

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



'22 JUL 13 P1 :22

SENATE
S. No. 497

RECEIVED BY



Introduced by Senator Loren B. Legarda

**AN ACT
PROVIDING A FRAMEWORK TO PROTECT AND PROMOTE THE RIGHT TO
ADEQUATE FOOD**

EXPLANATORY NOTE

According to the 2021 Global Hunger Index, the Philippines ranks 68th out of 116 countries, with a score of 16.8, which means that the country suffers from a level of hunger that is moderate.

The Social Weather Stations (SWS) survey revealed that 3.1 million families or a total of 12.2% of Filipinos experienced hunger in the first quarter of 2022. The majority of these families are reportedly in Metro Manila. The report added that it has been the highest in Metro Manila in 23 out of 97 surveys since July 1998.

In 2021, the World Bank reports that Philippines is 5th among countries with the highest prevalence of stunting in the East Asia and Pacific region, and is among the ten (10) countries globally with the highest number of stunted children. DOST's (Department of Science and Technology) Food and Nutrition Research Institute (FNRI) also reported in 2019 that one (1) in every five (5) children under two (2) years old are stunted; and that 64.1% of total Filipino households are food insecure.

The need to reduce, if not eliminate, malnutrition and hunger in the country cannot be overemphasized. To have physical, social, and economic access to safe,

nutritious, and sufficient food at all times that meet every individual's dietary needs and food preferences is a recognized right by the United Nation's Committee on World Food Security.

The right to adequate food is a protected human right under the 1987 Constitution. Furthermore, the Universal Declaration of Human Rights provides that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food."¹ Pervasive hunger and starvation is a human rights violation.

In this regard, this bill aims to reduce, if not eliminate, hunger and malnutrition and likewise ensure an increased food production across the country. Towards this end, a Commission on the Right to Adequate Food shall be created as the primary policy-making and coordinating body to ensure the full exercise of the right to adequate food.

In view of the foregoing, the approval of this bill is earnestly sought.



LOREN LEGARDA

¹ Art. XXV (1) of the Universal Declaration of Human Rights

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RECORDED



Introduced by Senator Loren B. Legarda

AN ACT
PROVIDING A FRAMEWORK TO PROTECT AND PROMOTE THE RIGHT TO
ADEQUATE FOOD

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 "Right to Adequate Food
2 Act."

3 Sec. 2. *Declaration of Policy.* - Consistent with the principles enshrined in the
4 Constitution as well as the provisions of the International Covenant on Economic,
5 Social and Cultural Rights, Convention on the Rights of the Child, and the
6 Convention on the Elimination of All Forms of Discrimination Against Women, to
7 which the Philippines is a State Party, it is hereby declared the policy of the State to
8 guarantee the right to adequate food.

9 Adequate food is not a matter of charity, but a legal entitlement. Hunger is
10 inconsistent with human dignity and human rights, and must be eliminated.
11 Towards this end, the State shall provide for a framework to address and eliminate
12 hunger in an organized manner, and protect the right of the people to adequate food.

13 Sec. 3. *Definitions.* - As used in this Act:

14 a. *Dietary needs* refer to a mix of nutrients for physical and mental growth,
15 development and maintenance, and physical activity, that follow human
16 physiological needs at all stages throughout the life cycle, and according to
17 gender and occupation;

18 b. *Food* refers to solid, liquid, and semi-liquid nourishment, as well as

1 drinking water, and when taken into the body serves to nourish, build and
2 repair tissues, supply energy, or regulate body processes;

3 c. *Food blockade* refers to an act of cutting off food supplies from a particular
4 area by force, either in part or totally;

5 d. *Food emergency* refers to a situation in which access to food is endangered,
6 such as that caused by natural events like drought, floods, storms,
7 earthquakes, or crop failures resulting from pests or diseases; or by a human
8 agency such as internal or international armed conflict; or infectious disease
9 outbreaks or pandemics, such as Severe Acute Respiratory Syndrome
10 (SARS) and Coronavirus 19 disease (COVID-19);

11 e. *Food sovereignty* refers to the right of people to healthy and culturally
12 appropriate food produced through ecologically sound and sustainable
13 methods, and their right to define their food and agriculture systems, putting-
14 the aspirations and needs of those who produce, distribute, and consume food
15 at the heart of food systems and policies rather than the demands of markets
16 and corporations;

17 f. *Hunger* refers to a condition in which people do not get enough food to eat
18 to provide the necessary nutrients for fully productive, active, and healthy
19 living due to the unavailability and inaccessibility of food, which may be (a)
20 acute, such as during a major disaster when food supply channels are cut, (b)
21 chronic, when people are regularly not getting enough food to conduct an
22 active life for a long time, or (c) a condition of starvation, which is not having
23 enough food of any sort to eat, or (d) undernourishment, which is having
24 enough food to eat, but of inadequate quality; and

25 g. *Vulnerable groups* refer to those who are particularly disadvantaged such as
26 indigenous peoples, ethnic, linguistic, or religious minorities, persons with
27 disabilities, persons living with Human Immunodeficiency Virus (HIV) or
28 Acquired Immune Deficiency Syndrome (AIDS), refugees and
29 internally displaced people, elderly, and women, including pregnant and
30 lactating mothers and children, particularly those from zero to twenty-three
31 (23) months of age.

32 Sec. 4. *Progressive Realization of the Right to Adequate Food.* - Every person has

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

6 The right to adequate food is realized when every man, woman, and child,
7 alone or in a community with others, has physical and economic access at all times to
8 adequate food, or means for its procurement. The right to adequate food must not be
9 interpreted in a narrow or restrictive sense, which equates it with a minimum
10 package of calories, proteins, and other specific nutrients. The right to adequate food
11 must be realized progressively.

12 Sec. 5. *Core Content on the Right to Adequate Food.* - The core content of the right
13 to adequate food includes the concepts of food availability and accessibility, which
14 must be in a quantity and quality sufficient to satisfy the dietary needs of
15 individuals, and in sustainable ways, and do not interfere with the enjoyment of
16 other human rights.

17 Sec 6. *Food Adequacy Standard.* - Central to the realization of the right to
18 adequate food is the standard of adequacy in terms of quality, quantity, and cultural
19 acceptability, sustainability of food availability, and access.

20 The standard of adequacy includes a number of factors that must be
21 considered in determining whether particular foods or diets that are accessible can
22 be considered the most appropriate under given circumstances. Sustainability is
23 intrinsically linked to the concept of adequate food or food security, implying that
24 food must be accessible to both present and future generations.

25 The concept of adequacy to a large extent is determined by prevailing social,
26 economic, cultural, climatic, ecological and other conditions, while
27 sustainability incorporates long-term availability and accessibility.

28 Sec. 7. *Availability Standard.* - Food must be available for feeding oneself
29 directly from productive land or other natural resources, or for well-functioning
30 distribution, processing, and market systems that can move food from the site of
31 production to where it is needed by demand.

32 Sec. 8. *Accessibility Standard.* - Food accessibility is both economic, which refers

1 to the acquisition pattern or entitlement through which people procure their food,
2 and physical, where food must be accessible to everyone.

3 Economic accessibility means that the personal or household financial cost
4 associated with the acquisition of food for an adequate diet should be at a level such
5 that the attainment and satisfaction of other basic needs are not threatened, or
6 compromised. Economic accessibility applies to any acquisition pattern or
7 entitlement through which people procure their food, and is a measure of the extent
8 to which it is satisfactory for the enjoyment of the right to adequate food.

9 Physical accessibility means that adequate food must be accessible to
10 everyone, including physically vulnerable individuals, such as infants and young
11 children, elderly people, those belonging to the informal sector, the physically
12 disabled, the terminally ill, and persons with persistent medical problems, including
13 the mentally ill. Victims of natural disasters, people living in disaster-prone areas
14 and other especially disadvantaged groups, and many indigenous peoples groups
15 whose access to their ancestral lands is threatened, need special attention and
16 priority consideration with respect to accessibility of food.

17 Socially vulnerable groups such as landless persons and other particularly
18 impoverished segments of the population may need attention through special
19 programs.

20 *Sec. 9. Cultural or Consumer Acceptability.* - In providing food, there is a need to
21 consider, as far as possible, the perceived non-nutrient-based values attached to
22 food, and the consumer's concerns about the accessible food supplies.

23 Food must be free from adverse substances to ensure food safety. Measures
24 must be taken to maintain, adapt or strengthen dietary diversity and appropriate
25 consumption and feeding patterns, including optimal breastfeeding, to ensure that
26 changes in availability and access to food supply do not negatively affect dietary
27 composition and intake. Care must also be taken to identify and avoid or destroy
28 naturally occurring toxins.

29 Freedom from adverse substances implies that the requirements for food
30 safety and a range of protective measures are implemented to prevent contamination
31 of foodstuff through adulteration, bad environmental hygiene, or inappropriate
32 handling a different stages throughout the food chain.

1 Sec. 10. *Conditions for the Exercise of the Right to Adequate Food.* – Every person
2 has the right to live in conditions that shall enable the person to:

3 a. Acquire food directly from productive land or other natural resources; or
4 rely on well-functioning food distribution, processing, and market systems, or both;

5 b. Financially acquire a sufficient quantity and quality of food and to satisfy
6 other basic needs;

7 c. Be safe from the risk of losing access to food as a consequence of sudden
8 shocks, like an economic or climatic crisis, or one that is brought about by internal
9 displacements of people, or cyclical events such as seasonal food insecurity;

10 d. Have the opportunity of good food utilization through access to an
11 adequate diet, clean water, sanitation, and health care and to reach a state of
12 nutritional well-being, where all physiological needs are met; and

13 e. Access food or diet that is the most appropriate under given circumstances,
14 in terms of their nutritional value and cultural acceptability.

15 Every infant, girl, and boy, has a right to adequate food and optimal health,
16 development and nutrition adequate for their age, growth, and development.

17 Every woman has a right to adequate food and adequate nutrition during
18 pregnancy and lactation.

19 Unless it is provided by law or is necessary for a compelling public interest,
20 and is compatible with the nature of the right to adequate food, there is no limitation
21 on the right to adequate food.

22 Sec. 11. *Freedom from Hunger.* - Every person has a right to be free from
23 hunger. Every person suffering from hunger or under nutrition, or at risk of
24 suffering from hunger or under nutrition is entitled to a minimum amount of food
25 according to one's age, sex, health status, and occupation, as provided for in Section
26 19 of this Act.

27 Sec. 12. *Principles.* - The provisions of this Act are founded on the rights-based
28 principles of participation, accountability, non-discrimination, transparency, human
29 dignity, empowerment, and rule of law, and are consistent with the progressive
30 realization of the right to adequate food.

31 Sec. 13. *Non-discrimination.* - Any distinction, exclusion, or restriction made on
32 the basis of race, color, sex, age, language, religion, political or another opinion,

1 national or social origin, property, birth, or other status, which has the effect or
2 purpose of impairing or limiting the capacity of an individual to exercise the right to
3 adequate food, is unlawful and shall be sanctioned in accordance with the law.

4 All forms of discrimination against women with regard to the right to
5 adequate food, including less favorable treatment of women for reasons of
6 pregnancy and maternity, shall be eliminated and prevented. The equality of
7 opportunities between men and women shall be promoted.

8 The prohibition of discrimination shall not include government action to
9 remedy past effects of discrimination against particular individuals or groups and to
10 promote equality of opportunities with regard to the right to adequate food.

11 *Sec. 14. Governmental Obligations.* - The State, as the primary duty bearer, has
12 the duty to respect, protect and fulfill the right to adequate food and maintain food
13 sovereignty, in accordance with the conditions provided under Section 10 of this Act.

14 The State has the core obligation to take the necessary action to mitigate and
15 alleviate hunger, even in times of natural or other disasters. The right to be free from
16 hunger ensures a minimum daily nutritional intake and the bare survival of a
17 person. The right to adequate food goes beyond freedom from hunger.

18 a. Respect - the State has the obligation not to interfere with or impair the
19 enjoyment of the right to adequate food. No public authority may deprive any
20 person of food or means for its procurement, apply laws and regulations, or
21 pursue a policy or practice, in a way that may result in preventing the
22 enjoyment of or infringing the human right to adequate food, or repeal
23 formally or suspend legislation necessary for the continued enjoyment of the
24 right to adequate food.

25 b. Protect - the State has the duty to provide guarantees against threats and
26 risks stemming from private actors or societal forces that are controllable by
27 State action. It shall take preventive measures necessary to protect persons
28 whose capacities to access sufficient food or means for its procurement are
29 endangered by the acts of others. It also must review the relevant
30 administrative and legislative framework ensuring that activities
31 within their competence undertaken by private actors do not infringe on the
32 right to adequate food of others.

1 c. Fulfill - the State shall facilitate the enjoyment of the right to adequate food
2 by adopting or pursuing appropriate policies and measures that promote the
3 human right to adequate food and to create and maintain conditions under
4 which every person can freely and regularly enjoy the right to adequate food.

5 Sec 15. *Targets.* - The State shall ensure that in two and a half years (2 ½) after
6 the effectivity of this Act, the incidence of hunger is reduced by twenty-five percent
7 (25%), from the level recorded at the time of the passage of this Act: *Provided,* That
8 five (5) years after the effectivity of this Act, such incidence of hunger will be further
9 reduced by twenty-five percent (25%): *Provided,* further, That in seven and a half (7
10 ½) years, the incidence of hunger will be further reduced by twenty-five percent
11 (25%): *Provided,* finally, That in ten (10) years, there shall be zero hunger incidence.

12 The State shall also ensure that within ten (10) years from the effectivity of this
13 Act, land devoted to food production is increased to fifty percent (50%) of all prime
14 agricultural land in every region, and, within the same period, the State shall ensure
15 that the following indicators are considerably and steadily increased:

- 16 a. Percentage of development of ancestral lands;
- 17 b. Percentage of rural population with access to productive resources;
- 18 c. Share of budget spent on programs aimed at creating access to productive
19 resources;
- 20 d. Percentage of budget spent on agri-research, agri-extension, irrigation,
21 training, technology, credits, and rural development;
- 22 e. Percentage of rural female-headed households, or rural women, with legal
23 title to agriculture lands;
- 24 f. Percentage of public budget allocation for social transfer programs to those
25 unable to feed themselves;
- 26 g. Coverage of marginalized and disadvantaged populations taking part in
27 social transfer programs;
- 28 h. Percentage of marginalized and disadvantaged populations covered by a
29 public nutrition supplement program;
- 30 i. Percentage of the population aware of available food and nutrition
31 programs; and
- 32 j. Coverage of school feeding programs.

1 The percentage rates used as indicators herein shall also be stipulated in the
2 rules and regulations issued to implement the provisions of this Act.

3 Periodic reviews shall be undertaken to ensure compliance with set targets. In
4 the implementation of this Act, priority shall be given to identify areas with
5 chronically malnourished populations. In measuring the incidence of hunger, the
6 key primary data sources will include national nutrition surveys, household surveys
7 of the Philippine Statistics Authority (PSA), namely the Family Income and
8 Expenditure Survey and the Annual Poverty Indicators Survey, and global hunger
9 indices as benchmark.

10 *Sec 16. Institutional Responsibilities.* - The following agencies of the government
11 are required to fulfill their respective mandates in a manner that shall ensure full
12 implementation of the primary objectives of this Act:

- 13 a. Department of Agriculture (DA);
- 14 b. Department of Agrarian Reform (DAR);
- 15 c. Department of Budget and Management (DBM);
- 16 d. Department of Education (DepEd);
- 17 e. Department of Environment and Natural Resources (DENR);
- 18 f. Department of Health (DOH);
- 19 g. Department of the Interior and Local Government (DILG);
- 20 h. Department of Justice (DOJ);
- 21 i. Department of Labor and Employment (DOLE);
- 22 j. Department of Public Works and Highways (DPWH);
- 23 k. Department of Social Welfare and Development (DSWD);
- 24 l. Department of Science and Technology (DOST);
- 25 m. Department of Trade and Industry (DTI);
- 26 n. Commission on Human Rights (CHR);
- 27 o. Commission on Higher Education (CHED);
- 28 p. National Anti-Poverty Commission (NAPC);
- 29 q. National Economic and Development Authority (NEDA);
- 30 r. National Food Authority (NFA);
- 31 s. National Nutrition Council (NNC);
- 32 t. Technical Education and Skills Development Authority (TESDA); and

1 u. Other agencies and instrumentalities of the government whose functions
2 are necessary for the efficient and effective implementation of the right to
3 adequate food.

4 In addition, the development of a fully integrated whole-of-government
5 approach to implement the national policy governing the right to adequate food and
6 the use of a human rights-based approach for the establishment and implementation
7 of the national policy must be institutionalized.

8 Sec. 17. *Commission on the Right to Adequate Food.* - There is hereby created a
9 Commission on the Right to Adequate Food hereinafter referred to as the
10 Commission, which shall be attached to the Office of the President.

11 The Commission shall be the primary policy-making and coordinating body
12 to guarantee the full exercise of the right to adequate food. It shall exercise
13 monitoring and oversight functions, apply human rights principles, conduct an
14 objective impact assessment on all government policies, programs and projects prior
15 to adoption and implementation, work in close cooperation, and coordination with
16 relevant government agencies and in consultations with civil society organizations
17 and the private sector, and use all available resources for the efficient and effective
18 implementation of this Act.

19 It shall formulate a national food policy consistent with the policy formulated
20 by the Inter-Agency Task Force on Zero Hunger. The Commission shall implement
21 programs of action to eradicate hunger, achieve food security, improve nutrition,
22 and promote sustainable agriculture.

23 The Commission on the Right to Adequate Food shall have the following
24 powers:

- 25 a. Receive complaints of violations of the right to adequate food from
26 individuals and groups;
- 27 b. Investigate, motu proprio, or upon complaint by any party, all forms of
28 violations of the right to adequate food;

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

23 Sec. 18. *Composition.* - The Commission is composed of a chairperson and two

24 (2) members who must be natural-born citizens; at least thirty-five (35) years of age

25 at the time of their appointment; and must not have been a candidate for any elective

26 position in the elections immediately preceding their appointment. At least one (1) of

27 them must be a member of the Philippine Bar.

28 The Chairperson and members of the Commission shall not, during their

29 tenure, hold any other office or employment. Neither shall they engage in the

30 practice of any profession, or in the active management or control of any business

31 which, in any way affect the functions of their office, nor shall they be financially

32 interested, directly or indirectly, in any contract with, or any franchise or privilege

1 granted by the government, any of its subdivisions, agencies, or instrumentalities,
2 including government-owned or controlled corporations or their subsidiaries.

3 The Chairperson and members of the Commission shall be appointed by the
4 President and shall not be reappointed to another term. From among the members,
5 one (1) shall serve as the chairperson and shall hold office for ten (10) years, another
6 member shall be appointed as Commissioner for seven (7) years, and another shall
7 be appointed Commissioner and shall serve for five (5) years, without
8 reappointment. A member who shall be appointed to fill a vacancy shall serve only
9 the unexpired portion of the term of the predecessor. In no case shall any member be
10 appointed or designated in a temporary or acting capacity.

11 The Chairperson and members of the Commission shall receive the same
12 salary, benefits, privileges, and emoluments of a cabinet secretary and
13 undersecretary, respectively.

14 Sec. 19. *Standards on the Amount of Food.* - Within one (1) year from the
15 effectivity of this Act, the Commission shall, in consultations with the DSWD, DILG,
16 NNC and the DOH, issue guidelines on the minimum amount of food for persons
17 who are suffering from hunger or undernourishment, or are at risk from suffering
18 from hunger or undernourishment, but who cannot take care of their own needs, due
19 to reasons beyond their control, including children whose parents die or disappear,
20 or otherwise no longer take care of them, elderly, and persons with disabilities. The
21 guidelines include:

- 22 1) The exact quantity of calories, proteins, and micronutrients, to which
23 the minimum amount of food will correspond, according to the age,
24 sex, health status, and occupation of a person;
- 25 2) A simple and accessible application or certification procedure for the
26 minimum amount of food entitlement with transparent, fair and non-
27 discriminatory eligibility or certification criteria; and
- 28 3) Relief mechanisms to ensure that such individuals are provided with
29 their minimum food requirement.

30 Specific support measures shall be designed and adopted to prevent or
31 compensate for disadvantages of the identified vulnerable persons or groups with
32 regard to the enjoyment of their right to adequate food.

1 Sec. 20. *Emergencies.* - The Commission in coordination with the National
2 Disaster Risk Reduction and Management Council (NDRRMC) shall:

- 3 a. Provide food emergency responses that sufficiently cover both early
4 warning responses and disaster preparedness in case of a crisis, and
5 organize and manage food responses efficiently and effectively;
6 b. Ensure that food supply responses are compatible with the right to
7 adequate food and international standards regulating emergencies; and
8 c. Initiate requests for international assistance in case of necessity, and
9 supervise and coordinate properly the distribution of food to intended
10 recipients.

11 Sec. 21. *Information Dissemination.* - All government agencies, under the
12 direction of the Commission in coordination with the Philippine News Agency
13 (PNA) and Philippine Information Agency (PIA), shall:

- 14 a. Inform the population about the rights established in this Act
15 and the implementing rules and regulations adopted upon its passage
16 into law and other measures taken for the purpose of facilitating and
17 promoting the realization of the right to adequate food; and
18 b. Use the most appropriate ways and methods of disseminating
19 information by providing information through all media forms, and in
20 local languages, notably in the most marginalized areas and among
21 populations with a high rate of illiteracy.

22 Sec. 22. *Education and Awareness Program.* - The Commission, in coordination
23 with the DepEd, CHED and TESDA shall ensure that:

- 24 a. School curriculum includes material related to food and nutrition
25 education, the right to adequate food and human rights principles;
26 and
27 b. Relevant adult education and training programs shall include
28 materials related to food and nutrition, the right to adequate food, and
29 human rights principles.

30 Sec. 23. *International Cooperation.* - The Commission, in coordination with the
31 CHR and the Department of Foreign Affairs (DFA), shall:

- 32 a. Ensure that activities undertaken in other countries, including those

1 by private actors, do not infringe on the enjoyment of the right to
2 adequate food by people in the concerned countries, in coordination
3 with DA, DTI, DOH and NEDA, and other relevant agencies;

4 b. Promote international cooperation and help ensure the realization of
5 the right to adequate food in other countries, if in a position to do so;
6 and

7 c. Ensure that international and other agreements which the Philippine
8 Government enters into, consider the guarantee on the right to food.

9 Sec. 24. *Monitoring and Evaluation System.* - There shall be an integrated
10 monitoring system that shall ensure that all government agencies at all levels, under
11 the supervision of the Commission on the Right to Adequate Food, shall:

12 a. Collect data related to food and nutrition security, using monitoring
13 methodologies and processes consistent with human rights principles;

14 b. Disaggregate collected data by age, sex, income, bracket, civil status,
15 and ethnicity;

16 c. Monitor progress achieved in the realization of the right to adequate
17 food; and

18 d. Establish or identify an early warning mechanism for food supply
19 shortages and emergencies.

20 Sec. 25. *Representation and Participation of People's Organizations and Civil Society.* - To
21 guarantee public participation, the Commission shall ensure that:

22 a. All persons can freely and meaningfully participate in all forms of
23 public discourse, access information, and exercise freedom of
24 association, in relation to the formulation and implementation of
25 policies pertaining to the right to adequate food;

26 b. Civil society and other stakeholders actively participate in the
27 institutions that oversee the realization of the right to adequate food,
28 as well as in formulating capacity-building mechanisms and special
29 measures for disadvantaged groups; and

30 c. National public hearings are conducted every two (2) years, at
31 which the government is required to report on the progress made with
32 the implementation of this Act, and the progressive realization of the

1 right to adequate food in the country.

2 Sec. 26. *Penal Provisions.* - The penalty of imprisonment of six (6) months and
3 one (1) day to six (6) years, or a fine of not less than One hundred thousand pesos
4 (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both,
5 at the discretion of the court, shall be imposed on any person who causes the
6 starvation or denial of the access to food of any particular individual or group,
7 through the commission of any of the following acts:

8 a. blockade;

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

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

11 d. negligence in implementing food-related programs, resulting in
12 death;

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

14 f. theft, corruption, or black marketeering of food being given as
15 humanitarian aid, in times of calamity or war;

16 g. distribution of expired, or unsafe food at a school feeding program or
17 other feeding programs, in times of calamity or war;

18 h. contamination of food or water sources, through mining activities,
19 aerial spraying of plantations, or any other similar means; and other
20 analogous acts. *Provided That*, the penalty is imposable without prejudice
21 to any other criminal, civil, or administrative liability under existing
22 laws. If the act committed is food blockade during an armed conflict, the
23 penalty imposable shall be without prejudice to the application of
24 Republic Act No. 9851, or the "Philippine Act on Crimes Against
25 International Humanitarian Law, Genocide and Other Crimes against
26 Humanity," and other relevant laws.

27 Sec. 27. *Civil and Administrative Liabilities.* - The government shall ensure the
28 enjoyment of the rights guaranteed in this Act and perform the duties provided for
29 in this Act. Appropriate cases may be filed before the courts to compel compliance
30 with the provisions of this Act. These cases shall be without prejudice to the liability
31 for damages and administrative liability that may be incurred.

32 If the violator is a public official or employee, in addition to the penalty of

1 imprisonment or fine or both, the accessory penalty of perpetual absolute
2 disqualification to hold public office shall be imposed.

3 Sec. 28. *Appropriations.* - There shall be an allocation in the annual budget
4 specifically for the purposes of the implementation of the right to adequate food, in
5 accordance with priorities set by the Commission on the Right to Adequate Food.
6 The allocation shall be aimed at the progressive realization of the right to adequate
7 food over the long term.

8 Sec. 29. *Implementing Rules and Regulations.* - Within sixty (60) days from the
9 effectivity of this Act, the Chairperson of the Commission shall, in coordination with
10 the CHR, DA, DAR, DSWD, DOH, DTI, DPWH, NEDA, NNC and NAPC, and
11 people's organizations and human rights nongovernmental organizations,
12 promulgate the necessary rules and regulations for the effective implementation of
13 this Act.

14 Sec. 30. *Rationalization of Policies.* - All existing policies, laws, decrees,
15 executive orders, memorandum orders, memorandum circulars, administrative
16 orders, and ordinances shall be rationalized and interpreted in a way that shall
17 guarantee the realization of the right to adequate food as provided for by this Act.

18 Cabinet secretaries and other executive authorities involved in the
19 implementation of the right to adequate food shall report on a regular basis to the
20 Commission on the Right to Adequate Food on legislative and regulatory measures
21 that have been formulated and adopted, and the time frames within which they are
22 envisaged to achieve their objectives to achieve zero hunger.

23 Sec. 31. *Separability Clause.* - If any part or provision of this Act is declared
24 unconstitutional, the remainder of this Act or any provisions not affected thereby
25 shall remain in full force and effect.

26 Sec. 32. *Repealing Clause.* - All laws, decrees, executive orders, memorandum
27 orders, memorandum circulars, administrative orders, ordinances, or parts thereof,
28 which are inconsistent with the right to adequate food and the provisions of this Act,
29 are hereby deemed repealed or modified accordingly.

1 Sec. 33. *Effectivity.* -- This Act shall take effect fifteen (15) days after its
2 publication in the Official Gazette or a newspaper of general circulation.

Approved,