

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**SEVENTEENTH CONGRESS**  
First Regular Session

House Bill no. 3937



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**Introduced by REP. KAKA BAG-AO**

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### **EXPLANATORY NOTE**

Article 25, Section 1 of the Universal Declaration of Human Rights states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food." As a signatory of the international policy, the Philippines commits to provide every Filipino access to adequate food and nutrition and to ensure that every family has a way to raise their income above the poverty threshold.

Furthermore, our own Constitution requires the State to ensure that the health of the people is cared for and health-consciousness is instilled in them. Various government programs currently address hunger and malnutrition in the country but these are not enough. We cannot eradicate hunger without integrating anti-hunger measures with mechanisms that alleviate poverty.

Today, we have the freedom of speech and expression, the freedom to make our own choices, and the freedom to better ourselves. Sadly, many of our countrymen cannot fully enjoy these freedoms because they lack access to basic needs. This situation robs the human dignity of our people. Senator Ninoy Aquino once said, "The very first freedom that has to be won is freedom from hunger. When you are always concerned about where the next meal will come from, everything else becomes irrelevant." This makes the eradication of hunger and poverty one of our topmost priorities.

This bill specifies actions the State must take to combat hunger and poverty, including the institutionalization of a National Feeding Program, the streamlining of food procurement and food distributions systems, and the creation of a structured demand that ensures and raises the income of poor people, who are mostly small-scale food producers incapable of competing with big industry producers, in the hope that the produce that free Filipinos from hunger are the same produce that free our people from poverty.

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

  
**REP. KAKA BAG-AO**  
*Lone District of Dinagat Islands*

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**AN ACT CREATING A SYSTEM OF FOOD DISTRIBUTION FOR ADDRESSING THE NUTRITIONAL NEEDS OF THE PEOPLE PROVIDING FOR ITS PROCUREMENT PROCESS AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

**Section 1. Short Title** - This Act shall be known as the "*National Food Security Act of 2016.*"

**Section 2. Declaration of Policy** - It is, hereby, declared a policy of the State to develop, create, and implement a nationwide feeding program to alleviate poverty and hunger in the country. The Universal Declaration of Human Rights, ratified by the Philippines, states everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food. Furthermore, the Constitution states "The State shall protect and promote the right to health of the people and instill health consciousness among them."

**Section 3. Definitions** - The following terms, as used herein, shall mean:

- a. "*Small-scale Producers*" – refer to agrarian reform beneficiaries (ARBs), coconut farmers, artisanal fisherfolks, indigenous peoples and cultural communities, and other members of the basic sectors as defined under Republic Act 8425;
- b. "*Agrarian Reform Beneficiary*" – refers to farmers who were granted lands under Presidential Decree No. 27, the Comprehensive Agrarian Reform Law and Republic Act No. 9700 or the "Comprehensive Agrarian Reform Extension with Reforms" and regular farm workers who are landless, irrespective of tenurial arrangement, who benefited from the redistribution of lands, regardless of crops or fruits produced, to include the totality of factors and support services designed to lift the economic status of the beneficiaries and all other alternative arrangements to the physical distribution of lands, such as production or profit sharing, labor administration, and the distribution of shares of stock which will allow beneficiaries to receive a just share of the fruits of the lands they work.

- c. *"Coconut farmers"* – shall refer to:
- i. Farmer-owner of a coconut farm, which is not more than five (5) hectares, who:
    - a. Tills the land (owner-cultivator), or
    - b. Does not till the land, but have control and supervision over the cultivation of a farm which is not more than five (5) hectares; and
  - ii. A non-owner of the coconut farm who is either a:
    - a. Leaseholder or tenant who tills or supervises the cultivation of the farm; or
    - b. Farm worker or laborer, whether seasonal or itinerant, engaged in the harvesting of the nuts and processing of copra as major means of livelihood.
- d. *"Artisanal Fisherfolk"* – refer to municipal, small scale or subsistence fishermen who use fishing gear which do not require boats or which only require boats below three (3) tons;
- e. *"Indigenous Peoples or Cultural Communities"* – refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.
- f. *"National Household Targeting System for Poverty Reduction (NHTS-PR)"* – a information management system that identifies who and where the poor households who shall be recipients of social protection programs nationwide.
- g. *"Government Procurement Policy Board"* – refers to the board established in accordance with Government Procurement Act (Republic Act 9184).

## **Chapter I**

### **National Feeding Program**

**Section 4. *National Feeding program*** – There is, hereby, established a National Feeding Program which shall aim to alleviate hunger and malnutrition for children ages 0 – 13 years old.

**Section 5. *Creation of a National Hunger Targeting System*** – The Philippine Statistics Authority (PSA) in coordination with the Department of Social Welfare and Development (DSWD) and Department of Health (DOH) shall establish a nationwide database that

identifies groups and/or individuals that have the least access to proper nutrition. The database shall identify the most vulnerable groups and/or individuals to be listed as beneficiaries.

**Section 6. Infant feeding program** – The DOH, in consultation with DSWD, shall create a system of distribution through the Barangay Health Workers of food packets for those targeted by the system created in this Act. The said food packets shall supplement the nutritional and dietary needs of children ages 0 – 1 year olds.

**Section 7. Supplementary Feeding Program** – The DSWD shall ensure that children ages 2 – 5 receive the proper nutrients and diet while under their care. Beneficiaries shall be given meals that will meet their nutritional needs. The DSWD may consult with the National Nutrition Council (NNC) to meet the proper nutritional and dietary needs of the children. The following shall be the beneficiaries:

- a) Children 2 - 4 years old in the Supervised Neighborhood Play (SNP) Area
- b) Children 3 - 4 years old enrolled in Day Care Centers (DDC); and
- c) Children 5 years old not enrolled in the Department of Education (DepEd) preschool system but enrolled in DDCs.

**Section 8. Elementary Feeding School Program** – The DepEd shall ensure that students from Kindergarten to Grade 4 are given the proper meals during school hours. Such meals should contain the proper nutritional and dietary needs of students. The DepEd shall consult the NNC nutritional and dietary specifics.

## **Chapter II Procurement**

**Section 9. Procurement of Produce** – The Government is, hereby, mandated to ensure that 30% or more of the supplies needed to implement the National Feeding Program are procured from Small-Scale Producers.

**Section 10. Registry of Small-Scale Producers** – The Department of Agriculture (DA) shall keep and regularly update a list of Small-Scale Producers. It shall use Registry for Basic Sectors in Agriculture (RSBSA), Regional Field Office (RFO) list of beneficiaries, the Bureau of Fisheries and Aquatic Resources' National Program for Municipal Fisherfolk Registration (BFAR FishR) for fisherfolk, and any other list it may deem necessary to keep the registry up to date. *Furthermore*, the DA is required to coordinate with the DSWD to cross-match and compare the registry with the DSWD's National Household Targeting System for Poverty Reduction (NHTS-PR) to avoid duplication and redundancy.

**Section 11. Procurement Process for Small-Scale Producers** – For the purposes of this act, procurement from Small Scale producers shall be exempted from the procurement process as stated in Republic Act No.9184, otherwise known as the Procurement Law. Provided, small scale producers shall undergo Negotiated Procurement Participation under the guidelines of the Government Procurement Policy Board (GPPB) and specified under this Act.

**Section 12. Negotiated Procurement Participation** – Small Scale Producers shall enter a Negotiated Procurement with the government under the guidelines of the GPPB when the following conditions are met:

- a) DA Validation – certification from the DA and/or any of its tasked agency that the individual or family is indeed included in the Registry of Small scale farmers.
- b) Produce/Product Sustainability – when participants have the ability to continue to meet the demand for their produce or product for prolonged periods of time, with or without government intervention.
- c) Community Enrichment – when there is a viable means of improving the well-being of the community where the small scale farmers are situated. This seeks to extend the benefits that may arise from the contract between the small scale farmers and the government. The goal is to achieve positive outcomes such as like poverty reduction, access to education, equitable distribution and management of natural resources, climate change adaptation/mitigation, disaster risk reduction, gender equality, disease reduction, and job generation, among others.

**Section 13. *Support Services for Small-Scale Producers under the Department of Agriculture*** – The DA shall institute the following benefits for Small-Scale Producers as contained in their registry:

- a) Training on Production, Harvesting, Procurement Process of this Act, and any other topic the DA sees fit
- b) Subsidized Farm Equipment
- c) Facilities for storage and harvesting
- d) Capacity Building for Small-Scale Farmer
- e) Access to Crop Insurance
- f) Access to credit/low interest rates

**Section 14. *Support Services for Agrarian Reform Beneficiaries who are Small-Scale Producers*** - The Department of Agrarian Reform (DAR) shall institute the following benefits for Agrarian Reform Beneficiaries who are Small-Scale Producers as contained in their list of beneficiaries:

- a) Training on Production, Harvesting, Procurement Process of this Act, and any other topic the DAR sees fit
- b) Subsidized Farm Equipment
- c) Facilities for storage and harvesting
- d) Capacity Building for Small-Scale Farmer
- e) Access to Crop Insurance
- f) Access to credit/low interest rates

### **Chapter III Food Council**

**Section 15. *National Food Security Council*** - A National Food Security Council, hereafter referred to as Council, is hereby created as an attached and independent agency to the Office of the President.

**Section 16. *Mandate of the Council*** - The Council is mandated to act as the check and balance organization for the food security system. It shall oversee the effective distribution, procurement, and targeting of beneficiaries as mandated in this Act. It shall also serve as a coordinating body for the different departments involved in the implementation of this Act.

**Section 17. *Chairperson of the Council*** - The Chairperson of the Council shall be appointed to a six year term by the President of the Philippines. No person may be Chairperson if he has not met the following criteria:

- a) Ten (10) years of work experience in a CSO involved in Food Security
- b) Has no relatives, to the second degree of consanguinity, in the government
- c) Has good moral character
- d) No pending cases

**Section 18. *Membership of the Council*** - The Council shall consist of the following members:

- a) Representative from the Department of Agriculture
- b) Representative from the Department of Agrarian Reform
- c) Representative from the Department of Social Welfare and Development
- d) Representative from the Department of Interior and Local Government
- e) Representative from the Department of Education
- f) Representative from the Department of Health
- g) Representative from the National Nutritional Council
- h) Representative from the Department of Science and Technology - Food and Nutrition Research Institute
- i) Four (4) Representatives from Civil Society involved in Food Security or Hunger alleviation
- j) Four (4) Representatives from Small-Scale Producers group

**Section 19. *Representatives from Civil Society involved in Food Security or Hunger Alleviation*** - The Representatives for Civil Society shall be appointed by the President of the Philippines upon the recommendation of the National Anti-Poverty Commission. No Representative may be appointed or recommended if he has not met the following criteria:

- a) Five (5) years of service under a Civil Society Organization involved in Food Security or Hunger Alleviation
- b) Has no position in any government agency or office
- c) Has no relatives, to the second degree of consanguinity, in the government
- d) Has good moral character
- e) No pending cases

**Section 20. *Representatives from Small-Scale Producers group*** - The Representatives for Small-Scale Producers shall be appointed by the President of the Philippines upon the recommendation of the Department of Agriculture. No Representative may be appointed or recommended if he has not met the following criteria:

- a) Five (5) years as a practicing Small-Scale Producer
- b) Has no position in any government agency or office
- c) Has no relatives, to the second degree of consanguinity, in the government
- d) Has good moral character
- e) No pending cases

**Section 21. *Appropriations*** - The funds needed to implement this Act shall be included in the annual General Appropriations Act.

**Section 22. *Implementing Rules and Regulations.*** – Within sixty (60) days from the appointment its members, the Council shall promulgate such rules and regulations necessary for the effective implementation of this Act.

**Section 23. *Separability Clause.*** – If any provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

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