Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2303

Introduced by:
HONORABLE KHYMER ADAN T. OLASO
Representative, 1st District, Zamboanga City

AN ACT
PROVIDING A FRAMEWORK FOR THE RIGHT TO ADEQUATE FOOD, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

EXPLANATORY NOTE

Generally understood as the right to feed oneself in dignity, the right to adequate food is a long-standing international human right to which many countries are committed. Over the last decades, a number of countries have developed and implemented constitutional amendments, national laws, strategies and programs that aim at the fulfillment for all of the right to food.[1]

The realization of the right to adequate food is not merely a promise to be met through charity. It is a human right of every woman, man and child that is to be fulfilled through appropriate actions by governments and non-state actors. The 2030 Agenda for Sustainable Development prioritizes scaled up, transformational action to eradicate poverty and end hunger and all forms of malnutrition, recognizing that permanent eradication of hunger and the realization of the right to adequate food for all are achievable goals.[2]

The right to adequate food can contribute to the transformational change by creating synergies within the existing policy environment, in each context, to enhance coherence across relevant sectors. For example, by sharpening the focus of national policy, legal and program frameworks on the eradication of hunger, food insecurity and malnutrition (Sustainable Development Goal, [SDG] 2), and contributing also to the elimination of extreme poverty and the reduction of overall poverty (SDG1), and to ending all forms of discrimination against women and girls (SDG5).[3]

Over the years, important advances have been made at various levels. Globally, the right to adequate food has been a legally binding human right in international law for more than 35 years while since then additional legal guarantees have been afforded to specific groups, such as women, children and persons living with disabilities.

In 2004, FAO Member Nations adopted by consensus the *Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security* (Right to Food Guidelines), which provide practical guidance on ways to implement the right to adequate food in a wide range of policy and programme areas.

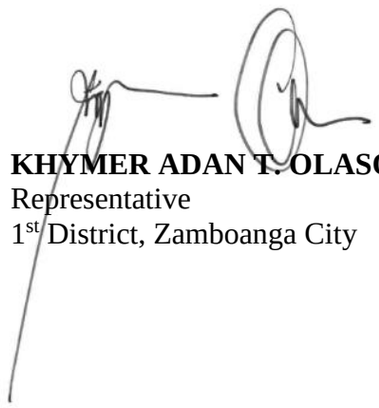
More recently, whether as a result of consensual international documents with the fulfilment of the right to food as an objective, such as the *Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security*, or as a

[1] http://www.fao.org/right-to-food/en/
[2] Ibid.
[3] Ibid.

goal reiterated by the United Nations Secretary-General in light of the Zero Hunger Challenge, fulfilment of the right to food is increasingly becoming a priority on the international agenda.

This bill, which was filed and passed 3rd reading during the 17th and 18th Congresses, is being re-filed to address the pressing need to ensure that that there is food in every table of the Filipino family's home

Immediate passage of this bill is earnestly sought.



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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 ***"Right to Adequate Food Framework Act."***

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

Adequate food is not a matter of charity, but a legal entitlement. Hunger is inconsistent with human dignity and human rights, and must be eliminated. The State shall provide for a framework to address and eliminate hunger in an organized manner.

SECTION 3. ***Definitions***. – As used in this Act:

a. *Food* refers to solid, liquid and semi-liquid nourishment, as well as drinking water, and when taken into the body serves to nourish, build and repair tissues, supply energy, or regulate body processes;

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

c. *Food emergency* refers to a situation in which access to food is endangered, as that caused by natural events like drought, floods, storms, earthquakes, or crop failures resulting from pests or diseases; or by human agency such as internal or international armed conflict;

d. *Hunger* refers to a condition in which people do not get enough food to eat to provide the necessary nutrients for fully productive, active and healthy living due to the unavailability and inaccessibility of food. It can be acute, such as during a major disaster when food supply channels are cut, or chronic, when people are regularly not getting enough food to conduct an active life for a long time;

It is also a condition of starvation, which is not having enough food of any sort to eat, or undernourishment, which is having enough food to eat, but of inadequate quality.

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

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

SECTION 4. ***Normative Content***. – The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food, or means for its procurement. The right to adequate food must not be interpreted in a narrow or restrictive sense, which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food must be realized progressively. However, States have the core obligation to take the necessary action to mitigate and alleviate hunger, even in times of natural or other disasters. The right to be free from hunger ensures a minimum daily nutritional intake and the bare survival of a person. The right to adequate food goes beyond freedom from hunger. Central to the realization of the right to adequate food is an adequacy standard in terms of quality, quantity and cultural acceptability, sustainability of food availability and access.

a. The *concept of adequacy* is particularly significant since it underlines a number of factors which must be taken into account in determining whether particular foods or diets that are accessible can be considered the most appropriate under given circumstances. The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying that food must be accessible to both present and future generations. The precise meaning of adequacy is to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while sustainability incorporates the notion of long-term availability and accessibility.

b. The *core content of the right to adequate food* implies:

1) the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture;

2) the accessibility of such food in ways that are sustainable, and do not interfere with the enjoyment of other human rights.

c. *Dietary needs* refer to the diet as a whole that contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity, that are in compliance with human physiological needs at all stages throughout the life cycle, and according to gender and occupation. Measures therefore need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, including optimal breast-feeding, as well as to ensure that changes in availability and access to food supply as a minimum do not negatively affect dietary composition and intake.

d. *Freedom from adverse substances* refers to the requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuff through adulteration, or through bad environmental hygiene, or inappropriate handling at different stages throughout the food chain. Care must also be taken to identify and avoid or destroy naturally occurring toxins.

e. *Cultural or consumer acceptability* refers to the need to take into account, as far as possible, perceived non nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.

f. *The concept of availability* refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.

g. *Accessibility* refers to economic and physical accessibility:

(1) *Economic accessibility* means personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened, or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food, and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population may need attention through special programs.

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

SECTION 5. ***Conditions for the Exercise of the Right to Adequate Food***. – Every person has the right to live in conditions that shall enable the person:

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

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

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

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

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

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

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

No limitation on the right to adequate food may be allowed, unless it is provided by law, is necessary for the purpose of a compelling public interest, and is compatible with the nature of the right to adequate food.

SECTION 6. ***Freedom from hunger***. – Every person has a right to be free from hunger. Every person suffering from hunger or under nutrition, or at risk of suffering from hunger or under nutrition is entitled to a minimum amount of food according to one's age, sex, health status and occupation, as provided for in Section 13 of this Act.

SECTION 7. ***Non-discrimination***. – Any distinction, exclusion or restriction made on the basis of race, color, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status, which has the effect or purpose of impairing or limiting the capacity of an individual to exercise the right to adequate food, is unlawful and shall be sanctioned in accordance with law.

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

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

SECTION 8. ***Principles.*** – The principles upon which the provisions of this Act are founded are:

a. *Participation* – People should be able to determine their own well-being and participate in the planning, design, monitoring and evaluation of decisions affecting them. Individuals are able to take part in the conduct of public affairs, including the adoption and implementation of State policies. Such participation is active, free and meaningful, whether it is exercised directly or through intermediary organizations representing specific interests. It is supported by capacity-building and appropriate integrative mechanisms where necessary.

b. *Accountability* – Public officials are answerable to their superiors and to the people they serve. Application of the principle of accountability in the context of the right to adequate food framework under this Act requires clear assignment of responsibilities and functions to public authorities for the implementation and compliance with the framework and any subsequent measures to be taken. In addition, the expected results are spelled out clearly and appropriate procedures are established.

c. *Non-discrimination* – The protection for human rights must be objectively and reasonably be the same for everybody, irrespective of sex, age, race, color, religion or any other ground. In addition to specifically prohibiting discrimination on any ground, this principle requires specific measures aimed at correcting *de facto* discrimination or eliminating conditions that cause or help to perpetuate discrimination, as well as measures promoting equality. In the context of this Act, it means paying particular attention to those groups that cannot enjoy their rights as fully as others.

d. *Transparency* – The public should be given free and open access to timely and reliable information on the decisions and performance of public authorities. Holders of public office are as open as possible about all their decisions and actions that may affect the free exercise of the right to adequate food. Applying the principle of transparency within the context of this Act means that people are provided with essential information about the decision-making process and those accountable and responsible for it. The people also have the power to demand information on the processes that feed into the achievement of the particular entitlement, which provide an easy and low-cost corrective check to malfeasance.

e. *Human dignity* –Persons have absolute and inherent worth, simply because they are humans, and not by virtue of any social status or a particular power. This Act recognizes in an unequivocal form that every person has a right to adequate food. To comply with this principle in the implementation of this Act, the State, through its public officials, must treat persons equally and respect their human worth and dignity.

f. *Empowerment* – The people have the power, capacity, capability and access means to improve their own lives, including the power to seek from the State remedies for violations of their human rights. This principle is the logical consequence of all the preceding principles. In the context of this Act, empowerment entails specific provisions for awareness-raising, capacity-building and education on the right to adequate food.

g. *Rule of law* – Government authority is legitimately exercised only in accordance with written, publicly disclosed and accessible laws adopted and enforced in conformity with established procedures. The principle is intended as a safeguard against arbitrary use of State authority and lawless acts of both organizations and individuals. Rules and regulations to be adopted for ensuring the implementation of this Act shall be clear, fair and accessible. The rule of law also means that no person or body can breach the law with impunity. There is access to justice including the right to an effective remedy for anyone whose rights are violated, as well as the guarantee of due process in all legal proceedings.

SECTION 9. ***Governmental obligations***. – The State has the duty to respect, protect and fulfill the right to adequate food.

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

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

c. *Fulfill* – the State has the power to facilitate the enjoyment of the right to adequate food by adopting or pursuing appropriate policies and measures that promote the human right to adequate food and to create and maintain conditions under which every person can freely and regularly enjoy the right to adequate food. It is equally the duty of the State to provide for right to adequate food, by adopting and putting in place measures to provide food, or means for its procurement, to persons who cannot take care of their own needs due to reasons beyond their control, in particular for children whose parents die, disappear or otherwise no longer take care of them.

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

The State shall also ensure that within ten (10) years from the effectivity of this Act, land devoted to food production will be increased to fifty percent (50%) of all prime agricultural land

in every region, and, within the same period, the State shall ensure that the following indicators will considerably and steadily increase:

a. Percentage of development of ancestral lands;
b. Percentage of rural population with access to productive resources;

c. Share of budget spent on programs aimed at creating access to productive resources;

d. Percentage of budget spent on agri-research, agri-extension, irrigation, training, technology, credits and rural development;

e. Percentage of rural female-headed households, or rural women, with legal title to agriculture lands;

f. Percentage of public budget allocation for social transfer programs to those unable to feed themselves;

g. Coverage of marginalized and disadvantaged population taking part in social transfer programs;

h. Percentage of marginalized and disadvantaged population covered by a public nutrition supplement program;

i. Percentage of population aware of available food and nutrition programs; and

j. Coverage of school feeding programs.

The percentages of the foregoing indicators shall also be stipulated in the implementing rules and regulations of this Act.

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

SECTION 11. ***Institutional Responsibilities***. – The following agencies of the government are required to fulfil their respective mandates in a manner that shall ensure full implementation of the primary objectives of this Act:

a. Department of Agriculture (DA);

b. Department of Agrarian Reform (DAR);

c. Department of Education (DepEd);

d. Department of Environment and Natural Resources (DENR);

e. Department of Health (DOH);

f. Department of Interior and Local Government (DILG);

g. Department of Justice (DOJ);

h. Department of Labor and Employment (DOLE);

i. Department of Public Works and Highways (DPWH);

j. Department of Social Welfare and Development (DSWD);

k. Department of Science and Technology (DOST);

l. Department of Trade and Industry (DTI);

m. Commission on Human Rights (CHR);

n. National Anti-Poverty Commission (NAPC);

o. National Economic Development Authority (NEDA);

p. National Food Authority (NFA);

q. National Nutrition Council (NNC);

r. Technical Education and Skills Development Authority (TESDA); and

s. other agencies and instrumentalities of the government whose functions are necessary for the efficient and effective implementation of the right to adequate food.

In addition, the development of the capacity to implement the national policy governing the right to adequate food and the use of a human-rights based approach for the establishment and implementation of the national policy must be institutionalized.

SECTION 12. ***Commission on the Right to Adequate Food***. – There is hereby created a Commission on the Right to Adequate Food, hereinafter referred to as the Commission, which shall be attached to the Office of the President.

The Commission shall be the primary policy-making and coordinating body to guarantee full exercise of the right to adequate food. It shall exercise monitoring and oversight functions, apply human rights principles, conduct objective impact assessment on all government policies, programs and projects prior to adoption and implementation, work in close cooperation with civil society organizations and use all available resources of the government and private bodies or organizations for the efficient and effective implementation of this Act. It shall formulate a national food policy and implement programs of action to eradicate hunger, in coordination with relevant government agencies and in consultations with civil society organizations and the private sector.

The Commission on the Right to Adequate Food will have the following powers:

a. Receive complaints of violations of the right to adequate food from individuals and groups;

b. Investigate, *motu propio*, or upon complaint by any party, all forms of violations of the right to adequate food;

c. Adopt operational guidelines and rules of procedure, and cite for contempt for their violation, in accordance with the Rules of Court.

d. Provide appropriate legal measures for the protection of the right to adequate food of all persons within the Philippines, as well as Philippine citizens residing abroad, and provide for preventive measures and legal aid services to the under-privileged whose right to adequate food has been violated or needs protection;

e. Establish a continuing program of research, education and information to enhance respect for the primacy of the right to adequate food;

f. Recommend to Congress effective measures to promote the right to adequate food, to harmonize existing laws affecting the right to adequate food, to ensure their complementation, and the availability of remedies for violations and compensation to victims of violations of the right to adequate food;

g. Monitor the Government's compliance with its obligations in regard to the right to adequate food;

h. Request the assistance of any department, bureau, office or agency in the performance of its functions;

i. Appoint officers and employees in accordance with law; and

j. Perform such other duties and functions as may be provided by law.

The Commission shall be composed of a Chairperson and two (2) Members who must be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age, and must not have been candidates for any elective position in the elections immediately preceding their appointment. At least one (1) of them must be a member of the Philippine Bar.

The Chairperson and the Members of the Commission shall not, during their tenure, hold any other office or employment. Neither shall they engage in the practice of any profession, or in the active management or control of any business which, in any way, may be affected by the functions of their office, nor shall they be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the government, any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

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

The Chairperson and the Members of the Commission shall receive the same salary, benefits, privileges and emoluments of a Cabinet Secretary and Undersecretary, respectively.

SECTION 13. ***Standards on the Amount of Food***. – The DSWD, in coordination with the local government units (LGUS) concerned, shall ensure regular, reliable and timely delivery of a minimum amount of food to any person who is suffering or is at risk from hunger or under nutrition. In consultations with the DSWD, DILG, NNC and the DOH, the Commission shall specify the scope of the minimum amount of food entitlement for each individual, determine the exact quantity of calories, proteins and micronutrients to which the minimum amount of food shall correspond according to the age, sex, health status and occupation of a person. In addition, the Commission shall formulate a simple and accessible application or certification procedure for the minimum amount of food entitlement and transparent, fair and non-discriminatory eligibility or certification criteria.

There shall likewise be established fair, independent and accessible recourse procedures to the Commission for complaints and appropriate remedies in case of a determined violation of the

right to adequate food. For its part, the DSWD shall establish an appropriate monitoring and evaluation mechanism and report to the Commission on the right to food on a regular basis. The annual national appropriations law shall include a specific item allocating resources necessary for the implementation of the right to adequate food.

Specific support measures, particularly needed by (a) physiologically vulnerable persons, such as persons suffering from HIV/ AIDS and their families, children, pregnant women and lactating mothers, disabled persons, persons suffering from sickness or elderly; (b) geographically disadvantaged persons, such as persons living in remote and isolated, very poor or underdeveloped areas, and (c) economically vulnerable persons, such as landless people, street children, urban poor or unemployed persons, and indigenous peoples who are also identified as vulnerable groups, will be designed and adopted to prevent or compensate for disadvantages that they suffer from, in regard to the enjoyment of their right to adequate food. The Commission shall review such proposed specific support measures and, where necessary, give further guidance to ensure that all identified vulnerable groups are covered appropriately. The Commission shall adopt and develop specific support measures that are in accordance with right to food standards and human rights principles.

SECTION 14. ***Emergencies***. – The Commission on the Right to Adequate Food, in coordination with the National Disaster Risk Reduction and Management Council (NDRRMC) shall have the duty to ensure that:

a. food emergency responses sufficiently cover both early warning responses and disaster preparedness in case of a crisis; and food responses are organized and managed efficiently and effectively, and are compliant with the right to adequate food and relevant international standards.

b. food supply responses are compatible with the right to adequate food and international standards regulating emergencies.

c. requests for international assistance are initiated in case of necessity and distribution of food to intended recipients is properly supervised and coordinated.

SECTION 15. ***Information Dissemination***. – All government agencies, under the direction of the Commission on the Right to Adequate Food, in coordination with the Philippine News Agency (PNA) and Philippine Information Agency (PIA), are mandated to:

a. Inform the population about the rights established in this Act and the implementing rules and regulations adopted upon its entry into force, as well as about any other measure taken for the purpose of facilitating and promoting the realization of the right to adequate food.

b. Use the most appropriate ways and methods of disseminating information by providing information through all media forms, and in local languages, notably in the most marginalized areas and among populations with a high rate of illiteracy.

SECTION 16. ***Education and Awareness Program***. – The Commission on the Right to Adequate Food, in coordination with the DepEd, Commission on Higher Education (CHED) and TESDA, shall ensure that:

a. the school curriculum includes material related to food and nutrition education, the right to adequate food and human rights principles.

b. relevant adult education and training programs shall include materials related to food and nutrition, the right to adequate food and human rights principles.

SECTION 17. ***International Cooperation***. – The Commission on the Right to Adequate Food, in coordination with the CHR and the Department of Foreign Affairs (DFA), shall:

a. ensure that activities undertaken in other countries, including those by private actors, do not infringe on the enjoyment of the right to adequate food by people in the concerned countries, in coordination with DA, DTI, DOH and NEDA and other relevant agencies**;**

b. promote international cooperation and provide assistance to ensure the realization of the right to adequate food in other countries, if in a position to do so; and

c. ensure that international and other agreements which the Philippine Government enters into, take into account the guarantee on the right to food.

SECTION 18. ***Monitoring and Evaluation System*****.** – There shall be an integrated monitoring system that shall ensure that all government agencies at all levels, under the supervision of the Commission on the Right to Adequate Food, shall:

a. Collect data related to food and nutrition security, using monitoring methodologies and processes consistent with human rights principles as established by this Act;

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

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

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

SECTION 19. ***Representation and Participation of People's Organizations and Civil Society*****.** – To guarantee public participation, the Commission on the Right to Adequate Food shall ensure that:

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

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

c. National public hearings are conducted every two (2) years, at which the Government is required to report on the progress made with the implementation of this Act, and the progressive realization of the right to adequate food in the country.

SECTION 20. ***Penal Provisions***. – The penalty of *prision correccional* shall be imposed on any public or private actor who causes the starvation or denial of the access to food of any particular individual or group, as through the commission of any of the following acts:

a. blockade;

b. refusal to implement a food-related program;

c. discrimination in implementing a food-related program;

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

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

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

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

h. contamination of food or water sources, through mining activities, aerial spraying of plantations, or any other similar means; and

i. other analogous acts.

Provided That, the penalty is imposable without prejudice to any other criminal, civil or administrative liability under Philippine law; *Provided Further*, That if the act committed is food blockade during armed conflict, the penalty imposable shall be without prejudice to the application of Republic Act No. 9851, or the "Philippine Act on Crimes against International Humanitarian Law, Genocide and Other Crimes against Humanity," and other relevant laws.

SECTION 21. ***Civil and Administrative Liabilities***. – Any public officer or employee who directly or indirectly obstructs, defeats, violates or in any manner impedes or impairs any of a person's rights guaranteed under this Act, shall be liable for damages. Any violation of a provision of this Act, whether committed by public or private actors, will similarly give rise to liability for damages.

It is hereby declared a ministerial duty on the part of the Government to ensure the enjoyment of the rights guaranteed in this Act and to perform the duties provided for in this Act. Appropriate cases may be filed before the courts to compel compliance with the provisions of this Act. These cases shall be without prejudice to liability for damages, as well as administrative liability that may be incurred.

SECTION 22. ***Appropriations***. – There shall be an allocation in the annual budget specifically for the purposes of the implementation of the right to adequate food, in accordance with priorities set by the Commission on the Right to Adequate Food. The allocation shall be aimed at the progressive realization of the right to adequate food over the long term.

SECTION 23. ***Implementing Rules and Regulations***. – The Commission on the Right to Adequate Food shall issue the necessary rules and regulations to implement the provisions of this Act within sixty (60) days from its effectivity. In the formulation of these rules and regulations, the Commission shall take the lead and shall coordinate with the CHR, DA, DAR, DSWD, DOH, DTI, DPWH, NEDA, NNC and NAPC, and with the active participation of people's organizations and human rights nongovernmental organizations.

SECTION 24. ***Rationalization of Policies.*** – All existing policies, laws, decrees, executive orders, memorandum orders, memorandum circulars, administrative orders, and ordinances shall be rationalized and interpreted in a way that shall guarantee the realization of the right to adequate food as provided for by this Act.

Concerned cabinet secretaries and other executive authorities shall report on a regular basis to the Commission on the Right to Adequate Food on legislative and regulatory measures that have been formulated and adopted, and the time frames within which they are envisaged to achieve their objectives in order to achieve zero hunger.

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

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

SECTION 27. ***Effectivity***. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,