

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



23 JAN -9 P 4 :43

SENATE
S. No. 1644

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Introduced by Senator Jinggoy Ejercito Estrada

AN ACT
REDUCING WASTAGE BY DONATING AND RECYCLING EXCESS EDIBLE
FOOD

EXPLANATORY NOTE

In an article published by the Philippine Institute of Development Studies (PIDS) on October 4, 2022, "Food wasted by the tons while millions of Filipinos go hungry", it stated that its 2017 data shows that the National Capital Region "generates around 2,000 tons or 2 million kilograms of food waste daily" while a 2021 study by the United Nations Environment Programme reveals that "Philippine households generate some 9.4 million tons of food waste, excluding those from restaurants, markets and groceries, canteens, and other commercial and business establishments which cater to large groups." Further, the World Wide Fund Philippines (WWF PH) and GreenSpace "collect about a ton of food waste every week from 100 to 120 partner households and 20 to 25 partners businesses in Metro Manila alone".

These figures highlight the irony of high amount of food waste generated in the country while millions of Filipinos remains hungry. This can be gleaned upon in the figures reported by the the Sustainability Solutions Exchange (SSX) which is organized by the Center for International Trade Expositions and Missions (CITEM), the export promotion arm of the Department of Trade and Industry (DTI), as the

country's first platform promoting sustainable practices, resources and technology to the world's essential industries. SSX reported the following:

- The Philippines received a Global Hunger Index of 20.2 in its latest evaluation. Although it has been decreasing over the years, the value falls within the "serious" category. Also, for 2018, compared to its neighboring countries, it can be found in the upper half.
- Out of all our neighboring countries, the Philippines has the highest percentage of the total population experiencing severe food insecurity.
- 86 kilograms of food is wasted by an average Filipino every year.
- Despite hunger being present in the country, food is still being put to waste.
- More than 35% of food waste comes not from households, but from the food service and retail sector.

The "*Food Surplus Reduction Act*" seeks to adopt a system to promote, facilitate, and ensure the reduction of food surplus through redistribution and recycling. It also aims to implement measures that will make mandatory the donation of edible food surplus for charitable purposes.

The reduction of food wastes will not only address the food shortage in the country, including the international community, but will also address the various concerns related to food wastes, including adverse effects to the environment such as the production of methane gas, greenhouse gas, and contribution to climate change.

In this light, the immediate passage of this bill is highly recommended.


JINGGOY EJERCITO ESTRADA

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AN ACT
REDUCING WASTAGE BY DONATING AND RECYCLING EXCESS EDIBLE 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 "*Food Surplus*
2 *Reduction Act.*"

3 Sec. 2. *Declaration of Policy.* – The State recognizes that each person has a
4 right to an adequate standard of living, including sufficient, safe, quality and
5 nutritious food. It is hereby declared a policy of the State to attain food security, end
6 hunger and promote the efficient use of the country's food resources. The
7 considerable number of people going hungry daily is a breach of a human right that
8 this Act intends to address and correct and the massive amount of food surplus
9 presents an opportunity for the State to address hunger and its efforts on quality of
10 life of the underprivileged.

11 Toward this end, the State shall adopt a system to promote, facilitate and
12 ensure the reduction of food surplus through redistribution and recycling. The State
13 shall likewise implement measures to make it mandatory to donate edible food
14 surplus for charitable purposes.

15 Sec. 3. *Definition of Terms.* – As used in this Act:

- 1 a) *Edible food surplus* refers to excess food or surplus food in the retail and
2 consumption stages, determined to be fit for human consumption based
3 on the applicable standards of food quality and safety;
- 4 b) *Food banks* refers to non-profit, charitable or other social mission-oriented
5 organizations that collect donations of edible food items and distribute
6 them to the food insecure;
- 7 c) *Food insecure* refers to persons or groups of persons who have no means
8 and/or have difficulty producing or purchasing food;
- 9 d) *Food surplus reduction* refers to the decrease of food surplus through
10 redistribution of food surplus to the food insecure or the recycling of food
11 as fertilizer or compost;
- 12 e) *Food-related business* refers to public and private businesses involved in
13 the manufacturing and processing of food products, private businesses
14 involved in the wholesaling and retailing of food products, private
15 businesses involved in serving food products, and private institutions
16 offering courses in the art and science of preparation, cooking and
17 presentation of food; and,
- 18 f) *Inedible food surplus* refers to food discarded in the retail and
19 consumption stages, determined to be unfit for human consumption,
20 including, pre-packaged food products that have gone beyond their
21 declared expiry dates.

22 **Sec. 4. Covered Establishments.** – The establishments covered by this Act are
23 as follows:

- 24 a) Food manufacturers, notwithstanding any restriction imposed by any
25 existing law and regulation on food manufacturers: Provided, That any
26 donation made by such manufacturers under the provisions of this Act
27 shall constitute an exception to the applicability of restrictions under
28 existing laws and regulations as long as the product to be donated has no
29 safety and quality issue, no untruthful information or health claims or any
30 information that can mislead the consumers;
- 31 b) Food establishments (restaurants, cafes, diners, fast food chains or
32 hotels);

- 1 c) Supermarkets with at least five hundred (500) square meters of selling
- 2 space; and,
- 3 d) Culinary schools which offer culinary, baking and pastry courses with at
- 4 least fifty (50) students.

5 *Sec. 5. Determination of Food Insecure.* – The criteria for the determination
6 of a food insecure persons or group, will be made by the Department of Social
7 Welfare and Development (DSWD), in coordination with local government units
8 (LGUs).

9 *Sec. 6. National Zero Food Waste Campaign.* – The National Nutrition Council
10 (NNC), in close coordination with the DSWD, Department of the Interior and Local
11 Government (DILG), Department of Environment and Natural Resources (DENR),
12 Department of Education (DepEd), Department of Trade and Industry (DTI),
13 Department of Health (DOH), Department of Science and Technology (DOST),
14 Department of Agriculture (DA), other concerned agencies and LGUs, shall
15 undertake a National Zero Food Waste Campaign to raise awareness on the impact
16 of a food surplus and strategies to decrease wasted food starting at the household
17 level. The campaign shall also promote the food surplus reduction hierarchy and
18 recommend means of reducing individual food waste.

19 To educate the younger generation, the DepEd shall have the duty to ensure
20 that the prescribed curriculum includes informative materials on the following:

- 21 a) Current global and national food waste situation;
- 22 b) Ways to minimize food surplus;
- 23 c) National and local food surplus prevention programs;
- 24 d) Food recovery; and
- 25 e) Pertinent provisions of this Act.

26 *Sec. 7. Edible Food Surplus Distribution Steps.* – The following steps shall be
27 followed in edible food surplus distribution::

- 28 a) The owners of the covered establishments will segregate their edible and
- 29 inedible food surplus;
- 30 b) To facilitate distribution, food manufacturers may opt to perform the
- 31 segregation of their products at the supermarkets that sell their products,
- 32 bearing in mind the exclusion of all physically damaged food container

- 1 such as tainted or tarnished label which may render it unreadable, dented,
2 smashed, rusted, swollen, corroded food container or any similar condition
3 which may render the food unsafe. For consumer protection and
4 consistency with the existing policy, any processed food for donation shall
5 have at least twelve (12) months remaining shelf life;
- 6 c) Before a donation is made, a duly trained sanitary inspector of the LGU
7 will check if the edible food surplus is fit for human consumption;
- 8 d) Upon determination that the edible food surplus conforms to the standard
9 and policy, it will be donated to accredited food banks, as determined by
10 the DSWD; and,
- 11 e) Food banks, in coordination with the DSWD and LGUs will distribute the
12 edible food surplus to the food insecure.

13 *Sec. 8. Food-related Business Surplus Reduction Strategy.* – The owners of
14 food-related businesses such as food manufacturers, supermarkets, restaurants,
15 cafeterias, culinary schools and hotels shall:

- 16 a) Submit their respective reports to the DSWD and DENR containing data on
17 the amount (in tons) of its edible and inedible food surplus, organized
18 according to the manner of disposal, including donation, composting, or
19 discarding;
- 20 b) Enter into a contract with food banks to redistribute edible food surplus to
21 the food insecure;
- 22 c) Ensure that edible food surplus is unadulterated and in good condition
23 upon arrival at the food bank's distribution center; and,
- 24 d) Enter into a contract with waste management and recycling enterprises to
25 recycle inedible food surplus.

26 *Sec. 9. National Food Surplus Scheme.* – The DSWD, as the coordinating
27 agency between food businesses and food banks, shall:

- 28 a) Provide guidelines and standards for the collection, storage, and
29 distribution of edible food donated to food banks;
- 30 b) Ensure that food businesses have entered into contracts with food banks
31 and issue acceptance certificates to food businesses;

- 1 c) Ensure that food banks have adequate and appropriate storage for the
- 2 edible food surplus especially the highly perishable food;
- 3 d) Promote linkages between food banks and LGUs to create a community-
- 4 based food distribution system for the food insecure; and,
- 5 e) Create a Self-Sufficiency Program that will provide the food insecure with
- 6 skills training in managing food banks and livelihood programs to avoid
- 7 the dependence on donation solely.

8 *Sec. 10. Responsibility of LGUs in Waste Reduction Strategy.* – LGUs are
9 hereby required to:

- 10 a) Submit a report that contains data on the amount (in tons) of inedible
- 11 food surplus that can be recycled as raw materials for fertilizers or
- 12 compost, livestock feed or sources of biofuel to the DA and DENR;
- 13 b) Initiate a waste segregation effort per household, ensuring inedible food
- 14 surplus are not mixed with garbage otherwise garbage found with food
- 15 waste will not be collected;
- 16 c) Shoulder the cost of transporting inedible food surplus from collection
- 17 areas to waste management sites;
- 18 d) Enter into contract with waste management and recycling enterprises to
- 19 recycle inedible food waste into fertilizer or compost, livestock feed or
- 20 sources of biofuel; and,
- 21 e) Facilitate the distribution of fertilizer or compost to farms and community
- 22 gardening associations.

23 *Sec. 11. Training of Sanitary Inspectors.* – The NNC shall, in coordination with
24 the University of the Philippines College of Public Health and LGUs, conduct regular
25 trainings on the proper handling, collection, distribution and determination of edible
26 and inedible food surplus which includes microbiology, parasitology of food
27 contaminant and the standards for the classification of food quality.

28 *Sec. 12. Liability Protection.* – To protect the food donors from possible
29 abuses, and encourage donations, the liability of owners of the food-related
30 businesses is limited only to the time that they have possession of the food surplus.
31 Once the donation is received by the accredited food banks and/or farms, the
32 owners shall be exempt from any liability or injury arising therefrom.

1 Sec. 13. *Prohibition of Selling Edible and Inedible Food Surplus.* – The
2 reselling of donated edible and inedible food surplus is strictly prohibited. The
3 penalty of *prision mayor* shall be imposed upon anyone caught reselling donated
4 food surplus. If the offender is a juridical entity, the responsible officers will be held
5 liable for said violation.

6 Sec. 14. *Penal Provisions/Penalties.* – The penalty of a fine amounting to Five
7 hundred thousand pesos (P500,000.00) shall be imposed upon any individual,
8 private or public entity, who makes edible food surplus unfit for human
9 consumption. The same penalty is acceptable to private or public persons or entities
10 who prevent the redirection of edible food surplus to food banks or inedible food
11 surplus to waste management and recycling enterprises. The fines shall be imposed
12 as follows:

- 13 a) First time offenders – One million pesos (P1,000,000.00)
- 14 b) Second time offenders – One million five hundred thousand pesos
15 (P1,500,000.00)
- 16 c) Third time offenders – Two million pesos (P2,000,000.00)
- 17 d) Fourth time offenders – Three million pesos (P3,000,000.00)
- 18 e) Fifth time offenders and up – Five million pesos (P5,000,000.00)

19 Sec. 15. *Supervision.* – The NNC, in coordination with the DSWD, shall
20 supervise the enforcement and implementation of this Act.

21 Sec. 16. *Implementing Rules and Regulations.* – Within sixty (60) days from
22 the effectivity of this Act, the NNC, in coordination with the DSWD, DILG, DENR,
23 DOST, DepEd, and DOH, shall promulgate the necessary rules and regulations for
24 the effective implementation of this Act.

25 Sec. 17. *Separability Clause.* – If any provision or part hereof is held invalid or
26 unconstitutional, the remainder of the law or the provision or part not otherwise
27 affected shall remain valid and subsisting.

28 Sec. 18. *Repealing Clause.* – Any law, presidential decree or issuance,
29 executive order, letter of instruction, administrative order, rule, or regulation
30 contrary to or inconsistent with the provisions of this Act are hereby repealed,
31 modified, or amended accordingly.

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

Approved,