Coverage. – All Restaurants, hotels, bakeries, fast food chains,
37 markets, caterers, cafeterias, pharmacies, manufacturers, distributors, similar
38 establishments and other entities, foreign or local, including individuals who
39 voluntarily donate medicines, food products or supplies as provided in this Act.

40

41 SEC. 6. Exemption of Donor from Liability– Any provision of law to the
42 contrary notwithstanding, any donor who shall donate medicines, food products
43 or supplies in good faith for the benefit of a certain individual or group of
44 individuals shall be exempt from any civil or criminal liability that may arise from
45 injury/harm directly resulting from the intake of donated food products and
46 medicines. Provided, however, that any participating civic group, who facilitates

47 the reception and donation of food products and medicines in good faith and in
48 compliance with the provisions of this Act, for and in behalf of the ultimate donee,
49 shall likewise be exempted from any liability.

50 SEC. 7. Monitoring Agency. – The Department of Health shall create a
51 monitoring committee within the department to handle and monitor the proper
52 implementation and compliance of the provisions of this Act.

53 SEC. 8. Repealing Clause. – The provision of any law, which are
54 inconsistent with the provision of this act are hereby repealed, amended or
55 modified accordingly.

56 SEC. 9. Separability clause. – If for any reason, any provision of this Act
57 is declared invalid or unconstitutional, the remainder of this Act shall not be
58 affected.

59 SEC. 10. Effectivity. - This Act shall take effect immediately upon
60 publication in a newspaper of general circulation.

Approved,