



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF BUDGET AND MANAGEMENT
MALACARANG MANILA

14 DEC 2015

HON. GUILLERMO A. ROMARATE JR.

Chairperson

Committee on Human Rights

House of Representatives

Batasan Complex, Quezon City

from 12/14/15

Dear Chairperson Romarate:

As requested, attached is our Position Paper on a Substitute Bill to House Bill (HB) No. 3795 entitled, "AN ACT PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD AND FOR OTHER PURPOSES."

The bill intends to establish a comprehensive framework to harmonize provisions of all laws related to Filipinos' right to adequate food and to clarify the scope and content of the right, establish standards for compliance, lay down principles to shape the process or realization, and prohibit violations of the right to adequate food.

To implement the provisions of the Act, the bill proposes the creation of a Commission on the Right to Adequate Food (CRAF) as an agency attached to the Office of the President (OP) which shall be the primary policy-making and coordinating body to guarantee full exercise of the right to adequate food.

The bill obligates the Department of Social Welfare and Development (DSWD) to ensure regular, reliable and timely delivery of a minimum amount of food to any person who is suffering from hunger or undernutrition, or is at risk of suffering from hunger or undernutrition.

The bill provides that there shall be an allocation in the annual budget specific for the purpose of implementing the right to adequate food, in accordance with the priorities set by the CRAF. The allocation shall be aimed at the progressive realization of the right to adequate food over the long term.

May we note that to uplift the condition, standard of living, and quality of life of underprivileged Filipinos, the government provides funds for relevant government programs such as the Pantawid Pamilyang Pilipino Program (4Ps), Sustainable Livelihood Program, and Supplemental Feeding Program, all included in the budget of the DSWD under the Fiscal Year (FY) 2015 General Appropriations Act (GAA), Republic

Act (RA) No. 10651. Likewise, funds for the implementation of the micronutrient supplementation program for children below five (5) years old of the Department of Health (DOH) are included in the GAA. For food quality and safety, the Food and Drug Administration (FDA), a regulatory agency under the DOH, continually ensures that food and drugs, among others, will not harm consumers.

The creation of a Commission on the Right to Adequate Food as an agency attached to the OP under Section 12 of the Bill is **not endorsed** as this will expand the bureaucracy with functions specific at providing adequate food as one of the various human rights that is being violated. The proposed CRAF will duplicate the functions of the Commission on Human Rights on the investigation of all forms of human rights violations involving civil and political rights, adoption of rules of procedures and issuance of contempt citation, provision of appropriate legal measures for the protection of human rights and other several powers in relation to the protection of human rights.

Further, the proposed attachment of the proposed Commission to the OP is not consistent with Executive Order (EO) No. 18 (Rationalizing the Organization and Supervision of Certain Agencies, Offices and Other Similar Entities Attached to or Under the Office of the President) which was issued by the President on December 9, 2010 in order to enhance the capacity of the Chief Executive in the overall management of government affairs by unloading the OP of the direct responsibility of supervising agencies/offices whose functions are aligned with existing departments/agencies of the government while enabling the President to oversee concerns requiring his utmost attention and involvement.

We hope that our comments and recommendations would merit your favorable consideration.

Thank you.

Very truly yours,

FLORENCIO B. ABAD
Secretary *Abad*



Department of Budget and Management

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2015-S11046L

**Comments
of the
Department of Budget and Management
on**

Draft Amended Bill to Substitute House Bill (HB) No. 3795

TITLE: An Act Providing a Framework for the Right to Adequate Food, and for Other Purposes

AUTHORS: Reps. Ibarra M. Gutierrez III, Walden F. Bello, Arlene J. Bag-ao, et al.

SALIENT FEATURES:

- Section 6 of the bill provides that every person suffering from hunger or undernutrition, or at risk of suffering from hunger or undernutrition, is entitled to a minimum amount of food according to his or her age, sex, health status and occupation, as provided for in Section 13.
- Section 10 sets targets on the incidence of hunger and the land devoted to food production.

The State is required to reduce the incidence of hunger from the current level at the time of the passage of this Act by 25% for every two (2) and a half years after its effectivity. Thus, zero (0) incidence of hunger is expected to be reached 10 years after its effectivity.

The State shall also ensure that in 10 years, land devoted to food production shall be increased to 50% of all prime agricultural land in every region, and within the same period, the State shall ensure the following indicators will considerably and steadily increase:

- (a) Percentage of development of ancestral lands;
- (b) Percentage of rural population with access to productive resources;
- (c) Share of budget spent on programs aimed at creating access to productive resources;
- (d) Percentage of budget spent on agri-research, agri-extension, irrigation, training, technology, credits and rural development;
- (e) Percentage of rural female-headed households, or rural women, with legal title to agriculture lands;
- (f) Percentage of public budget allocation for social transfer programs to those unable to feed themselves;
- (g) Coverage of marginalized and disadvantaged population taking part in social transfer programs;
- (h) Percentage of marginalized and disadvantaged population covered by a public nutrition supplement program;
- (i) Percentage of population aware of available food and nutrition programs; and
- (j) Coverage of school feeding programs.

Periodic reviews shall be undertaken to ensure compliance with set targets.

- Section 12 provides for the creation of a Commission on the Right to Adequate Food (CRAF) as an agency attached to the Office of the President (OP) which shall be the primary policy-making and coordinating body to guarantee full exercise of the *right to adequate food*.

The Chairperson and the Members of the CRAF shall receive the same salary and benefits as the Chairperson and Members of the Constitutional Commission, which shall not be decreased during their term of office.

The CRAF shall have the following powers and functions:

- (a) Receive complaints of violations of the *right to adequate food* from individuals and groups;
 - (b) Investigate, *motu proprio*, or upon complaint by any party, all forms of violations of the *right to adequate food*;
 - (c) Adopt operational guidelines and rules of procedure, and cite for contempt for their violation, in accordance with the Rules of Court;
 - (d) Provide appropriate legal measures for the protection of the *right to adequate food* of all persons within the Philippines, as well as Philippine citizens residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose *right to adequate food* has been violated or needs protection;
 - (e) Establish a continuing program of research, education and information to enhance respect for the primacy of the *right to adequate food*;
 - (f) Recommend to Congress effective measures to promote the right to adequate food, to harmonize existing laws affecting the *right to adequate food*, to ensure their complementation, and the availability of remedies for violations and compensation to victims of violations of the *right to adequate food*;
 - (g) Monitor the government's compliance with its obligations in regard to the *right to adequate food*;
 - (h) Request the assistance of any department, bureau, office or agency in the performance of its functions;
 - (i) Appoint officers and employees in accordance with law; and
 - (j) Perform such other duties and functions as may be provided by law.
- Section 13 obligates the Department of Social Welfare and Development (DSWD) to ensure regular, reliable and timely delivery of a minimum amount of food to any person who is suffering from hunger or undernutrition, or is at risk of suffering from hunger or undernutrition. Implementing rules and regulations (IRR) will be adopted setting the minimum amount of food. The IRR shall determine the exact quantity of calories, proteins and micronutrients, to which the minimum amount of food will correspond to a person's age, sex, health status and occupation.

- Section 21 provides that any public officer or employee who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of a person's right guaranteed in this framework Act, shall be liable to this person for damages. Any violation of a provision of this Act, whether committed by public or private actors, shall similarly give rise to liability for damages.
- Section 22 provides that shall be an allocation in the annual budget specific for the purpose of implementing the right to adequate food, in accordance with the priorities set by the Commission on the Right to Adequate Food. The allocation shall be aimed at the progressive realization of the *right to adequate food* over the long term. Every person's right to be free from hunger shall never be trampled by temporary or permanent setbacks.

FINDINGS AND COMMENTS:

- Generally, the context of the bill is not only to establish a comprehensive framework on the procedural and legal means to seek remedies in order to guarantee access to adequate food, but also to clarify the scope and content of the right, establish standards for compliance and proscribe violations of the *right to adequate food*.
- May we note that to uplift the condition, standard of living, and quality of life of underprivileged Filipinos, the government provides funds for relevant government programs such as the Pantawid Pamilyang Pilipino Program (4Ps), Sustainable Livelihood Program, and Supplemental Feeding Program, all included in the budget of the DSWD under the Fiscal Year (FY) 2015 General Appropriations Act (GAA), Republic Act (RA) No. 10651. Likewise, funds for the implementation of the micronutrient supplementation program for children below five (5) years old of the Department of Health (DOH) are also included in the GAA. For food quality and safety, the Food and Drug Administration (FDA), a regulatory agency under the DOH, continually ensures that food and drugs, among others, will not harm consumers.

However, the government should be extra cautious in providing such welfare benefits because this may breed "dependency" among the beneficiaries which would subsequently hamper their productivity. The provision of necessities may become a disincentive for a person to work hard. Welfare policies that reduce a person's willingness to work will backfire on the government through lower income tax collection as there will be a lesser productive workforce. This is also not financially sustainable on the part of the government since welfare programs are funded primarily from government income.

- It would be very difficult, if not impossible, for any national government agency to ensure that every person suffering from hunger will have regular, reliable and timely delivery of a minimum amount of food. Even a local government unit (LGU) with a small number of constituents and geographically closer to their constituency may find it very difficult and financially impractical to implement the proposed application and certification procedure for food entitlement. It is tantamount to assuming the inherent responsibility of the head of the family to provide for the basic needs of the members of his/her household. Thus, we **disagree** with the proposal to include a



- The proposal under Section 10 enumerating the targets to be attained within 10 years is supportive of the principle under the Performance-Informed Budgeting (PIB) which is designed to promote greater transparency, accountability and stakeholders' participation in budgeting. However, the Executive Branch, including the DSWD and the Department of Agriculture (DA), are already setting their targets within the bounds of their mandate and technical and financial capacity. Since it is the agencies that will be mainly accountable for their performance, the Executive Branch should be given reasonable flexibility in setting its targets and monitoring its accomplishment, subject to Legislative oversight.
- The creation of a Commission is **not endorsed** as this will tend to expand the bureaucracy with functions specific at providing adequate food as one of the various human rights that is being violated.

The protection of human rights of all persons in the Philippines is one of the several mandated core functions of the Commission on Human Rights (CHR), as stated under Section 18, Article XIII, 1987 Constitution of the Philippines. Thus, **there is no need** to create the proposed CRAF as this duplicates the powers and functions of the CHR on the investigation of all forms of human rights violations involving civil and political rights, adoption of rules of procedures and issuance of contempt citation, provision of appropriate legal measures for the protection of human rights and other several powers in relation to the protection of human rights. Also stated under Section 1 of the same Article in the Constitution is to protect and enhance the right of all people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good which at this premise encompasses the *right to adequate food*.

The CHR Board also follows terms of office and are appointed by the President of the Philippines.

More importantly, the new CHR Board is on the track of empowering its organization in order to efficiently and effectively implement its mandated functions which will specifically include a focus on the *right to adequate food* as among the economic human rights of the people.

- The proposed attachment of the proposed Commission to the OP is **not consistent** with Executive Order (EO) No. 18 (Rationalizing the Organization and Supervision of Certain Agencies, Offices and Other Similar Entities Attached to or Under the Office of the President) which was issued by the President on December 9, 2010 in order to enhance the capacity of the Chief Executive in the overall management of government affairs by unloading the OP of the direct responsibility of supervising agencies/offices whose functions are aligned with existing departments/agencies of the government while enabling the President to oversee concerns requiring his utmost attention and involvement.

RECOMMENDATION:

In view of the foregoing, we are constrained from favorably recommending the passage of the bill into a law.