

SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]

SENATE

S. No. 204



Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT
ESTABLISHING THE PHILIPPINE BASIC EDUCATION NUTRITION AND
PERFORMANCE ACCELERATION PROGRAM, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

According to the United Nations Children's Fund (UNICEF), early childhood until the age of eight is critical for the cognitive, physical, and emotional development of a child.

Based on this statement, education imparted to a child during their first decade of learning will in large part determine the opportunities available to him or her in the future. In order to give today's children every opportunity of succeeding, fulfilling their nutritional requirements during these formative years is essential. Doing so is made even more imperative given that hunger impairs a child's ability to learn by hampering their cognitive and physical growth and leaves them more vulnerable to disease.^{1,2}

¹ Freedom from Hunger, "World Hunger Facts", URL <<https://www.freedomfromhunger.org/world-hunger-facts>>

² National Education Association, "Facts About Child Nutrition". URL <<http://www.nea.org/home/39282.htm>>

Despite the existing dangers to a child's educational progress due to hunger, we consider the following facts:

- || 66 million primary-age children in the developing world go to class hungry.³
- || In the Philippines, due to hunger, 8.6 percent of school-aged children between the ages of 5-19 years old are wasted, indicating that they suffer from acute malnutrition.⁴
- || According to the Department of Education (DepEd), for the 2012-2013 academic year, 1,918,464 public elementary school children were wasted or severely wasted.⁵

These statistics show that we, as a nation, have failed to satisfy the adequate nutritional needs of today's children. The basic right of a child to proper care and nutrition as provided for in our Constitution has largely gone ignored in the case of at least one million school children.

It is with these alarming facts that this legislation, otherwise known as the *Nutri-Skwela Act of 2016*, is brought before you. It aims to address the issue of eradicating hunger and malnutrition amongst our young scholars by providing them with the proper nutritional requirements to succeed at school and in life.

The Act is highlighted by the following provisions:

- 1) Providing at least one meal on each school day to children enrolled in day care, kindergarten, and grades 1-6 in all public educational institutions, free of charge. Children whose classes start in the morning shall be provided with breakfast before the

³ Stop Hunger Now, "Facts on Hunger" , URL < <http://www.stophungernow.org/hunger-facts> >

⁴ Rodriguez, Fritzie, "Latest PH Nutrition Survey reveals little progress in beating hunger". Rappler, July 10, 2014

⁵ Gavilan, Jodesz, "Gov't feeding program to benefit 4M 'wasted' children in 2015". Rappler, November 20, 2014

start of classes while children whose classes start in the afternoon shall be provided with lunch prior to the start of classes. In addition, children whose daily academic program lasts for more than five hours shall be eligible for two meals free-of-charge.

- 2) A central body known as the National Nutrition Council shall be responsible for the overall formulation, implementation and evaluation of the program. A key element of the program is to empower local government units to actively participate in the program through the City and Municipal Nutrition Committees, otherwise known as Local Committees, which shall be mainly responsible for the procurement of food, and logistical and organizational concerns of the program. The Local Committees' operations shall be overseen by the Provincial and Regional Nutrition Committees. In addition, volunteerism and community participation are also highly encouraged, to allow community members to aid in the success of eradicating hunger.
- 3) Monitoring and quality compliance with the program's standards shall be observed through weekly reports submitted by the Local Committees. These weekly compliance reports shall include financial statements on liquidation and expenses. A performance audit shall be conducted by the Commission on Audit on a quarterly basis for the first two years of the program's implementation, and annually thereafter.

With the Nutri-Skwela Act of 2016, we aim to rid our schools of hunger, and promote and nurture the educational development of today's young scholars who are the nation's future. Hence, the immediate enactment of this Act is sought.



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AN ACT

**ESTABLISHING THE PHILIPPINE BASIC EDUCATION NUTRITION AND
PERFORMANCE ACCELERATION PROGRAM, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES**

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

1 SECTION 1. **Short Title.** - This Act shall be known as the "Nutri-
2 *Skwela Act of 2016*".

3 SEC. 2. **Declaration of Policy.** - The State shall protect and promote
4 the right of every Filipino child to a nurturing and fulfilling experience in the
5 basic education system. For this purpose, the State shall dedicate significant
6 resources to the strengthening of the capacities of children to perform well
7 and succeed in school.

8 Pursuant to this declaration, the State shall undertake programs and
9 advocacies to solve the nutritional and dietary needs of young students.

10 SEC. 3. **The Program** - The Philippine Basic Education Nutrition and
11 Performance Acceleration Program, hereinafter referred to as the Program, is
12 hereby established. The Program shall accomplish the following objectives:

- 1 (a) Institutionalize a production and service system to address the
2 nutritional and dietary needs of elementary school children during
3 school hours;
- 4 (b) Streamline the various school children feeding programs of the
5 Department of Education (DepEd), the Department of Social Welfare
6 and Development (DSWD), and other government agencies into one
7 system, in order to increase efficiency in the use of allocated
8 resources;
- 9 (c) Eliminate the incidence of the nutritionally "wasted" and "severely
10 wasted" condition among children enrolled in public elementary
11 schools;
- 12 (d) Accelerate and improve the academic performance and
13 participation, and physical development of children during the
14 course of their basic education course;
- 15 (e) Further increase elementary education enrollment rates and school
16 attendance records;
- 17 (f) Empower local government officials, members of the community,
18 and other local stakeholders to actively participate in the nutritional
19 and educational development of their local children;
- 20 (g) Ensure transparency, accountability, and efficacy in the
21 disbursement and distribution of funds and goods for the purposes
22 of this Act.

23 The Program shall ensure that at least one meal on each school day of
24 the academic year is made available free-of-charge to all children enrolled in
25 day care, kindergarten, and grades 1-6 in all public educational institutions
26 within the Philippines.

27 Children who attend classes in the morning shall be provided with
28 breakfast before the start of their classes while children whose classes start
29 in the afternoon shall be provided with lunch before the start of their classes.

1 Children whose daily academic program exceeds (5) hours per day shall be
2 provided with both breakfast and lunch free-of-charge.

3 SEC. 4. **National Committee.** - The National Nutrition Council and its
4 member agencies, constituent departments, and committees shall be the
5 implementing body of the Program.
6

7 The National Nutrition Council Governing Board, its Secretariat and
8 Technical Committee, hereinafter collectively referred to as the National
9 Committee, shall be primarily responsible for policy formulation and
10 evaluation of the Program. Specifically, the National Committee shall have
11 the following functions:

12
13 (a) Define the optimal nutrition standards and create a meal plan that
14 will meet the essential dietary requirements of children for active
15 and energetic participation in school;

16
17 (b) Create an operations manual that details the Program system and
18 instructs the various sub-committees on their specific role in the
19 implementation of the Program, including but not limited to rules
20 and guidelines concerning logistics, procurement, uniform brand
21 and packaging identity, and quality control. The National Committee
22 shall then disseminate said manual to the sub-committees;

23
24 (c) Draft an organizational staffing plan that outlines the number,
25 nature, and position of the personnel required by the sub-
26 committees for the purpose of implementing the Program;

27
28 (d) Facilitate efficient policy coordination between the various
29 committees, agencies, civil society and private sector stakeholders
30 referred to under this Act; and,

31
32 (e) Establish a strategy for prioritized implementation of the Program
33 in areas where severe malnutrition occurs, and in conflict areas.
34

1 SEC. 5. **Regional Committees.** - The Regional Committees will be
2 primarily responsible for overseeing the implementation of the production
3 and service level of the Program by the City Committees of those designated
4 by law as independent component or highly urbanized cities. Specifically, the
5 Regional Committees shall have the following functions:

6
7 (a) Conduct regular on-site inspections of the food preparation and
8 delivery operations of the Program undertaken by the City
9 Committees under their supervision;

10
11 (b) Submit quarterly progress reports to the National Committees
12 detailing the level of accomplishment of the City Committees under
13 their supervision and evaluating their compliance with the
14 operations manual and other pertinent provisions of this Act; and,

15
16 (c) Develop and implement quality control strategies to maintain an
17 even baseline of service quality amongst the City Committees under
18 their jurisdiction.

19
20 SEC. 6. **Provincial Committees** - The Provincial Committees shall
21 likewise perform the functions of the Regional Committees in overseeing the
22 Municipal Committees, and the City Committees not otherwise covered under
23 Section 5 of this Act.

24
25 SEC. 7. **Local Committees** - The City and Municipal Nutrition
26 Committees, hereinafter referred to as Local Committees, shall be primarily
27 responsible for the implementation of the production and service level of the
28 Program. Specifically, the Local Committees shall perform the following
29 functions:

30
31 (a) Procure the necessary raw food stuffs and other materials to prepare
32 the meals;

33
34 (b) Coordinate the necessary logistical support for implementation of
35 the Program, including but not limited to the delivery of food stuffs

1 to the preparation facilities, the preparation of the meals on-site,
2 and distribution of the meals to the students;

3
4 (c) Implement the organizational staffing plan to ensure the training
5 and employment of the necessary support staff for the efficient
6 implementation of the Program; and,

7
8 (d) Submit a monthly progress report to the corresponding Regional or
9 Provincial Committee detailing vital Program success indicators,
10 including but not limited to the quantity and price of food stuffs
11 procured, the number of meals prepared and served daily, the
12 participation rate among students covered under this Act, among
13 others. The report should also indicate any Program weaknesses,
14 liabilities, or other problems incurred during the implementation of
15 the Program.

16
17 **SEC. 8. *Barangay Committees*** - The Barangay Committees shall be
18 primarily responsible for documentation and other auxiliary concerns.
19 Specifically, the Barangay Committees shall perform the following functions:

20
21 (a) Record and document the daily service indicators and other
22 information at the school level, including but not limited to the
23 indicators mentioned in Sec. 7(d) of this Act, and forward the
24 information to their respective Local Committees; and,

25
26 (b) Formulate and implement strategies to encourage volunteerism
27 and engagement in the Program by members of the community,
28 to supplement manpower needs and improve service quality.

29
30 **SEC. 9. *De-worming*** - In order to improve the effectiveness of the
31 nutritional outcomes of the Program, the Department of Health (DOH) shall
32 be responsible for coordinating a de-worming program which shall serve all
33 students identified as Program beneficiaries under Section 4 of this Act. The
34 de-worming shall be conducted before the start of the meal schedule.

35

1 SEC. 10. **Role of the Department of Education.** - In addition to its
2 responsibilities as a member agency of the National Committee, the DepEd
3 have the following responsibilities:

4
5 (a) Coordinate with the participating Program schools to install
6 sufficient permanent facilities for the purpose of preparing the
7 student meals, subject to the provisions of applicable laws on
8 sanitation;

9
10 (b) Implement an assessment system to track the academic
11 performance of Program beneficiaries; and,

12
13 (c) Provide logistical support for the Program at the school level, as
14 necessary.

15
16 SEC. 11. **Role of the Department of Social Welfare and**
17 **Development.** - In addition to its responsibilities as a member agency of the
18 National Committee, the DSWD shall use its expertise in feeding programs to
19 assist the Local Committees at the production and service level of
20 implementation of the Program. DSWD shall also assist the National
21 Committee in identifying and targeting Priority areas as provided under
22 Section 4(e) of this Act.

23
24 SEC. 12. **Role of the Technical Education and Skills Development**
25 **Authority.** - TESDA shall provide assistance to the Local Committees in
26 training and employing personnel as provided under Section 7(c) of this Act.

27
28 SEC. 13. **Private Sector Participation** - Private sector participation is
29 encouraged under this Act. The National Committee, in cooperation with the
30 subcommittees, the Department of Finance, and relevant government
31 agencies, shall formulate a system of incentives to encourage corporate social
32 responsibility and individual donations for the benefit of Program through
33 various methods, including but not limited to income tax credits, discounts
34 for business permits registration, or other assistance.

1
2 SEC. 14. **Monitoring and Quality Control.** - The National Committee,
3 in coordination with its subcommittees and the LGUs shall strictly monitor
4 the activities that will be conducted at the production and service level of the
5 Program. The procurement, handling, storage, transportation, and sanitation
6 of the products, whether in its raw or end stage, must ensure that the quality
7 and safety protocols are followed and that measures are undertaken for the
8 prevention and control of food safety problems. Towards this end, the
9 National Committee shall facilitate the training and development of operating
10 guidelines in food safety under this Program to ensure reliable and consistent
11 food products.

12
13 The Local Committees shall ensure the actual delivery of the food to the
14 student-beneficiaries in accordance with the program specification and
15 requirements. A weekly compliance report, to include the liquidation and
16 summary of expenses shall form part of the quarterly assessment on the
17 program.

18
19 SEC. 15. **Performance and Financial Audit.** - To further strengthen
20 accountability and improve public expenditure management, with the end in
21 view of eliminating waste and the ascertainment of the effectiveness of the
22 program, a quarterly performance audit shall be conducted by the
23 Commission on Audit in the first two years of the program's implementation,
24 and every year thereafter.

25
26 The audit shall provide an overall picture of how various segments of
27 the program are implemented and whether the expected roles and
28 responsibilities of stakeholders are met, which outcome may lead to the
29 identification of areas where improvements can be introduced, and shall
30 include, among others:

- 31
32 1) Review of the procedures for the program;
33 2) Evaluation of performance reports by the Local Committees;

- 1 3) Random interview of staff involved in the implementation of the
2 program; and,
3 4) Documentation of reports and validation from data source.
4

5 **SEC. 16. *Prohibition on Political Signage.*** - The Local Committees
6 shall ensure that the packaging of the meals and other produced materials
7 are in conformance to the uniform packaging and branding identity contained
8 in the operations manual as provided in Section 4(b) of this Act. It shall be
9 prohibited for any public officer to alter or cause an alteration in the
10 packaging and branding identity, including but not limited to:

11 (a) Affixing, or causing to be affixed, the name, image, or logo of any
12 public official on any production and service level materials related
13 to the Program; and,
14

15 (b) Installing, or causing to be installed, signage at the implementation
16 site or at any other place crediting an individual public officer for
17 implementation of any level of the Program, or bearing his or her
18 image, name, or logo.
19
20

21 **SEC. 17. *Penal Provision*** - Any public officer committing any of the
22 prohibited acts in the preceding section shall be punished with imprisonment
23 for not less than six (6) months nor more than one (1) year, and perpetual
24 disqualification from public office.
25

26 **SEC. 18. *Appropriations.*** - For the initial operating expenses of the
27 Program, the sum of Sixty Billion Pesos (P60,000,000,000) is hereby
28 appropriated from the Presidential Social Fund, and from the profits and
29 earnings of the Philippine Charity Sweepstakes Office, the Philippine Gaming
30 and Amusements Corporation, and other revenue-generating agencies of the
31 government.
32

33 Thereafter, such sum necessary for its continuous implementation
34 shall

1 be included in the annual General Appropriations Act.

2
3 SEC. 19. **Implementing Rules and Regulations.** - Within ninety (90)
4 days from the approval of this Act, the DOH, in coordination with the National
5 Nutrition Council and the Local Government Units through the Department
6 of Interior and Local Government, shall promulgate the rules and regulations
7 to implement the provisions of this Act.

8
9 SEC. 20. **Separability Clause.** - Should any part of this Act be
10 declared unconstitutional, the rest of the provisions of this Act shall continue
11 to be in effect and subsisting.

12
13 SEC. 21. **Repealing Clause.** - The provisions of other laws, decrees,
14 executive orders, rules and regulations inconsistent with this Act are hereby
15 repealed, amended, or modified accordingly.

16
17
18 SEC. 22. **Effectivity.** - This Act shall effect fifteen (15) days after its
19 publication in the *Official Gazette* and/or in at least two (2) national
20 newspapers in general circulation.

21
22
23 Approved,