

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

House Bill No. 1236



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Introduced by: Rep. Bernadette "BH" Herrera-Dy

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AN ACT PROMOTING ALL RESTAURANTS, APPLICABLE FOOD ESTABLISHMENTS, AND FOOD-RELATED BUSINESSES TO AID FOOD INSECURITY AND TO PREVENT FOOD WASTAGE IN THE COUNTRY THROUGH A ZERO HUNGER, FOOD RESCUE PROGRAM

Explanatory Note

One of the Sustainable Development Goals is zero hunger by 2030. Zero hunger also aims to reduce production of food waste. Although, the World Food Programme continuously stated that "there is enough food in the world to feed everyone and no scientific breakthroughs are needed," still; one in every seven people in the world go hungry and more than 20,000 children under the age of 5 die from hunger daily (FAO, 2011). While another report by the Food and Agriculture Organization (FAO) in 2013 shows that 1.3 billion tons of food is lost each year.

In the Philippines, 2.7 million Filipino families experience involuntary hunger at least once in three months (SWS, 2017). In the span of 1999-2014, the number of Filipino families who rated themselves as hungry rose from 8.3% to 18.3% (SWS, self-hunger survey). According to the 2015 Global Food Security Index (GFSI), the country ranked 72nd out of 109 countries when it comes to food security. The index also rated the country's efforts against food insecurity as "moderate performance." Despite food insecurity, 2,175 tons of food scraps in Metro Manila end up in trash bins daily (PIDS, 2017). Food scraps are inevitable, but a lot of food waste is still edible (Moyer, 2012). It is argued that traditional consumption and production processes in the local dining industry contribute greatly to the country's food waste problem.

Furthermore, many Filipinos suffer from lack of food or poor diets, despite rising food availability because of inadequate access to food due to high poverty and low income (WFP, 2017). In the country's poverty-stricken areas, people resort to "pagpag" to feed their hungry stomachs. Pagpag refers to food scraps that are scavenged from garbage, recooked, and served as a new meal for families. To an extent, many call this as "the food of the poor." According to a CNN report (2012), these food scraps are sold for as low as 20 pesos per bag to poor families in Manila. Despite the warnings of health professionals against the dangers of eating pagpag, people continue to undermine the gross effect in order to fill their stomachs. The National AntiPoverty Commission (NAPC) has warned that eating recycled food severely compromises children's nutrition, and food-related diseases may appear later in life. However, this "industry" thrive until this day. In this regard, it is the duty of the government to provide safe and adequate food for its citizens. It must take active measures to improve the country's food security and discontinue risky practices that are detrimental to its people.

In 2015, the Philippines has renewed their commitment to pursue sustainable development through a common, integrated and inclusive agenda in next 15 years. The adoption of the 2030 Agenda for Sustainable Development promised that "no one will be left behind." Thus, it is imperative for the state to ensure that all citizens to have good food on their plates, regardless or social class. There should be no "food of the poor" but "food for all.As "pagpag" and other food scraps come from wastes of restaurants, and other food establishments in the Philippines, it is only necessary for them to be part of the solution. According to APEC meeting on Food Security (2015), most companies in the Philippine food industry lose money because around 33 percent of food production goes to waste. According to Resource Efficient Scotland (2017), the amount of food a business throws away is one indicator of the efficiency of the business.Additionally, food waste can be reduced through preventing waste at source, donating food to people in need, or diverting of excess food for composting or other industrial uses.Wasted surplus or excess food are still edible and considered wholesome nutritious food (EPA, 2017). In this regard, such surplus food can be audited, managed, and utilized to aid food insecurity in the country.

The Zero Hunger, Food Rescue Program's aim is to engage the food industry in helping reach zero hunger and in turn help food establishments manage production surplus and waste. Through the donation of excess or surplus food of establishments, hungry Filipinos are able to have safe and quality food and establishments can increase productivity, save waste disposal costs, and uphold its environmental goals. The Program shall also adhere to strict safety standards to protect its citizens.

Through this measure, the state shall uphold its people's right to food and right to food security and shall have due consideration to the production and success of its growing food industry.

In view of the foregoing, the immediate passage of this measure is earnestly sought.

  
Bernadette Herrera-Dy

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Section 1. Short Title. This Act shall be known as the "Zero Hunger Act."

Section 2. Declaration of Policy. It is the duty of the state to ensure that everyone has a right to adequate, safe, sufficient, and nutritious food and to freedom from hunger. It shall also manage food staple consumption and work towards reducing food waste.

To this end, the state shall adopt a program to promote zero hunger and to lessen food waste through surplus food donation of restaurants and other food establishments. By engaging the food industry in a food rescue program, it will not only help in alleviating hunger in the country but will also help in preventing wastage of food in the industry that could have served a better purpose.

Section 3. Definition of Terms. For the purpose of this Act, the following terms will mean:

- a) Food — an edible or potable substance (usually of animal or plant origin), consisting of nourishing and nutritive components such as carbohydrates, fats, proteins, essential mineral and vitamins, which (when ingested and assimilated through digestion) sustains life, generates energy, and provides growth, maintenance, and health of the body.
- b) Surplus Food —wasted excess food that are considered wholesome nutritious food. These are not spoiled food but either unsold or untouched food in restaurants and other food establishments. These may also refer to food products that are left over from breakfast, lunch or dinner service (e.g. salads, sandwiches, muffins and cakes), an excess of products that are close to their 'best-before' or 'use-by' date, ingredients and 36 finished products that fall outside of a customer specification, slow-moving stock or deleted lines, and products with damaged packaging.
- c) Food Security - exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life.
- d) Food Insecurity - exists when people do not have adequate physical, social or economic access to food.

- e) Food Waste—an overarching term defined as any potential source of food that has knowingly been discarded or destroyed. These include food discarded in factories, food not sold in shops or restaurants (or surplus food), kitchen scraps, and plate waste.
- f) Food Rescue - also called food recovery or food salvage, is gathering food that would otherwise go to waste from restaurants, caterers, bakeries, farmers and grocers and distributing it to local food banks, food pantries, emergency food programs and other nonprofit organizations.
- g) Unavoidable Food Waste - refer to food products lost during the consumption phase (e.g. banana peelings, fruit cores etc.).
- h) Food Establishment - an establishment where food or drinks are manufactured, processed, stored, sold or served. They must have a valid sanitary permit and health certificate issued by the local health authority.
- i) Food-Related Business - A business, enterprise or activity on any nature (other than primary food production) that involves: the handling of food intended for sale, or the sale of food.
- j) Restaurant - food and beverage service establishment with a health certificate issued by the local health authority. This certificate shall be issued only after the required physical and medical examinations are performed and immunizations are administered at prescribed intervals.
- k) Charity/Charities - an organization set up to provide help and raise money for those in need.
- l) Food Banks - is a non-profit organization that collects and distributes food to hunger- relief charities. Food banks act as food storage and distribution depots for smaller front line agencies; and usually do not themselves give out food directly to people struggling with hunger.
- m) Non-Profit Organizations - The term "non-profit organization" means an incorporated or unincorporated entity that:
- i. is operating for religious, charitable, or educational purposes; and
  - ii. does not provide net earnings to or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.
- n) Donation - is something which someone gives to a charity or other organization.

#### Section 4. Zero Hunger, Food Rescue Program for Restaurants, Food Establishments, and other Food-related businesses

The Food Rescue Program is banked on the premise of promoting food security through reducing food waste. In this regard, all duly-registered restaurants, food establishments, and other food-related businesses shall be subject to a Food Rescue Program wherein they shall donate surplus food to chosen food banks, charities, and non-profit organizations. The program shall adhere to strict safety standards to protect ultimate beneficiaries and help establishments determine and lessen generation food waste and surplus food to make production more efficient. It shall be under the purview of the Committee in Section 7 of this Act.

Section 5. Establishment of an Inter-agency Committee for the Food Rescue Program. An inter-agency committee lead by the National Nutrition Council (Department of Health) and other representatives from the Department of Social Welfare and Development, Department of Trade and Industry, Department of Environment and Natural Resources, Bureau of Internal Revenue, Local Government Units, as well as chosen representatives from the food industry will be established upon effectivity of this Act. They shall be in-charge of implementing the provisions of this Act, including management and oversight of the Program, and other concerns that may arise. The committee shall have the following functions:

- a) Assess and evaluate production and surplus food generation audits of restaurants, food establishments, and other food-related businesses and determine capacities and capabilities of these entities to donate or manage food waste and to lessen surplus food.
- b) Develop guidelines, health and safety standards for surplus food that are fit for donations and its collection, storage, and distribution of such.
- c) Provide criteria for accreditation and determine credibility of institutions and foundations that can receive food donations from food establishments for distribution to ultimate beneficiaries; they shall accredit these food banks, charities, and other non-profit organizations that are deemed to be fit under the standards provided.
- d) Review donation reports in terms of quantity, quality, cost, and value of donated goods from establishments to their chosen beneficiaries (which are selected from the accredited institutions of the Committee).
- e) Determine possible tax deductions that may be applicable to food establishments in terms of their donations.
- f) Oversee and determine the appropriate system for donations to non-profit organizations and other beneficiaries.
- g) Develop and promulgate the Implementing Rules and Regulations of this Act.
- h) Manage any other concerns that may arise under this Act.

Section 6. Duties of Food Establishments. The establishments covered under this Act shall submit an initial surplus food audit to the Committee under Section 5 of this Act to determine processes that generate surplus food. These establishments shall donate a portion or all its surplus food either daily or weekly to beneficiaries accredited and approved by the Committee. Donated food should be subject to the standards of the National Nutrition Council which shall be developed through the Committee under Section 5 of this Act. In donations, the establishment shall report to the Committee of the contents and quality of donation to its chosen beneficiary. The prescribed format, details and information needed in this report shall be duly stated in the Implementing Rules and Regulations of this Act.

Section 7. Liabilities of Food Establishments. The restaurant and other establishments under this Act shall not be subject to civil or criminal liability from the donated food and/or surplus food that have been subject to the standards of the National Nutrition Council before its donation in good faith to a non-profit organization, food bank, church, or charity. However, the former does not apply to the death and injury of ultimate recipients of such donations from an act or omission of persons or establishments, as applicable, constituting to gross negligence and/or intentional 7 misconduct. This shall be penalized as prescribed under Section 1 of this Act.

Section 8. Duties of Food banks, Charities, and other Non-Profit Organizations. Food Banks, charities, foundations, and other non-profit organizations shall be accredited and proved fit under the standards provided by the Committee under Section 5 of this Act before these entities are able to receive donations from food establishments. Donated goods received by these entities shall not be distributed for sale. Such act shall be penalized as prescribed under Section 1 of this Act

Section 9. Liabilities of Food banks, Charities, and other Non-Profit Organizations. The entities under this Act shall not be subject to civil or criminal liability from the donated food and/or surplus food that have been subject to the standards of the National Nutrition Council before its donation that have been received in good faith. However, death and injury of ultimate recipients of such donations from an act or omission of persons, establishments, or organizations, as applicable, constituting to gross negligence and/or intentional misconduct shall be penalized as prescribed under Section 1 of this Act.

Section 10. Certification and Tax Deductions. Restaurants, food establishments, and other food-related businesses who have complied with the provisions of the Food Rescue Program under this Act shall receive tax deductions and certification of compliance:

a) Food Rescuer Certificate: Restaurants, food establishments, and other food-related businesses shall be recognized and certified as "Food Rescuers" under the Food Rescue Program. This distinction shall be awarded to deserving establishments that have donated food regularly, complied with the provisions of this Act, and lessened surplus food production and food waste within five (5) years of the Program's effectivity. This shall be determined by the Committee under Section 5 of this Act.

b) Tax Deductions: The value of donations by restaurants, food establishments, and other food-related businesses made by food establishments may be claimed as tax deductions from gross taxable income of said entities. This shall be determined by the Committee under Section 5 of this Act.

Section 11. Penal Provisions. The following are the imposed penalties of those in violation of the Act herewith:

1. Gross negligence and/or intentional misconduct in handling, preparation, and/or distribution of donated goods of persons, establishments, or organizations, that resulted to death or injury of ultimate recipients.

a) Injury: shall be penalized by imprisonment of one (1) year to five (5) years and a fine of not less than three hundred thousand pesos (PhP300,000.00) but not more than five hundred thousand pesos (Php 500,000.00).

b) Death: shall be penalized by imprisonment of five (5) years to fifteen (15) years and a fine of not less than five hundred thousand pesos (PhP 500,000.00) but not more than five million thousand pesos (Php 5,000,000.00).

2. Repacking and distributing for sale of food, and other goods intended for donation. Such act shall be penalized by imprisonment of one (1) year to three (3) years and a fine of not less than fifty thousand pesos (PhP 50,000.00) but not more than two hundred thousand pesos (Php 200,000.00).

3. Deliberately contaminating or any other act towards making food waste unfit for consumption and donation Such act shall be penalized by imprisonment of one (1) year to three (3) years and a fine of not less than one hundred thousand pesos (PhP100,000.00) but not more than three hundred thousand pesos (Php 300,000.00).

4. Redirecting or preventing such donations to reach intended recipients Such act shall be penalized by imprisonment of six (6) months to two (2) years and a fine of not less than fifty thousand pesos (PhP 50,000.00) but not more than one hundred thousand pesos (Php 100,000.00).

Section 12. Fund Sources. The amounts necessary to implement this Act shall be included in Section 13. Implementing Rules and Regulations Within ninety (60) days from the effectivity of this Act, the Committee, in consultation with appropriate government agencies and other stakeholders, shall promulgate the necessary rules and regulations to implement this Act.

Section 14 Separability Clause. If, for any reason or reasons, any part of the provision of this Act shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 15. Repealing Clause. All laws, decrees, orders, rules, and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 16. Effectivity Clause. This Act shall take effect after fifteen (15) days following its publication in the Official Gazette and at least two (2) newspapers of general circulation.

Approved,