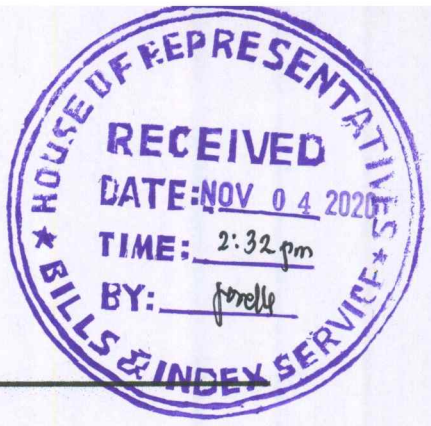

Republic of the Philippines
HOUSE OF REPRESENTATIVES

EIGHTEENTH CONGRESS
Second Regular Session

COMMITTEE REPORT NO. 574

Submitted by the Special Committee on Food Security on NOV 04 2020

Re: House Bill No. 7956

Recommending its approval in substitution of House Bills Numbered 2031, 2186, 2189, 3342, 3370, 3849, 3973, 4450, 4465, 4524, 4616, 4903, 5467, 5974, 6468, 6474 and 7709

Sponsors: Representatives Wilfredo S. Caminero, Jesus Manuel C. Suntay, Anthony Peter "Onyx" D. Crisologo and Tyrone D. Agabas

Mr. Speaker:

The Special Committee on Food Security to which were referred the following measures:

House Bill Number 2031 introduced by Rep. "Kuya" Jose Antonio R. Sy-Alvarado, entitled: "AN ACT PROVIDING FOR A SYSTEM OF REDISTRIBUTING AND RECYCLING FOOD WASTE TO PROMOTE FOOD SECURITY"

House Bill Number 2186 introduced by Rep. Loren Legarda, entitled: "AN ACT PROVIDING FOR A SYSTEM OF REDISTRIBUTING AND RECYCLING FOOD WASTE TO PROMOTE FOOD SECURITY"

House Bill Number 2189 introduced by Rep. Precious Hipolito Castelo, entitled: "AN ACT MANDATING ALL FOOD ESTABLISHMENTS AND OTHER SIMILAR BUSINESSES TO DONATE TO CHARITABLE INSTITUTIONS ANY AND ALL UNSOLD FOOD AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES"

House Bill Number 3342 introduced by Rep. Bernadette Herrera-Dy, entitled: "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"

House Bill Number 3370 introduced by Rep. Sharon S. Garin, entitled: "AN ACT REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE RECYCLING"

House Bill Number 3849 introduced by Rep. Tyrone D. Agabas, entitled: "AN ACT REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE RECYCLING"

House Bill Number 3973 introduced by Rep. Luis Raymund "LRay" F. Villafuerte, Jr., entitled: "AN ACT PROVIDING FOR AS SYSTEM OF REDISTRIBUTING AND RECYCLING FOOD WASTE TO PROMOTE FOOD SECURITY"

House Bill Number 4450 introduced by Rep. Ron P. Salo, entitled: "AN ACT MANDATING FOOD ESTABLISHMENTS TO DONATE ANY AND ALL UNSPOILED AND UNSOLD FOOD TO RECIPIENTS CATERING TO THE FOOD DEPRIVED SECTORS OF SOCIETY AND FOR OTHER PURPOSES"

House Bill Number 4465 introduced by Rep. Anthony Peter "Onyx" D. Crisologo, entitled: "AN ACT MANDATING FOOD ESTABLISHMENTS TO DONATE UNSOLD AND SAFE TO EAT PRODUCTS FOR DISPOSAL TO CHARITABLE INSTITUTIONS AND PRESCRIBING PENALTIES FOR VIOLATION"

House Bill Number 4524 introduced by Reps. John Marvin "Yul Servo" C. Nieto, Edward Vera Perez Maceda, Dale "Along" R. Malapitan, Eric M. Martinez and Rolando M. Valeriano, entitled: "AN ACT PROVIDING FOR A SYSTEM OF REDISTRIBUTING AND RECYCLING FOOD WASTE TO PROMOTE FOOD SECURITY"

House Bill Number 4616 introduced by Rep. Romulo "Kid" Peña, Jr., entitled: "AN ACT PROVIDING FOR A SYSTEM OF REDISTRIBUTING AND RECYCLING FOOD WASTE TO PROMOTE FOOD SECURITY"

House Bill Number 4903 introduced by Rep. John Marvin "Yul Servo" C. Nieto, entitled: "AN ACT MANDATING THE DONATION OF ALL SURPLUS OR LEFT OVER BUT STILL EDIBLE FOODS TO CHARITABLE INSTITUTIONS AND FOUNDATION BY ALL RESTAURANTS, HOTELS, SUPERMARKETS, FAST FOOD CHAINS AND OTHER SIMILAR FOOD ESTABLISHMENTS AND PROVIDING PENALTIES FOR VIOLATION THEREOF"

House Bill Number 5467 introduced by Reps. Eduardo "Bro. Eddie" C. Villanueva and Domingo C. Rivera, entitled: "AN ACT ESTABLISHING THE PAGKAIN PARA SA LAHAT PROGRAM, AND FOR OTHER PURPOSES"

House Bill Number 5974 introduced by Rep. Jesus Manuel C. Suntay, entitled: "AN ACT REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE RECYCLING"

House Bill Number 6468 introduced by Rep. Faustino "Inno" A. Dy V, entitled: "AN ACT REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE RECYCLING"

House Bill Number 6474 introduced by Rep. Camille A. Villar, entitled: "AN ACT PROVIDING MECHANISMS TO REDUCE FOOD WASTE AND HUNGER THROUGH FOOD DONATIONS AND RECYCLING"

House Bill Number 7709 introduced by Rep. Joy Myra S. Tambunting, entitled: "AN ACT REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD WASTE RECYCLING"

has considered the same and recommends that the attached House Bill No. 7956, entitled:

"AN ACT REDUCING WASTAGE BY DONATING AND RECYCLING EXCESS EDIBLE FOOD"

be approved in substitution of House Bills Numbered 2031, 2186, 2189, 3342, 3370, 3849, 3973, 4450, 4465, 4524, 4616, 4903, 5467, 5974, 6468, 6474 and 7709 with Representatives "Kuya" Jose Antonio R. Sy-Alvarado, Loren B. Legarda, Precious Hipolito Castelo, Bernadette Herrera-Dy, Sharon S. Garin, Tyrone D. Agabas, Luis Raymund "LRay" F. Villafuerte, Jr., Ron P. Salo, Anthony Peter "Onyx" D. Crisologo, John Marvin "Yul Servo" C. Nieto, Edward Vera Perez Maceda, Dale "Along" R. Malapitan, Eric M. Martinez, Rolando M. Valeriano, Romulo "Kid" Peña, Jr., Eduardo "Bro. Eddie" C. Villanueva, Domingo C. Rivera, Jesus Manuel C. Suntay, Faustino "Inno" A. Dy V, Camille A. Villar, Joy Myra S. Tambunting, Ruth Mariano-Hernandez and Wilfredo S. Caminero as authors thereof.

Respectfully submitted,

WILFREDO S. CAMINERO
Chairperson
Special Committee on Food Security

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. **7956**

Introduced by Representatives "Kuya" Jose Antonio R. Sy-Alvarado, Loren B. Legarda, Precious Hipolito Castelo, Bernadette Herrera-Dy, Sharon S. Garin, Tyrone D. Agabas, Luis Raymund "LRay" F. Villafuerte, Jr., Ron P. Salo, Anthony Peter "Onyx" D. Crisologo, John Marvin "Yul Servo" C. Nieto, Edward Vera Perez Maceda, Dale "Along" R. Malapitan, Eric M. Martinez, Rolando M. Valeriano, Romulo "Kid" Peña, Jr., Eduardo "Bro. Eddie" C. Villanueva, Domingo C. Rivera, Jesus Manuel C. Suntay, Faustino "Inno" A. Dy V, Camille A. Villar, Joy Myra S. Tambunting, Ruth Mariano-Hernandez and Wilfredo S. Caminero

---

AN ACT REDUCING WASTAGE BY DONATING AND RECYCLING EXCESS EDIBLE FOOD

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

SECTION 1. *Short Title.* - This Act shall be known as the "Food Surplus Reduction Act".

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

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

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

a) Edible food surplus refers to excess food or surplus food in the retail and consumption stages, determined to be fit for human consumption based on the applicable standards of food quality and safety;

b) Food banks refer to non-profit, charitable or other social mission-oriented organizations that collect donations of edible food items and distribute them to the food insecure;

c) Food insecure refers to persons or groups of persons who have no means and/or have difficulty producing or purchasing food;

d) Food surplus reduction refers to the decrease of food surplus through the redistribution of food surplus to the food insecure or the recycling of food as fertilizer or compost;

e) Food-related business refers to public and private businesses involved in the manufacturing and processing of food products, private businesses involved in the wholesaling and retailing of food products, private businesses involved in serving food products, and private institutions offering courses in the art and science of preparation, cooking and presentation of food; and

f) Inedible food surplus refers to food discarded in the retail and consumption stages, determined to be unfit for human consumption, including, prepackaged food products that have gone beyond their declared expiry dates.

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

a) Food manufacturers, notwithstanding any restriction imposed by any existing law and regulation on food manufacturers: *Provided*, That any donation made by such manufacturers under the provisions of this Act shall constitute an exception to the applicability of restrictions under existing laws and regulations as long as the product to be donated has no safety and quality issue, no untruthful information or health claims or any information that can mislead the consumers;

b) Food establishments (restaurants, cafes, diners, fast food chains or hotels);

c) Supermarkets with at least five hundred (500) square meters of selling space; and

d) Culinary schools which offer culinary, baking and pastry courses with at least fifty (50) students.

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

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

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

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

SEC. 7. *Edible Food Surplus Distribution Steps* - The following steps shall be followed in edible food surplus distribution:

a) The owners of the covered establishments will segregate their edible and inedible food surplus;

b) To facilitate distribution, food manufacturers may opt to perform the segregation of their products at the supermarkets that sell their products, bearing in mind the exclusion of all physically damaged food container such as tainted or tarnished label which may render it unreadable, dented, smashed, rusted, swollen, corroded food container or any similar condition which may render the food unsafe. For consumer protection and consistency with the existing policy, any processed food for donation shall have at least 12 months remaining shelf-life;

c) Before a donation is made, a duly trained sanitary inspector of the LGU will check if the edible food surplus is fit for human consumption;

d) Upon determination that the edible food surplus conforms to the standard and policy, it will be donated to accredited food banks, as determined by the DSWD; and

e) Food banks, in coordination with the DSWD and LGUs will distribute the edible food surplus to the food insecure.

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

a. Submit their respective reports to the DSWD and DENR containing data on the amount (in tons) of its edible and inedible food surplus, organized according to the manner of disposal, including donation, composting, or discarding;

b. Enter into a contract with food banks to redistribute edible food surplus to the food insecure;

c. Ensure that edible food surplus is unadulterated and in good condition upon arrival at the food bank's distribution center; and

d. Enter into a contract with waste management and recycling enterprises to recycle inedible food surplus.

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

a. Provide guidelines and standards for the collection, storage, and distribution of edible food donated to food banks;

b. Ensure that food businesses have entered into contracts with food banks and issue acceptance certificates to food businesses;

c. Ensure that food banks have adequate and appropriate storage for the edible food surplus especially the highly perishable food;

d. Promote linkages between food banks and LGUs to create a community-based food distribution system for the food insecure; and

e. Create a Self-Sufficiency Program that will provide the food insecure with skills training in managing food banks and livelihood programs to avoid the dependence on donation solely.

SEC. 10. *Responsibility of LGUs in Waste Reduction Strategy.* - LGUs are hereby required to:

a. Submit a report that contains data on the amount (in tons) of inedible food surplus that can be recycled as raw materials for fertilizers or compost, livestock feed or sources of biofuel to the DA and DENR;

b. Initiate a waste segregation effort per household, ensuring inedible food surplus are not mixed with garbage otherwise garbage found with food waste will not be collected;

c. Shoulder the cost of transporting inedible food surplus from collection areas to waste management sites;

d. Enter into contract with waste management and recycling enterprises to recycle inedible food waste into fertilizer or compost, livestock feed or sources of biofuel; and

e. Facilitate the distribution of fertilizer or compost to farms and community gardening associations.

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

SEC. 12. *Liability Protection.* - To protect the food donors from possible abuses, and encourage donations, the liability of owners of the food-related businesses is limited only to the time that they have possession of the food surplus.

Once a donation is received by the accredited food banks and/or farms, the owners shall be exempt from any liability or injury arising therefrom.

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

SEC. 14. *Penal Provisions / Penalties.* - The penalty of a fine amounting to Five hundred thousand pesos (P500,000) shall be imposed upon any individual, private or public entity, who makes edible food surplus unfit for human consumption. The same penalty is applicable to private or public persons or entities who prevent the redirection of edible food surplus to food banks or inedible food surplus to waste management and recycling enterprises. The fines shall be imposed as follows:

First time offenders	One million pesos (P1,000,000.00)
Second time offenders	One million five hundred thousand pesos (P1,500,000.00)
Third time offenders	Two million pesos (P2,000,000.00)
Fourth time offenders	Three million pesos (P3,000,000.00)
Fifth time offenders and up	Five million pesos (P5,000,000.00)

SEC. 15. *Supervision.* - The NNC, in coordination with the DSWD, shall supervise the enforcement and implementation of this Act.

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

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

SEC. 18. *Repealing Clause.* - All other laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, 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,

FACT SHEET
HOUSE BILL NO. 7956

AN ACT REDUCING WASTAGE BY DONATING AND RECYCLING EXCESS EDIBLE FOOD

Introduced by Representatives "Kuya" Jose Antonio R. Sy-Alvarado, Loren B. Legarda, Precious Hipolito Castelo, Bernadette Herrera-Dy, Sharon S. Garin, Tyrone D. Agabas, Luis Raymund "LRay" F. Villafuerte, Jr., Ron P. Salo, Anthony Peter "Onyx" D. Crisologo, John Marvin "Yul Servo" C. Nieto, Edward Vera Perez Maceda, Dale "Along" R. Malapitan, Eric M. Martinez, Rolando M. Valeriano, Romulo "Kid" Peña, Jr., Eduardo "Bro. Eddie" C. Villanueva, Domingo C. Rivera, Jesus Manuel C. Suntay, Faustino "Inno" A. Dy V, Camille A. Villar, Joy Myra S. Tambunting, Ruth Mariano-Hernandez and Wilfredo S. Caminero

Committee Referral: SPECIAL COMMITTEE ON FOOD SECURITY
Committee Chairperson: REP. WILFREDO S. CAMINERO

OBJECTIVE:

- To promote, facilitate and ensure the reduction of food surplus through food donations and recycling

KEY PROVISIONS:

- Mandates the implementation of a National Zero-Food Waste Campaign to raise awareness on the impact of food surplus and strategies to decrease wasted food at food-related businesses and at the household level;
- Establishes the linkages between food businesses, food banks and local government units to create a community-based food distribution system for the food insecure;
- Provides guidelines and standards for the collection, storage and distribution of edible food donated to food banks;
- Mandates the creation of a self-sufficiency program that will provide skills training in managing food banks and livelihood programs to avoid the dependence on donation solely;
- Requires local government units to enter into contracts with waste management and recycling enterprises to recycle inedible food waste into fertilizers or compost;
- Imposes penalties for selling food donations and causing edible food surplus to be unfit for human consumption; and
- Requires the education of the youth on current global and national food waste situation; ways to minimize food surplus; and the national and local food surplus prevention programs.

RELATED LAW:
RA 9803 – Food Donation Act of 2009