

S. No. 1279
H. No. 5269

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand seventeen.

REPUBLIC ACT NO. 11037 1

AN ACT INSTITUTIONALIZING A NATIONAL FEEDING PROGRAM FOR UNDERNOURISHED CHILDREN IN PUBLIC DAY CARE, KINDERGARTEN AND ELEMENTARY SCHOOLS TO COMBAT HUNGER AND UNDERNUTRITION AMONG FILIPINO CHILDREN AND APPROPRIATING FUNDS THEREFOR

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 "Masustansyang Pagkain para sa Batang Pilipino Act".

SEC. 2. *Declaration of Policy.* — The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. In recognition of the demonstrated relationship between food and nutrition, and the capacity of students to develop and learn, the State shall establish a comprehensive

national feeding program that will address the problem of undernutrition among Filipino children.

SEC. 3. *Definition of Terms.* - As used in this Act, the following terms shall be understood to mean as follows, to wit:

(a) *Cycle Menu* refers to standardized menus prepared by the national government agencies (NGAs), in coordination with the National Nutrition Council (NNC) and the Food and Nutrition Research Institute (FNRI), which shall be contextualized and drawn up, among others, according to age range, location and/or type of school, and local cultural and/or religious eating preferences: *Provided*, That such menus shall have as many varieties and selections as may be necessary taking into account its availability in the place or locality where the day care center or school is located;

(b) *Fortified Meal* refers to a meal with deliberately increased content of essential micronutrients so as to improve the nutritional quality of the food and provide the level of calories and protein as prescribed by the NNC which shall consist of at least one-third (1/3) of the daily requirement based on the Philippine Dietary Reference Intake (PDRDI);

(c) *Health Examination* refers to the examination conducted by NGAs, in coordination with the Department of Health (DOH) and local government units (LGUs) concerned, on the overall condition of the program beneficiary which shall, among others, include the program beneficiary's height, weight and other ailments, defects or deformities that may need special care or treatment;

(d) *National Government Agencies (NGAs)* refer to the Department of Education (DepED) and the Department of Social Welfare and Development (DSWD) which shall be the lead agencies in the implementation of the Program for public kindergarten and elementary schools and public day care centers, respectively; and

(e) *Undernourished Child* refers to a child who has been supplied with less than the minimum amount of foods essential

for sound health and growth. For purposes of this Act, it shall include children who are suffering from chronic hunger and malnutrition as well as those who are considered as wasted, severely wasted or stunted under the World Health Organization Child Growth Standards.

SEC. 4. *National Feeding Program.* - The National Feeding Program, hereinafter referred to as the Program, is hereby established to address undernutrition among Filipino children.

The Program shall have the following components and coverage:

(a) *Supplemental Feeding Program for Day Care Children.* - The DSWD, in coordination with the LGUs concerned, shall implement a supplemental feeding program for undernourished children with ages three (3) to five (5) years. The Program shall be administered in day care centers or in any other facility which can be used for such purpose: *Provided*, That the Program shall include the provision of at least one (1) fortified meal for a period of not less than one hundred twenty (120) days in a year: *Provided, further*, That in the preparation of fortified meals, the DSWD shall work in collaboration with recognized parents' organizations;

(b) *School-Based Feeding Program.* - The DepED shall implement a school-based feeding program for undernourished public school children from kindergarten to grade six (6): *Provided*, That the Program shall include the provision of at least one (1) fortified meal to all undernourished public elementary school children for a period of not less than one hundred twenty (120) days in a year;

(c) *Milk Feeding Program.* - The NGAs shall coordinate with the Department of Agriculture (DA), the National Dairy Authority, the Philippine Carabao Center and the Cooperative Development Authority for the incorporation of fresh milk and fresh milk-based food products in the fortified meals and cycle menu in accordance with Republic Act No. 8172, otherwise known as the "Philippine Food Fortification Act of 2000",

utilizing, as far as practicable, locally produced milk in order to enhance its nutritional content and, at the same time, help boost livelihood opportunities for local dairy farmers and the local dairy industry;

(d) *Micronutrient Supplements.* — The NGAs, in coordination with the DOH, shall provide micronutrient supplements to the Program beneficiaries including the use of iodized salt in accordance with Republic Act No. 8172, otherwise known as the "Salt Iodization or ASIN" law;

(e) *Health Examination, Vaccination and Deworming.* — The NGAs, in coordination with the DOH and LGUs concerned, shall conduct simultaneous health examinations, including, but not limited to, deworming and vaccination, as the case may be, to Program beneficiaries;

(f) *Gulayan sa Paaralan.* — The NGAs shall encourage their respective component units to devote a portion of their land or space for the cultivation of vegetables and other nutrient-rich plants as identified by the NNC. *Provided,* That component units lacking in land shall adopt modern gardening technologies with the assistance of the DA, the Department of Science and Technology (DOST) and the city or municipal agricultural officers. Parents shall also be encouraged to maintain a similar program in their own backyards;

(g) *Water, Sanitation, and Hygiene (WASH).* — The NGAs, in coordination with the DOH and LGUs, shall establish and maintain water and sanitation facilities, promote good hygiene and safe food preparation in all of its component units especially in areas devoted for the preparation of fortified meals under the Program; and

(h) *Integrated Nutrition Education, Behavioral Transformation, and Social Mobilization.* — The Program shall be complemented by a public health, nutrition, and values transformation campaign to promote a holistic and integrated approach to health and nutrition education. Orientation-training on the objectives and mechanics of the Program shall be held among personnel of NGAs and LGUs concerned, parent

volunteers and the parent-teachers associations (PTAs) to generate support for the Program. The NGAs concerned shall also endeavor to mobilize community organizations to continue nutrition education outside of the school.

SEC. 5. Prioritization in the Program Implementation.

— The NGAs shall create a five (5)-year plan to fully implement the Program. *Provided,* That the NGAs concerned shall prioritize the implementation of the Program in the LGUs and public day care or elementary schools that meet any of the following criteria:

(a) With the highest prevalence of undernutrition and nutrient-deficiency among children aged three (3) years up to grade six (6) level;

(b) With available facilities or capability to implement the Program; or

(c) Which prioritize such Program in their locality and are willing to provide counterpart resources for its implementation.

SEC. 6. Creation of a National Nutrition Information System. — The NNC shall harmonize all existing national and local nutrition databases from NGAs, LGUs and other relevant agencies of government in order to identify individuals, groups, and/or localities that have the highest magnitude of hunger and undernutrition. This system shall henceforth be utilized in monitoring the health and nutrition of all Filipino children, especially those covered by the Program.

SEC. 7. Local Government Assistance. — LGUs shall assist the NGAs in the efficient and effective implementation of the Program in accordance with Section 4 of this Act and shall be authorized to use a portion of the Special Education Fund (SEF) and/or their twenty percent (20%) development fund as provided for in Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", as amended, to augment the appropriations available under the General Appropriations Act (GAA).

SEC. 8. *Private Sector Participation.* - The NGAs shall encourage the participation of the private sector in the Program which shall include, among others, PTAs, private corporations, peoples and nongovernment organizations and such other groups or organizations, both foreign and local, that may want to be partner in whole or in part with the implementation of the Program.

SEC. 9. *Monitoring and Annual Report.* - The NGAs, in coordination with the LGUs, the NNC and other stakeholders, shall regularly monitor, review and assess the impact and effectivity of the Program as well as ensure compliance with the standards and guidelines of the Program for food safety, quality, accountability, community participation and the procurement and liquidation processes adopted. For this purpose, the NGAs shall prepare and submit an annual report on the status of the implementation of the Program to the Office of the President and both Houses of Congress.

SEC. 10. *Tax Exemption.* - Any donation or bequest made to the NGAs or any of the aforementioned government agencies including LGUs for the Program shall be exempt from donor's tax: *Provided,* That donations in kind shall be approved by the NGAs concerned upon the recommendation of the NNC, in the case of food products, and the DOH, in the case of vaccine and supplements, as the case may be, respectively.

SEC. 11. *Appropriations.* - The amount necessary to carry out the initial implementation of this Act shall be sourced from the current appropriations of the NGAs. Thereafter, such sums as may be necessary for the continuous implementation of this Act shall be included in the annual GAA under the respective budgets of the NGAs.

SEC. 12. *Procurement of Goods and Services.* - The Department of Budget and Management, Government Procurement Policy Board, and the Commission on Audit, in consultation with the NGAs, are hereby mandated to specifically establish and promulgate a community-based mode of procurement, liquidation and audit that will ensure the

efficient and effective implementation of the Program: *Provided,* That this provision shall apply solely to the implementation of the Program by the NGAs and LGUs concerned.

SEC. 13. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act, the NGAs, in consultation with the NNC, the FNRI, the DOH, the DA, the Department of the Interior and Local Government (DILG) and concerned LGUs, and such other relevant government agencies, nongovernment organizations, and development partners shall promulgate their respective rules and regulations for the efficient and effective implementation of this Act.

SEC. 14. *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. 15. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

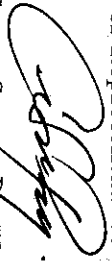
SEC. 16. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved

PANTALEON D. ALVAREZ
Speaker of the House
of Representatives

AQUILINO "KOKO" PIMENTEL III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1279 and House Bill No. 5269 was passed by the Senate and the House of Representatives on March 20, 2018.




CESAR STRAIT PAREJA
Secretary General
House of Representatives



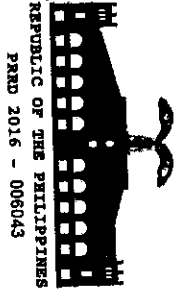
LUTGARDO B. BARBO
Secretary of the Senate

Approved: JUN 20 2018




RODRIGO ROA DUTERTE
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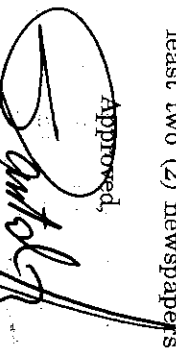
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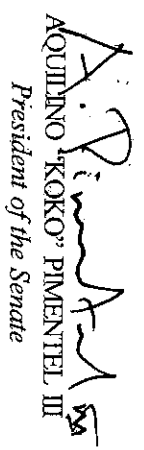
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Approved,



PANTALEON D. ALVAREZ
Speaker of the House
of Representatives



AQUILINO "KOKO" PIMENTEL III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1279 and House Bill No. 5269 was passed by the Senate and the House of Representatives on March 20, 2018.

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Secretary General
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LUTGARDO B. BARBO
Secretary of the Senate

Approved: JUN 20 2018


RODRIGO ROA DUTERTE

President of the Philippines

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