

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH (17th) CONGRESS
First Regular Session
HOUSE BILL NO. 448

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	10 JUN 2016
TIME:	4:03 PM
BY:	<i>[Signature]</i>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by Representative Jose Christopher Y. Belmonte

EXPLANATORY NOTE

Docketed as House Bill No. 5618 in the Sixteenth (16th) Congress. This bill is a substitute bill for nine (9) separate proposed measures, namely: (a) House Bill No. 364 by Rep. Raul Del Mar, (b) House Bill No. 624 by Rep. Kimi Cojuangco, House Bill No. 680 by Rep. George Arnaiz, (d) House Bill No. 1154 by Rep. Pryde Henry Teves, (e) House Bill No. 1347 by Rep. Rufus Rodriguez, (f) House Bill No. 1452 by Rep. Neri Colmenares, (g) House Bill No. 1504 by Rep. Bellaflor Angara-Castillo, (h) House Bill No. 1548 by Rep. Juliette Uy, and (i) House Bill No. 2627 by Rep. Sol Aragon.

The 1987 Constitution Mandates the protection of the health of all the people, regardless of age. Article II, Section 15 states that:

“The State shall protect and promote the right to health of the people and instill health consciousness among them.”

According to the Food and Nutrition Research Institute (FNRI) almost 1.8 million Filipino children suffer from malnutrition. Malnutrition among the children has led to their stunted growth, and is considered one of the major reasons for the high dropout rates in elementary and high school students.¹

The 2011 national survey conducted by FNRI showed that 2 out of 10 children from 0 to 4 years old were born below the average weight. The survey also concluded that 20.2% of children in this category were underweight, 33.6% were stunted and 7.3% of the children suffers from acute malnutrition. Children in the range of 5 to 10 years older on the other hand showed that 32% were underweight, 33.6% had below average heights and 8.5% suffer from acute malnutrition.

Health officials and education experts agree that there is a direct link between the prevalence of malnutrition and its negative effect in the behaviour and ability of children to perform well in school. Malnourished students have more difficulty academically and have lower test scores.

¹ <http://www.channelnewsasia.com/news/asiapacific/in-philippines/2473428.html>

The Department of Education (DepEd), as well as the Department of Social Welfare and Development (DSWD), have already begun various feeding programs to address this problem. It has shown significant improvement in the academic performance and general well being of the student. However, because of the lack of sufficient funds, DepEd can only provide food for 8% of the children population affected by severe malnutrition in 1, 010 public schools in 28 provinces.

This bill seeks to institutionalize a universal feeding program and expand existing feeding programs mandatory in all public kindergarten, elementary, and secondary schools in the country to eliminate malnutrition among Filipino children, and to foster a better environment for learning.

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

A handwritten signature in cursive script, appearing to read "R. Duterte", is written in the right margin of the document.



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Quezon City, Metro Manila

SIXTEENTH (17th) CONGRESS
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HOUSE BILL NO. 448

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

1 **AN ACT**
2 **INSTITUTIONALIZING THE NATIONAL SCHOOL FEEDING PROGRAM FOR**
3 **PUBLIC KINDERGARTEN AND ELEMENTARY PUPILS AND APPROPRIATING**
4 **FUNDS THEREFOR**

5
6 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
7 *assembled:*
8

9 **CHAPTER I**
10 **GENERAL PROVISIONS**

11
12 **SECTION 1. *Short Title.*** – This Act shall be known as the “National School
13 Feeding Program (NSFP) Act”.

14
15 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to
16 promote the rights of children to survival, development, and special protection with full
17 recognition on the nature of childhood and its special needs.
18

19 Recognizing the direct correlation between good nutrition and the propensity of
20 children to develop into physically and mentally healthy individuals, the State shall
21 endeavor to promote and fortify proper nutrition among school children, especially those
22 belonging to low-income households, in order to safeguard them from the ill effects of
23 malnutrition and to enhance as well their learning capacities.
24

25 **SEC. 3. *Definition of Terms.*** – As used in this Act:

- 26
27 (a) *Fortified food* refers to food with deliberately increased content of essential
28 micronutrients, i.e. vitamins and minerals (including trace elements)
29 irrespective of whether or not the nutrients were originally in the food before
30 processing, so as to improve the nutritional quality of the food supply and to

1 provide a public health benefit with minimal risk to health;

2 (b) *Fresh milk* refers to pasteurized fresh milk with limited shelf life, usually
3 seven (7) to ten (10) days, and requiring refrigeration;

4 (c) *Fresh milk-based food* refers to food product containing fresh milk blended
5 with powdered milk;

6 (d) *National Household Targeting System for Poverty Reduction (NHTS-PR) or*
7 *Listahanan* refers to an information management system that identifies who
8 and where the poor are in the country and serves as a reference in identifying
9 potential beneficiaries of social protection program; and

10 (e) *Powdered milk* refers to a manufactured dairy product made by evaporating
11 milk into powder form purposely to preserve it and to have a far longer shelf
12 life than liquid milk due to its low moisture content.

13
14 **SEC. 4. Objectives.** – The National School Feeding Program (NSFP) shall pursue the
15 following objectives:

16
17 (a) Ensure that adequate health and nutrition programs are accessible to school
18 children throughout their early childhood years;

19 (b) Achieve improved survival rates attendance in public kindergarten and
20 elementary schools;

21 (c) Enhance the physical, social, cognitive, psychological, and language
22 development of young children;

23 (d) Mitigate malnourishment among school children, thus, ensuring that they will
24 be adequately prepared for the formal learning system; and

25 (e) Establish an efficient system for early identification, prevention, referral, and
26 intervention of developmental disorders and disabilities in early childhood.

27
28 **SEC. 5. Establishment of the NSFP.** – The NSFP is hereby established as an
29 alternative approach of providing free supplementary meals, including fresh milk-based food
30 products, through a program menu that shall be designed by the Department of Education
31 (DepED) particularly for children studying in public kindergarten and elementary schools
32 nationwide.

33
34 **SEC. 6. Implementation and Interagency Coordination.** – The DepED is hereby
35 authorized to lead in the administration and implementation of the NSFP.

36
37 In coordination with the DepED, the following national government agencies shall be
38 tasked to make available such resources as may be necessary to ensure the successful
39 implementation of the NSFP:

40
41 (a) The Department of Agriculture (DA) and the National Food Authority (NFA)
42 shall tap farmers associations and cooperatives in the locality for possible
43 sources of food supplies and shall share with the DepED any available
44 resources and facilities that may be used for the NSFP;

45 (b) The Department of the Interior and Local Government (DILG) shall help
46 enlist the support of local government units (LGUs) as DepED partners in the
47 operation of the NSFP, including the possibility of utilizing the services of
48 barangay nutrition scholars and barangay health workers;

49 (c) The Department of Social Welfare and Development (DSWD) shall support
50 the DepED by ensuring the availability of data on poor households based on

1 the NHTS-PR or Listahanan;

- 2 (d) The Department of Trade and Industry (DTI), the DA, the Department of
3 Health (DOH) and the Food and Drug Administration (FDA) shall help the
4 DepED look for cost-effective sources of foodstuff, vaccines, and vitamin
5 supplements;
- 6 (e) The National Economic and Development Authority (NEDA) shall support
7 the DepED in the determination of official development assistance sources to
8 expand the inputs needed in the NSFP;
- 9 (f) The National Dairy Authority (NDA) shall support the DepED in the
10 procurement of fresh milk-based food products and in coordinating with local
11 cooperatives and dairy corporations for the availability of milk supplies
12 needed; and
- 13 (g) The National Nutrition Council (NNC), in coordination with the Food and
14 Nutrition Research Institute (FNRI), shall provide the menu consisting of a
15 combination of foods that meet the recommended energy and nutrient intake
16 of children.

17
18 The DepED, the participating national government agencies, and other concerned
19 stakeholders shall execute a Memorandum of Agreement specifying the necessary
20 arrangements relative to the operation of the NSFP.

21
22 **SEC. 7. Mechanics of the NSFP.** – In addition to its interdepartmental coordinative
23 and consultative tasks during the operation of the NSFP, the DepED shall oversee the
24 following activities:

- 25
26 (a) Administer the NSFP, in coordination with concerned government
27 institutions, for a minimum of one hundred twenty (120) feeding days per
28 school year to be done five (5) days a week with one (1) feeding activity per
29 school day;
- 30 (b) Conduct orientation-training activities utilizing its core of trainers to all
31 DepED health and nutrition unit personnel at the regional and division levels
32 so as to generate their support to the NSFP's objectives and mechanics.
33 DepED personnel trained at the schools division level shall be responsible for
34 training the staff at the district and municipal levels while those trained at the
35 district and municipal levels shall be responsible for training the
36 implementers and feeding coordinators at the school level;
- 37 (c) Conduct orientation meetings with parents and pupils utilizing the DepED
38 feeding coordinators for proper information dissemination on the NSFP's
39 objectives and mechanics and in the process generate stakeholders' support
40 for the program;
- 41 (d) Conduct simultaneous health examinations, including deworming and
42 vaccination activities, to participating pupils during the orientation meeting
43 set for parents and pupils. The school's medical staff or the medical staff of a
44 public health center in the community shall take charge and provide proper
45 treatment or referral to a hospital for pupils who are found to have defects or
46 ailments. Classroom advisers, who are required to undergo proper training to
47 be conducted by the barangay nutrition scholars and barangay health workers,
48 shall note their observations regarding the pupils' health condition, including
49 the measurement of the pupils' height and weight before the start of the
50 feeding program and every month thereafter for the entire duration of the

- 1 feeding program;
- 2 (e) Make available the necessary food supplies such as:
- 3 1. Fresh milk-based and fortified foods; and
- 4 2. Vitamin supplements in such dosages and for such duration as the
- 5 DOH may determine most beneficial to the child's health and
- 6 nutritional well-being; and
- 7 (f) Ensure that the beneficiary school children eat their meals and drink their
- 8 milk inside the classroom only, and shall thus be prohibited from taking their
- 9 ration home.

10

11 **SEC. 8. Procurement, Storage and Handling System.** – The procurement, storage and

12 handling of appropriate food supplies shall be spearheaded by the DepED, in coordination

13 with the NNC, the FNRI and other concerned government agencies. The DepED shall seek

14 the help of the DA in tapping the services of local farmers associations and cooperatives for

15 the procurement of locally produced food supplies and shall encourage contracts with farmers

16 associations and cooperatives in accordance with existing procurement laws.

17

18 In the procurement program, priority shall be given to the utilization of locally

19 produced fresh milk and locally available food supplies, utilizing as well the products of the

20 Gulayan sa Paaralan Project (GPP) of the DepED and the products of community gardens as

21 part of convergence efforts to increase food supplies at the local level.

22

23 The DepED shall issue the guidelines necessary for the effective implementation of

24 the procurement, storage and handling system.

25

26 **SEC. 9. Priority LGUs.** – In case of shortage of funds, priority in the implementation

27 of the NSFP shall be given to municipalities and cities which are determined and identified

28 by the NNC or by any competent government agency to have high malnutrition rates.

29

30 **SEC. 10. Participation of LGUs.** – The Secretary of Education shall initiate

31 partnerships with LGU officials to encourage them to contribute available resources to the

32 feeding program in public schools within the LGUs' respective area of jurisdiction.

33

34 **SEC. 11. Participation of Parent-Teacher Associations (PTAs).** – The DepED shall

35 promote the involvement of parents through the PTAs in the planning, implementation,

36 monitoring, and evaluation of the school feeding program.

37

38 **SEC. 12. Monitoring and Evaluation System.** – The DepED shall establish a

39 monitoring and evaluation system for the nationwide implementation of the NSFP, which

40 shall incorporate periodic reports from the schools division and regional offices. The report

41 shall provide, among others, the needed information that may determine whether or not the

42 program has achieved its objectives, including the identification of issues and constraints as

43 well as the corresponding appropriate recommendations.

44

45 **SEC. 13. Tax Exemption.** – Any donation or bequest made to the DepED for the

46 NSFP shall be exempt from donor's tax and the same shall be considered as allowable

47 deduction from the gross income of the donor, in accordance with the provisions of the

48 National Internal Revenue Code of 1997, as amended: Provided, That the donation is duly

49 approved by the Secretary of Education upon the recommendation of the Executive Director

50 of the NNC, in case of food products, and the Secretary of Health, in case of vaccine and

1 vitamin products.
2

3 **SEC. 14. Appropriations.** – The amount necessary to cover the initial implementation
4 of this Act shall be charged against the appropriation of the DepED for school-based feeding
5 program under the current General Appropriations Act. Thereafter, such sums as may be
6 necessary for the continued implementation of this Act shall be included in the annual
7 General Appropriations Act.
8

9 **SEC. 15. Implementing Rules and Regulations.** – Within ninety (90) days from the
10 approval of this Act, the Secretary of Education, in consultation with the heads of other
11 participating government agencies, shall formulate the rules and regulations implementing the
12 provisions of this Act. The implementing rules and regulations issued pursuant to this section
13 shall take effect thirty (30) days after its publication in two (2) national newspapers of general
14 circulation.
15

16 **SEC. 16. Separability Clause.** – If any provision of this Act is held invalid or
17 unconstitutional, the other provisions not so declared shall remain in force and effect.
18

19 **SEC. 17. Repealing Clause.** – All laws, decrees, orders and rules and regulations
20 contrary to or inconsistent with the provisions of this Act are hereby repealed or amended
21 accordingly.
22

23 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its publication
24 in the Official Gazette or in a newspaper of general circulation.
25

26 *Approved,*