



HOUSE OF REPRESENTATIVES

H. No. 5269

BY REPRESENTATIVES DEL MAR, ANGARA-CASTILLO, BELMONTE (J.C.), TUPAS, BELARO, VILLAFUERTE, ZARATE, SUANSING (E.), SUANSING (H.), UMALL, GATCHALIAN, PRIMICIAS-AGABAS, ROQUE (H.), RODRIGUEZ (M.), ESCUDERO, NOGRALES (K.A.), CUA, BOLILIA, ACOF, GO (M.), LABADLABAD, TAN (A.), SAGARBARRIA, CHAVEZ, BAGATSING, DELOSO-MONTALLA, FERRER (J.), BORDADO, TEVES, ERIGUEL, GONZAGA, ORTEGA (P.), SALCEDA, DIMAPORO (M.K.), LOBREGAT, BATAOIL, DEFENSOR, ABAYA, ARCILLAS, TEJADA, ALONTE, SAVELLANO, CAMINERO, ROQUE (R.), AMATONG, GONZALEZ, ACOSTA, VILLAR, GONZALES (A.P.), ROMUALDO, MACEDA, TAMBUNTING, ANTONIO, SARMIENTO (C.), DALIPE, ACOSTA-ALBA, ABAYON, FLORENDO, ESPINO, MONTORO, NIETO, ONG (H.), CATAMCO, MANGAOANG, GORRICETA, PALMA, YU, MADRONA, EUSEBIO, VARGAS, NAVA, GASATAYA, LACSON, BRAVO (M.V.), SY-ALVARADO, VIOLAGO, BATOCABE, MENDING AND CUEVA, PER COMMITTEE REPORT NO. 176

AN ACT INSTITUTIONALIZING THE NATIONAL SCHOOL FEEDING PROGRAM FOR PUBLIC KINDERGARTEN AND ELEMENTARY PUPILS AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Short Title.* — This Act shall be known as the “National
2 School Feeding Program Act”.

3 SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of the
4 State to promote the rights of children to survival, development, and special

1 protection with full recognition on the nature of childhood and its special
2 needs.

3 Recognizing the direct correlation between good nutrition and the
4 propensity of children to develop into physically and mentally healthy
5 individuals, the State shall endeavor to promote and fortify proper nutrition
6 among schoolchildren, especially those belonging to low-income households,
7 in order to safeguard them from the ill effects of malnutrition and to enhance
8 as well their learning capacities.

9 SEC. 3. *Definition of Terms.* — As used in this Act:

10 (a) *Fortified food* refers to food with deliberately increased content of
11 essential micronutrient, i.e. vitamins and minerals (including trace elements)
12 irrespective of whether or not the nutrients were originally in the food before
13 processing, so as to improve the nutritional quality of the food supply and to
14 provide a public health benefit with minimal risk to health;

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

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

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

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

26 SEC. 4. *Objectives.* — This Act shall pursue the following objectives:

27 (a) Ensure that adequate health and nutrition programs are accessible
28 to schoolchildren throughout their early childhood years;

1 (b) Achieve improved survival rates attendance in public kindergarten
2 and elementary schools;

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

5 (d) Mitigate malnourishment among schoolchildren, thus, ensuring that
6 they will be adequately prepared for the formal learning system; and

7 (e) Establish a system for early identification, prevention, referral, and
8 intervention of developmental disorders and disabilities in early childhood.

9 SEC. 5. *National School Feeding Program.* — There is hereby
10 established a National School Feeding Program (NSFP) which serves as an
11 alternative approach of providing free supplementary meals, including fresh
12 milk and fresh milk-based food products, through a program menu particularly
13 for all children studying in public kindergarten and elementary schools
14 nationwide.

15 SEC. 6. *Implementation and Inter-Agency Coordination.* — The
16 Department of Education (DepED) is hereby authorized to lead in the
17 administration and implementation of the NSFP. In coordination with the
18 DepED, the following national government agencies shall be tasked to make
19 available such resources as may be necessary to ensure the successful
20 implementation of the NSFP:

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

25 (b) The Department of the Interior and Local Government (DILG)
26 shall help enlist the support of local government units (LGUs) as DepED
27 partners in the operation of the NSFP, including the possibility of utilizing the
28 services of the City/Municipal Nutrition Action Officers, City/Municipal
29 Health Officers, Barangay Nutrition Scholars, and Barangay Health Workers;

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2 (c) The Department of Social Welfare and Development (DSWD) shall
3 support the DepED by ensuring the availability of data on poor households
4 based on the NHTS-PR or *Listahanan*;

5 (d) The Department of Trade and Industry (DTI), the DA, the
6 Department of Health (DOH) and the Food and Drug Administration (FDA)
7 shall help the DepED look for cost-effective sources of foodstuff, vaccines,
8 and vitamin supplements;

9 (e) The National Economic and Development Authority (NEDA) shall
10 support the DepED in the determination of official development assistance
11 sources to expand the inputs needed in the NSFP;

12 (f) The National Dairy Authority (NDA) shall support the DepED in
13 the procurement of fresh milk and fresh milk-based food products and in
14 coordinating with local cooperatives and dairy corporations for the availability
15 of milk supplies needed; and

16 (g) The National Nutrition Council (NNC), in coordination with the
17 Food and Nutrition Research Institute (FNRI), shall provide the menu
18 consisting of a combination of foods that meet the recommended energy and
19 nutrient intake of children.

20 The DepED, the participating national government agencies, and other
21 concerned stakeholders shall execute a Memorandum of Agreement specifying
22 the necessary arrangements relative to the operations of the NSFP.

23 *SEC. 7. Child Feeding and Nutrition Committee.* – There is hereby
24 created a Child Feeding and Nutrition Committee (CFNC), chaired by the
25 DepED Secretary or a duly authorized representative, co-chaired by the DOH
26 Secretary or a duly authorized representative, and with members composed of
27 a representative each from the NNC, DA, DILG, DSWD, DTI, NEDA,
28 FDA, FNRI, NDA, teachers' organization, and parent-teacher associations.
29 The CFNC shall formulate a school-based feeding and nutrition framework,

1 oversee its review and evaluation, and may recommend the necessary
2 refinements on the implementation of the NSFP.

3 The CFNC shall likewise establish a monitoring and evaluation system
4 for the nationwide implementation of the NSFP, which shall incorporate
5 periodic reports from the schools division and regional offices. The report
6 shall provide the needed information that may determine whether or not the
7 program has achieved its objectives, including the identification of issues and
8 constraints as well as the corresponding appropriate recommendations.

9 The DepED Secretary shall designate the support Secretariat of the
10 CFNC, preferably from DepED personnel whose functions are relevant to
11 school feeding and nutrition.

12 SEC. 8. *Mechanics of the NSFP.* - In addition to its
13 inter-departmental coordinative and consultative tasks during the operation of
14 the NSFP, the DepED shall:

15 (a) administer the NSFP, in coordination with concerned government
16 institutions, for a minimum of one hundred twenty (120) feeding days per
17 school year to be done five (5) days a week with one (1) feeding activity per
18 school day providing the level of calorie and protein as prescribed by
19 guidelines on dietary supplementation to be issued by the NNC Governing
20 Board;

21 (b) conduct orientation-training activities utilizing its core of trainers
22 to all DepED health and nutrition unit personnel at the regional and division
23 levels so as to generate their support to the NSFP's objectives and mechanics.
24 DepED personnel trained at the schools division level shall be responsible for
25 training the staff at the district and municipal levels while those trained at the
26 district and municipal levels shall be responsible for training the implementers
27 and feeding coordinators at the school level;

28 (c) conduct orientation meetings with parents and pupils utilizing the
29 DepED feeding coordinators for proper information dissemination on the

1 NSFP's objectives and mechanics and, in the process, generate stakeholders'
2 support for the program;

3 (d) in coordination with the DOH and concerned LGUs, conduct
4 simultaneous health examinations, including de-worming and vaccination
5 activities, to participating pupils during the orientation meeting set for parents
6 and pupils. The school's medical staff or the medical staff of a public health
7 center in the community shall take charge and provide proper treatment or
8 referral to a hospital for pupils who are found to have defects or ailments.
9 Classroom advisers, who are required to undergo proper training to be
10 conducted by the core trainers, shall note their observations regarding the
11 pupils' health condition, including the measurement of the pupils' height and
12 weight before the start of the feeding program and every month thereafter for
13 the entire duration of the feeding program;

14 (e) make available the necessary food supplies such as: (1) fresh milk
15 and fresh milk-based and fortified foods, in accordance with Republic
16 Act No. 8976, or the "Philippine Food Fortification Act of 2000", and
17 Republic Act No. 8172, or the Salt Iodization or ASIN Law; and (2) vitamin
18 supplements in such dosages and for such duration as the DOH may determine
19 most beneficial to the child's health and nutritional well-being; and

20 (f) ensure that the beneficiary schoolchildren eat their meals and drink
21 their milk inside the classroom only, and shall thus be prohibited from taking
22 their ration home.

23 *SEC. 9. Procurement, Storage, and Handling System.* – The
24 procurement, storage, and handling of appropriate food supplies shall be
25 spearheaded by the DepED, in coordination with the NNC, the FNRI and other
26 concerned government agencies. The DepED shall seek the help of the DA in
27 tapping the services of local farmers associations and cooperatives for the
28 procurement of locally-produced food supplies and shall encourage contracts

1 with farmers associations and cooperatives in accordance with existing
2 procurement laws.

3 In the procurement program, priority shall be given to the utilization of
4 locally-produced fresh milk and locally-available food supplies, utilizing as
5 well the products of the Gulayan sa Paaralan Project (GPP) of the DepED and
6 the products of community gardens as part of convergence efforts to increase
7 food supplies at the local level.

8 The DepED shall issue the guidelines necessary for the effective
9 implementation of the procurement, storage, and handling system.

10 **SEC. 10. *Priority LGUs.*** – In case of shortage of funds, priority in the
11 implementation of the NSFP shall be given to public kindergarten and
12 elementary schools situated in municipalities and cities which are determined
13 and identified by the NNC or by any competent government agency to have
14 high malnutrition rates.

15 **SEC. 11. *Participation of LGUs.*** – The DepED Secretary shall initiate
16 partnerships with LGU officials to encourage them to contribute available
17 resources to the feeding program in public schools within the LGUs'
18 respective area of jurisdiction.

19 Notwithstanding the provisions of Sections 100 and 272 of Republic
20 Act No. 7160, otherwise known as the "Local Government Code of 1991", the
21 LGUs shall be allowed to use their Special Education Fund to support the
22 NSFP, subject to approval of the local school board.

23 **SEC. 12. *Participation of Parent-Teacher Associations.*** – The DepED
24 shall promote the involvement of parents through the parent-teacher
25 associations in the planning, implementation, monitoring, and evaluation of
26 the school feeding program.

27 **SEC. 13. *Private Sector Participation.*** – To supplement the resources
28 needed for the NSFP, the DepED shall encourage private sector partnership.

1 A private entity may, as part of its Corporate Social Responsibility program,
2 donate or adopt a school as beneficiary of the NSFP.

3 SEC. 14. *Tax Exemption.* – Any donation or bequest made to the
4 DepED for the NSFP shall be exempt from donor's tax and the same shall be
5 considered as allowable deduction from the gross income of the donor, in
6 accordance with the provisions of the National Internal Revenue Code of
7 1997, as amended: *Provided,* That the donation is duly approved by the
8 Secretary of Education upon the recommendation of the Executive Director of
9 the NNC, in case of food products, and the Secretary of Health, in case of
10 vaccine and vitamin products.

11 SEC. 15. *Appropriations.* – The amount necessary to cover the initial
12 implementation of this Act shall be charged against the appropriation of
13 the DepED for school-based feeding program under the current General
14 Appropriations Act. Thereafter, such sums as may be necessary for the
15 continued implementation of this Act shall be included in the annual General
16 Appropriations Act.

17 SEC. 16. *Implementing Rules and Regulations.* – Within ninety (90)
18 days from the approval of this Act, the DepED Secretary, in consultation with
19 the heads of other participating government agencies, shall formulate the rules
20 and regulations implementing the provisions of this Act. The implementing
21 rules and regulations issued pursuant to this Act shall take effect thirty (30)
22 days after its publication in two (2) national newspapers of general circulation.

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

26 SEC. 18. *Repealing Clause.* – All laws, decrees, orders and rules and
27 regulations contrary to or inconsistent with the provisions of this Act are
28 hereby repealed or amended accordingly.

- 1 SEC. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after
2 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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