



Republika ng Pilipinas  
KAGAWARAN NG KALUSUGAN  
**PAMBANSANG SANGGUNIAN SA NUTRISYON**  
(NATIONAL NUTRITION COUNCIL)  
Nutrition Building, 2332 Chino Roces Avenue Extension  
Taguig City, Philippines



17 May 2017

**Representative Leo Rafael M. Cueva**  
Chairperson, House Committee on Food Security  
CTSS II, Committee Affairs Department  
3<sup>rd</sup> Floor, RVM Building, House of Representatives  
Batasan Complex, Constitution Hills  
Quezon City

Attention: **Ms. Cecilia Barbara Loanzon-Reyes**  
Acting Committee Secretary

Dear Congressman Cueva:

Greetings from the National Nutrition Council!


Thank you for giving us the opportunity to submit our comments/position paper on House Bill No. 2496, entitled, "An Act Providing for a System of Redistributing and Recycling Food Surplus to Promote Food Security", introduced by Rep. Conrado M. Estrella III referred to the committee, for consideration.

Attached is our position paper on the said bill.

For further inquiries, your staff may contact Mr. Reginaldo T. Guillen, Nutrition Officer IV of the Nutrition Policy and Planning Division, with email address: [regie.guillen@nnc.gov.ph](mailto:regie.guillen@nnc.gov.ph); telefax no. 02-843-1337.

Thank you.

Very truly yours,

  
**Assistant Secretary of Health Maria-Bernardita T. Flores, CESO II**  
Executive Director IV

cc: Undersecretary of Health Gerardo V. Bayugo, Office for Technical Services  
Undersecretary of Health Lilibeth C. David, Office for Policy and Health Systems  
Mr. Romulo Munsayac Jr., Officer-in-Charge, Legislative Liaison Division, HPDPB, DOH

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May 17 2017

**"Healthy diet, gawing habit -- FOR LIFE!"**

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**Wastong Nutrisyon:**  
Alamin, Gawin at Palaganapin





**A Position Paper on House Bill No. 2496**  
**"An Act Providing for a System of Redistributing**  
**And Recycling Food Surplus to Promote Food Security"**

The National Nutrition Council (NNC) Secretariat is the executive arm of the NNC Governing Board, which is the highest policy making and coordinating body on nutrition in the country. It facilitates processes along the formulation of the Philippine Plan of Action for Nutrition (PPAN) as the country's framework for nutrition improvement that is integral to the national development plan. It monitors, evaluates and coordinates the implementation of the PPAN down to the barangay level.

The PPAN, which is an essential component of the Philippine Development Plan (PDP), also contributes directly to achieving the Sustainable Development Goals (SDGs) particularly Goal 2, i.e. "End hunger, achieve food security and improved nutrition, and promote sustainable agriculture", and Goal 3, "Ensure healthy lives and promote well-being for all at all ages", and indirectly to the achievement of the other SDGs.

The NNC Secretariat spearheads the concerted efforts of the nutrition institutional network from the national level up to local government units to ensure enactment of laws and ordinances that will provide an enabling policy environment for long-term solutions to existing nutritional problems, and the development and implementation of programs and projects that will address both the immediate and underlying causes of undernutrition.

The following section presents the NNC Secretariat's comments on **House Bill No. 2496**, entitled, "An Act Providing for a System of Redistributing and Recycling Food Surplus to Promote Food Security", introduced by Rep. Conrado M. Estrella III.

1. The National Nutrition Council appreciates the premium given by the bill to the basic human right to food.
2. It also appreciates the effort at finding ways of maximizing the use of the available food supply and contributing to reduced food insecurity among the poor.
3. However, a major challenge is on determining whether a food surplus is fit for human consumption. Technically, this would require some tests related to food safety, e.g. test to ensure that the microbial level of surplus food is within "tolerable" levels, the cost of which could be prohibitive. Furthermore, the NNC does not have the capacity to "check if the food surplus is fit for consumption based on its standards". Capacity in this regard refers to the number of available human resource and the technical skills of our human resource in determining the fitness of food for consumption.

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4. RA 9803 or the Food Donation Act of 2009 approximates the intent of the bill. This law encourages the donation of “apparently wholesome food” that is defined as “food that meets all quality and labeling standards imposed by pertinent laws and administrative regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus or other conditions. It does not include milk products as defined and covered under Executive Order No. 51, the “National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products”.
5. Assessing experiences in the implementation of RA 9803 could help determine further refinements in the law to balance the concern of helping the food insecure and of ensuring that the food insecure is not exposed to increased risk to food-borne diseases.
6. However, should the bill be pushed, we suggest the following refinements:
  - a. Edible food surplus could be defined in more operational terms, e.g. not left over from an already-eaten meal, or food that is six months or less away from the “best before” period, provided the anticipated use of the surplus food will be within the “best before” period.
  - b. Determining if surplus food is fit for human consumption is best done by a competent (better if accredited by the Food and Drug Administration) functionary of the local government unit. In addition, the Food and Drug Administration should play an active and lead role in implementing the bill once passed into law.
  - c. The proposed National Food Surplus Campaign should cover settings other than those indicated in the bill, e.g. business establishments, workplace, among others.
  - d. We suggest that the owners of covered establishments (Section 9) also be made responsible for attaching product information and date limit (i.e. best before and use by dates) during the redistribution process, either in form of labels (e.g. on portioned meal packages) or by using accompanying documents (shipping documents).
  - e. After the donation has been made, the responsibilities are then transferred to the accredited food banks/recipient organizations. Therefore, we suggest adding a section on the rights and responsibilities of the recipient organizations, provisions of which could be as follows:
    - 1) Take the responsibility of handling at the point of take-over of food from donor to recipient;
    - 2) Establish and maintain proper storage and serving conditions (refrigeration, reheating, etc.);
    - 3) Ensure that personal hygiene requirements are met by the staff and volunteers taking part in the redistribution process;
    - 4) Coordinate with DSWD regarding community-based food distribution system for the food insecure;
    - 5) Right to refuse donation in case of quality problems or past the “best before” period;



- 6) Be responsible for storing documentation, i.e. shipping/take-over document which contains the day (and time, if needed) of the donation and the products and volumes received, and submitting regular reports to DSWD.
- f. The roles of DSWD could include the following:
- 1) Search for and accredit recipient organizations/food banks;
  - 2) Identify beneficiaries/food surplus users in coordination with LGUs;
  - 3) Develop and store/maintain a good profiling system of the covered establishments (donors) and food banks/organizations (recipients) in order to find the best (and feasible) matches between donors and recipients;
  - 4) In consultation with other agencies involved, determine operation models that would reflect possible options of matching and managing donor supply with recipient demand;
  - 5) In coordination with the agencies involved and representatives from the covered establishments and food banks, carefully create a financial plan considering typical costs and typical sources of funding;
  - 6) Collect and maintain information relevant to specific processes and tasks, i.e. donor and recipient info database; logistics monitoring (for traceability, to avoid misuse of the donated product information, for tax benefits, for communication processes); regular reports from the covered establishments and recipient organizations/food banks on the volume and value of redistributed food (for accounting and tax benefit purposes – value should be given by the donor) and number of people the donated food reached; and
  - 7) Provide an overall quality assurance for the redistribution activities. High quality services and activities can be achieved by having a set of criteria in selecting recipient organizations/food banks; conducting continuous monitoring, quick and accurate problem solving; providing education/training to recipient organizations in terms of logistics processes, administration, food safety and hygiene requirements; and collecting and analyzing feedback from donors and recipients.
- g. The regular report of LGUs could include the products and amount of food received and the number of beneficiaries reached by the donated food surplus. Reports should be submitted to DSWD to validate the reports submitted by food banks/recipient organizations.

Submitted by:  Assistant Secretary of Health Maria-Bernardita T. Flores, CESO II  
Executive Director IV

cc: Undersecretary of Health Gerardo V. Bayugo, Office for Technical Services  
Undersecretary of Health Lilibeth C. David, Office for Policy and Health Systems  
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