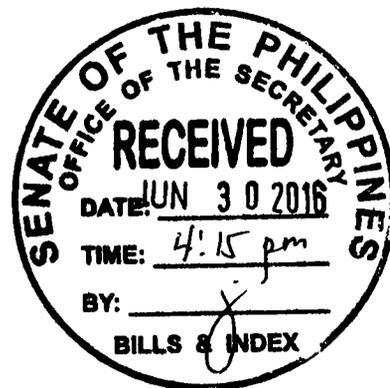


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

S E N A T E
S. B. No. 111



Introduced by Senator Aquilino “Koko” Pimentel III

**AN ACT
PROVIDING A FRAMEWORK FOR THE
RIGHT TO ADEQUATE FOOD**

EXPLANATORY NOTE

Numerous studies have established that a large number of our countrymen experience hunger. In 2015 alone, it was disclosed that approximately 13.4% of Filipino households reported themselves as having suffered or are suffering from involuntary hunger.¹ While we profess to be an agricultural nation, the sad fact remains that we cannot seem to feed our own. This glaring inadequacy is further exacerbated by studies which confirm that in those situations where food reaches our countrymen, they nevertheless do not receive the right amount of nutrition that the human body needs to sustain a healthy and balanced life. Along this line, Ms. Hilal Elver, the United Nations Special Rapporteur on the right to food, stated during her fact-finding mission to the Philippines that “*accessing adequate and nutritious food continues to be a challenge across most of the country both in terms of under and over nutrition, with women and children faring worst.*” Ms. Elver likewise remarked that “*the effects of under-nutrition are irreversible, and lack of access to adequate and nutritious food is having a detrimental effect on future generations and must be addressed as a matter of urgency.*”² Further, the recent “Kidapawan Incident” may be considered as a sorry reflection of our continued inability to provide food security for our people. For three days from March 30, 2016, thousands of farmers and their supporters made a blockade along the Davao-Cotabato Highway in Kidapawan, North Cotabato. The demonstration ended violently with deaths on the side of protesters and injuries on both sides of the protesters and the police.

Certainly, the foregoing should not only impress upon us the growing problem of food security and the dangers it poses on our populace but also impel us to take immediate and decisive action to arrest this trend. Indeed,

¹ 2015 Social Weather Station Report

² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15619&LangID=E>.

hunger prevalence is a multifaceted problem. And while the absence of a national and general framework on food security may not necessarily be its principal cause, this is nonetheless an area where we, as legislators can collectively act.

Solving hunger and our country's food problem requires a multifaceted approach. It encompasses not just a stop-gap measure of doling out food to the hungry but must include concrete steps that are aimed at ensuring the sustainability and productivity of our agricultural sector, promoting access to economic growth, and recognizing the paradigm that food is an essential human right that must be guaranteed to all Filipinos. Philippine laws have not been remiss in this regard. In fact, there are several laws that touch on certain aspects on the right to adequate food. These include, among others, the following:

1. Republic Act No. 6657 or the "*Comprehensive Agrarian Reform Law*";
2. Republic Act No. 8435 or the "*Agriculture and Fisheries Modernization Act of 1997*";
3. Republic Act No. 8550, as amended by Republic Act No. 10654 or the "*Philippine Fisheries Code*";
4. Republic Act No. 7607 or the "*Magna Carta of Small Farmers*";
5. Republic Act No. 7884 or the "*National Dairy Development Act of 1995*";
6. Republic Act No. 7900 or the "*High Value Crops Development Act of 1995*";
7. Republic Act No. 8178 or the "*Agricultural Tariffication Act*";
8. Republic Act No. 7308 or the "*Seed Industry Development Act of 1992*";
9. Republic Act No. 9168 or the "*Plant Variety Protection Act of 2002*";
10. Republic Act No. 7581 or the "*Price Act*"; and
11. Republic Act No. 8976 or the "*Philippine Food Fortification Act of 2000*".

However, if we intend to maximize the benefit of these laws and fully promote the right to adequate food, we need to harmonize these and create a framework law for the right to adequate food that will help strengthen food programs and ensure that they are maintained over time. A framework law is likewise necessary for setting targets to achieve, allocating responsibilities for taking action to different branches of government, and coordinating their action with the end goal of eradicating hunger.

The right of the Filipino people to adequate food must be protected and kept inviolable. For this reason, the bill declares as a state policy that "*adequate food is not a matter of charity, but of legal entitlement. Hunger is inconsistent with human dignity and human rights, and must be eliminated.*

The aim of this Act is to provide a framework, within which hunger will be addressed in an organized way, and through which hunger may be ended."

As aforesaid, this bill serves to consolidate all our existing laws relative to food and set up a national system that will assure food access for everyone. It envisions the creation of a Commission on the Right to Adequate Food with the following powers:

1. To enforce laws relating to food;
2. Receive complaints of violations of the right to adequate food;
3. Investigate all forms of violations of the right to adequate food;
4. Provide legal measures on the protection of the right to food;
5. Establish a continuing program of research, education, and information to enhance respect for the primacy of the right to adequate food; and
6. Recommend to Congress effective measures to promote the right to adequate food.

Therefore, I humbly implore all my colleagues to immediately pass this bill as our unequivocal declaration of our fight to end hunger in our country.


AQUILINO "KOKO" PIMENTEL III

1 b. *Hunger* means a spectrum of situations, from starvation, which
2 is not having enough food of any sort to eat, to
3 undernourishment, which is having enough food to eat, but of
4 inadequate quality.

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

12 d. *Vulnerable groups* refer to those who are particularly
13 disadvantaged. These include indigenous peoples, ethnic,
14 linguistic, or religious minorities, persons with disabilities,
15 individuals living with HIV/AIDS, refugees and internally
16 displaced people, and women and children.

17 SECTION 4. *Normative Content.* – The right to adequate food is
18 realized when every man, woman, and child, alone or in community
19 with others, has physical and economic access at all times to adequate
20 food, or means for its procurement. The right to adequate food will
21 therefore not be interpreted in a narrow or restrictive sense, which
22 equates it with a minimum package of calories, proteins, and other

1 specific nutrients. The right to adequate food will have to be realized
2 progressively. However, the core obligation is to take the necessary
3 action to mitigate and alleviate hunger, even in times of natural or other
4 disasters. Central to the realization of the right to adequate food is
5 adequacy and sustainability of food availability and access.

6 a. The concept of adequacy is particularly significant in relation to
7 the right to adequate food since it serves to underline a number
8 of factors which must be taken into account in determining
9 whether particular foods or diets that are accessible, can be
10 considered the most appropriate under given circumstances. The
11 notion of sustainability is intrinsically linked to the notion of
12 adequate food or food security, implying food being accessible
13 for both present and future generations. The precise meaning of
14 adequacy is to a large extent determined by prevailing social,
15 economic, cultural, climatic, ecological and other conditions,
16 while sustainability incorporates the notion of long-term
17 availability and accessibility. The core content of the right to
18 adequate food implies:

19 i. The availability of food in a quantity and quality sufficient
20 to satisfy the dietary needs of individuals, free from
21 adverse substances, and acceptable within a given culture;
22 and

1 ii. The accessibility of such food in ways that are sustainable,
2 and that do not interfere with the enjoyment of other
3 human rights.

4 b. Dietary needs imply that the diet as a whole contains a mix of
5 nutrients for physical and mental growth, development and
6 maintenance, and physical activity, that are in compliance with
7 human physiological needs at all stages throughout the life
8 cycle, and according to gender and occupation. Measures
9 therefore need to be taken to maintain, adapt, or strengthen
10 dietary diversity and appropriate consumption and feeding
11 patterns, including breastfeeding, while ensuring that changes in
12 availability and access to food supply as a minimum do not
13 negatively affect dietary composition and intake.

14 c. Freedom from adverse substances sets requirements for food
15 safety and for a range of protective measures by both public and
16 private means to prevent contamination of foodstuff through
17 adulteration, bad environmental hygiene, or inappropriate
18 handling at different stages throughout the food chain. Care
19 must also be taken to identify and avoid or destroy naturally
20 occurring toxins.

21 d. Cultural or consumer acceptability implies the need to also take
22 into account, as far as possible, perceived non nutrient-based

1 values attached to food and food consumption and informed
2 consumer concerns regarding the nature of accessible food
3 supplies.

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

9 f. Accessibility encompasses both economic and physical
10 accessibility:

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

1 ii. Physical accessibility implies that adequate food must be
2 accessible to everyone, including physically vulnerable
3 individuals, such as infants and young children, elderly
4 people, those belonging to the informal sector, the
5 physically disabled, the terminally ill and persons with
6 persistent medical problems, including the mentally ill.
7 Victims of natural disasters, people living in disaster-
8 prone areas, and other specially disadvantaged groups,
9 need special attention, and sometimes priority
10 consideration with respect to accessibility of food. A
11 particular vulnerability is that of many indigenous
12 population groups whose access to their ancestral lands is
13 threatened.

14 SECTION 5. *Conditions for the Exercise of the Right to Adequate*

15 *Food.* – Every person has the right to live in conditions that enable her
16 or him to:

- 17 a. either feed herself or himself directly from productive land or
18 other natural resources, or rely on well-functioning distribution,
19 processing and market systems, or both;
- 20 b. be financially able, not only to acquire a sufficient quantity and
21 quality of food, but also to satisfy her or his other basic needs;

- 1 c. be safe from the risk of losing access to food, as a consequence
2 of sudden shocks, like an economic or climatic crisis, or cyclical
3 events, such as seasonal food insecurity;
- 4 d. have the opportunity of good food utilization, through access to
5 an adequate diet, clean water, sanitation and health care, to
6 reach a state of nutritional well-being, where all physiological
7 needs are met; and
- 8 e. access foods or diets that are the most appropriate under given
9 circumstances, in terms of their nutritional value and cultural
10 acceptability.

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

13 Every woman has a right to adequate food and adequate nutrition
14 during pregnancy and lactation.

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

18 SECTION 6. *Freedom from Hunger.* - Every person has a right to
19 be free from hunger. Every person suffering from hunger or
20 undernourishment, or at risk of suffering from hunger or
21 undernourishment, is entitled to a minimum amount of food according to

1 his or her age, sex, health status and occupation, as provided for in
2 Section 15 of this Act.

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

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

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

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

1 a. Participation: People are able to determine their own well-being
2 and participate in the planning, design, monitoring and
3 evaluation of decisions affecting them. Individuals are able to
4 take part in the conduct of public affairs, including the adoption
5 and implementation of State policies. Such participation is
6 active, free and meaningful, whether it is exercised directly or
7 through intermediary organizations representing specific
8 interests. It is supported by capacity-building where necessary.

9 b. Accountability: Public officials are answerable to their
10 superiors, and to the people they serve, for their actions.
11 Application of the principle of accountability in the context of
12 the framework law requires clear assignment of responsibilities
13 and functions to public authorities for implementation of the
14 framework law and any subsequent measures to be taken. In
15 addition, the expected results are spelled out clearly and
16 appropriate procedures are established.

17 c. Non-discrimination: It is a level of protection of human rights
18 objectively and reasonably the same for everybody, irrespective
19 of sex, age, race, colour, religion or any other ground. In
20 addition to specifically prohibiting discrimination on any
21 ground, this principle requires specific measures aimed at
22 correcting *de facto* discrimination or eliminating conditions that

1 cause or help to perpetuate discrimination, as well as measures
2 promoting equality. In the context of this Act, it means paying
3 particular attention to those groups that cannot enjoy their rights
4 as fully as others.

5 d. Transparency: It is open access by the public to timely and
6 reliable information on the decisions and performance of public
7 authorities. Holders of public office are as open as possible
8 about all their decisions and actions that may affect the free
9 exercise of the right to adequate food. Applying the principle of
10 transparency within the context of the framework law means
11 that right-holders are provided with essential information about
12 the decision-making process and those accountable and
13 responsible for it. Right-holders also have the power to demand
14 information on the processes that feed into the achievement of
15 the particular entitlement, with an easy and low-cost corrective
16 check to maladministration.

17 e. Human dignity: It is the absolute and inherent worth that
18 persons have, simply because they are human, not by virtue of
19 any social status or particular powers. The framework law
20 recognizes in an unequivocal form that every person has a right
21 to adequate food. To comply with this principle in the
22 implementation of the Act, the State, through its public officials,

1 treats persons equally and respects their human worth and
2 dignity.

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

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

1 violated, as well as the guarantee of due process in all legal
2 proceedings.

3 SECTION 9. *Governmental Obligations.* – The State has the duty
4 to respect, protect and fulfill the right to adequate food.

5 a. Respect: It is the duty of the State not to interfere with or impair
6 the enjoyment of the right to adequate food. No public authority
7 may deprive any person of food or means for its procurement,
8 apply laws and regulations, or pursue a policy or practice, in a
9 way that could result in preventing the enjoyment of or
10 infringing the human right to adequate food, or repeal formally
11 or suspend legislation necessary for the continued enjoyment of
12 the right to adequate food.

13 b. Protect: It is the duty of the State to provide guarantees against
14 threats and risks stemming from private actors or societal forces
15 that are controllable by State action. It is bound to take
16 preventive measures necessary to protect persons whose
17 capacity to access sufficient and adequate food or means for its
18 procurement is endangered by the acts of others. It also ought to
19 review the relevant administrative and legislative framework
20 ensuring that activities within their competence undertaken by
21 private actors do not infringe on the right to adequate food of
22 others.

1 c. Fulfil: It is the duty of the State to facilitate the enjoyment of the
2 right to adequate food by adopting or pursuing appropriate
3 policies and measures, in a manner to foster and promote the
4 human right to adequate food and to create and maintain
5 conditions under which every person can freely and regularly
6 enjoy her or his right to adequate food. It is equally the duty of
7 the State to provide the right to adequate food, by adopting and
8 putting in place measures to provide food, or means for its
9 procurement, to persons who cannot take care of their own
10 needs, due to reasons beyond their control, in particular for
11 children whose parents die or disappear or otherwise no longer
12 take care of them.

13 SECTION 10. *Targets.* - The Government will ensure that in two
14 and a half years, the incidence of hunger will be reduced, from the level
15 current at the time of the passage of this Act, by 25%; in five years, it
16 will be further reduced by 25%; in seven and a half years, it will be
17 further reduced by 25%; and in 10 years, zero hunger will be achieved.

18 The Government will also ensure that in 10 years, land devoted to
19 food production will be increased to 50% of all prime agricultural land
20 in every region, and that the following indicators will considerably and
21 steadily increase over the same 10 years, together with other structural

1 and process indicators, as may be determined in the implementing rules
2 and regulations of this Act:

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

- 1 c. Examination of alternatives: determining other options for
2 achieving the same objectives as those of the proposal.
- 3 d. Impact analysis: identifying and predicting the likely social,
4 economic, environmental, and other related effects of the
5 proposal.
- 6 e. Mitigation and impact management: establishing measures
7 necessary to avoid or minimize predicted adverse impacts, and
8 to incorporate these into the proposal implementation plan.
- 9 f. Impact statement or report: assessment of significant outcomes
10 including a simplified summary for public debate.
- 11 g. Public consultation: seeking the public's input on matters
12 affecting them.
- 13 h. Review of the impact assessment report: determining whether
14 the report identifies all relevant information on the possible
15 impacts on the enjoyment of the right to adequate food, takes
16 into consideration all potential social, economic, environmental
17 and other effects of the proposal, and contains concerns and
18 comments of the potentially affected population, and all the
19 information necessary for decision-making.
- 20 i. Decision-making: approving or rejecting the proposal, and
21 establishing the terms and conditions for its implementation.

1 j. Evaluation and monitoring: systematic determination of merit,
2 worth and significance.

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

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

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

15 The Chairperson and the Members of the Commission will not,
16 during their tenure, hold any other office or employment. Neither shall
17 they engage in the practice of any profession, or in the active
18 management or control of any business, which in any way may be
19 affected by the functions of their office, nor shall they be financially
20 interested, directly or indirectly, in any contract with, or in any franchise
21 or privilege granted by the government, any of its sub-divisions,

1 agencies, or instrumentalities, including government-owned or
2 controlled corporations or their subsidiaries.

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

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

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

- 17 1) Receive complaints of violations of the right to adequate food
18 from individuals and groups
- 19 2) Investigate, *motu proprio* or on complaint by any party, all
20 forms of violations of the right to adequate food;

- 1 3) Adopt operational guidelines and rules of procedure, and cite
2 for contempt for their violation, in accordance with the Rules
3 of Court.
- 4 4) Provide appropriate legal measures for the protection of the
5 right to adequate food of all persons within the Philippines,
6 as well as Philippine citizens residing abroad, and provide for
7 preventive measures and legal aid services to the under-
8 privileged whose right to adequate food has been violated or
9 needs protection;
- 10 5) Establish a continuing program of research, education and
11 information to enhance respect for the primacy of the right to
12 adequate food;
- 13 6) Recommend to Congress effective measures to promote the
14 right to adequate food, to harmonize existing laws affecting
15 the right to adequate food, to ensure their complementation,
16 and the availability of remedies for violations and
17 compensation to victims of violations of the right to adequate
18 food;
- 19 7) Monitor the Philippine Government's compliance with its
20 obligations in regard to the right to adequate food;
- 21 8) Request the assistance of any department, bureau, office or
22 agency in the performance of its functions;

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

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

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

6 1) Apply the human rights principles established by this Act.

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

9 3) Use, to the fullest possible extent, the services, facilities and
10 information, including statistical information, of the relevant
11 public and private bodies and organizations, to prevent
12 duplication of effort and expenses.

13 SECTION 13. *Institutional Responsibilities.* - In implementing the
14 right to adequate food, the Commission on the Right to Adequate Food
15 may call out other agencies to ensure the right to adequate food. In the
16 implementation of the right to adequate food, the Department of
17 Agriculture will have the primary duty to ensure food availability,
18 stability and adequacy; the Department of Health will have the primary
19 duty to ensure food quality and safety; the Department of Trade and
20 Industry will have the primary duty to ensure physical and economic
21 access to food; and the Department of Public Works and Highways will

1 have the primary duty to ensure well-functioning distribution, processing
2 and market systems.

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

- 9 a. Department of Agriculture;
- 10 b. Department of Agrarian Reform;
- 11 c. Department of Health;
- 12 d. Department of Trade and Industry
- 13 e. Department of Public Works and Highways;
- 14 f. Department of Environment and Natural resources;
- 15 g. Department of Energy;
- 16 h. Department of Social Welfare and Development
- 17 i. National Economic and Development Authority;
- 18 j. National Anti-Poverty Commission;
- 19 k. National Disaster Coordinating Council
- 20 l. Philippine News Agency
- 21 m. Philippine Information Agency
- 22 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
3 projects to provide strategic interventions to respect, protect and fulfill
4 the right to adequate food. The council will also serve as the monitoring
5 body in regard to right to adequate food initiatives.

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

17 SECTION 15. *Minimum Amount of Food.* – The Commission on
18 the Right to Adequate Food, in coordination with the Department of
19 Social Welfare and Development, will ensure regular, reliable and
20 timely delivery of a minimum amount of food, or the means for its
21 procurement, to persons who are suffering from hunger or
22 undernourishment, or are at risk from suffering from hunger or

1 undernourishment, but who cannot take care of their own needs, due to
2 reasons beyond their control, including, but not limited, to children
3 whose parents die or disappear, or otherwise no longer take care of
4 them, elderly, and persons with disabilities.

5 Implementing rules and regulations will be adopted on the
6 minimum amount of food. These implementing rules and regulations
7 will determine the exact quantity of calories, proteins and
8 micronutrients, to which the minimum amount of food will correspond,
9 according to the age, sex, health status and occupation of a person. There
10 will be a simple and accessible application or certification procedure for
11 the minimum amount of food entitlement, as provided for in the
12 implementing rules and regulations. There will be transparent, fair and
13 non-discriminatory eligibility or certification criteria.

14 Fair, independent and accessible recourse procedures to the
15 Commission on the Right to Adequate Food for complaints and
16 appropriate remedies in case of a determined violation of the right to
17 adequate food, will be established. There will also be an appropriate
18 monitoring and evaluation mechanism in which the Department of
19 Social Welfare and Development will report to the Commission on the
20 Right to Adequate Food on a regular basis. The national budget will
21 include a specific item allocating resources necessary for the
22 implementation of this fundamental right. Specific support measures will

1 be designed and adopted to prevent or compensate for disadvantages that
2 identified vulnerable persons or groups suffer from, in regard to the
3 enjoyment of their right to adequate food. The Commission on the Right
4 to Adequate Food will review proposed support measures and, where
5 necessary, will give further guidance, so as to ensure that all groups are
6 covered appropriately.

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

10 a. Food emergencies cover both early warning and preparedness
11 for a crisis, as well as organizing and managing food response
12 in the case of a crisis, and comply with the right to adequate
13 food and the relevant international standards.

14 b. Emergency food responses be compatible with the right to
15 adequate food and international standards regulating
16 emergencies.

17 c. Requests for international assistance be initiated in case of
18 necessity, alongside supervising and coordinating distribution of
19 food response received.

20 SECTION 17. *Information.* - All government agencies, under the
21 direction of the Commission on the Right to Adequate Food, in

1 coordination with the Philippine News Agency and Philippine
2 Information Agency, have a duty to:

3 a. Inform the population about the rights established in this Act
4 and about the implementing rules and regulations adopted upon
5 its entry into force, as well as about any other measure taken for
6 the purpose of facilitating and promoting the realization of the
7 right to adequate food.

8 b. Use the most appropriate ways and methods of disseminating
9 information, including by providing information in oral ways,
10 such as rural radio, and in local languages, notably in the most
11 marginalized areas and among populations with a high rate of
12 illiteracy.

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

18 a. The school curriculum includes material related to food and
19 nutrition education, the right to adequate food, and human rights
20 principles.

- 1 b. Adult education and training programmes, when relevant,
2 include material related to food and nutrition, the right to
3 adequate food, and human rights principles.

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

- 8 a. Ensure that activities undertaken in other countries, including
9 those by private actors, do not infringe on the enjoyment of the
10 right to adequate food by people in the concerned countries; and
11 b. Promote international cooperation and provide assistance to
12 ensure the realization of the right to adequate food in other
13 countries, if in a position to do so.

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

- 17 a. Collect data related to food and nutrition security, using
18 monitoring methodologies and processes consistent with human
19 rights principles as established by this Act.
20 b. Disaggregate collected data by age, sex, status and group.
21 c. Monitor progress achieved in the realization of the right to
22 adequate food.

1 d. Establish or identify an early warning mechanism.

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

5 a. Free and meaningful participation, including freedom of
6 information and freedom of association.

7 b. Consultations on specific areas of implementation of this Act.

8 c. National public hearings every two years from the effectivity of
9 this Act, at which the Government is required to report on
10 progress made with the implementation of this Act, and the
11 progressive realization of the right to adequate food in the
12 country.

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

17 a. food blockade;

18 b. refusal to implement a food-related program;

19 c. discrimination in implementing a food-related program;

20 d. negligence in implementing food-related programs, resulting
21 in death;

22 e. obstructing access to food in time of calamity or war;

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

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

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

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

20 It is hereby declared a ministerial duty on the part of the
21 Government to ensure the enjoyment of the rights guaranteed in this Act,
22 and to perform the duties embodied in it. Appropriate cases may be filed

1 before the courts to compel compliance with the provisions of this Act.
2 These cases will be without prejudice to liability for damages, as well as
3 administrative liability that may be incurred.

4 SECTION 24. *Appropriations.* - There shall be authorized to be
5 appropriated such amounts as necessary to carry out the provisions of
6 this Act. Afterwards, such sums as may be necessary for the continued
7 implementation of this Act shall be included in the annual General
8 Appropriations Act. There will be an allocation of specific and sufficient
9 resources for the purposes of the implementation of the right to adequate
10 food, in accordance with priorities set by the Commission on the Right
11 to Adequate Food. The allocation will be aimed at the progressive
12 realization of the right to adequate food over the long term. Every
13 person's right to be free from hunger can never be deviated from by
14 temporary or permanent cutbacks.

15 SECTION 25. *Implementing Rules and Regulations.* - The
16 Commission on Human Rights will issue the necessary rules and
17 regulations to implement the provisions of this Act within sixty (60)
18 days from its effectivity. In the formulation of these rules and
19 regulations, the Commission on Human Rights will take the lead and
20 will coordinate with the Department of Agriculture, Department of
21 Agrarian Reform, Department of Social Welfare and Development,
22 Department of Health, Department of Trade and Industry, Department of

1 Public Works and Highways, National Economic and Development
2 Authority, and National Anti-Poverty Commission, and with the active
3 participation of people's organizations and human rights
4 nongovernmental organizations.

5 SECTION 26. *Rationalization of Policies.* - All existing policies,
6 laws, decrees, executive orders, memorandum orders, memorandum
7 circulars, administrative orders, and ordinances will be rationalized in
8 accordance with the right to adequate food, as provided for by this Act.

9 Laws affecting the realization of the right to adequate food will be
10 interpreted in a way compatible with the right to adequate food and this
11 Act.

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

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

20 SECTION 28. *Repealing Clause.* - All laws, executive orders,
21 decrees, rules and regulations, or parts thereof inconsistent with this Act
22 are hereby repealed or modified accordingly.

1 SECTION 29. *Effectivity Clause.* - This Act shall take effect
2 fifteen (15) days after its complete publication in at least two (2)
3 national newspapers.

Approved,