

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 34



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Introduced by: **REP. RAUL V. DEL MAR**

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#### EXPLANATORY NOTE

This bill seeks to institutionalize the free breakfast program of the Department of Education (DepEd) for day care center, preschool and elementary school children in all public schools in the country. The free breakfast program shall consist of fortified instant noodles or iron-fortified rice or fortified biscuits or any other fortified form to address hunger primarily and malnutrition secondarily. Unlike in the past where it is implemented only for a limited duration and areas for public schools classified as low performing schools or public schools with high prevalence of malnutrition, it shall be implemented in all public schools throughout the whole country since almost all school children enrolled therein come from poor families and suffer from undernourishment and malnourishment affecting their capacity to attain and maintain average academic performance. These children coming to school with practically no breakfast from home cannot be expected to absorb their lessons in school while suffering hunger pangs.

The Department of Education (DepEd) and the Department of Social Welfare and Development (DSWD) implemented an immediate intervention to address hunger among families through their children enrolled in DepEd supervised public day care centers, preschools and elementary schools in the form of food subsidy for young learners who belong to poor families. A daily ration of one (1) kilo of rice is given to that family of a child for a specific period of time as long as the child goes to school or to the day care center every day.

In terms of malnutrition, the Philippine government is committed to the global call to eradicate malnutrition as stated in the World Declaration on Nutrition and Global Plan of Action for Nutrition adopted during the International Conference on Nutrition (ICN) in Rome, Italy on December 1992. This commitment is operationalized with the birth of the Philippine Plan of Action for Nutrition (PPAN) within the context of current development efforts enunciated in the Medium-Term Philippine Development Plan.

PPAN serve as the springboard or the country's plan for the Philippine government's goal to decrease the prevalence of malnutrition in the country. It integrates the efforts of the national government, local government units (LGU's), nongovernmental organizations (NGOs) including community-based NGOs, the business sector, and the international community in assisting target beneficiaries.

PPAN aims to achieve nutrition for all Filipinos and will contribute to the achievement of the Millennium Development Goals on eradicating extreme poverty and hunger.

There is therefore an urgent need to fine-tune these program of the DepEd and enhance the same by providing a free breakfast program not only to day care centers, preschools but also all public elementary schools in the country.

Hence, approval of the above-mentioned bill is earnestly sought.



RAUL V. DEL MAR

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**AN ACT**  
**INSTITUTIONALIZING THE NATIONAL SCHOOL FEEDING PROGRAM FOR PUBLIC**  
**KINDERGARTEN AND ELEMENTARY PUPILS AND APPROPRIATING FUNDS THEREFOR**

*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 "National School Feeding Program (NSFP) Act".

**SEC. 2. Declaration of Policy.** - It is the declared policy of the State to promote rights of children to survival, development, and special protection with full recognition on the nature of childhood and its special needs.

Recognizing the direct correlation between good nutrition and the propensity of children to develop into physically and mentally healthy individuals, the State shall endeavor to promote and fortify proper nutrition among school children, especially those belonging to low-income households, in order to safeguard them from the ill effects of malnutrition and to enhance as well their learning capacities.

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

(a) **Fortified food** refers to food with deliberately increased content of essential micronutrient, i.e. Vitamins and minerals (including trace elements) irrespective of whether or not the nutrients were originally in the food before processing, so as to improve the nutritional quality of the food supply and to provide a public health benefit with minimal risk to health;

(b) **Fresh milk** refers to pasteurized fresh milk with limited shelf life, usually seven (7) to ten (10) days, and requiring refrigeration;

(c) **Fresh milk-based food** refers to food product containing fresh milk blended with powdered milk;

(d) **National Household Targeting System for Poverty Reduction (NHTS-PR) or Listahanan** refers to an information management system that identifies who and where the poor are in the country and serves as a reference in identifying potential beneficiaries of social protection program; and

(e) **Powdered milk** refers to a manufactured dairy product made by evaporating milk into powder form purposely to preserve it and to have a fair longer shelf life than liquid milk due to its low moisture content.

**SEC. 4. Objectives.** - The National School Feeding Program (NSFP) shall pursue the following objectives:

(a) Ensure that adequate health and nutrition programs are accessible to school children throughout their early childhood years;

(b) Achieve improved survival rates attendance in public kindergarten and elementary schools;

(c) Enhance the physical, social, cognitive, psychological, and language development of young children;

(d) Mitigate malnourishment among school children, thus, ensuring that they will be adequately prepared for the formal learning system; and

(e) Establish an efficient system for early identification, prevention, referral, and intervention of developmental disorders and disabilities in early childhood.

**SEC. 5. *Establishment of the NSFP.*** - The NSFP is hereby established as an alternative approach of providing free supplementary meals, including fresh milk-based food products, through a program menu that shall be designed by the Department of Education (DepED) particularly for children studying in public kindergartened and elementary schools nationwide.

**SEC. 6. *Implementation and Interagency Coordination.*** - The DepED is hereby authorized to lead in the administration and implementation of the NSFP.

In coordination with the DepED, the following national government agencies shall be tasked to make available such resources as may be necessary to ensure the successful implementation of the NSFP:

(a) The Department of Agriculture (DA) and the National Food Authority (NFA) shall tap farmers associations and cooperatives in the locality for possible sources of food supplies and shall share with the DepED any available resources and facilities that may be used for the NSFP;

(b) The Department of the Interior and Local Government (DILG) shall help enlist the support of local government units (LGUs) as DepED partners in the operation of the NSFP, including the possibility of utilizing the services of barnagay nutriition scholars and barangay health workers;

(c) The Department of Social Welfare and Development (DSWD) shall support the DepED by ensuring the availability of data on poor households based on the NHTS-PR or Listahanan;

(d) The Department of Trade and Industry (DTI), the DA, the Department of Health (DOH) and the Food and Drug Administration (FDA) shall help the DepED look for cost-effective sources of foodstuff, vaccines, and vitamin supplements;

(e) The National Economic and Development Authority (NEDA) shall support the DepED in the determination of official development assistance sources to expland the inputs needed in the NSFP;

(f) The National Dairy Authority (NDA) shall support the DepED in the procurement of fresh milk-based food products and in coordinating with local cooperatives and dairy corporations for the availability of milk supplies needed; and

(g) The National Nutrition Council (NNC), in coordination with the Food and Nutrition Research Institute (PNRI), shall provide the menu consisting of a combination of foods that meet the recommended energy and nutrient intake of children.

The DepED, the participating national government agencies, and other concerned stakeholders shall execute a Memorandum of Agreement specifying the necessary arrangements relative to the operation of the NSFP.

**SEC. 7. *Mechanics of the NSFP.*** - In addition to its interdepartmental coordinative and consultative tasks during the operation of the NSFP, the DepED shall oversee the following activities:

(a) Administer the NSFP, in coordination with concerned government institutions, for a minimum of one hundred twenty (120) feeding days per school year to be done five (5) days a week with one (1) feeding activity per school day.

(b) Conduct orientation-training activities utilizing its core of trainers to all DepED health and nutrition unit personnel at the regional and division levels so as to generate their support to the NSFP's objectives and mechanics. DepED personnel trained at the schools division level shall be responsible for training the staff at the district and municipal levels while those trained at the district and municipal levels shall be responsible for training the implementers and feeding coordinators at the school level;

(c) Conduct orientation meetings with parents and pupils utilizing the DepED feeding coordinators for proper information dissemination on the NSFP's objectives and mechanisms and in the process generate stakeholders' support for the program;

(d) Conduct simultaneous health examinations, including deworming and vaccination activities, to participating pupils during the orientation meeting set for parents and pupils. The school's medical staff or the medical staff of a public health

center in the community shall take charge and provide proper treatment or referral to a hospital for pupils who are found to have defects or ailments. Classroom advisers, who are required to undergo proper training to be conducted by the barangay nutrition scholars and barangay health workers, shall note their observations regarding the pupils' health condition, including the measurement of the pupils' height and weight before the start of the feeding program and every month thereafter for the entire duration of the feeding program;

(e) Make available the necessary food supplies such as:

(1) Fresh milk-based and fortified foods; and

(2) Vitamin supplements in such dosages and for such duration as the DOH may determine most beneficial to the child's health and nutritional well-being; and

(f) Ensure that the beneficiary school children eat their meals and drink their milk inside the classroom only, and shall thus be prohibited from taking their ration home.

**SEC. 8. Procurement, Storage and Handling System.** - The procurement, storage and handling of appropriate food supplies shall be spearheaded by the DepED, in coordination with the NNC, the FNRI and other concerned government agencies. The DepED shall seek the help of the DA in tapping the services of local farmers associations and cooperatives for the procurement of locally produced food supplies and shall encourage contracts with farmers associations and cooperatives in accordance with existing procurement laws.

In the procurement program, priority shall be given to the utilization of locally produced fresh milk and locally available food supplies, utilizing as well the products of the Gulayan sa Paaralan Project (GPP) of the DepED and the products of community gardens as part of convergence efforts to increase food supplies at the local level.

The DepED shall issue the guidelines necessary for the effective implementation of the procurement, storage and handling system.

**SEC. 9. *Priority LGUs.*** - In case of shortage of funds, priority in the implementation of the NSFP shall be given to municipalities and cities which are determined and identified by the NNC or by any competent government agency to have high malnutrition rates.

**SEC. 10. *Participation of LGUs.*** - The Secretary of Education shall initiate partnerships with LGU officials to encourage them to contribute available resources to the feeding program in public schools within the LGUs' respective area of jurisdiction.

**SEC. 11. *Parent-Teacher Associations (PTAs).*** - The DepED shall promote the involvement of parents through the PTAs in the planning, implementation, monitoring, and evaluation of the school feeding program.

**SEC. 12. *Monitoring and Evaluation System.*** - The DepED shall establish a monitoring and evaluation system for the nationwide implementation of the NSFP, which shall incorporate periodic reports from the schools division and regional offices. The report shall provide, among others, the needed information that may determine whether or not the program has achieved its objectives, including the identification of issues and constraints as well as the corresponding appropriate recommendations.

**SEC. 13. *Tax Exemption.*** - Any donation or bequest made to the DepED for the NSFP shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended: *Provided,* That the donation is duly approved by the Secretary of Education upon the recommendation of the Executive Director of the NNC, in case of food products, and the Secretary of Health, in case of vaccine and vitamin products.

**SEC. 14. *Appropriations.*** - The amount necessary to cover the initial implementation of this Act shall be charged against the allocation of the DepED for school-based feeding program under the current General Appropriations Act.



Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

**SEC. 15. *Implementing Rules and Regulations.*** – Within ninety (90) days from the approval of this Act, the Secretary of Education, in consultation with the heads of other participating government agencies, shall formulate the rules and regulations implementing the provisions of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.

**SEC. 16. *Separability Clause.*** - If any provisions of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

**SEC. 17. *Repealing Clause.*** – All laws, decrees and orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

**SEC. 18. *Effectivity.*** – This act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,