

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



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SENATE
S. No. 2137

RECEIVED BY. *ji*

Introduced by Senator Miriam Defensor Santiago

AN ACT
PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

EXPLANATORY NOTE

The Fourth Quarter 2013 Social Weather Survey, fielded over 11-16 December 2013, found 18.1% or an estimated 3.90 million families experiencing involuntary hunger at least once in the past three months. The Social Weather Station had found an average hunger rate of 19.5% for the year 2013.¹ It is this situation of hunger that the right to adequate food framework bill seeks to address. There is an urgent need to clarify that adequate food is not a matter of charity, but of legal entitlement.

Consistent with the principles and rights enshrined in the 1987 Constitution, most especially the right to life, as well as the provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child, and Convention on the Elimination of All Forms of Discrimination against Women, to which the Philippines is a party, it is the declared policy of the State to guarantee the right to adequate food. Article 11 of the ICESCR provides:

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food... The States Parties will take appropriate steps to

¹<http://www.sws.org.ph/pr20140122.htm> viewed 13 February 2014.

ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Scattered provisions in various Philippine laws guarantee certain aspects of the right to adequate food. These include: RA 6657 (Comprehensive Agrarian Reform Law), RA 8435 (Agriculture and Fisheries Modernization Act or AFMA), RA 8550 (Philippine Fisheries Code), RA 7607 (Magna Carta for Small Farmers), RA 7884 (National Dairy Act), RA 7900 (High Value Crops Act), RA 8178 (Agricultural Tariffication Act), RA 7308 (Seed Industry Development Act), RA 9168 (Plant Variety Protection Act), RA 7581 (Price Act), RA 71 (Price Tag Law), RA 7900 (High Value Crops Development Act of 1995), RA 8550 (Philippine Fisheries Code), EO 51 (Milk Code), and RA 8976 (Philippine Food Fortification Act of 2000).

There is a need to harmonize these laws. A right to adequate food framework law helps to strengthen food programs, and to ensure that they are maintained across time. A framework law also contributes to improving accountability in the delivery of these programs.

A framework law is important for setting targets to achieve, allocating responsibilities for taking action to different branches of government, and coordinating

their action. Its ultimate aim is the eradication of hunger. In this regard, Section 6 of this framework bill gives expression to freedom from hunger, as section 10 sets a target to achieve **zero hunger** in 10 years.

Section 12 establishes a Commission on the Right to Adequate Food as the lead agency to implement the right to adequate food. In accordance with sections 13 to 21, appropriate measures are adopted, assigning responsibilities across different departments of government, as well as civil society organizations, and imposing deadlines. There is a whole-of-government approach, in which various policies in the areas of health care, education, employment and social protection, agriculture and rural development are coordinated. This approach makes possible the identification of synergies among programs that fall under the responsibility of different departments, such as school-feeding programmes that source from local small-scale producers, or food-for-work programmes that improve rural infrastructures. A multi-year strategy combines short-term approaches that prioritize access to food for the hungry, and long-term concerns aimed at removing the structural causes of hunger, building bridges across them. Sections 22 to 23 make possible available various kinds of relief in case of a violation of the act.

Many of the provisions of this framework bill are inspired by the Food and Agriculture Organization Guide on Legislating for the Right to Food, Part Three Framework Law.² To the extent possible, they have been adapted to the Philippine context.

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MIRIAM DEFENSOR SANTIAGO

² <http://www.fao.org/docrep/014/i0815e/i0815e04.pdf>

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

1 AN ACT
2 PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD

3 SECTION 1. *Short Title.* - This Act shall be known as the "Right to Adequate
4 Food Framework Act."

5 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State
6 to guarantee the right to adequate food.

7 Adequate food is not a matter of charity, but of legal entitlement. Hunger is
8 inconsistent with human dignity and human rights, and must be eliminated. The aim of
9 this act is to provide a framework, within which hunger will be addressed in an organized
10 way, and through which hunger may be ended.

11 SECTION 3. *Definition of Terms.* - As used in this Act, the following terms shall
12 be defined as follows:

- 13 a. *Food* means nourishment that includes solid, liquid and semi-liquid
14 nourishment, as well as drinking water.
- 15 b. *Hunger* means a spectrum of situations, from starvation, which is not having
16 enough food of any sort to eat, to undernourishment, which is having enough
17 food to eat, but of inadequate quality.

1 c. *Right to adequate food* means the right to have regular, permanent and
2 unrestricted access, either directly or by means of financial purchases, to
3 quantitatively and qualitatively adequate and sufficient food, corresponding to
4 the cultural traditions of the people, to which he or she belongs, and which
5 ensure a physical and mental, individual and collective, fulfilling and dignified
6 life, free of fear.

7 d. *Vulnerable groups* refers to those who are particularly disadvantaged. These
8 include indigenous peoples, ethnic, linguistic or religious minorities, persons
9 with disabilities, individuals living with HIV/AIDS, refugees and internally
10 displaced people, women and children.

11 SECTION 4. *Normative Content.* – The right to adequate food is realized when
12 every man, woman and child, alone or in community with others, has physical and
13 economic access at all times to adequate food, or means for its procurement. The right to
14 adequate food will therefore not be interpreted in a narrow or restrictive sense, which
15 equates it with a minimum package of calories, proteins and other specific nutrients.
16 The right to adequate food will have to be realized progressively. However, the core
17 obligation is to take the necessary action to mitigate and alleviate hunger, even in times
18 of natural or other disasters. Central to the realization of the right to adequate food is
19 adequacy and sustainability of food availability and access.

20 a. The concept of adequacy is particularly significant in relation to the right to
21 adequate food since it serves to underline a number of factors which must be
22 taken into account in determining whether particular foods or diets that are
23 accessible, can be considered the most appropriate under given circumstances.
24 The notion of sustainability is intrinsically linked to the notion of adequate
25 food or food security, implying food being accessible for both present and
26 future generations. The precise meaning of adequacy is to a large extent

1 determined by prevailing social, economic, cultural, climatic, ecological and
2 other conditions, while sustainability incorporates the notion of long-term
3 availability and accessibility. The core content of the right to adequate food
4 implies:

- 5 i. The availability of food in a quantity and quality sufficient to satisfy the
6 dietary needs of individuals, free from adverse substances, and
7 acceptable within a given culture; and
 - 8 ii. The accessibility of such food in ways that are sustainable, and that do
9 not interfere with the enjoyment of other human rights.
- 10 b. Dietary needs imply that the diet as a whole contains a mix of nutrients for
11 physical and mental growth, development and maintenance, and physical
12 activity, that are in compliance with human physiological needs at all stages
13 throughout the life cycle, and according to gender and occupation. Measures
14 therefore need to be taken to maintain, adapt or strengthen dietary diversity and
15 appropriate consumption and feeding patterns, including breast-feeding, while
16 ensuring that changes in availability and access to food supply as a minimum
17 do not negatively affect dietary composition and intake.
- 18 c. Freedom from adverse substances sets requirements for food safety and for a
19 range of protective measures by both public and private means to prevent
20 contamination of foodstuffs through adulteration, or through bad
21 environmental hygiene, or inappropriate handling at different stages
22 throughout the food chain. Care must also be taken to identify and avoid or
23 destroy naturally occurring toxins.
- 24 d. Cultural or consumer acceptability implies the need also to take into account,
25 as far as possible, perceived non nutrient-based values attached to food and

1 food consumption and informed consumer concerns regarding the nature of
2 accessible food supplies.

3 e. Availability refers to the possibilities either for feeding oneself directly from
4 productive land or other natural resources, or for well-functioning distribution,
5 processing and market systems that can move food from the site of production
6 to where it is needed in accordance with demand.

7 f. Accessibility encompasses both economic and physical accessibility:

8 i. Economic accessibility implies that personal or household financial
9 costs associated with the acquisition of food for an adequate diet should
10 be at a level such that the attainment and satisfaction of other basic
11 needs are not threatened, or compromised. Economic accessibility
12 applies to any acquisition pattern or entitlement through which people
13 procure their food, and is a measure of the extent to which it is
14 satisfactory for the enjoyment of the right to adequate food. Socially
15 vulnerable groups such as landless persons and other particularly
16 impoverished segments of the population need attention through special
17 programmes.

18 ii. Physical accessibility implies that adequate food must be accessible to
19 everyone, including physically vulnerable individuals, such as infants
20 and young children, elderly people, those belonging to the informal
21 sector, the physically disabled, the terminally ill and persons with
22 persistent medical problems, including the mentally ill. Victims of
23 natural disasters, people living in disaster-prone areas, and other
24 specially disadvantaged groups, need special attention, and sometimes
25 priority consideration with respect to accessibility of food. A particular

1 vulnerability is that of many indigenous population groups whose
2 access to their ancestral lands is threatened.

3 SECTION 5. *Conditions for the Exercise of the Right to Adequate Food.* – Every
4 person has the right to live in conditions that enable her or him to:

- 5 a. either feed herself or himself directly from productive land or other natural
6 resources, or rely on well-functioning distribution, processing and market
7 systems, or both;
- 8 b. be financially able, not only to acquire a sufficient quantity and quality of food,
9 but also to satisfy her or his other basic needs;
- 10 c. be safe from the risk of losing access to food, as a consequence of sudden
11 shocks, like an economic or climatic crisis, or cyclical events, such as seasonal
12 food insecurity;
- 13 d. have the opportunity of good food utilization, through access to an adequate
14 diet, clean water, sanitation and health care, to reach a state of nutritional well-
15 being, where all physiological needs are met; and
- 16 e. access foods or diets that are the most appropriate under given circumstances,
17 in terms of their nutritional value and cultural acceptability.

18 Every girl and boy has a right to adequate food and nutrition adequate for her or his
19 age, allowing her or him to grow and develop.

20 Every woman has a right to adequate food and adequate nutrition during pregnancy
21 and lactation.

22 No limitation on the right to adequate food may be allowed, unless it is provided by
23 law, is necessary for the purpose of a compelling public interest, and is compatible with
24 the nature of the right to adequate food.

25 SECTION 6. *Freedom from Hunger.* - Every person has a right to be free from
26 hunger. Every person suffering from hunger or undernourishment, or at risk of suffering

1 from hunger or undernourishment, is entitled to a minimum amount of food according to
2 his or her age, sex, health status and occupation, as provided for in section 15 of this Act.

3 SECTION 7. *Non-discrimination.* - Any distinction, exclusion or restriction made on
4 the basis of race, colour, sex, age, language, religion, political or other opinion, national
5 or social origin, property, birth or other status, which has the effect or purpose of
6 impairing or limiting the capacity of an individual to exercise his or her right to adequate
7 food, is unlawful and will be sanctioned in accordance with the law.

8 All forms of discrimination against women with regard to the guaranteed right to
9 adequate food, including less favourable treatment of women for reasons of pregnancy
10 and maternity, will be eliminated and prevented. The equality of opportunities between
11 men and women will be promoted.

12 The prohibition of discrimination will not be read to include government action to
13 remedy past effects of discrimination against particular individuals or groups and, to
14 promote equality of opportunities with regard to the right to adequate food.

15 SECTION 8. *Principles.* - The principles upon which the provisions of this act are
16 founded, and which must be observed in the process of realizing the right to adequate
17 food, are:

18 a. **Participation:** People are able to determine their own well-being and participate
19 in the planning, design, monitoring and evaluation of decisions affecting them.
20 Individuals are able to take part in the conduct of public affairs, including the
21 adoption and implementation of State policies. Such participation is active, free
22 and meaningful, whether it is exercised directly or through intermediary
23 organizations representing specific interests. It is supported by capacity-
24 building where necessary.

1 b. Accountability: Public officials are answerable to their superiors, and to the
2 people they serve, for their actions. Application of the principle of
3 accountability in the context of the framework law requires clear assignment of
4 responsibilities and functions to public authorities for implementation of the
5 framework law and any subsequent measures to be taken. In addition, the
6 expected results are spelled out clearly and appropriate procedures are
7 established.

8 c. Non-discrimination: It is a level of protection of human rights objectively and
9 reasonably the same for everybody, irrespective of sex, age, race, colour,
10 religion or any other ground. In addition to specifically prohibiting
11 discrimination on any ground, this principle requires specific measures aimed
12 at correcting *de facto* discrimination or eliminating conditions that cause or
13 help to perpetuate discrimination, as well as measures promoting equality. In
14 the context of this framework act, it means paying particular attention to those
15 groups that cannot enjoy their rights as fully as others.

16 d. Transparency: It is open access by the public to timely and reliable information
17 on the decisions and performance of public authorities. Holders of public office
18 are as open as possible about all their decisions and actions that may affect the
19 free exercise of the right to adequate food. Applying the principle of
20 transparency within the context of the framework law means that right-holders
21 are provided with essential information about the decision-making process and
22 those accountable and responsible for it. Right-holders also have the power to
23 demand information on the processes that feed into the achievement of the
24 particular entitlement, with an easy and low-cost corrective check to
25 maladministration.

1 e. Human dignity: It is the absolute and inherent worth that persons have, simply
2 because they are human, not by virtue of any social status or particular powers.
3 The framework law recognizes in an unequivocal form that every person has a
4 right to adequate food. To comply with this principle in the implementation of
5 the framework act, the State, through its public officials, treats persons equally
6 and respects their human worth and dignity.

7 f. Empowerment: People have the power, capacities, capabilities and access
8 needed to change their own lives, including the power to seek from the State
9 remedies for violations of their human rights. This principle is the logical
10 consequence of all the preceding principles. In the context of the framework
11 act, the empowerment principle entails the inclusion of specific provisions on
12 awareness-raising, capacity-building and right to adequate food education

13 g. Rule of law: It means that governmental authority is legitimately exercised
14 only in accordance with written, publicly disclosed and accessible laws,
15 adopted and enforced in conformity with established procedures. The principle
16 is intended as a safeguard against arbitrary use of State authority and lawless
17 acts of both organizations and individuals. Any implementing rules and
18 regulations to be adopted for ensuring the implementation of the framework act
19 will be clear, fair and accessible. The rule of law also means that no person or
20 body can breach the law with impunity. There is access to justice including the
21 right to an effective remedy for anyone whose rights are violated, as well as the
22 guarantee of due process in all legal proceedings.

23 SECTION 9. *Governmental Obligations.* – The State has the duty to respect,
24 protect and fulfil the right to adequate food.

25 a. Respect: It is the duty of the State not to interfere with or impair the enjoyment
26 of the right to adequate food. No public authority may deprive any person of

1 food or means for its procurement, apply laws and regulations, or pursue a
2 policy or practice, in a way that could result in preventing the enjoyment of or
3 infringing the human right to adequate food, or repeal formally or suspend
4 legislation necessary for the continued enjoyment of the right to adequate food.

5 b. Protect: It is the duty of the State to provide guarantees against threats and
6 risks stemming from private actors or societal forces that are controllable by
7 State action. It is bound to take preventive measures necessary to protect
8 persons whose capacity to access sufficient and adequate food or means for its
9 procurement is endangered by the acts of others. It also ought to review the
10 relevant administrative and legislative framework ensuring that activities
11 within their competence undertaken by private actors do not infringe on the
12 right to adequate food of others.

13 c. Fulfil: It is the duty of the State to facilitate the enjoyment of the right to
14 adequate food by adopting or pursuing appropriate policies and measures, in a
15 manner to foster and promote the human right to adequate food and to create
16 and maintain conditions under which every person can freely and regularly
17 enjoy her or his right to adequate food. It is equally the duty of the State to
18 provide the right to adequate food, by adopting and putting in place measures
19 to provide food, or means for its procurement, to persons who cannot take care
20 of their own needs, due to reasons beyond their control, in particular for
21 children whose parents die or disappear or otherwise no longer take care of
22 them.

23 SECTION 10. *Targets.* - The Government will ensure that in two and a half years,
24 the incidence of hunger will be reduced, from the level current at the time of the passage
25 of the framework act, by 25%; in five years, it will be further reduced by 25%; in seven

1 and a half years, it will be further reduced by 25%; and in 10 years, zero hunger will be
2 achieved.

3 The Government will also ensure that in 10 years, land devoted to food production
4 will be increased to 50% of all prime agricultural land in every region, and that the
5 following indicators will considerably and steadily increase over the same 10 years,
6 together with other structural and process indicators, as may be determined in the
7 implementing rules and regulations of this framework act:

- 8 a) percentage of development of ancestral lands;
- 9 b) percentage of rural population with access to productive resources;
- 10 c) share of budget spent on programmes aiming at creating access to
11 productive resources;
- 12 d) percentage of budget spent on agri-research, agri-extension, irrigation,
13 training, technology, credits and rural development;
- 14 e) percentage of rural female-headed households, or rural women, with legal
15 title to agriculture land;
- 16 f) percentage of public budget allocation for social transfer programmes to
17 those unable to feed themselves;
- 18 g) coverage of marginalized and disadvantaged population taking part in
19 social transfer programmes;
- 20 h) percentage of marginalized and disadvantaged population covered by a
21 public nutrition supplement programme;
- 22 i) percentage of population aware of available food and nutrition
23 programmes; and
- 24 j) coverage of school feeding programmes.

25 Periodic reviews will be undertaken to ensure compliance with set targets. In
26 the implementation of this framework act, priority will be given to identified areas

1 with chronically malnourished individuals. In measuring the incidence of hunger,
2 the key primary data sources will include the National Nutrition Surveys (NNS);
3 the Survey of Hunger Incidence in the Philippines (SHIP); the self-rated hunger
4 indicator of the Social Weather Stations (SWS); and household surveys of the
5 National Statistics Office (NSO), namely the Family Income and Expenditure
6 Survey (FIES) and the Annual Poverty Indicators Survey (APIS). There shall be
7 authorized to be appropriated such amounts as necessary to carry out the
8 provisions of this Act, to be included in the annual budget of the Department of
9 Tourism in the General Appropriations Act.

10 SECTION 11. *Impact Assessment.* - All proposed government actions, plans and
11 projects, including any development plan, will take into account the right to adequate
12 food, and will undergo an objective impact assessment prior to its adoption and
13 implementation. The steps for this objective impact assessment include:

- 14 a. Screening: identifying proposals subject to impact assessment, and their level
15 of detail.
- 16 b. Scoping: identifying the issues and impacts that are likely to be significant for
17 the effective enjoyment of the right to adequate food.
- 18 c. Examination of alternatives: determining other options for achieving the same
19 objectives as those of the proposal.
- 20 d. Impact analysis: identifying and predicting the likely social, economic,
21 environmental, and other related effects of the proposal.
- 22 e. Mitigation and impact management: establishing measures necessary to avoid
23 or minimize predicted adverse impacts, and to incorporate these into the
24 proposal implementation plan.
- 25 f. Impact statement or report: assessment of significant outcomes including a
26 simplified summary for public debate.

- 1 g. Public consultation: seeking the public's input on matters affecting them.
- 2 h. Review of the impact assessment report: determining whether the report
3 identifies all relevant information on the possible impacts on the enjoyment of
4 the right to adequate food, takes into consideration all potential social,
5 economic, environmental and other effects of the proposal, and contains
6 concerns and comments of the potentially affected population, and all the
7 information necessary for decision-making.
- 8 i. Decision-making: approving or rejecting the proposal, and establishing the
9 terms and conditions for its implementation.
- 10 j. Evaluation and monitoring: systematic determination of merit, worth and
11 significance.

12 Any strategic intervention aimed at ensuring the enjoyment of the right to
13 adequate food will similarly undergo an objective impact assessment prior to its adoption
14 and implementation.

15 SECTION 12. *Commission on the Right to Adequate Food.* - The Commission on
16 the Right to Adequate Food is hereby established.

17 a. It will be composed of a Chairperson and two members who must be natural-
18 born citizens of the Philippines and, at the time of their appointment, at least thirty-five
19 years of age, and must not have been candidates for any elective position in the elections
20 immediately preceding their appointment. At least one of them will be a member of the
21 Philippine Bar. This Commission will be an agency attached to the Commission on
22 Human Rights of the Philippines.

23 The Chairperson and the Members of the Commission will not, during their
24 tenure, hold any other office or employment. Neither shall they engage in the practice of
25 any profession, or in the active management or control of any business, which in any way

1 may be affected by the functions of their office, nor shall they be financially interested,
2 directly or indirectly, in any contract with, or in any franchise or privilege granted by the
3 government, any of its sub-divisions, agencies, or instrumentalities, including
4 government-owned or controlled corporations or their subsidiaries.

5 The Chairperson and the Members will be appointed by the President for a term of
6 seven years without reappointment. Appointment to any vacancy will be only for the
7 unexpired term of the predecessor. Of those first appointed, the Chairperson will hold
8 office for seven years, a Commissioner for five years, and another Commissioner for
9 three years, without reappointment. Appointment to any vacancy shall be only for the
10 unexpired term of the predecessor. In no case will any Member be appointed or
11 designated in a temporary or acting capacity.

12 The Chairperson and the Members of the Commission on the Right to Adequate
13 Food will receive the same salary and benefits as the Chairperson and Members,
14 respectively, of the Constitutional Commissions, which shall not be decreased during
15 their term of office.

16 b. The Commission on the Right to Adequate Food will have the following
17 powers:

- 18 1) Receive complaints of violations of the right to adequate food from
19 individuals and groups
- 20 2) Investigate, *motu proprio* or on complaint by any party, all forms of
21 violations of the right to adequate food;
- 22 3) Adopt operational guidelines and rules of procedure, and cite for contempt
23 for their violation, in accordance with the Rules of Court.
- 24 4) Provide appropriate legal measures for the protection of the right to
25 adequate food of all persons within the Philippines, as well as Philippine

1 citizens residing abroad, and provide for preventive measures and legal aid
2 services to the under-privileged whose right to adequate food has been
3 violated or needs protection;

4 5) Establish a continuing program of research, education and information to
5 enhance respect for the primacy of the right to adequate food;

6 6) Recommend to Congress effective measures to promote the right to
7 adequate food, to harmonize existing laws affecting the right to adequate
8 food, to ensure their complementation, and the availability of remedies for
9 violations and compensation to victims of violations of the right to
10 adequate food;

11 7) Monitor the Philippine Government's compliance with its obligations in
12 regard to the right to adequate food;

13 8) Request the assistance of any department, bureau, office or agency in the
14 performance of its functions;

15 9) Appoint officers and employees in accordance with law; and

16 10) Perform such other duties and functions as may be provided by law.

17 c. In exercising its powers and duties, the Commission on the Right to Adequate
18 Food will:

19 1) Apply the human rights principles established by this act.

20 2) Work in close cooperation with representatives of civil society and take
21 their views into consideration.

22 3) Use, to the fullest possible extent, the services, facilities and information,
23 including statistical information, of the relevant public and private bodies
24 and organizations, to prevent duplication of effort and expenses.

25 SECTION 13. *Institutional Responsibilities.* - In implementing the right to
26 adequate food, the Commission on the Right to Adequate Food may call out other

1 agencies to ensure the right to adequate food. In the implementation of the right to
2 adequate food, the Department of Agriculture will have the primary duty to ensure food
3 availability, stability and adequacy; the Department of Health will have the primary duty
4 to ensure food quality and safety; the Department of Trade and Industry will have the
5 primary duty to ensure physical and economic access to food; and the Department of
6 Public Works and Highways will have the primary duty to ensure well-functioning
7 distribution, processing and market systems.

8 SECTION 14. *Inter-Agency Council on the Right to Adequate Food.* - To
9 facilitate inter-agency cooperation, there is hereby established an Inter-Agency Council
10 on the Right to Adequate Food, which will be headed by the Chairperson of the
11 Commission on the Right to Adequate Food, and which will be composed additionally of
12 the following agencies and representatives:

- 13 a. Department of Agriculture;
- 14 b. Department of Agrarian Reform;
- 15 c. Department of Health;
- 16 d. Department of Trade and Industry
- 17 e. Department of Public Works and Highways;
- 18 f. Department of Environment and Natural resources;
- 19 g. Department of Energy;
- 20 h. Department of Social Welfare and Development
- 21 i. National Economic and Development Authority;
- 22 j. National Anti-Poverty Commission;
- 23 k. National Disaster Coordinating Council
- 24 l. Philippine News Agency
- 25 m. Philippine Information Agency
- 26 n. Two representatives of people's organizations; and

1 o. Two representatives of non-governmental organizations

2 The council members are tasked to formulate programs and projects to provide
3 strategic interventions to respect, protect and fulfil the right to adequate food. The council
4 will also serve as the monitoring body in regard to right to adequate food initiatives.

5 The council members that are government agencies may designate their duly
6 authorized representative, who will have a rank not lower than an assistant secretary or its
7 equivalent. The council members who are representatives of people's organizations and
8 non-governmental organizations will be chosen by the Commission on the Right to
9 Adequate Food from a list of nominees provided by people's organizations and non-
10 governmental organizations engaged in the promotion of the right to adequate food.
11 These members will attend council meetings, and will receive emoluments as may be
12 determined by the council, in accordance with existing budget and accounting rules and
13 regulations.

14 SECTION 15. *Minimum Amount of Food.* – The Commission on the Right to
15 Adequate Food, in coordination with the Department of Social Welfare and
16 Development, will ensure regular, reliable and timely delivery of a minimum amount of
17 food, or the means for its procurement, to persons who are suffering from hunger or
18 undernourishment, or are at risk from suffering from hunger or undernourishment, but
19 who cannot take care of their own needs, due to reasons beyond their control, including,
20 but not limited, to children whose parents die or disappear, or otherwise no longer take
21 care of them, elderly, and persons with disabilities.

22 Implementing rules and regulations will be adopted on the minimum amount of
23 food. These implementing rules and regulations will determine the exact quantity of
24 calories, proteins and micronutrients, to which the minimum amount of food will
25 correspond, according to the age, sex, health status and occupation of a person. There will
26 be a simple and accessible application or certification procedure for the minimum amount

1 of food entitlement, as provided for in the implementing rules and regulations. There will
2 be transparent, fair and non-discriminatory eligibility or certification criteria.

3 Fair, independent and accessible recourse procedures to the Commission on the
4 Right to Adequate Food for complaints and appropriate remedies in case of a determined
5 violation of the right to adequate food, will be established. There will also be an
6 appropriate monitoring and evaluation mechanism in which the Department of Social
7 Welfare and Development will report to the Commission on the Right to Adequate Food
8 on a regular basis. The national budget will include a specific item allocating resources
9 necessary for the implementation of this fundamental right. Specific support measures
10 will be designed and adopted to prevent or compensate for disadvantages that identified
11 vulnerable persons or groups suffer from, in regard to the enjoyment of their right to
12 adequate food. The Commission on the Right to Adequate Food will review proposed
13 support measures and, where necessary, will give further guidance, so as to ensure that all
14 groups are covered appropriately.

15 SECTION 16. *Emergencies.* - The Commission on the Right to Adequate Food, in
16 coordination with the National Disaster Coordinating Council, will have the duty to
17 ensure that:

- 18 a. Food emergencies cover both early warning and preparedness for a crisis, as
19 well as organizing and managing food response in the case of a crisis, and
20 comply with the right to adequate food and the relevant international standards.
- 21 b. Emergency food responses be compatible with the right to adequate food and
22 international standards regulating emergencies.
- 23 c. Requests for international assistance be initiated in case of necessity, alongside
24 supervising and coordinating distribution of food response received.

1 SECTION 17. *Information.* - All government agencies, under the direction of the
2 Commission on the Right to Adequate Food, in coordination with the Philippine News
3 Agency and Philippine Information Agency, have a duty to:

- 4 a. Inform the population about the rights established in this framework act and
5 about the implementing rules and regulations adopted upon its entry into force,
6 as well as about any other measure taken for the purpose of facilitating and
7 promoting the realization of the right to adequate food.
- 8 b. Use the most appropriate ways and methods of disseminating information,
9 including by providing information in oral ways, such as rural radio, and in
10 local languages, notably in the most marginalized areas and among populations
11 with a high rate of illiteracy.

12 SECTION 18. *Education and Awareness Raising.* - The Commission on the Right
13 to Adequate Food, in coordination with the Department of Education, Commission on
14 Higher Education and Technical Education and Skills Development Authority, will have
15 the duty to ensure that:

- 16 a. The school curriculum includes material related to food and nutrition
17 education, the right to adequate food, and human rights principles.
- 18 b. Adult education and training programmes, when relevant, include material
19 related to food and nutrition, the right to adequate food, and human rights
20 principles.

21 SECTION 19. *International Cooperation.* - The Commission on the Right to
22 Adequate Food, in coordination with the Commission on Human Rights and the
23 Department of Foreign Affairs, will have the duty to:

- 24 a. Ensure that activities undertaken in other countries, including those by private
25 actors, do not infringe on the enjoyment of the right to adequate food by people
26 in the concerned countries; and

- 1 b. Promote international cooperation and provide assistance to ensure the
2 realization of the right to adequate food in other countries, if in a position to do
3 so.

4 SECTION 20. *Monitoring System.* - There will be an integrated monitoring
5 system in which all government agencies at all levels, under the supervision of the
6 Commission on the Right to Adequate Food, will:

- 7 a. Collect data related to food and nutrition security, using monitoring
8 methodologies and processes consistent with human rights principles as
9 established by this act.
10 b. Disaggregate collected data by age, sex, status and group.
11 c. Monitor progress achieved in the realization of the right to adequate food.
12 d. Establish or identify an early warning mechanism.

13 SECTION 21. *Representation and Participation of People's Organizations and*
14 *Civil Society.* - To guarantee public participation, the Commission on the Right to
15 Adequate Food has the duty to ensure:

- 16 a. Free and meaningful participation, including freedom of information and
17 freedom of association.
18 b. Consultations on specific areas of implementation of this framework act.
19 c. National public hearings every two years, at which the Government is required
20 to report on progress made with the implementation of this framework act, and
21 the progressive realization of the right to adequate food in the country.

22 SECTION 22. *Penal Provisions.* - The penalty of *prision mayor* will be imposed
23 on any public or private actor, who deliberately starves or denies access to food to any
24 particular individual or group, as through the commission of any of the following acts:

- 25 a. food blockade;
26 b. refusal to implement a food-related program;

- 1 c. discrimination in implementing a food-related program;
- 2 d. negligence in implementing food-related programs, resulting in death;
- 3 e. obstructing access to food in time of calamity or war;
- 4 f. theft, corruption or black marketeering of food being given as humanitarian
- 5 aid, in time of calamity or war,
- 6 g. distribution of expired, or unsafe food at a school feeding program or other
- 7 feeding program, in time of calamity or war;
- 8 h. contamination of food or water sources, through mining activities, aerial
- 9 spraying of plantations, or any other similar means;
- 10 i. other analogous acts.

11 A food blockade is any knowing and willful effort to cut off food supplies from a
12 particular area by force either in part or totally.

13 The penalty is imposable without prejudice to any other criminal, civil or
14 administrative liability under Philippine law.

15 SECTION 23. *Civil and Administrative Liabilities.* - Any public officer or
16 employee who directly or indirectly obstructs, defeats, violates or in any manner impedes
17 or impairs any of a person's rights guaranteed in this framework act, will be liable to this
18 person for damages. Any violation of a provision of this framework act, whether
19 committed by public or private actors, will similarly give rise to liability for damages.

20 It is hereby declared a ministerial duty on the part of the Government to ensure the
21 enjoyment of the rights guaranteed in this framework act, and to perform the duties
22 embodied in it. Appropriate cases may be filed before the courts to compel compliance
23 with the provisions of this act. These cases will be without prejudice to liability for
24 damages, as well as administrative liability that may be incurred.

25 SECTION 24. *Appropriations.* - There shall be authorized to be appropriated such
26 amounts as necessary to carry out the provisions of this Act. Afterwards, such sums as

1 may be necessary for the continued implementation of this act shall be included in the
2 annual General Appropriations Act. There will be an allocation of specific and sufficient
3 resources for the purposes of the implementation of the right to adequate food, in
4 accordance with priorities set by the Commission on the Right to Adequate Food. The
5 allocation will be aimed at the progressive realization of the right to adequate food over
6 the long term. Every person's right to be free from hunger can never be deviated from by
7 temporary or permanent cutbacks.

8 SECTION 25. *Implementing Rules and Regulations.* - The Commission on
9 Human Rights will issue the necessary rules and regulations to implement the provisions
10 of this act within sixty (60) days from its effectivity. In the formulation of these rules and
11 regulations, the Commission on Human Rights will take the lead and will coordinate with
12 the Department of Agriculture, Department of Agrarian Reform, Department of Social
13 Welfare and Development, Department of Health, Department of Trade and Industry,
14 Department of Public Works and Highways, National Economic and Development
15 Authority, and National Anti-Poverty Commission, and with the active participation of
16 people's organizations and human rights nongovernmental organizations.

17 SECTION 26. *Rationalization of Policies.* - All existing policies, laws, decrees,
18 executive orders, memorandum orders, memorandum circulars, administrative orders,
19 and ordinances will be rationalized in accordance with the right to adequate food, as
20 provided for by this framework act.

21 Laws affecting the realization of the right to adequate food will be interpreted in a
22 way compatible with the right to adequate food and this framework act.

23 The cabinet secretaries concerned and other executive authorities will report, at
24 regular intervals, to the Commission on the Right to Adequate Food, on legislative and
25 regulatory measures that have been elaborated and adopted, and the time frames within
26 which they are envisaged to achieve their objectives.

1 SECTION 27. *Separability Clause.* - If any provision or part hereof, is held invalid
2 or unconstitutional, the remainder of the law of the provision not otherwise affected shall
3 remain valid and subsisting.

4 SECTION 28. *Repealing Clause.* - Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation contrary to,
6 or inconsistent with, the provisions of this Act is hereby repealed, modified or amended
7 accordingly.

8 SECTION 29. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
9 its publication in at least two (2) newspapers of general circulation.

Approved,

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