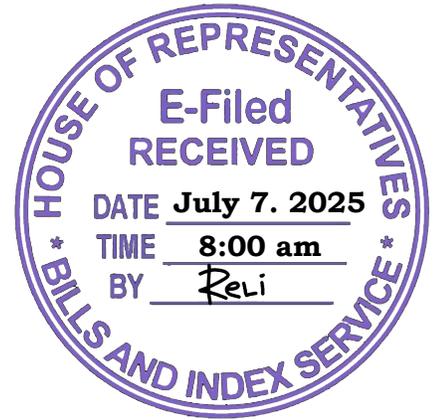


REPUBLIC OF THE PHILIPPINES  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

HOUSE BILL NO. **1313**



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Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**  
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**EXPLANATORY NOTE**

This bill seeks to reduce food waste through food donations and food waste recycling in the country. This bill has already been approved by the House of Representatives on its 3<sup>rd</sup> and final reading in the 18<sup>th</sup> Congress. It is, however, necessary that this bill be filed due to its importance in strengthening food security and in lowering the incidence of “involuntary hunger” in the country.

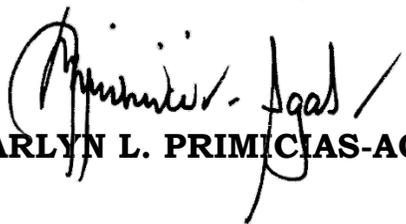
The State values the dignity of every human person and guarantees full respect for human rights (Section 11, Article II, 1987 Constitution). The State shall also foster food production and food security.

Food waste refers to food that is good quality and fit for consumption, but does not get consumed because it is discarded – either before or after it is left to spoil. The prevalence of food waste is alarming vis-a-vis the high rate of involuntary hunger in the country.

In the Social Weather Survey conducted on the First Quarter of 2019 (March 28-31, 2019), it was found out “that 9.5% or an estimated 2.3 million families experienced involuntary hunger at least once in the past three months. The measure of Hunger refers to involuntary suffering since the survey question specifies that the hunger experienced was due to lack of food to eat. The Hunger rate in March 2019 is one percentage point lower than the 10.5% (est. 2.4 million families) in December 2018.” The data on the estimated 2.3 million families suffering involuntary hunger is very disturbing. Alongside the effort of the Department of Agriculture to advance food security in conjunction with other allied agencies, there is a need to take up a parallel legislative measure that would reduce, if not totally eradicate, food waste in the country.

Through this legislative measure, food donations and food waste (recycled) will be certified as fit for consumption and will be donated to food banks which will distribute them to persons who have no means and/or have difficulty producing or purchasing foods in coordination with the Department of Social Welfare and Development and Local Government Units.

Approval of this bill is earnestly sought.



**MARLYN L. PRIMICIAS-AGABAS**

Republic of the Philippines  
**HOUSE OF THE REPRESENTATIVE**  
Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 1313**

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Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

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**AN ACT**  
**REDUCING FOOD WASTE THROUGH FOOD DONATIONS AND FOOD**  
**WASTE RECYCLING**

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

1       **SECTION 1.** *Short Title.* – This act shall be known as the “*Food*  
2       *Waste Reduction Act*”.

3  
4       **SEC. 2.** *Declaration of Policy.* – The state recognizes that each person  
5       has a right to an adequate standard of living, including sufficient,  
6       safe and nutritious food. It is hereby declared a policy of the State to  
7       attain food security, end hunger, and promote the efficient use of the  
8       country’s food resources. The considerable number of people going  
9       hungry daily is a breach of a human right that this Act intends to  
10      correct and the massive amount of food waste produced presents an  
11      opportunity for the State to address hunger and its efforts on the  
12      quality of life of the underprivileged.

13  
14      Towards this end, The State shall adopt a system to promote,  
15      facilities and ensure the reduction of food waste through  
16      redistribution and recycling. The State shall likewise implement  
17      measures to make it mandatory to donate edible food surplus for  
18      charitable purposes.

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

21  
22      (a) *Edible food surplus* refers to excess food or surplus food in  
23      the retail and consumption stages, determined to be fit for  
24      consumption based on standards set by the National Nutrition  
25      Council (NNC) and Food and Drug Administration(FDA);  
26

27 (b) *Food insecure* refers to persons or groups of persons who  
28 have no means and/or have difficulty producing or purchasing  
29 food;

30  
31 (c) *Food surplus reduction* refers to the decrease in food surplus  
32 generation, the redistribution of food surplus to the food  
33 insecure or the recycling of food as fertilizer or compost;

34  
35 (d) *Food-related business* refers to public and private  
36 businesses as involved in the manufacturing and processing  
37 of food products, private business involved in the wholesaling  
38 and retailing of food products, private business involved in  
39 serving food products, and private institutions offering courses  
40 in the art and science of preparation, cooking and presentation  
41 of food;

42  
43 (e) *Food banks* refer to non-profit, charitable or other social  
44 mission-oriented organizations that distribute food to the food  
45 insecure; and

46  
47 (f) *Inedible food surplus* refers to food discarded in the retail  
48 and consumption stages, determined to be unfit for  
49 consumption based on the standards set by the NNC and FDA,  
50 including but not limited to prepackaged food products that  
51 have gone beyond their declared expiry dates.

52  
53 **SEC. 4. Covered Establishments.** – The establishments covered by  
54 this Act are as follows:

55  
56 (a) Food manufacturer, notwithstanding any restriction  
57 imposed by any existing law and regulation on food  
58 manufacturers:

59 *Provided,* That any donation made by such  
60 manufacturers under the provisions of this Act shall constitute  
61 an exception to the applicability of restrictions under existing  
62 laws and regulations;

63  
64 (b) Food establishments (restaurants, cafes, diners, fast food  
65 chains or hotels);

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

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

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**SEC. 5.** *Determination of Food Insecures.* – The criteria for the determination of food insecures will be made by the Department of Social Welfare and Development (DSWD), in coordination with the local government units (LGU’s).

**SEC. 6.** *National Food Surplus Campaign.* – The NNC, in close coordination with the DSWD, Department of the Interior and Local Government (DILG), Department of Environment and Natural Recourses (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), FDA, other concerned agencies and LGU’s, shall undertake a National Food Surplus Campaign to raise awareness on the impact of 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 food surplus prevention programs;
- (d) Food recovery; and
- (e) Pertinent provision 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 supermarket that sell their products;
- (c) Before a donation is made, a duly accredited health inspector of the LGU will check if the edible food surplus is fit

117 for consumption based on the standards set by the NNC and  
118 FDA;

119  
120 (d) Upon certifying that the edible food surplus is fit for  
121 consumption, the edible food surplus will be donated to  
122 accredited food banks , as determined by the DSWD; and

123  
124 (e) Food banks, in coordination with the DSWD and LGU's, will  
125 distribute the edible food surplus to the food insecure.

126  
127 **SEC. 8.** *Food-related Business Waste Reduction Strategy.* – The  
128 owners of food-related businesses such as food manufacturers,  
129 supermarkets, restaurants, cafeterias, culinary schools and hotels  
130 shall:

131  
132 (a) Submit their respective reports to the DSWD and DENR  
133 containing data on the amount (in tons) of its edible and  
134 inedible food surplus, organized according to the manner of  
135 disposal, including donation, composting, or discarding;

136  
137 (b) Enter into a Contract with food banks to redistribute edible  
138 food surplus to the food insecure; and

139  
140 (c) Ensure that edible food surplus is unadulterated and in  
141 good condition upon arrival at the food bank's distribution  
142 center, in accordance with standard set by the NNC and FDA.

143  
144 **SEC. 9.** *National Food Surplus Scheme.* – The DSWD, as the  
145 coordinating agency between food businesses and food banks, shall:

146  
147 (a) Provide guidelines and standards for the collection, storage,  
148 and distribution of edible food donated for food banks;

149  
150 (b) Ensure what food businesses have entered into contracts  
151 with food banks and issue acceptance certificates to food  
152 businesses;

153  
154 (c) Ensure that food banks have adequate storage for edible  
155 food surplus;

156  
157 (d) Promote linkages between food banks and LGUs to create a  
158 community-based food distribution system for the food  
159 insecure; and

160  
161 (e) Create a Self-Sufficiency Program that will provide the food  
162 insecure with skills training in managing food banks and

163 livelihood programs to avoid the dependence on donation  
164 solely.

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

168  
169 (a) Submit a report that contains data on the amount (in tons)  
170 of inedible food surplus that can be recycled as raw materials  
171 for fertilizers or compost to the DENR in accordance with the  
172 standard set by it;

173  
174 (b) Initiate waste segregation efforts per household through  
175 local campaigns;

176  
177 (c) Shoulder the cost of transporting inedible food surplus from  
178 the collection areas to waste management sites;

179  
180 (d) Enter into contract with waste management and recycling  
181 enterprises to recycle inedible food waste into fertilizer or  
182 compost; and

183  
184 (e) Facilitate the distribution of fertilizer or compost to farms  
185 and community gardening associations.

186  
187 **SEC. 11. Accreditation and Training of Health Inspectors.** – The DOH,  
188 in coordination with the FDA, shall conduct seminars and provide  
189 adequate training to LGU health inspectors regarding the proper  
190 sorting, collection, and determination of edible and inedible food  
191 surplus.

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193 **SEC. 12. Supervision.** – The NNC, in coordination with the DSWD,  
194 shall supervise the enforcement and implementation of this Act.

195  
196 **SEC. 13. Liability Protection.** – To protect the food donors from  
197 possible abuses, and encourage donations, the liability of owners of  
198 the food-related businesses is limited only to the time that they have  
199 possession of the food surplus. Once a donation has been made to  
200 the accredited food banks and/or farms, the owner shall be exempt  
201 from any liability and/or injury arising therefrom.

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203 **SEC. 14. Prohibition of Selling Edible and Inedible Food Surplus.** –  
204 The reselling of donated edible and inedible food surplus is strictly  
205 prohibited. The penalty of *prision mayor* shall be imposed upon  
206 anyone caught reselling donated food surplus. If the offender is a

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juridical entity, the responsible officers will be held liable for said violation.

**SEC 15. Penal Provisions/Penalties.** – The penalty of a fine amounting to Five hundred thousand pesos [Php 500,000.00] shall be imposed upon any individual, private or public entity, who makes edible food surplus unfit for consumption. The same penalty is applicable to private or public persons/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.....Php 1,000,000.00
- Second time offenders.....Php 1,500,000.00
- Third time offenders.....Php 2,000,000.00
- Fourth time offenders.....Php 3,000,000.00
- Fifth time offenders and up.....Php 5,000,000.00

**SEC. 16. Implementing Rules and Regulations.** - Within sixty [60] days from the effectivity of this Act, the NNC, in coordination with the 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,