

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Nineteenth Congress
First Regular Session



HOUSE BILL NO. 673

Introduced by **Representative JOEY SARTE SALCEDA**

**AN ACT
PROMOTING ACCESS TO AFFORDABLE SCHOOL MEALS FOR PUBLIC
KINDERGARTEN AND ELEMENTARY PUPILS, ESTABLISHING FOR THE
PURPOSE THE UNIVERSAL FREE SCHOOL MEALS PROGRAM, AND
APPROPRIATING FUNDS**

EXPLANATORY NOTE

This bill is part of the proponent's Comprehensive Education Reform Agenda.

The 2018 Expanded National Nutrition Survey of the United Nations Children's Fund shows alarming undernutrition rates among Filipino children. Stunting is declining slowly, but the decline is marginal, from 34 percent in 2003 to 30 percent in 2018. This affects some 3.5 million children under 5 years of age.

While just over 5 per cent of children were wasted, the numerical equivalent of this rate is around 650,000 children. Among them, some 300,000 are with the severest form of malnutrition and require treatment. The Philippines also has the highest rate of low birthweight - 1 in 5 children - in ASEAN.

These results correlate with the country's performance in the 2018 Programme for International Student Assessment (Pisa), which covered 79 countries, where Filipino students fared worst in reading comprehension and second lowest in both mathematical and scientific literacy. Underdevelopment of the brain and the body tend to result in poor performance in reading, math, science and all other education metrics.

Intervention at the earliest stages of intellectual and nutritional development is critical. The non-government organization Save the Children Philippines made an in-depth study in 2016 which revealed that of the 330,418 students who repeated a grade level in 2013, around 15% or 49,000 students "had repeated a grade level as a result of under-five stunting." It is estimated that around Php 1.23 billion was required to cover the costs of grade level re-dos for these children.

In 2016, it was estimated that stunting costs the Philippines some Php 326.5 billion in lost productivity due to reduced productivity among the stunted work force, and the complete loss of productivity due to premature under-five child deaths linked to undernutrition.

This representation's estimates for 2019, given these numbers, would be around Php 370 billion, or around 2 percent of Gross Domestic Product. If we assume a higher technical potential for stunted children and workers, given the presence of higher-value industries, the number could easily swell to around 3.5 percent of GDP.

Beyond lost productivity, however, it is the State's function, as parent of its citizens, to ensure that no child falls beneath a decent standard of living. We have made great progress in making education accessible, but until we make sure that students come to school with optimally developed bodies and brains, we will not be able to achieve the full potential of an educated workforce.

Child hunger is a hidden crisis that will continue to manifest itself in other areas of our public life – education, health, and productivity – if we continue to shrug it off as an issue of critical national importance.

A Universal Free School Meals Program (UFSMP) will be a public investment with both short-term and long-term national returns. But beyond this, it is our moral duty to make sure that no child goes to school hungry.

Apart from honoring our moral obligations to children, this bill will also complement the country's programs for farmers by encouraging the UFSMP to source food stuffs from local sources and farmers. The UFSMP will also support job creation and skills developing by tapping persons trained by the Technical Education and Skills Development Authority (TESDA) in food handling, food safety, and storage.

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



JOEY SARTE SALCEDA



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

SECTION 1. *Short Title.* – This Act shall be known as the “Universal Access to Free School Meals for Children Act.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote the rights of children to survival, development, and special protection with full recognition on the nature of childhood and its special needs. Recognizing the direct correlation between good nutrition and physical and intellectual development, the State shall promote access to affordable and proper nutrition among school children, especially those belonging to low-income households. The State shall commit to eradicating child hunger and poverty.

Towards these ends, the State shall guarantee the access of children from low-income households to nutritious meals in all state-run schools.

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

- a) Fortified food refers to food with deliberately increased content of essential micronutrient, i.e. vitamins and minerals (including trace elements) irrespective of whether or not the nutrients were originally in the food before processing, so as to improve the nutritional quality of the food supply and to provide a public health benefit with minimal risk to health;
- b) Fresh milk refers to pasteurized fresh milk with limited shelf life, usually seven (7) to ten (10) days, and requiring refrigeration;

- c) Fresh milk-based food refers to food product containing fresh milk blended with powdered milk;
- d) National Household Targeting System for Poverty Reduction (NHTS-PR) or *Listahanan* refers to an information management system that identifies who and where the poor are in the country and serves as a reference in identifying potential beneficiaries of social protection program; and
- e) Powdered milk refers to a manufactured dairy product made by evaporating milk into powder form purposely to preserve it and to have a far longer shelf life than liquid milk due to its low moisture content

SEC. 4. *Objectives.* – The Universal Free School Meals Program (UFSMP) shall pursue the following objectives:

- a) Ensure that proper, age-appropriate, and affordable health and nutrition programs are accessible to school children throughout their childhood years;
- b) Improve survival rates attendance in public kindergarten and elementary schools;
- c) Enhance the physical, social, cognitive, psychological, and language development of young children and support their development into teenagers physically and intellectually capable of becoming civically-engaged youths;
- d) Mitigate malnourishment among school children, thus, ensuring that they will be adequately prepared for the formal learning system; and
- e) Establish an efficient system for early identification, prevention, referral, and intervention of developmental disorders and disabilities in early childhood

SEC. 5. *Establishment of the UFSMP.* – The UFSMP is hereby established as the central and streamlined approach of providing free supplementary meals, including fresh milk-based food products, through a program menu that shall be designed by the Department of Education (DepED), in partnership with the National Nutrition Council (NNC), particularly for children studying in public kindergarten and elementary schools nationwide.

The USFMP shall ensure that universal access wherever possible, but in case of budgetary constraints, priority shall be given to children below or near poverty line who are found to be undernourished.

The Department of Budget and Management shall recommend the streamlining of all nutrition programs benefiting school children into the UFSMP. Programs that cater to out-of-school-youth shall not be streamlined into the program, unless such programs involve encouraging the same to enter school.

SEC. 6. *Implementation and Interagency Coordination.* – The DepED is hereby authorized to be the principally-responsible agency in the administration and implementation of the UFSMP. In coordination with the DepED, the following national government agencies shall be tasked to make available such resources as may be necessary to ensure the successful implementation of the UFSMP:

- a) The Department of Agriculture (DA) shall tap farmers associations and cooperatives in the locality for possible sources of food supplies and shall share with the DepED any available resources and facilities that may be used for the UFSMP. Whenever applicable, the DA shall also support food production programs in and by public schools. The DA shall assign an office responsible for managing UFSMP efforts between the DepED and the DA;
- b) The Department of the Interior and Local Government (DILG) shall encourage the support of local government units (LGUs) as DepED partners in the operation of the UFSMP. Barangay Nutrition Scholars and Barangay Health Workers shall be requested to assist in UFSMP programs and projects;
- c) The Department of Social Welfare and Development (DSWD) shall support the DepED by ensuring the availability of data on poor households based on the NHTS-PR or Listahanan;
- d) The Department of Trade and Industry (DTI), the DA, the Department of Health (DOH) and the Food and Drug Administration (FDA) shall assist the DepED look for cost-effective sources of foodstuff, vaccines, and vitamin supplements. An Inter-Agency Committee on Affordable Food Options for the UFSMP composed of the said agencies shall be convened at least once every ninety (90) days for the purpose of coordinating UFSMP efforts to identify, procure, and evaluate nutrition options.
- e) The National Economic and Development Authority (NEDA), the Department of Finance (DOF), and the Department of Foreign Affairs (DFA) shall support the DepED in the determination and obtaining of official development assistance sources to expand the inputs needed in the UFSMP;
- f) The National Dairy Authority (NDA) shall support the DepED in the procurement of fresh milk-based food products and in coordinating with local cooperatives and dairy corporations for the availability of milk supplies needed; and
- g) The National Nutrition Council (NNC), in coordination with the Food and Nutrition Research Institute (FNRI), shall provide the menu consisting of a combination of foods that meet the recommended energy and nutrient intake of children, including alternatives for children who are allergic to certain foods. The NNC shall endeavor, as much as possible, to provide menu items that do not contain common allergens.

The DepED, the participating national government agencies, and other concerned stakeholders shall execute a Memorandum of Agreement specifying the necessary arrangements relative to the operation of the UFSMP.

SEC. 7. Mechanics of the UFSMP. – In addition to its interdepartmental coordinative and consultative tasks during the operation of the UFSMP, the DepED shall oversee the following activities:

- a) Administer the UFSMP, in coordination with concerned government institutions, for a minimum of one hundred twenty (120) feeding days per school year to be done five (5) days a week with one (1) feeding activity per school day;

- b) Conduct orientation and training activities utilizing its core of trainers for all DepED health and nutrition unit personnel at the regional and division levels to generate their support for the UFSMP's objectives and mechanics. DepED personnel trained at the schools' division level shall be responsible for training the staff at the district and municipal levels while those trained at the district and municipal levels shall be responsible for training the implementers and feeding coordinators at the school level;
- c) Conduct orientation meetings with parents, Parent-Teachers' Associations (PTAs), and pupils utilizing the DepED feeding coordinators for proper information dissemination on the UFSMP's objectives and mechanics and in the process generate stakeholders' support and recommendations for the program;
- d) Conduct simultaneous health examinations, including deworming and vaccination activities, to participating pupils during or immediately after the orientation meeting set for parents and pupils. The school's medical staff or the medical staff of a public health center or rural health unit in the community shall provide proper treatment or referral to a hospital for pupils who are found to have significant defects or ailments. Classroom advisers, who are required to undergo proper training to be conducted by the barangay nutrition scholars and barangay health workers, shall assist in observing their pupils' health condition, including the measurement of the pupils' height and weight before the start of the feeding program and every month thereafter for the entire duration of the feeding program. Whenever possible, the school shall extend administrative assistance to support data-collection efforts by classroom advisers;
- e) Make available the necessary food supplies such as: (1) Fresh milk-based and fortified foods; and (2) Vitamin supplements in such dosages and for such duration as the DOH may determine most beneficial to the child's health and nutritional well-being; and
- f) Ensure that the beneficiary school children eat their meals and drink their milk inside the classroom only.

SEC. 8. Procurement, Storage and Handling System. – The procurement, storage and handling of appropriate food supplies shall be spearheaded by the DepED, in coordination with the NNC, the FNRI and other concerned government agencies. The DepED shall seek the help of the DA in tapping the services of local farmers associations and cooperatives for the procurement of locally produced food supplies and shall encourage contracts with farmers associations and cooperatives in accordance with existing procurement laws. In the procurement program, priority shall be given to the utilization of locally produced fresh milk and locally available food supplies, utilizing as well the products of the *Gulayan sa Paaralan* Project (GPP) of the DepED and the products of community gardens as part of convergence efforts to increase food supplies at the local level. The DepED shall issue the guidelines necessary for the effective implementation of the procurement, storage and handling system.

Whenever possible, the DepEd shall also seek the compensated assistance of local residents trained by the Technical Education and Skills Development Authority (TESDA) in food preparation, handling, and storage.

SEC. 9. Priority LGUs. – In case of shortage of funds, priority in the implementation of the UFSMP shall be given to municipalities and cities which are determined and identified

by the NNC, and validated by the Philippine Statistics Authority (PSA), to have high malnutrition rates.

SEC. 10. *Participation of LGUs.* – The Secretary of Education shall initiate partnerships with LGU officials to encourage them to contribute available resources to the feeding program in public schools within the LGUs’ respective area of jurisdiction.

SEC. 11. *Amendment to the Allocation of the Special Education Fund.* – To allow LGUs to participate in the UFSMP, Section 272 of Republic Act No. 7185, otherwise known as the Local Government Code, is hereby amended to read as follows:

SEC. 272. APPLICATION OF PROCEEDS OF THE ADDITIONAL ONE PERCENT SEF TAX. - THE PROCEEDS FROM THE ADDITIONAL ONE PERCENT (1%) TAX ON REAL PROPERTY ACCRUING TO THE SPECIAL EDUCATION FUND (SEF) SHALL BE AUTOMATICALLY RELEASED TO THE LOCAL SCHOOL BOARDS: PROVIDED, THAT, IN CASE OF PROVINCES, THE PROCEEDS SHALL BE DIVIDED EQUALLY BETWEEN THE PROVINCIAL AND MUNICIPAL SCHOOL BOARDS: PROVIDED, HOWEVER, THAT THE PROCEEDS SHALL BE ALLOCATED FOR THE OPERATION AND MAINTENANCE OF PUBLIC SCHOOLS, CONSTRUCTION AND REPAIR OF SCHOOL BUILDINGS, FACILITIES AND EQUIPMENT, EDUCATIONAL RESEARCH, PURCHASE OF BOOKS AND PERIODICALS, SUPPORT FOR SCHOOL NUTRITION PROGRAMS, AND SPORTS DEVELOPMENT AS DETERMINED AND APPROVED BY THE LOCAL SCHOOL BOARD.

SEC. 12. *Participation of Parent-Teacher Associations (PTAs).* – The DepED shall promote the involvement of parents through the PTAs in the planning, implementation, monitoring, and evaluation of the school feeding program.

SEC. 13. *Monitoring and Evaluation System.* – The DepED shall establish a monitoring and evaluation system for the nationwide implementation of the UFSMP, which shall incorporate periodic reports from the schools’ division and regional offices. The report shall provide, among others, the needed information that may determine whether or not the program has achieved its objectives, including the identification of issues and constraints as well as the corresponding appropriate recommendations.

SEC. 14. *Tax Deductibility of Donation.* – Any donation or bequest made to the DepED for the UFSMP shall be considered as allowable deduction from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended: Provided, That the donation is duly approved by the Secretary of Education upon the recommendation of the Executive Director of the NNC, in case of food products, and the Secretary of Health, in case of vaccine and vitamin products.

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

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

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

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

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

Approved,