

Right to Food Assessment **Philippines**



The Filipinos' Right to Food

An Assessment of the Philippine Legal Framework
Governing the Right to Food



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★ Rationale and Objectives

The Government of the Philippines (GOP), through the National Anti-Poverty Commission is speeding up its efforts to address the issue of hunger and food insecurity in the Philippines. The main avenue to consolidate all efforts against hunger and food insecurity is the Accelerated Hunger Mitigation Program (AHMP). Discussions by FAO with Philippine government officials indicate that there is a need to enhance the AHMP to ensure that interventions are appropriate and that these interventions are geared toward the population groups that need them the most.

The GOP is also a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) that obligates it to recognize the right of every Filipino to an adequate standard of living including food, clothing and housing. The covenant recognizes the fundamental right of everyone to be free from hunger. This implies enabling individuals to produce or procure adequate quantities and quality of food for an active and healthy life. This is consistent with a human rights-based approach to development that empowers individuals and civil society to participate in decision-making, to claim their rights and to demand recourse, by holding public officials and governments accountable for their programs and policies.

The entirety of Government policies and programs should build an enabling environment that ensures that individuals can feed themselves. A clear and unambiguous legal framework will provide the necessary enabling environment to ensure that legal and institutional mechanisms are in place to support efforts toward the mitigation and eventual eradication of hunger in the country. An assessment of the policy framework will reveal the extent to which policies, strategies and programs are conducive to progressively realizing the right to adequate food and whether the policy framework responds to the underlying and root causes of the non-realization of the right to adequate food.

The FAO has responded to this concern by highlighting the agenda for food security and the right to food. It has initiated efforts to examine the various issues related to food insecurity in the Philippines and to arrive at recommendations grounded on sound policy research and analysis. In line with this, it has commissioned the Asia-Pacific Policy Center to a Right to Food Assessment. The assessment will include an analysis of the anatomy of hunger in the Philippines, including the causes and socio-economic characteristics of the hungry, an assessment of the legal framework on the right to food, and a review of the government's safety nets and social protection policies and programs related to the population's right to adequate food.

Objectives

The general objective of the assessment is to provide analytical support to the Philippine Government in its efforts to mitigate the incidence of hunger in the country and to address the underlying causes of food insecurity in the Philippines.

Specifically, the study will:

1. Identify the socio-economic characteristics of the hungry in the country;
2. Analyze the root causes of food insecurity and hunger in the Philippines;
3. Assess the legal framework on the right to food;
4. Assess the government's safety nets and social protection programs.

Item 1 will enhance the Government's efforts to provide direct assistance to those in need, through better design and targeting of its interventions. Items 2, 3 and 4 will inform policy and institutional reform measures to reduce hunger and improve the prospects of food security in the country.

Component 2: Legal Framework Assessment on the Right to Food

The Voluntary Guidelines put emphasis on strengthening the national legal framework on the right to food. The central question in assessing of the country's legal framework is: Does the legal framework recognize, promote and protect the right to food?

The assessment will ascertain whether legal provisions are implemented to guarantee the right to food and to what extent the legal framework of the Philippines influences (positively or negatively) the food insecurity situation of the vulnerable groups.

The following are the key areas of investigation of Component 2:

1. International Human Rights Obligations Related to the Right to Food
2. Legal Framework Analysis
3. Review of Recourse Mechanisms
4. National Human Rights Institutions
5. Awareness on the Right to Food
6. Human Rights in Crafting Laws

The legal framework assessment shall take into consideration the provisions of the Draft Guide on Legislating for the Right to Food (particularly guideline 7) prepared by the Right to Food Unit of the FAO.

The conduct of Component 2 generally employed desk research particularly in the extensive review of all relevant international obligations and local laws, issuances and regulations (this covers constitutional rights, national laws, local laws, and customary laws) on the right to adequate food, and to what extent have they been implemented.

The analysis is guided by tools such as content assessment matrix, and PANTHER process assessment. A rider module to the second quarter SWS is used to gauge the general population awareness on the Right to Food.

2.1 International Human Rights Obligations Related to the Right to Food

“The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The *right to adequate food* shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients.”¹ Implicit in the right to food are entitlements to factors that contribute to the *availability, physical and economic accessibility, and safety* of food (see schematic diagram on Figure 2.1).

How much food is *available* for human consumption is directly related to land productivity, which, in turn, is influenced by various elements including access to land and security of land tenure, access to agricultural inputs, farm equipment, pre- and post-harvest facilities, credit, domestic market, and the health status of farmers. Food *availability* is also directly related to investment, technology and research, infrastructure, taxation, and domestic and international trade.

Food *physical accessibility* is directly related to roads, bridges, and ports used to transport food from food producing areas to food consuming areas, travel and transport costs, and traffic management to ensure both the ease and safety of transportation.

Food *economic accessibility* is directly related to income, food costs, and extent of credit. Income and food prices are among the key factors which determine what, when and how much is eaten. Depending on how much is earned, Filipinos spend between 36.4 to 64.6 percent of their income to buy food.² When food prices rise faster than incomes, as they did in June 2008,³ those who consume—but do not produce their own—food fall prey to hunger, and could slide into poverty. A recent study by the Asian Development Bank projected that if food prices rise by 10 percent, an additional 2.72 million Filipinos will fall below the poverty line; if food prices rise by 20 percent, there will be 5.65 million more poor Filipinos; and, if food prices rise by 30 percent, 8.85 million more Filipinos will be poor.

Food *safety* refers to minimizing health risks of food borne diseases or harmful levels of toxic substances and maximizing food benefits by providing adequate levels of essential dietary nutrients. This would entail dietary diversity and appropriate consumption and feeding patterns composed of the mix of nutrients needed for physical and mental growth, development and maintenance. Food *safety* is directly related to how food is produced, processed, prepared, advertised, sold, consumed and distributed. Whether the food consumed is nutritious, safe, and free from microorganisms, contaminants and pollutants, is largely influenced by various factors such as the regulation and monitoring of food preparation, production and distribution processes, environmental hygiene and sanitation, independence of the judiciary, investments, taxation, and culture which influences our food choices.

The right to food is an immutable, universal and legitimate claim made by individuals (*claim holders*) on the conduct of other individuals, society and the State and on the design and implementation of social, political and economic arrangements needed to secure freedom from hunger and entitlements to adequate food. States (as *duty bearers*) have the primary responsibility to realize the right to food, through the effective exercise of *state obligations*. State obligations are of different natures and levels:

- The *obligation of progressive realization* requires states to take steps, through all appropriate means, with maximum use of available resources, to progressively achieve the right to food;
- Core *obligations* require states to ensure the satisfaction of the minimum essential level required to be free from hunger;
- *Obligations of equality and nondiscrimination* require states to ensure both *de jure*⁴ and *de facto*⁵ equality, without

1 General Comment No. 12, “The Right to Adequate Food (art. 11),” adopted by the United Nations Committee on Economic, Social and Cultural Rights at its twentieth session, 1999, U N Doc. United Nations Doc. E/C.12/1999/5, 12 May 1999.

2 Asian Development Bank, *Food Prices and Inflation in Developing Asia: Is Poverty Reduction Coming to an End?*, April 2008, at page 13.

3 Food prices rose to 17.4% in June 2008, from 14.2% in May. See National Statistics Office, *Summary Inflation Report Consumer Price Index June and May 2008*, at <http://www.census.gov.ph/data/pressrelease/2008/cp0806tx.html>

4 Equality achieved when laws or policies treat women and men in a neutral manner.

5 Equality achieved when the effects of laws, policies and practices do not maintain but alleviate the inherent disadvantages that women experience.

distinction of any kind, exclusion, restriction or preference based on race, color, gender, language, disability, age, religion, political or other opinion, national or social origin, property, birth and other status;

- *Obligations of international cooperation and assistance* require states to conduct their trade, lending, technical and financial assistance and related activities with due regard for the right to food of the people of other states and require states that are unable to guarantee the right to food of their people to seek assistance from other states;
- *Obligation to respect* the right to food forbids states from acting in any way that directly encroaches upon it;
- *Obligation to protect* the right to food compels states to take steps to prohibit others from violating the right to food;
- *Obligation to fulfill (facilitate or promote)* the right to food requires states to actively create conditions aimed at the right's full realization; and
- *Obligation to fulfill (provide)* the right to food requires states to actually provide food whenever, for reasons beyond their control, individuals or groups are unable to realize the right to food by the means at their disposal.

The Philippines ratified four human rights treaties relevant to the right to food:

- The *International Covenant on Economic, Social and Cultural Rights*,⁶ which recognizes the fundamental right of everyone to be free from hunger and the right to an adequate standard of living, including adequate food;⁷
- The *Convention on the Rights of the Child*,⁸ which recognizes the right of the child to enjoy the highest attainable standard of health,⁹ including access to adequate nutritious food and clean drinking-water, and the right of the child “to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development,”¹⁰ including nutrition;
- The *Convention on the Elimination of All Forms of Discrimination Against Women*,¹¹ which ensures appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation¹² and stipulates that states should take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, among others, adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications;¹³ and
- The *Additional Protocol to the Geneva Conventions and Relating to the Protection of Victims of International and Non-International Armed Conflicts*,¹⁴ which recognizes the right of persons whose liberty is restricted to food and drinking water,¹⁵ and expressly prohibits “starvation of civilians as a method of combat,” and any attack, destruction, or removal of “objects indispensable to the survival of the civilian population such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works.”¹⁶

These documents are legally binding on the Philippines and are part of Philippine law through the process of *transformation*,¹⁷ a constitutional mechanism governed by Section 21, Article VII of the 1987 Constitution.¹⁸

6 Adopted on 16 December 1966; the Covenant was ratified by the Philippines on 19 December 1966 and entered into force on 3 January 1976.

7 Article 11, *International Covenant on Economic, Social and Cultural Rights*.

8 Adopted on 20 November 1989; the Convention was ratified by the Philippines on 26 January 1990 and entered into force on 2 September 1990.

9 Article 24, *Convention on the Rights of the Child*.

10 Article 27, *Convention on the Rights of the Child*.

11 Adopted in 1979; the Convention was ratified by the Philippines on 5 August 1981 and entered into force on 3 September 1981.

12 Article 12.1, *Convention on the Elimination of All Forms of Discrimination Against Women*.

13 Article 14.2h, *Convention on the Elimination of All Forms of Discrimination Against Women*.

14 Adopted on 8 June 1977; Protocol II was ratified by the Philippines on 11 December 1986.

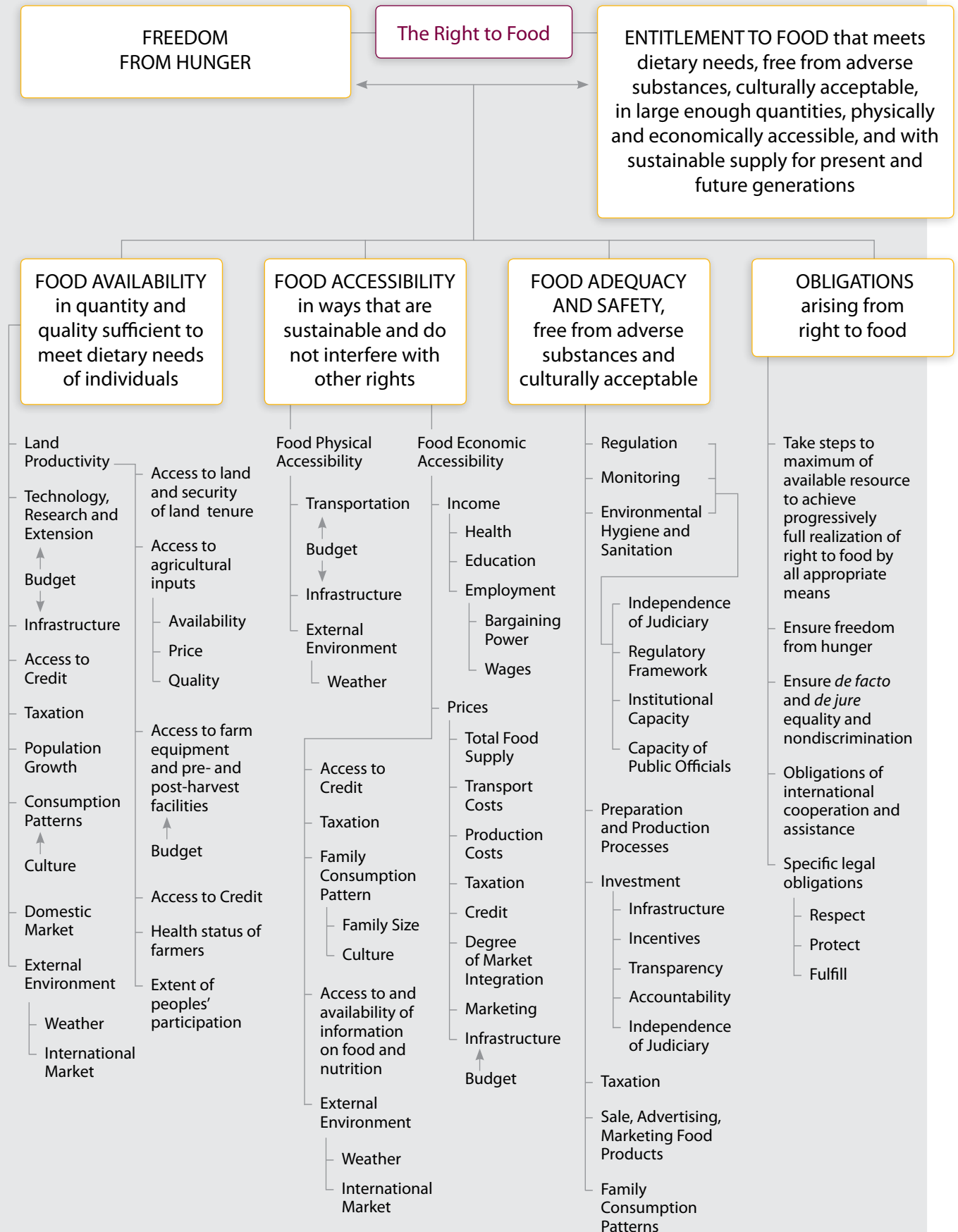
15 Article 5, Protocol II.

16 Article 14, Protocol II.

17 *Pharmaceutical and Health Care Association of the Philippines v. Health Secretary Francisco T. Duque III, et. al.*, G.R. No. 173074, October 9, 2007.

18 “No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.”

Figure 2.1.



In *Wigberto E. Tañada et. al. v. Edgardo Angara et. al.*, the Court held that “(a) treaty engagement is not a mere moral obligation but creates a legally binding obligation on the parties ...”¹⁹ Thus, the obligations of progressive realization, core obligations, equality and nondiscrimination, obligations of international cooperation and the typology of obligations related to the right to food are binding on the Philippines.

The process of transformation may also entail the passage of domestic legislation; by virtue of Executive Order 51,²⁰ the *International Code of Marketing Breastmilk Substitutes*,²¹ which affirms “the right of every child and every pregnant and lactating woman to be adequately nourished,”²² is now part of Philippine law.

Other human rights instruments relevant to the right to food also form part of Philippine law through the process of incorporation, a constitutional declaration governed by Section 2, Article II of the 1987 Constitution;²³ these include:

- The *Universal Declaration of Human Rights*,²⁴ which guarantees the right to a standard of living adequate for health and well-being, including food;²⁵ the Declaration has been enforced by the Court in a number of decisions²⁶ and is “now recognized as customarily binding” on the Philippines;²⁷
- The *Declaration on the Rights of the Child*, which enunciates the right of a child to adequate nutrition;²⁸
- The *Universal Declaration on the Eradication of Hunger and Malnutrition*,²⁹ which recognizes “the inalienable right to be free from hunger and malnutrition;”
- The *Declaration on Protection of Women and Children in Emergency and Armed Conflicts*,³⁰ which affirms the right to food of women and children in situations of emergency and armed conflict;
- The *Code of Ethics for International Trade*,³¹ which introduces general principles “to protect the health of the consumer and ensure fair practices in the trade in food,”³² and recognizes the right of consumers to safe, sound and wholesome food and to protection from unfair trade practices;³³
- The *Declaration on the Right to Development*,³⁴ which urges states to take all necessary measures to realize the right to development and ensure equality of opportunity for all in their access to basic resources, including food;

19 G.R. No. 118295, May 2, 1997.

20 *Adopting a National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Related Products, Penalizing Violations thereof and for Other Purposes*, 28 October 1986.

21 Adopted by the Member States of the World Health Organization on 21 May 1981.

22 First preambular paragraph, *International Code of Marketing Breastmilk Substitutes*.

23 “The Philippines ... adopts the generally accepted principles of international law as part of the law of the land...”

24 Adopted on 10 December 1948.

25 Article 25, *Universal Declaration of Human Rights*.

26 See, for example, *Government of Hongkong Special Administrative Region v. Olalia*, *Mejoff v. Director of Prisons*, *Mijares v. Rañada and Shangri-la International Hotel Management, Ltd. v. Developers Group of Companies, Inc.*

27 *Government of Hong Kong Special Administrative Region, represented by the Philippine Department of Justice versus Hon. Felixberto T. Olalia, Jr. and Juan Antonio Muñoz*, G.R. No. 153675, April 19, 2007.

28 Adopted by virtue of United Nations General Assembly Resolution 1386(XIV) on 20 November 1959; see Principle 4.

29 Adopted on 16 November 1974 by the World Food Conference, convened under United Nations General Assembly Resolution 3180 (XXVIII) dated 17 December 1973 and endorsed by United Nations General Assembly Resolution 3348 (XXIX) dated 17 December 1974.

30 Adopted by the United Nations General Assembly through Resolution 3318(XXIX) on 14 December 1974; see Paragraph 6.

31 Adopted by the Codex Alimentarius Commission through CAC/RCP 20-1979 (Rev. I-1985) in December 1979.

32 Article 4, *Code of Ethics for International Trade*.

33 Article 4.1, *Code of Ethics for International Trade*.

34 Adopted by the United Nations General Assembly through Resolution 41/128 on 4 December 1986; see Article 8.

- The *Rome Declaration on World Food Security*,³⁵ which reaffirms the right to adequate food and to be free from hunger,³⁶ and prohibits the use of food “as an instrument for political and economic pressure;”³⁷
- The *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* (hereafter referred to as the Right to Food Guidelines),³⁸ which provide practical examples of how states may comply with their obligations related to the right to food; and
- *High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy*, whose declaration³⁹ recognizes the Right to Food Guidelines as the framework for the implementation of the different operational recommendations of the Outcome of the Summit.

The *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Elimination of All Forms of Discrimination against Women*, the *Convention on the Rights of the Child* and the *International Code of Marketing Breastmilk Substitutes* have been subject of jurisprudence⁴⁰ and are incorporated in the Philippine legal system.

But even if international human rights instruments become part of Philippine law, these do not necessarily prevail over domestic law. Where conflicts arise between the implementation of international law vis-à-vis national law, jurisprudence suggests that an attempt must first be made to harmonize them so as to make both applicable. However, if there is no possibility of harmonizing them, jurisprudence dictates that national law should be upheld.⁴¹

35 Adopted by the Heads of State and Government or their representatives during the World Food Summit on 13 November 1996. The *Declaration* is accompanied by a *Plan of Action*, which provides specific details on the commitments adopted by the Declaration.

36 Paragraph 1, *Declaration on World Food Security*.

37 Paragraph 7, *Declaration on World Food Security*.

38 Adopted at the 127th session of the Food and Agriculture Organization (FAO) Council in November 2004.

39 Paragraph 1, *Declaration of the High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy*.

40 See, among others, *Government of Hongkong Special Administrative Region v. Olalia*, *Mejoff v. Director of Prisons*, *Mijares v. Rañada and Shangri-La International Hotel Management, Ltd. v. Developers Group of Companies, Inc.*, *Central Bank (now Bangko Sentral ng Pilipinas) Employees Association, Inc., versus Bangko Sentral ng Pilipinas and the Executive Secretary*, *International School Alliance of Educators v. Hon. Leonardo A. Quisumbing et. al.*, and *Pharmaceutical and Health Care Association of the Philippines v. Health Secretary Francisco T. Duque III, et. al.*

41 See, for example, *Ichong vs. Hernandez*, 101 Phil. 1155 [1957]; *Gonzales vs. Hechanova*, 9 SCRA 230 [1963]; *In re: Garcia*, 2 SCRA 984 [1961].

2.2 Legal Framework Analysis

The degree of entitlement to factors that contribute to the availability, physical and economic accessibility, and safety of food is largely dependent upon domestic laws and legal processes and international human rights instruments that are customarily or legally binding on the Philippines. Ensuring the continuing and sustainable supply of safe and nutritious food, building infrastructure to support the production, transportation, sale and procurement of food, providing income opportunities, keeping food prices affordable, and enhancing access to credit are functions of official policy, and ultimately, of law.

The legal framework—the set of applicable domestic and international laws, jurisprudence and processes—reflects official policy, establishes whether entitlements implicit in the right to food are obtainable, and emphasizes obligations arising from the right to food.

A Review of Existing Laws

The 1987 Constitution is the cornerstone of the legal framework; it sets the entire policy framework for the country's legal system. Yet, the Constitution **does not** explicitly recognize the right to food (see *Annex B*). There is only one provision in the entire Constitution⁴² that mentions the word “food,” not as a human right per se, but as an obligation of government to “establish and maintain an effective food and drug regulatory system.”

Despite non-express recognition, the right to food may be inferred from various human rights provisions and from the constitutional intent to address mass poverty. The right to food may be inferred from: Section 9, Article II in relation to Section 1, Article XII, which mandates policies focused on improving the quality of life for all; Section 10, Article II in relation to Sections 1 and 3, Article XII, which fosters social justice; Section 21, Article II in relation to Sections 4, 5 and 6, Article XIII, which promotes agrarian reform; and Section 7, Article XIII, which explicitly recognizes the rights of subsistence fishermen to the preferential use of communal inland and offshore marine and fishing resources.

If the right to food is inferred from various constitutional provisions, a Supreme Court decision weakens the right by ruling that some human rights are “not judicially enforceable rights.” In *Tondo Medical Center Employees Association, et. al. v. The Court of Appeals, et. al.*,⁴³ the Supreme Court ruled that several provisions of the 1987 Constitution⁴⁴ are “not judicially enforceable rights. These provisions, which merely lay down a general principle, are distinguished from other constitutional provisions as non- self-executing and, therefore, cannot give rise to a cause of action in the courts; they do not embody judicially enforceable constitutional rights.”

“Guidelines for legislation” as the Court suggests, coupled with the Constitution's failure to explicitly recognize the right to food, weaken the legal framework governing the right to food.

Domestic laws relating to food availability, accessibility, and safety form the other cornerstone of the legal framework; this study evaluates **47 laws** affecting *food availability*, *food accessibility*, and *food safety* (see *Annex C*).

Food *availability* laws (see *Annex D*) refer to measures that relate to access to land, agricultural productivity, trade measures that ensure supply of food, as well as those that may impinge on the availability of food by affecting agricultural productivity. The Philippines has enacted several laws that ensure equitable distribution of land (agrarian reform laws) and those that ensure productivity of the land. However, it has not been spared from the issues that relate to trade liberalization and the use of fossil fuels.

The laws that relate to agrarian reform⁴⁵ ensure access to land of persons who work on the land as tenants, leaseholders or workers. The latest law⁴⁶ included landless persons even if they had no nexus to the land subject of distribution.

⁴² Section 12, Article XIII, 1987 Constitution

⁴³ G.R. Number 167324, 17 July 2007.

⁴⁴ Rights to health, education, work, and rights of the family, youth, workers, and persons with disabilities.

⁴⁵ The laws on agrarian reform are composed of RA 3844(1963), Presidential Decree 27(1972), and RA 6657(1988) and their amendments.

⁴⁶ RA 6657(1988), otherwise known as the Comprehensive Agrarian Reform Law or (CARL). This law was the subject of several amendments after 1988.

RA 6657 (Comprehensive Agrarian Reform Law) wove the program together by incorporating provisions on support services to agrarian reform beneficiaries, encompassing land held by the state for distribution, and adjudication of disputes between beneficiaries as well as conflicts between government and landowners.

Aside from access to land, the agrarian reform program was also a measure to ensure economic access to food by increasing the income of the beneficiaries. The spirit behind the agrarian reform program was therefore twofold: re-distribution of wealth and providing access to land for food production. These dual objectives were made clear by instituting a leasehold program, acquisition of land, profit-sharing,⁴⁷ and stock distribution.

Realizing that re-distribution of the factors of production was not enough, the agrarian reform program included provisions on support services by means of training, credit support, infrastructure and organization. While this study does not encompass all of these provisions in the agrarian reform laws, as well as those contained in other laws, government enacted these laws with the end in view that reforming the land ownership structure was not sufficient to address the goals of democratizing access to land and increasing incomes. Among the laws that were passed as companion measures are laws that provided for credit support for agrarian reform beneficiaries and agriculture in general.⁴⁸ Measures that enhanced support services in the form of irrigation⁴⁹ were also passed. The legislature similarly passed laws that created sources of revenue that could be used for support services to agriculture⁵⁰. RA 6657 (CARL) also included a provision for the automatic appropriation of the ill-gotten wealth from President Ferdinand Marcos⁵¹ and his family.

The law that provides the blueprint for Philippine agricultural policy is RA 8435 (Agriculture and Fisheries Modernization Act or AFMA) promulgated ten years after the passage of RA 6657 (CARL). This law reiterated the constitutional edict of promoting industrialization and full employment based on agricultural development and agrarian reform. The AFMA also clearly and unequivocally provided for self-sufficiency in food staples of rice and white corn. The AFMA clearly stated its preference for the local production of these two staple crops and committed state support for these objectives. This law, similar to RA 6657 (CARL), built on the twin goals of achieving equity and agricultural productivity. These objectives were to be achieved taking into account market approaches to the development of the agriculture and fisheries sectors. The law also indicated a clear bias towards ensuring the welfare of food consumers particularly those in lower income groups.

RA 8435 (AFMA) has been supplemented by RA 8550 (Philippine Fisheries Code), RA 7607 (Magna Carta for Small Farmers), RA 7884 (National Dairy Act), and RA 7900 (High Value Crops Act). All of these laws provide for state support to agriculture both as a means to ensure availability of food and as a means to increase incomes. Similarly, all these laws subscribe to the use of market forces with state support as the primary levers of development. These laws also provide for mechanisms for the involvement of stakeholders in the policy-development process.

In response to the accession of the Philippines to the GATT 1994 package and the inclusion of agricultural products to the commitments under the GATT, the Philippines passed several laws that provide for trade remedies that can mitigate unfair trade practices of trading partners or react to sudden surges in imports due to the opening of the Philippines to imports. These laws⁵² came even later than RA 8435 (AFMA). The tariffication of quantitative restrictions in agricultural products similarly gave way to the passage of RA 8178 (Agricultural Tariffication Act). These laws were meant to protect local producers from the vagaries of liberalized trading in agricultural products. However, the Agricultural Tariffication Act had the effect of repealing laws that provided for prohibitions and quantitative restrictions on the importation of agricultural products⁵³ such as onions, potatoes, garlic, coffee, livestock, seeds, and tobacco. In general, the Agricultural

⁴⁷ Profit sharing was a temporary measure prior to distribution of commercial farms under the deferment program.

⁴⁸ PD 717.

⁴⁹ RA 6978.

⁵⁰ RA 8178 (Agricultural Competitiveness Enhancement Fund)

⁵¹ RA 6657, Section 65.

⁵² RA 8751 (Subsidies), RA 8752 (Anti-Dumping) and RA 8800 (Safeguard Measures)

⁵³ See Section 4 of RA 8178.

Tariffication Act removed the protection granted to small farmers from importation of agricultural products that are produced in sufficient quantity.⁵⁴

Finally, the Philippines passed laws that sought to address the issue of development and intellectual property in seeds and planting materials. RA 7308 (Seed Industry Development Act) and RA 9168 (Plant Variety Protection Act) provided for means to develop the seed industry by providing incentives as well as protection to creators of new strains of plants.

Food *accessibility* laws are those that incorporate food *physical* and *economic* accessibility (see *Annex E*). The notion of *physical accessibility*, while recognized in two laws,⁵⁵ is limited to enhancing the mobility of persons with disabilities—and not to enhancing physical access to food, especially by those most vulnerable to hunger. The notion of *economic accessibility* may be adduced from the series of laws relating to prices, income, access to credit, and special laws for those most vulnerable to hunger or in special situations.

Only 3 laws govern food prices: RA 7581 (Price Act), RA 71 (Price Tag Law), and certain provisions of RA 7394 (Consumer Act of the Philippines); these laws do not significantly contribute to hunger mitigation.

RA 7581 (Price Act) is a temporary special measure designed to keep food prices stable only during emergency situations.⁵⁶ The law has absolutely no impact on food prices during “normal” times and consequently does not contribute to improving the hunger situation. While the law allows the imposition of price ceilings on food staples under certain circumstances, the law is so vaguely written⁵⁷ that it becomes virtually impossible to determine exactly when price ceilings should be imposed. Similarly, while the law punishes what it calls “illegal acts of price manipulation,” such as “hoarding,” “profiteering,” and “cartels,” the law does not clearly define these “illegal acts,” rendering it almost impossible to enforce.⁵⁸

RA 71 (Price Tag Law) merely requires that price tags be affixed to all articles of commerce offered for sale at retail outlets. In like manner, Articles 81 through 84 of RA 7394 (Consumer Act of the Philippines) mandate that no products may be sold at a price higher than what is stated in its price tag, which must be written clearly, without erasures or alterations. RA 7394 also stipulates additional label requirements for food products, such as its expiry date, processing status (i.e., semi-processed, fully processed, ready to cook, ready to eat, prepared food or plain mixture), nutritive value, and natural or synthetic ingredients used.

Income related laws (i.e., those on wages, employment and income generating opportunities) influence the hunger situation in a variety of ways, both good and bad. The 6 laws governing wages and employment are generally unfavorable to workers, while the other 6 laws relating to income generating opportunities are generally flawed.

PD 442 as amended (Labor Code of the Philippines) statutorily sets minimum wage rates while RA 6727 (Wage Rationalization Law) sets the standards for increasing minimum wages. While statutorily setting minimum wages may contribute to easing hunger, this contribution is compromised when wage levels do not allow minimum wage earners the opportunity to access food. According to the National Wages Productivity Commission (NWPC), families of six in the 5th to the 7th income deciles that are solely dependent on their minimum-level wages and salaries are hard-pressed to

⁵⁴ See Section 4 of RA 8178 in relation to Section 23(10) of RA 7607

⁵⁵ BP 344 (Accessibility Law) and RA 7277 (Magna Carta for Disabled Persons).

⁵⁶ Those brought about by natural disasters or calamities, or during the suspension of the privilege of the writ of habeas corpus, or during martial law, a state of emergency, or state of rebellion, or acts of war.

⁵⁷ For example, price ceilings may be imposed whenever there are “widespread acts of illegal price manipulation” but when exactly does this condition exist? See *succeeding footnote for discussion on ambiguity in definitions of “acts of illegal price manipulation.”*

⁵⁸ For example, “hoarding” is defined as both having a stock 50% higher than the usual inventory and “unreasonably” limiting, refusing or failing to sell the items to the general public; the law does not provide sufficient standards to determine when a seller may “reasonably” refuse to sell his/her stock and when such refusal may be considered “unreasonable.” The law defines “profiteering” as a sale of a good at a price grossly in excess of its “true worth;” again the law does not specify who determines the “true worth” of a good, or what exactly the “true worth” of a good means; worse the law equates failure to place price tags, misrepresentation in product weight or measurement, product adulteration or dilution, and price increase by more than 10% of its price in the immediately preceding month *prima facie* proof of “profiteering.” The law defines “cartel” as an agreement of 2 or more people/enterprises who perform uniform or complementary acts which “tend to bring about artificial and unreasonable” price increases; again the law does not stipulate what constitutes “artificial and unreasonable price increases;” the law is also arbitrary because it punishes those whose acts only tend but may not necessarily result in “artificial and unreasonable price increases.”

afford even the minimum food requirements every day (based on the National Statistical Coordination Board's cost menu, which is the Peso equivalent of the daily per capita food threshold).⁵⁹ Data from the NWPC indicates that minimum wages of non-agricultural workers in Regions 1 and ARMM, and agricultural workers in Regions 2, 4-B, 5, 9, 12, 13 and ARMM, are insufficient to support even just daily food requirements. Minimum wage earners need to earn *double*,⁶⁰ *triple*,⁶¹ *quadruple*,⁶² and *sextuple*⁶³ their minimum wage rates simply to afford both food and non-food items that make up the daily family living wage in the region.

RA 6727 (Wage Rationalization Law) requires that wages be set “as nearly adequate as is economically feasible to maintain minimum standards of living necessary for health, efficiency and general well being of employees within the framework of the national economic and social development program.” Considering that information on food expenditures and family living wages are available to NWPC, it appears that when it comes to wage increases, other standards (i.e., fair return of capital invested, productivity and inducing industries to invest) weigh more heavily than the needs of workers and their families.

While minimum wage rates may be increased “whenever conditions warrant,” no additional wage increases are allowed for a period of one year from the date of increase; however, if prices rise faster than wages, as they most commonly do, the one year delay in setting wage increases could exacerbate the hunger situation among workers.

While PD 442 as amended (Labor Code of the Philippines) also sets minimum wages for house helpers, it does not set clear standards to govern wage increases. On the contrary, the law stipulates that wage increases for house helpers are the product of agreement between the parties. Obviously, the law does not recognize the unequal dimensions of the employer-house helper power relationship; thus, house helpers may not have the bargaining power to demand higher wages or better benefits and working conditions, which may compromise their right to food.

PD 442 as amended (Labor Code of the Philippines) prohibits women from working at night; this is not only discriminatory but could also adversely impact on the hunger situation among working women and their families.

RA 6971 (Productivity Incentives Act) provides incentives to capital and ties productivity bonuses—which are not salary increases—to increases in the company's productivity, resulting in limited contributions to hunger alleviation among wage earners.

RA 1161 as amended by RA 8282 (Social Security Law of 1997) and RA 8291 (Revised Government Service Insurance System Act of 1977) deal more with the right to social security than with right to food; however, benefits under both programs may conceivably be used to address hunger.

RA 7658 (An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings) allows the employment of children below the age of 15 only under two circumstances;⁶⁴ because the law does not include provisions on who manages the child's income and how such income should be managed, it is not possible to determine the nature or extent of its influence over the hunger situation of working children.

RA 8042 (Migrant Workers and Overseas Filipinos Act) is not directly related to the right to food but was assessed nonetheless because of the potential increase in income resulting from employment overseas, which could result in an improved hunger situation among OFW families. The law contains contradictory state policies; while on the one hand it claims not to promote overseas employment, on the other hand, it encourages the deployment of Filipinos overseas. Such contradictory policies could indicate a bias towards promoting overseas employment opportunities rather than building domestic employment opportunities.

59 See http://www.nwpc.gov.ph/pages/statistics/stat_current_regional.html and http://www.nwpc.gov.ph/pages/statistics/stat_estimates.html.

60 Minimum wage earners in National Capital Region and Region 8, plantation workers in Region 4-A and non-agricultural and plantation workers in Regions 6 and 9.

61 Agricultural and non-agricultural minimum wage earners in the Cordillera Administrative Region and Regions 2, 4-B, 11, 12 and 13.

62 Non-agricultural minimum wage earners in Region 5 and agricultural workers in Regions 4B and 5.

63 Minimum wage earners in the Autonomous Region of Muslim Mindanao.

64 When under sole responsibility of parents/legal guardian and only members of employer's family are employed or where the child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential.

There are 6 laws that potentially provide income-generating opportunities. While these laws could contribute to easing the hunger situation, some contain inherent defects, while others require strict and effective implementation.

RA 7900 (High Value Crops Development Act of 1995) promotes agricultural productivity of high value crops for export to increase foreign exchange earnings of the country; while income generated from the cultivation of high value crops could conceivably ease the hunger situation among farmers, diverting agricultural lands from the production of food staples like rice and corn into high value crop production may compromise the availability of food.

RA 8289 (Magna Carta for Small Enterprises) simplifies rules of procedure and requirements for the registration of small and medium scale enterprises and coordinates all efforts and services of government that focus on small enterprises. The law creates the Small Business Guarantee and Finance Corporation to source and adopt development initiatives in terms of finance, technology, production, management and business linkages for globally competitive small and medium scale enterprises, and engage in direct and indirect project lending, venture capital, financial leasing, secondary mortgage and/or rediscounting of loan papers to small businesses. The law also creates the Small and Medium Enterprise Development Council attached to the Department of Trade and Industry as the primary agency responsible for the promotion, growth and development of small and medium scale enterprises. The law also substantially delegates authority to regional and provincial offices over the registration, qualifications for availing services and assistance, expedition of private voluntary organizations, industry associations and cooperatives and resolution of complaints for violations.

RA 8550 (Philippine Fisheries Code) reserves fishery and aquatic resources for exclusive use of Filipinos and gives preference to municipal fisher folk in the grant of Fishpond Lease Agreements and access to municipal waters, fishery and aquatic resources; it requires at least 10 percent of all credit and guarantee funds of government financing institutions to be made available for post harvest and marketing projects; it mandates support for municipal fisher folk through various mechanisms and requires the formulation of a comprehensive post harvest and ancillary industries plan. If fully implemented, the law has the potential to alleviate the hunger situation of artisanal fisher folk.

RA 7277 (Magna Carta for Disabled Persons) reserves, for persons with disabilities, 5% of casual, emergency and contractual positions—not regular or permanent positions—in the Departments of Social Welfare and Development, Health, Education and other government agencies, offices or corporations engaged in social development.

RA 8371 (Indigenous Peoples Rights Act of 1997) recognizes the rights of indigenous peoples to water, basic services, health and infrastructure, and their rights to full ownership and control over indigenous seeds and other indigenous plant genetic resources, which, if exercised, could plausibly contribute to improving the hunger situation among indigenous peoples.

RA 8972 (Solo Parents' Welfare Act of 2000) provides a comprehensive package of support facilities for disadvantaged solo parents, including livelihood development services for solo parents living below the poverty threshold. If properly implemented, the law could potentially mitigate hunger among vulnerable solo parents.

There are 3 laws governing access to credit: RA 7394 (Consumer Act of the Philippines), RA 7192 (Women in Development and Nation Building Act), RA 8425 (Social Reform and Poverty Alleviation Act); these laws influence the hunger situation in limited ways since they do not actually enlarge access to credit.

RA 7394 (Consumer Act of the Philippines) protects food consumers by mandating stricter standards governing credit transactions and practices, requiring full disclosure of all information required to allow consumers to make informed credit decisions, and providing avenues for consumer complaints related to credit transactions and practices.

RA 7192 (Women in Development and Nation Building Act) grants women the capacity (not the right) to borrow and obtain loans and execute security and credit arrangements under the same conditions as men, equal access to all government and private sector programs granting agricultural credit, loans and nonmaterial resources, and equal treatment in agrarian reform and land resettlement programs. This law does not include special credit quotas and other similar temporary special measures that will enhance women's access to credit.

RA 8425 (Social Reform and Poverty Alleviation Act) emphasizes the extension of credit facilities and microfinance to the poor; it creates the People's Development Trust Fund in the amount of 4.5 billion pesos sourced from earnings of

PAGCOR, in addition to appropriations by Congress, and mandates that earnings from the fund shall be utilized only for capacity development activities related to microfinance;⁶⁵ it establishes a microfinance program, and designates the People's Credit and Finance Corporation as the government's lead entity to mobilize resources for microfinance services exclusively for the poor;⁶⁶ and it requires existing government financing institutions to extend savings and credit services to the poor through special credit windows. Interestingly, this law, which creates the National Anti-Poverty Commission and serves as the country's centerpiece law for poverty alleviation, does not include targeted temporary special measures to mitigate hunger among the poor such as feeding programs, food aid, food subsidies etc.

Special laws and regulations for those most vulnerable to hunger or in special situations (i.e., children, the elderly, persons with disabilities and persons with HIV/AIDS) both positively and negatively influence the hunger situation of these special groups.

RA 6972 (Barangay-Level Total Development and Protection of Children Act) and RA 7610 (Special Protection against Child Abuse, Exploitation and Discrimination Act) contribute to hunger alleviation of children by requiring the establishment of day care centers in every barangay for children up to 6 years old with feeding programs for children within the center and at home, by mandating growth and nutritional monitoring with supplementary nutrition feeding and supervision of nutritional intake at home, by creating a prenatal and neonatal care referral and support system for pregnant mothers, and by explicitly declaring deprivation of food a form of child abuse and thus subjecting food deprivation to criminal liability.

But, the Rules and Regulations on Children in Situations of Armed Conflict allow government to prevent or limit the delivery of goods (including food items) into areas of armed conflict if the delivery will directly interfere with ongoing combat operations or will endanger the lives or safety of those delivering goods for no longer than three days, so long as the restriction will not lead to starvation of those inside combat areas; once combat operations cease, the Peace and Order Council is required to expedite the release of the goods. This may compromise the right to food of children in situations of armed conflict.

RA 9257 (Expanded Senior Citizens Act of 2003) supports hunger mitigation for the elderly through the grant of discounts for basic commodities, including food.

Neither RA 8504 (Philippine AIDS Prevention and Control Act of 1998) nor BP 344 (Accessibility Law) recognizes the right to food of persons with HIV/AIDS and persons with disabilities; neither law contains provisions that could significantly influence the hunger situation of these vulnerable groups.

Food safety laws include those that relate to *nutritive quality of food, safety standards and regulation and sanitation* (see *Annex F*). The notion of safe food that meets dietary needs is fully recognized in the 9 food safety laws. While these laws may not directly contribute to alleviating hunger, these laws nonetheless ensure that food available for consumption contains enough nutritive values and is free from contaminants and other microorganisms.

Of the four laws that deal with the nutritive quality of food, two laws (RA 7600, Rooming-In and Breastfeeding Act and RA 8172, Act for Salt Iodization Nationwide) have the potential to enhance food safety, if these are properly implemented. RA 7600 (Rooming-In and Breastfeeding Act) recognizes the right of the mother to breastfeed and the right of the child to mother's breast milk and requires all private and government health institutions that have adopted rooming in and breastfeeding practices to provide equipment, facilities and supplies for breast milk collection, storage and utilization. RA 8172 (Act for Salt Iodization Nationwide) requires all food grade salt producers and manufacturers to iodize the salt produced, manufactured, imported, traded or distributed in the country, to use iodized salt in the processing of food products, and to make iodized salt available in areas endemic to iodine deficiency disease.

65 For example, consultancy and training services for microfinance institutions and their beneficiaries; scholarships or training grants for microfinance staff, officers and selected beneficiaries; community organizing for microfinance, livelihood and micro-enterprise training; etc.

66 PCFC does not engage in direct lending; rather it extends loans to accredited microfinance institutions (i.e., rural banks, cooperative banks, thrift banks, non-government organizations and cooperatives) with credit assistance programs for the poor, and for capacity building activities, expenditures and asset acquisitions related to their lending programs.

While EO 51 (Milk Code) has the potential to promote food safety, a recent Supreme Court case, however, may compromise that potential. In *Pharmaceutical and Health Care Association of the Philippines v. Health Secretary Francisco T. Duque III, et al.*,⁶⁷ the Court invalidated Sections 4(f), 11 and 6 (prohibiting advertising, promotions, sponsorships of infant formula, breast milk substitutes and other related products) of the Milk Code's Implementing Rules and Regulations for being *ultra vires* (unauthorized).

RA 8976 (Philippine Food Fortification Act of 2000) requires the fortification of food to compensate for inadequacies in the Filipino diet; it has two aspects: voluntary and mandatory.⁶⁸ As a strategy, food fortification should be used only for clear public health purposes to address existing dietary deficiencies and promote healthy eating. Unfortunately, the law does not contain clear standards or criteria governing the selection of vehicles for voluntary food fortification, such as, for instance, requiring fortification only for food that already has some nutritional value or clearly identifying specific food that should not be eligible for fortification (for example, food containing high levels of fat, salt or sugar). Such standards would prevent indiscriminate marketing and promotion of fortified food products of questionable nutritional quality.

Five laws set food safety standards to regulate the food industry, and designate the Bureau of Food and Drugs, the National Meat Inspection Service, and local government officials to ensure food safety.

RA 3720 (An Act to Ensure the Safety and Purity of Foods, Drugs and Cosmetics being made available to the Public by Creating the Food and Drug Administration which shall Administer and Enforce the Laws Pertaining Thereto) requires the Bureau of Food and Drugs to collect, analyze, test and inspect food products and materials, establish analytical data, recommend standards of identity, purity, quality and fill of container, issue certificates of compliance with technical requirements, conduct spot checks for compliance, and regulate shipments of incoming food. The law requires the Department of Health to promulgate regulations establishing definitions and standards of identity, quality and fill of container and to disseminate information regarding food in situations of imminent danger to health or gross deception to consumer.

RA 7394 (Consumer Act of the Philippines) requires local government units to regulate the preparation and sale of meat, fresh fruits, poultry, milk, fish, vegetables and other foodstuff for public consumption; it designates the Department of Agriculture to inspect and analyze consumer products related to agriculture to determine conformity with established quality and safety standards; it requires the Department of Health to establish standards and quality measures for food and adopt measures to ensure the pure and safe supply of food; and it mandates the Department of Education to develop and adopt a consumer education program that should be integrated into the existing curricula at the primary and secondary levels. The law creates the National Consumer Affairs Council to undertake continuing education and information campaigns to provide consumers with facts about consumer products and services, consumer rights and mechanisms for redress, and new concepts and developments in consumer protection.

RA 7160 (Local Government Code, Title 5, Article 8) requires the Sangguniang Bayan and the Sangguniang Panlungsod to enact ordinances to regulate the construction and operation of public markets, slaughterhouses, and animal corrals and creates the position of veterinarian at the provincial, city and, if necessary, municipal levels, tasked to advise the head of the local government unit on all matters pertaining to the slaughter of animals, the regulation of slaughterhouses, and other veterinary related issues involved in the preparation of meat, milk and dairy products.

EO 292 (Revised Administrative Code of 1987, particularly Section 48 (4), Chapter 6, Title IV) designates the National Meat Inspection Service to conduct actual *ante mortem* inspection of all animals presented for slaughter and *post mortem* inspection of all carcasses intended for human consumption in all abattoirs, render technical assistance in the construction of meat establishments (abattoirs, dressing plants, processing plants and meat markets) including plant design, equipment design and test runs, and exercise overall supervision and control over the management and operations of all abattoirs, dressing plants, meat processing plants and meat markets.

⁶⁷ G.R. No. 173074, October 9, 2007.

⁶⁸ Mandatory food fortification is required for rice, wheat, flour, refined sugar, cooking oil, and other food staples.

EO 137 (Providing for the Implementing Rules and Regulations Governing the Devolution of Certain Powers and Functions of the National Meat Inspection Commission to the Local Government Unit pursuant to Republic Act No. 7160, otherwise known as the Local Government Code of 1991) further clarifies the powers and functions of the National Meat Inspection Service by requiring it to exercise technical supervision over the establishment and operations of slaughterhouses and formulate policies, guidelines, rules and regulations setting quality and safety standards over the establishment and operations of slaughterhouses, the marketing, preservation, and inspection of meat and meat products, and the import and export of meat and meat products. EO 137 also requires the National Meat Inspection Service, in coordination with local government units, to monitor, conduct field inspections and require slaughterhouse operators to submit periodic and special reports, provide direct technical supervision over the operations of class AAA and AA slaughterhouses, and certify the fitness for human consumption of meat and meat products intended for export and distribution outside provinces or independent cities. EO 137 devolves many safety functions to local government units; for example, it requires the provincial veterinarian to regulate the flow of meat and meat products, exercise technical supervision over meat inspection and certify fitness for human consumption of meat and meat products; it also vests in local government units the licensing and registration of butchers, meat vendors, meat dealers and meat stalls.

There is only one law that deals with sanitation; RA 7160 (Local Government Code, Title 5, Article 8) directs local health officers to conduct sanitary inspections of all business establishments selling food and recommend the prosecution of any violation of sanitary laws, ordinances or regulations.

Compatibility of the Philippine Legal Framework with International Human Rights Obligations relating to the Right to Food

While the Philippine legal framework reflects some steps government has taken to comply with obligations of progressive realization,⁶⁹ these steps are clearly insufficient to alleviate the hunger situation in the country. In the area of food prices, for instance, the laws only really mandate the use of price tags, while defects in laws relating to income generating opportunities could nullify steps taken to progressively realize the right to food.

The core obligation to ensure freedom from hunger is not adequately addressed by the Philippine legal framework. While some laws may be compliant with core obligations,⁷⁰ other laws are clearly incompatible with core obligations.⁷¹ Compliance of other laws⁷² with core obligations depends to a large degree on their interpretation and implementation.

In general, the food legal framework is gender-blind, although there are isolated laws⁷³ that incorporate aspects of

69 Among the steps taken are: crafting a land reform law, facilitating mobility for persons with disabilities; providing limited employment and income opportunities for persons with disabilities; requiring the use of price tags; stabilizing prices in emergency situations; creating a social security regime for employees in the public and private sectors; requiring growth and nutritional monitoring; enhancing access to credit; supporting the development of small and medium scale industries; guaranteeing the rights of indigenous peoples; reserving fishery and aquatic resources for the exclusive use of Filipinos, with priority given to municipal fisher folk; developing a comprehensive program of services for solo parents and their children; promoting breastfeeding, food fortification, salt iodization, and the establishing food regulatory, sanitation and inspection systems.

70 For example, the Barangay-Level Total Development and Protection of Children Act, which requires a feeding program at the barangay level, the Philippine Fisheries Code, which reserves marine resources for municipal fisher folk, the Expanded Senior Citizens Act, which grants discounts to the elderly, including special discounts for the purchase of basic necessities, and the Milk Code and the Rooming-In Act, which promote breastfeeding.

71 The minimum wage law does not appear to comply with core obligations to ensure freedom from hunger for minimum wage earners and their families in the 6th and 7th income deciles who rely solely on minimum wages for survival. The prohibition against night work for women likewise does not appear to comply with the obligation to ensure that women are free from hunger.

72 For example, the social security laws, the Labor Code's provision requiring that wage adjustments for house helpers be undertaken by agreement of the parties, the law tying bonuses to increases in business productivity, and the law promoting agricultural productivity of high value crops.

73 For example, the Labor Code prohibits discrimination of women in the payment of compensation, and the grant of promotions, training opportunities, study and scholarship grants by virtue of their sex, pregnancy or marital status. The Migrant Workers Overseas Filipinos Act affirms the fundamental equality of women and men and requires the application of gender sensitive criteria in formulating policies and programs and in the composition of bodies tasked for the welfare of overseas Filipino workers. The Indigenous Peoples Rights Act prohibits discrimination against indigenous peoples and recognizes the equal rights of indigenous women. The Women in Development and Nation Building Act recognizes the role of women in nation building and ensures fundamental equality of women and men. The Special Protection of Children against Child Abuse, Exploitation and Discrimination Act pays special attention to children of indigenous peoples and prohibits any form of discrimination against children. The law on HIV/AIDS prohibits the denial of access to credit and loan services to any person on the basis of actual, perceived or suspected HIV status, provided the person with HIV/AIDS has not concealed or misrepresented his/her status upon application. The Solo Parents Act prohibits discrimination against any solo parent on account of his/her status.

obligations of equality and nondiscrimination. This is notable in the selection of women as agrarian reform beneficiaries and in the clear bias of the agrarian reform program to be gender sensitive in providing for women as farmer-beneficiaries. But, there are laws that discriminate against women and adversely impact on their hunger situation.⁷⁴

The legal framework does not consider gender factors and issues affecting food production, purchase, preparation, consumption and distribution within the household. Relevant laws do not recognize that women primarily take care of feeding their families and so do not value women's productive and household work and do not recognize the multiple burdens carried by women. As a consequence, gender-based decision-making and gender division of labor in food production, preparation, distribution and consumption are not also factored into the laws. Even the laws on breastfeeding are focused on providing safe and adequate nutrition for infants rather than also protecting the health and wellbeing of pregnant and lactating women and mothers of infants. The laws, for instance, do not stress the physiological and psychological benefits that accrue to mothers who breastfeed, including facilitating recovery from child birth,⁷⁵ keeping women healthier in the long term,⁷⁶ and promoting maternal confidence.

Since these laws do not recognize the role women play in food production, the impact of non-recognition is likewise not addressed. For example, women fishers' activities, such as gathering shells, fishing, selling fish, drying fish, repairing fishnets, assisting in planting seaweeds, etc., are rarely, if ever, valued or even recognized, so in case of accidents or other related occupational hazards, women fishers are not adequately protected. Because women fishers' activities are not recognized, women often cannot qualify for registration in the municipal list of fisher folk and thus do not qualify for benefits and access to facilities and services.

On top of these—and other—productive activities, women carry multiple burdens in the household (cook, clean, do laundry, fetch water, etc.), which, again, are not valued. Even worse, because women's roles and contributions to the household are not recognized, women also fall victim to various forms of abuse and violence.

Because the laws appear to be gender blind, implementation issues arise. For example, feeding programs especially in areas of indigenous peoples and in situations of emergency or armed conflict should consider *cultural acceptability* and recognize the fact that indigenous women are mainly responsible for feeding their families. Hence the kinds of food distributed by government should be those that are *acceptable* and *familiar* to indigenous women. Other implementation issues include the lack of preferential treatment or quota systems for women fishers and women farmers especially in the grant of titles, leasehold agreements, credit, microfinance, access to pre- and post-harvest facilities, marketing, technology transfer, capital, fishing gear or equipment, lack of information targeting addressed to women, non-inclusion of women in various councils and boards created to address hunger, and requirements such as husband's signature to access credit.

The Philippine legal framework does not incorporate obligations of international cooperation, reflecting a lack of appreciation of the importance of these kinds of obligations in addressing the hunger situation in the country.

Similarly, the Philippine legal framework does not highlight the obligation to respect the right to food, despite the fact that this obligation provides explicit norms and guidelines on the conduct of public actors in the fields of food production, preparation, processing, distribution and consumption. Incorporating the obligation to respect the right to food would enhance the Philippine legal framework because it would then stipulate prohibited actions that encroach upon the integrity and rights of all, especially those most vulnerable to hunger. The obligation to respect the right to food may be seriously affected by the implementation of the Biofuels Act if its implementation is not integrated into an over-all agricultural policy plan.

74 A provision in the Labor Code prohibits women from working at night; this is tantamount to outright discrimination against women and a diminution of women's access to food. Also while RA 8187 amending the Labor Code grants paternity leave, it limits paternity leave only to married male employees, which is likewise discriminatory. In addition, many food accessibility laws do not require women's participation in various boards or agencies created by law.

75 Breastfeeding helps the uterus shrink to pre-pregnancy status, reduces the amount of blood loss after delivery, facilitates the return to pre-pregnancy weight more rapidly, and delays the resumption of the menstrual cycle thus allowing for natural spacing of pregnancies.

76 Studies have also shown that breastfeeding reduces the risk of breast and ovarian cancer and decreases the risk of iron-deficiency anemia.

Of all obligations, the obligation to protect the right to food is most incorporated in the Philippine legal framework which is replete with provisions listing offenses and corresponding penalties, administrative sanctions, due process requirements, and available recourse mechanisms.⁷⁷

The obligation to fulfill (facilitate) the right to food is incorporated in the Philippine legal framework through information dissemination, provision of incentives, appropriate technology and research, credit, production and marketing assistance, discounts for senior citizens, conduct of independent and periodic surveys and studies on selling prices of basic necessities and prime commodities and their impact on family income, requiring employers to give house helpers below 18 years of age the opportunity to finish at least elementary education, requiring compulsory membership in social security programs for both public and private employees, and simplifying procedures and requirements for the registration of small and medium scale industries.

This obligation is also highlighted in the protection against the diversion of agricultural land to non-agricultural uses. However, the agrarian reform law emphasizes zoning over and above actual use of the land in determination of exempted land⁷⁸. This has led to large tracts of land devoted to agricultural use being excluded from coverage under the law and consequently being diverted to non-agricultural use.

The obligation to fulfill (provide) is also found in the Philippine legal framework through the implementation of feeding programs for children in barangay day care centers and at home, and the provision of free iodized salt to indigents in 6th class municipalities for three years from the date the law became effective.⁷⁹

While the Philippine legal framework features the obligation to fulfill in both its dimensions (facilitate and provide), the framework is still insufficient to create the environment necessary to address the hunger situation in the country.

When compared against the *Right to Food Guidelines*, in general, the Philippine legal framework falls short of the Guidelines.

Guideline 2.2 recommends an assessment of the economic and social situation including nutrition and food safety “in consultation with key stakeholders.” While the Philippine legal framework requires such assessment, it does not similarly require consultation with key stakeholders; the assessment is primarily undertaken by public agencies, which may include private sector representation; but private sector representation may not necessarily embody the interests of those most vulnerable to hunger.

Guideline 3.4 recommends the adoption of a “national poverty reduction strategy that specifically addresses access to adequate food.” The Social Reform and Poverty Alleviation Act, the country’s national poverty reduction law, does not specifically address access to food; in addition, it adopts and implements the *minimum basic needs approach*, not the *rights based approach*.

The Philippine legal framework is partly compatible with Guideline 7 on the legal framework. As stated earlier, there is no clear and explicit recognition of the right in the Philippine Constitution or the laws. Guideline 7.1 is not fully addressed since the laws have only limited potential to contribute to the progressive realization of the right to food. Guideline 7.2 is addressed through remedies incorporated in most laws. The AFMA has provisions on legislative

⁷⁷ For example, by punishing discrimination, imposing price ceilings in times of emergency, prohibiting other forms of payment of wages, prohibiting interference in the disposal of wages, prohibiting wage deductions unless mandated by law, prohibiting retaliatory measures against employees who file complaints against their employers, penalizing illegal acts of price manipulation, vesting the Department of Labor and Employment with visitorial and enforcement powers, providing indemnity for unjust termination of household services, penalizing fraudulent claims for social security benefits, punishing illegal recruitment, punishing child abuse, creating standards to govern credit transactions and practices, establishing and enforcing standards for high value crops, imposing administrative sanctions and penalties on lending institutions for non compliance with the law, requiring free and prior informed consent before access to biological and genetic resources and to indigenous knowledge related to conservation, utilization and enhancement of resources, regulating access to fishery and aquatic resources, requiring monitoring, control and surveillance systems for fisheries and aquatic resources, limiting entry into over-fished areas, banning disposition or alienation of public lands suitable for fishery, penalizing illegal fishing acts etc., mandating quality assurance and safety standards (including weights, volume, fill standards, food grade iodized salt standards, etc.), regulating the sale and distribution of food and of abattoirs, monitoring food products, requiring the conduct of inspections and the issuance of safety certifications, clearly defining adulterated and mislabeled food, unsafe food additives, deceptive food advertising etc.

⁷⁸ See DOJ Opinion 44 Series of 1990.

⁷⁹ RA 6972, Barangay Level Total Development and Protection of Children Act and RA 8172, Act for Salt Iodization Nationwide.

oversight of the implementation of the programs under this law but the manner of implementation is not reviewed in accordance with an explicit recognition of the right to food. Therefore, adopting a lens by which the fulfillment of the obligations of state may be measured is problematic. Recourse mechanisms⁸⁰ are severely lacking particularly in ensuring state compliance with its obligations. However, mechanisms for the protection of individuals from acts of other non-state actors are well developed. Guideline 7.3 is not addressed since laws only require information dissemination of the rights of persons with disabilities or on food safety issues and concerns and related offenses and penalties. Guideline 7.4 is likewise not addressed: there is no law that specifically enhances access to food by women heads of households.

The Philippine legal framework is also partially consistent with Guideline 8 on access to resources and assets. In response to Guideline 8.1, the Philippine Fisheries Code gives priority to municipal fisher folk, including women and youth; the Indigenous Peoples Rights Act recognizes rights of indigenous peoples to full ownership, control and protection of, among others, plant genetic resources, seeds, vital medicinal plants, animals and minerals, etc.; and the High Value Crops Development Act focuses on upland dwellers, lowland tenants, indigenous peoples, agrarian reform beneficiaries, farmer organizations or cooperatives, farm workers and community associations. The Philippine legal framework also provides for mechanisms that allow landless farmers' access to land they can productively till and exploit.

Guideline 8.2 encourages states to take steps to strengthen access of vulnerable persons to opportunities and economic resources. While there are laws for indigenous peoples, women, solo parents, the elderly, persons with disabilities and persons with HIV/AIDS, these laws do not recognize their right to food and consequently address food access issues in very limited ways.

The effects of the Agricultural Tariffication Act are double-edged. On one hand it exposed the small farmers to the vagaries of trade liberalization by allowing importation of agricultural goods. This may in effect negate Guideline 8.2. However it also created the Agricultural Competitiveness Enhancement Fund that sought to provide funds for increasing the productivity of small farmers. The funds were sourced from tariffs imposed in lieu of importation restrictions. The full effect of these twin measures calls for a quantification of the net effect on small farmers.

Guideline 8.4 on the promotion of agricultural research and development and basic food production with "positive effects on basic incomes and benefits to small and women farmers" is not addressed by the laws; the Labor Code provision prohibiting night work for women diminishes women's access to food. Guideline 8.5 on "access by medium and small scale farmers to research results enhancing food security" and Guideline 8.9 on improving access to the labor market are likewise Not addressed

Guideline 8.6 on the promotion of women's full and equal participation in the economy and the implementation of gender-sensitive legislation is partially addressed through the Philippine Fisheries Code, which includes provisions granting access by women to fishery and aquatic resources, and the Migrant Workers Overseas Act, which requires the application of gender sensitive criteria in policies and plans for overseas Filipino workers.

Guideline 8.7 on mechanisms of access and appropriate use of agricultural land directed to the poorest populations is addressed by various mechanisms instituted by the laws including technology transfer, access to credit, cooperative systems, grant of incentives, etc.

Guideline 8.8 encourages remuneration "allowing for an adequate standard of living for rural and urban wage earners and their families." The Philippine legal framework does not heed such encouragement.

Guideline 8.10 is generally fulfilled by implementing the agrarian reform program that provides security of tenure to tenants and allows landless farmers, including women, to own land re-distributed by the State. Women are specifically allowed to be beneficiaries in their own right instead of being subordinate to the interests of the male head of the family.

The Irrigation Development Act fulfills Guideline 8.11 by providing the infrastructure to ensure that water is available to the farmers. However, this must be balanced by policies that also provide for safe drinking water and the need for power. This tug-of-war in the use of water must be addressed to be able to satisfy contending needs.

80 See discussion in Part III.

While the Plant Variety Protection Act may be the subject of criticism for integrating agriculture into a commercial relationship insofar as planting materials are concerned, it nonetheless provides for the use and recognition of traditional varieties of seeds that may have the possibility of protecting genetic resources for food and agriculture, thus partially fulfilling Guideline 8.12.

The Philippine legal framework is generally compliant with Guideline 9 on food safety and consumer protection. Laws were adopted to ensure food safety and include food-control systems, as suggested by Guidelines 9.1 and 9.2. Guideline 9.3 suggests, among others, the “elimination of gaps and overlaps in inspection systems and in the legislative and regulatory framework for food” and the use of scientific food standards; food safety laws designate the Bureau of Food and Drugs to undertake food products analysis, inspection and certification using scientifically based standards, including Codex Alimentarius standards; the National Meat Inspection Service to undertake meat/fowl inspections and issue safety certifications; the provincial veterinary officer to undertake meat/fowl regulation under the supervision of National Meat Inspection Service; and the local public health officer to conduct sanitation inspections.

Guideline 9.4 suggests the establishment of a national coordinating committee for food; the National Nutrition Council was established as the highest policy making and coordinating body on nutrition, tasked, among others to “supervise, coordinate and evaluate the implementation of the integrated Philippine Food and Nutrition Program.”⁸¹

Guideline 9.5 on assistance to farmers and primary producers to follow good agricultural practices is partially fulfilled by the provisions of the AFMA, which provide the policy framework for extension support to farmers and processors of food.

The Philippine legal framework is also compliant with Guideline 9.6 (education on safe practices for food manufacturers and consumers and information dissemination on food safety concerns) and Guideline 9.7 (protection of consumers from deception and misrepresentation). However, the Philippine legal framework does not address Guideline 9.8, on international assistance and cooperation. Guideline 9.9 encourages the participation of key stakeholders in food policy discussions but, while many laws establish various bodies, the laws do not specifically designate participation by those most vulnerable to hunger.

The Philippine legal framework is compliant with some provisions of Guideline 10 on nutrition: food fortification and salt iodization were adopted by law, consistent with Guideline 10.1; some laws require food education and information dissemination, as recommended by Guideline 10.2; other laws require the inclusion of a consumer education program in the curricula of elementary and secondary levels and for out-of-school youth, as suggested by Guideline 10.7; the education and information dissemination requirements of some laws address Guideline 10.10.

But the Philippine legal framework is also inconsistent with other provisions of Guideline 10: the laws do not require full participation of all key stakeholders, as recommended by Guideline 10.3; as suggested by Guideline 10.5, the Milk Code and Rooming In laws were adopted, but the ban on advertising breast-milk substitutes was invalidated by the Supreme Court; information dissemination requirements recommended by Guideline 10.6 were included in the Milk Code but there is no information requirement on breastfeeding and HIV infection. The HIV/AIDS law does not address the food and nutritional needs of persons living with HIV/AIDS, as recommended by Guideline 10.4. The laws do not address Guidelines 10.8 on the eradication of discriminatory practices and 10.9 on the recognition of food as an important aspect of culture.

The Philippine legal framework does not address most provisions of Guideline 11, on education and awareness raising. Guidelines 11.1 and 11.2 are addressed through the inclusion of support for human resource development in the Indigenous Peoples' Rights Act, the Philippine Fisheries Code, the Solo Parents' Act, and Article 146 of the Labor Code on the employment of house helpers. While agricultural and environmental education is not required by relevant laws, pursuant to Guideline 11.3, consumer education is required at the primary and secondary levels of public education. Guidelines 11.4 to 11.11 are not addressed by the Philippine legal framework.

81 Section 5, Presidential Decree 491, *Creating a National Nutrition Council and For Other Purposes*.

Implementation Issues Surrounding the Philippine Legal Framework on the Right to Food

Safety

The data on the implementation of laws relating to food safety is nil. The regulatory framework for processed foods is largely in place. However, regulation of food to ensure its safety is lodged with different agencies of government. The Philippine Food Safety Framework⁸² shows the involvement of different national agencies that regulate the safety of different items of food.

To make matters worse, regulation and monitoring of unprocessed food sourced from local wet markets is largely left to the local government units.

Initiatives have been undertaken by the Department of Health to coordinate a food safety framework that will allow the department to be able to track the different initiatives.

Availability

Various agrarian reform laws have sought to address the issue of concentration of wealth manifested in the ownership of land. The basic objective of these laws was to allow a diffusion of ownership by forcible acquisition by the State and distribution to the tenants or workers of the land. By so doing, landless persons can have land available which they can cultivate for their food needs and as an additional source of income. These agrarian reform laws similarly provided for regulations that prevented the diversion of land to non-agricultural uses.

The redistribution of land under the agrarian reform program remains an unfinished program after more than thirty-six years.⁸³ Access to land of farmers tilling or working on private agricultural land remains unreachable to around 1.4 million beneficiaries⁸⁴ working on 1.8 million hectares of land. This has seriously impaired the availability of food to these beneficiaries and greatly affected their capacity to earn incomes that will allow access to food resources.

The agrarian reform program was enacted with a very clear mandate to institute a support service that will ensure agricultural productivity. Various laws, including the constitutive agrarian reform laws sought to ensure this. However, the Agriculture and Fisheries Modernization Act (AFMA) suffered from serious setbacks:

1. “The budget by components (in percentage terms) was not followed;
2. There was bias for production-support, and less and less in marketing, R&D, human resources development and inter-agency linkages;
3. There was little concern for regional priorities;
4. The need for sound criteria for project selection was not explicit;
5. The role of private investments in growth and job creation was not explicit; and
6. Program benefit monitoring and evaluation (PBME) was severely inadequate which, in part, affected the effectiveness of the Review Team to conduct deeper analyses.”⁸⁵

The AFMA Study further shows that the non-implementation of the key provisions, primary of which is the budget allocation to agriculture and fisheries, has typified the neglect to agriculture.

82 See Philippine Food Safety Framework. Submitted to the ASEAN Food Safety Network. Accessed on August 6, 2008 at <http://aadcp.aseanfoodsafetynetwork.net/Portals/0/Documents/PHILIPPINE%20FOOD%20SAFETY%20FRAMEWORK.pdf>

83 This is reckoned from October 21, 1972 upon the passage of Presidential Decree 27(1972).

84 Department of Agrarian Reform Planning Service, *CARP Summary of Data*, (Unpublished presentation, December 2007)

85 Roland T. Dy et al., *Modernizing Philippine Agriculture and Fisheries, The AFMA Implementation Experience*, (University of Asia and the Pacific and Congressional Oversight Committee on Agricultural and Fisheries Modernization, National Agricultural and Fishery Council, Center for Research and Communication, Sikap/STRIVE Inc, Quezon City, Philippines, 2008), page xlix. Hereinafter referred to as “The AFMA Study”.

There must be harmonization of the dysfunction between the policy of the government to increase agricultural productivity and the agrarian reform program. These two key programs must complement each other not only in terms of objectives, but in implementation as well. As an example, the AFMA Study cites the need for amendments to the laws on agrarian reform to enable investments in agriculture. While seemingly straightforward, this recommendation goes to the very root of the agrarian reform laws on limits to land ownership, land valuation and the method of land acquisition.

To compound the need for harmonization, the deficiencies in the implementation of the AFMA may have had an impact on the capacity of farmers to compete given the regime of tariffication under the Agricultural Tariffication Act.

Similarly, laws on the promotion of biofuels that may mean the diversion of land devoted to the production of food crops should similarly be harmonized with the AFMA. Laws that relate to trade policy, incentives to agricultural production (including fiscal incentives), and laws on intellectual property call for the same synchronicity.

The tug-of-war cannot be addressed by laws or measures but policy directions that may be embodied in a clear Agriculture and Fisheries Modernization Plan as mandated by the AFMA itself. This lack of clear directions and budget support is by far the most serious that needs to be addressed to ensure food availability. While market forces will primarily determine the allocation of resources, government must institute the policy directions to ensure that the availability of food is not impaired.

The obligation of progressive realization can be seriously impaired, if not negated, by the lack of a clear commitment to a still to be realized plan to implement the AFMA and the agrarian reform program. This is coupled with the issue of the pending extension of the mandate of the government to continue the agrarian reform program.

Accessibility

The implementation of laws on accessibility is anchored on issues of clarity of the laws.⁸⁶ It is no wonder that prosecution under this law has been very hard and its enforcement is similarly difficult.

The Price Act punishes three acts of illegal price manipulation: hoarding, profiteering and the act of forming a cartel.

Hoarding has been defined by the Act as the maintenance of stocks beyond normal inventories. There is *prima facie* evidence of hoarding in cases where there is an increase of more than 50% beyond the **usual** level of inventory and the merchant refuses to sell the same upon discovery. The definition suffers from vagueness as to the standard and allows an avoidance of liability simply upon consent to offer the commodity for sale upon discovery. Prosecution under this section may be difficult to pursue.

Profiteering under this Act is defined as offering a regulated good that has no price tag, or is adulterated or misrepresented as to its weight or quantity. There is *prima facie* evidence of profiteering if there is a 10% increase in price from the immediately preceding month. While the first set of standards is clear, the second set of standards is similarly open to question. With the exception of agricultural products from those regulated under this section, this effectively covers only processed products.

Finally, the act of forming a cartel to influence the price or the supply of a prime commodity is similarly proscribed. The combination of acts of two or more merchants dealing with the same market and commodity is *prima facie* evidence of such act. The evidence necessary to prove such act is very difficult.

The implementation of the Price Act is similarly a logistical nightmare that calls for massive administrative capabilities. While implementation is lodged with various agencies, there is no dedicated agency that fulfills this function except the Department of Trade and Industry.

The operation of these various laws calls for special conditions for their operation and only for limited periods. These emergency conditions do not contemplate situations that are brought under the normal course of price increases in basic commodities that affect the most vulnerable. Arguably, the Price Act may allow the determination of a price ceiling

⁸⁶ For purposes of this paper, issues on labor standards will not be discussed. The issue of access will be focused on price laws.

in cases of unreasonable increases in prices.⁸⁷ However, the determination of price ceilings is still by and large subject to market forces.

The Price Act seeks to control prices and availability. However, there is no law that mandates the provision of food to the most vulnerable. While there is no law, there is a program that has such an objective. To be able to provide access to basic goods and services, the government has embarked on the *Ahon Pamilyang Pilipino Program* (APP). This program is essentially a cash transfer program conditioned on the fulfillment of several requirements by qualified families or members of the families. Some of these requirements are enrollment in schools, attending family planning classes or regular preventive check-ups.

The APP is currently not covered by any legislation and has been criticized as an expenditure that is not rooted in any budgetary allocation. Without necessarily examining this legal issue, it is sufficient to state that the APP is a transitory and unprogrammed activity. This is a program of the current administration and thus raises concerns. Foremost among these is the issue of accountability and continuity as a program. The provision of these cash transfers may not survive beyond the current administration. The lack of a clear legal basis also makes it difficult for the rights-holders to demand the continued provision from the State. Finally, the assessment of the program similarly lacks any basis beyond the program documents. This does not mean that the program itself is unsound or should not be undertaken. It simply means that the lack of a clear legal basis breeds uncertainty in assessing the legal framework. This also precludes enforcement under the judicial system to provide for adequate food to the most vulnerable groups.

Impact of the National Budget on the Right to Food

The national budget is an integral part of the food legal framework as it reflects the extent of government spending to address the hunger situation in the country. Based on a line item analysis, the 2007 national budget was reclassified by human right and function (*see Annex G*):

As shown by the following table, the right to food is among the country's *lowest* priority areas for national spending, while debt service interest payments constitute the second largest share of the 2007 national budget. The lack of priority given by the national budget to the right to food does not indicate a bias towards alleviating the hunger situation in the country.

Comparing budgetary allocations over the past three years, allocations for the right to food *decreased* in 2006 by 8.41% then increased in 2007 by 15.22%. From 2005 to 2007, budgetary allocations for the right to food increased by 5.52%. As a share of the country's total budget, however, budgetary allocations for the right to food actually *decreased* from 7.41% in 2005 to 6.57% in 2007.

Disaggregating right to food allocations by general expense class, capital outlay was allocated the largest share (73.28%), followed by maintenance and other operating expenses (19.42%), and personal services (7.30%).

Disaggregating right to food allocations by typology of obligations, it appears that government was more concerned with allocating funds to enable it to comply with its obligations to fulfill (facilitate) the right to food, which received the largest share (89.47%) of total food allocations. To enable government to fulfill (provide) the right to food, 8.52% of total food allocations were allotted. Obligations to protect the right to food were least funded, receiving only 1.25% of total food allocations.

Disaggregating right to food allocations by normative elements, ensuring food physical accessibility appears to be the highest priority of government spending, as this received more than half (55.14%) of total food allocations. One-third (33.56%) of total food allocations was allotted to food availability, 10.15% to food economic accessibility, and less than one half of one percent (0.40%) to food adequacy and safety.

⁸⁷ See Section 7 of RA 7581.

Table 2.1. Summary of the 2007 National Budget

RIGHT/FUNCTION	AMOUNT (IN THOUSAND PESOS)	PERCENT OF TOTAL
Allocations for the Right to Education ^a	157,907,225	14.0
Allocations for the Right to Balanced and Healthful Environment ^a	8,795,490	0.8
Allocations for the Right to Food ^a	74,051,258	6.6
Allocations for the Right to Health ^a	14,208,045	1.3
Allocations for the Right to Housing ^a	3,617,563	0.3
Allocations for the Right to Social Security ^a	69,712,337	6.2
Allocations for the Right to Work ^b	2,249,138	0.2
Congress	4,832,951	0.4
Judiciary	8,701,482	0.8
National Human Rights Institutions ^c	1,203,785	0.1
National Defense and Security ^d	109,254,911	9.7
Other Executive Functions ^e	343,071,785	30.5
Debt Service (Interest Payments)	328,733,000	29.2
Total 2007 Proposed Budget	1,126,339,000	100.0

Notes:

a Drawn from the budgets of various cabinet departments, government corporations, executive offices, and special purpose funds.

b Drawn from the Department of Labor and Employment

c Refers to the budgets of the Commission on Human Rights and the Office of the Ombudsman.

d Drawn from the budgets of the Armed Forces of the Philippines, net of those allocations included in the other classifications, and the budgets of the Department of Interior and Local Governments, Bureau of Fire Protection, Bureau of Jail Management and Penology, National Police Commission, and the Philippine National Police.

e Refers to the budgets of the other executive offices, agencies, departments, government corporations and special purpose funds not reflected in the above classification.

Source: Ahmed et al. (2007)

2.3 Recourse Mechanisms

Enforcement mechanisms of the right to food under the prevailing system can be classified into three main forms of action. The first is forcing the state to fulfill its obligations by undertaking programs or allocating resources to implement the right to food. The second is to prevent the state from engaging in acts that may violate the right to food. The third measure is to use the enforcement mechanisms of the state to protect an individual's right to food that may have been violated by another individual or juridical entity.

To be able to undertake the first form of action, we may conceive of a two-step process. The first step is a discovery process that will inquire into the circumstances behind government's decision or inaction. This first step is fraught with pitfalls. In recent years, the concept and doctrine of executive privilege has been rapidly expanding. In recent cases, practically all issues of executive decision are covered by executive privilege.⁸⁸ Attempts at discovering the reasons or the basis of proposed policies will be extremely difficult. Assuming that the basis for executive decision can be readily ascertained such that the information is sufficient to form a basis for a suit, it is doubtful if the courts will entertain a suit based on a potential violation of the right to food. While the political question harbor has been effectively breached by the 1987 Constitution, and as such may not be a safe refuge for the executive branch, the recent cases that interpreted various provisions of the Constitution calls for implementing legislation.⁸⁹ Similarly, provisions of the ICESCR may be subjected to similar findings, particularly if we are to adopt the jurisprudence that refers to the inclusion and effectivity of international agreements.

Similarly, forcing the legislature to allocate resources is also doubtful. In a case that sought to question the allocation of the budget, the Supreme Court ruled that while the Constitution provided for the highest budgetary priority to education⁹⁰ a law that allowed automatic appropriation for payment of public debt was not necessarily inconsistent with such Constitutional provision. The Court held that the act of the executive to pursue an automatic appropriation for payment of the debt in the budget submitted to Congress was simply in compliance with such law. Without the Court explicitly saying so, the wisdom of allocation of resources of the State is a function that is a political decision of the executive branch and the legislature.

Therefore, it is doubtful if any recourse mechanisms under the judicial system to force the state to allocate resources or undertake an act in pursuance of the right to adequate food under the ICESCR, the *Right to Food Guidelines*, or Optional Protocol, will prosper under the current jurisprudence. Cases that seek to enforce the fulfillment of the obligation of the state to progressively realize adequate food have doubtful chance of success. As things stand, the only recourse may be the passage of legislation that will allocate resources to effectively fulfill state obligations.

The second form of action seeks to prevent the government or its agents from violating the economic, social or cultural rights of individuals. The Philippine Supreme Court on various occasions has enforced economic, social and cultural rights. However, the authors are not aware of any claim that utilized the Covenant as a primary basis. There have been cases brought before the courts to determine the interpretation of the right to education,⁹¹ cultural rights over properties considered part of the national patrimony,⁹² right to health,⁹³ the right of present and future generations to a healthy environment,⁹⁴ economic rights in general,⁹⁵ right to adequate food by means of specific programs such

88 Akbayan vs. Aquino, GR No. 170516, July 16, 2008 and Neri vs. Senate Committee, GR 180643, March 25, 2008.

89 Tondo Medical Center Employees Association vs. Court of Appeals, GR 167324, July 17, 2007.

90 Section 5, Article XIV, 1987 Constitution

91 Department of Education, Culture and Sports vs. San Diego, 180 SCRA 534(1989).

92 Manila Prince Hotel vs. Government Service Insurance System, G.R. No. 122156, February 3, 1997.

93 Del Rosario vs. Bengzon, 180 SCRA 521 (1989) and Tondo Medical Center Employees Association vs. Court of Appeals, GR 167324, July 17, 2007.

94 Oposa vs. Factoran, G.R. No. 101083, July 10, 1993.

95 Tatad vs. Secretary of Energy, G.R. No. 124360, November 5, 1997

as agrarian reform,⁹⁶ right to education versus debt servicing,⁹⁷ and various other economic, social and cultural rights. In the case of ESC rights with clear basis in the Constitution, the first issue that was normally ruled upon by the Court is whether or not the Constitutional provision is self-executing or legislation is necessary to define the provision. The Court had ruled that for the most part, rights derived from the Declaration of Principles and State Policies⁹⁸ are not self-executory.⁹⁹ In the same cases, the Court held that some of the provisions on the National Economy and Patrimony¹⁰⁰ are self-executory, while some are not. Instead these provisions should be interpreted in relation to one another. However, in cases where the claim is based on a statute, acts of the government or its agents have been proscribed based on the clear standards of the statute. Claims of violations of economic, social and cultural rights based solely on constitutional provisions had lesser chances of being proscribed.

However, recourse mechanisms to use the mechanisms of the state to prevent third parties, whether natural or juridical persons, from violating the right to adequate food under various laws are well enshrined in the Philippine system. An enumeration of the various laws and recourse mechanisms will be too lengthy an exercise for this paper. However, as an example, violation of access to land under the agrarian reform law may be prevented by using the quasi-judicial powers of the Department of Agrarian Reform. This is particularly true in cases where agrarian reform beneficiaries are able to petition for coverage of land under the program. Identification of beneficiaries under the Comprehensive Agrarian Reform Law has followed well-defined jurisprudence that protects farmer-beneficiaries from acts of landowners that interfere in the identification process to favor their interest. In cases of conversion of land to non-agricultural uses, the beneficiary is able to avail of processes that protect his or her interests over the land. While compensation to the beneficiary is minimal,¹⁰¹ the rules provide for stringent measures before agricultural land is converted. The same protection is given to leaseholders under the Agrarian Reform Program.¹⁰² The narrow grounds for removal of leaseholders ensure that security of tenure is provided.

Similarly, violation of food safety laws using the various laws enforced and administered by the Department of Health provide for recourse mechanisms for individuals to ensure food safety. Republic Act 3720 (An Act to Ensure the Safety and Purity of Goods, Drugs and Cosmetics)¹⁰³ provides for recourse to individuals who may petition the Bureau of Food and Drug to withdraw authorization for the manufacture, importation and distribution of food injurious to human health. Current laws allow criminal prosecution of the violation of food safety laws aside from withdrawal of these products from the market. Suits for damages may also be instituted under the Civil Code over and above the remedies under the Revised Penal Code and food safety laws. The Bureau of Food and Drug has also used the power granted under these laws to inspect and investigate allegations of food that are imported without any complaint from an individual. This power has been utilized in the recent issue of inclusion of melamine in dairy products from China.

Recourse by individuals to the provisions of the Price Act may also be made. However, given the provisions of the act, the difficulty to prove the elements of profiteering, hoarding or manipulation may negate the remedies available to punish those engaged in these acts.

The main barrier to the use of these mechanisms is the larger issue of access to justice. This may take the form of financial barriers that prevent the engagement of advocates or the opportunity cost that such a suit will entail.

This is similarly compounded by the inefficiencies in the judicial system that is attributed to heavy caseloads, severe lack of lawyers and a failure in case flow management. As of 2004, there were 813,518 cases pending in the court system.

96 Association of Small Landowners vs. Secretary of Agrarian Reform, 175 SCRA 343(1989)

97 Guingona vs. Carague, G.R. No. 94571, April 22, 1991.

98 Article II, 1987 Constitution.

99 Tanada vs. Angara, G.R. No. 118295, May 2, 1997

100 Article XII, 1987 Constitution

101 Disturbance compensation is only five times the average gross annual production based on Section 36 of RA 3844.

102 Leaseholders are farmers of land that is subject to the retention right of landowners under the Comprehensive Agrarian Reform Program.

103 This law has been amended with supplementary provisions by Executive Order 175(1987).

This translates to a caseload of 521 cases per member of the judiciary. Interestingly, the largest case load can be found in first-level trial courts. As of 2004, only 1,457 courts out of a total of 2,153 first-level courts have been organized. As such, not only is there a large number of cases in existing courts, a large number of courts mandated by law have not been organized.¹⁰⁴ This backlog in cases does not take into account the number of cases that are pending in administrative tribunals.

2.4 National Human Rights Institutions

The Commission on Human Rights and the Office of the Ombudsman are the country's national human rights institutions; although they should play significant roles to promote the right to food, they actually contribute very little—if at all—to address the hunger situation in the country, and vindicate breaches of the right to food. This may be traced to limitations in their mandates or to a lack of integration of their mandates to the right to food.

The primary function of the Commission on Human Rights is to investigate cases involving violations of *civil and political rights* (Section 18, Article XIII, 1987 Constitution). The nature of the Commission and extent of its powers were clarified by the Supreme Court in several cases. In *Cariño v. Commission on Human Rights* (G.R. No. 96681, 2 December 1991), the Court held that the Commission is neither a court of law nor a quasi-judicial agency and thus has no power to try and decide, hear and determine certain types of cases. In *Export Processing Zone Authority v. Commission on Human Rights* (GR No. 191476, 14 April 1992), the Court held that because the Commission is not a court of justice, it has no powers to issue writs of injunction or restraining orders against violators of human rights to compel them to cease and desist from continuing the acts complained of. While in *Simon v. Commission on Human Rights* (G.R. No. 100150, 5 January 1994), the Court reiterated its rulings in *Cariño* and *Export Processing Zone Authority*, and further limited the extent of the Commission's investigative power to only all forms of human rights violations *involving civil and political rights*.

On the other hand, the primary function of the Office of the Ombudsman is to investigate all kinds of malfeasance (wrongful or unlawful act) and nonfeasance (failure to act when a duty to act existed) committed by any public officer or employee during his/her tenure of office (including acts that appear illegal, unjust, improper or inefficient, non-performance of any act or duty required by law, abuse or impropriety in the performance of official duties) and determine causes of inefficiency, red tape, mismanagement, fraud, and corruption in government.

While limitations in mandates could be addressed by the enactment of an organic law, bills filed to strengthen the Commission on Human Rights by expanding its jurisdiction to cover economic, social and cultural rights, including the right to food, and by granting it either prosecutorial powers or quasi judicial powers, have not yet been acted upon by Congress. The Office of the Ombudsman is governed by Republic Act 6770.¹⁰⁵ This law expands to some degree the powers, functions and duties of the Office. For example, by granting it primary jurisdiction over cases cognizable by the *Sandiganbayan* and disciplinary authority over all elective and appointive officials of the government, including Cabinet members, local government, government-owned and controlled corporations, and their subsidiaries, except government officials who may be removed only by impeachment, members of Congress and the judiciary. However, this law does not directly link these powers to human rights obligations, much less to those related to the right to food. Because of this, statistics provided by the Office do not provide sufficient basis to determine whether it investigates public officials who may be remiss in their duties related to the right to food.

While the Constitution limits the Commission on Human Rights' mandate to investigate *civil and political rights*, the Constitution does *not*, however, similarly limit its recommendatory, research and monitoring powers. Hence the Commission undertook a project to “develop a common framework for monitoring government's compliance with its obligations on the right to food.”¹⁰⁶

¹⁰⁴Asian Institute of Journalism, “On Balance Judicial Reforms in the Philippines,” 2005, Manila

¹⁰⁵*An Act Providing for the Functional and Structural Organization of the Office of the Ombudsman and for Other Purposes.*

¹⁰⁶Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights prepared by the Government and Linkages Office (GovLink), Commission on Human Rights of the Philippines, undated.

The Commission first correlated the typology of right to food obligations with government agencies. For example, respect bound obligations related to food availability are incumbent upon, among others, the Departments of Agriculture, Agrarian Reform, Environment and Natural Resources, etc. Protection bound obligations related to food safety are vested in, among others, the Departments of Agriculture, Health, Interior and Local Government, Science and Technology, etc. Fulfillment bound obligations related to food accessibility rest with, among others, the Departments of Agriculture, Agrarian Reform, Environment and Natural Resources, Labor and Employment, etc.

Then it identified sets of indicators on food adequacy, food sustainability, food availability, food accessibility, and food safety, and corresponding responsible agencies. No performance indicators were set to measure food acceptability.

This project appears to be the only activity the Commission has undertaken to promote the right to food in the country.

2.5 Human Rights in Crafting Laws

The process of law-making is the final cornerstone of the legal framework governing the right to food: the way laws are crafted is just as important as what the law demands, since law making often influences substantive aspects of law. Thirty-seven laws are assessed to determine the extent to which human rights principles of *participation*, *accountability*, *nondiscrimination*, *transparency*, *human dignity*, *empowerment* and *rule of law* were incorporated in law-making at the House of Representatives (see Annex H). In general, the law making process fails to meet these human rights principles.

Participation

Participation in law making was determined by invitations extended by the relevant committee. Efforts to reach out to those most vulnerable to hunger were largely dependent on the nature of the bill. Of the 37 laws assessed, participation of those most vulnerable to hunger (i.e., farmers, agricultural workers, fisher folk, workers, persons with disabilities, the elderly, women, children and the urban poor) was evident in the formulation of 9 laws.¹⁰⁷ Those most vulnerable to hunger were under-represented, raising questions about the participatory nature of law making.

Women's rights advocates were present at the committee meetings on 2 laws¹⁰⁸ while child rights advocates were present at the committee meetings on 2 laws.¹⁰⁹ Consumer groups were represented at the committee meetings on 3 laws.¹¹⁰ Private sector representatives (i.e., investors, manufacturers, retailers, fishpond owners, importers, traders, flour and sugar millers, seed, wheat and grains producers, representatives from the steel industry, tin industry, petroleum industry and glass industry, and representatives of chambers of commerce) participated in the deliberations of 14 laws.¹¹¹ Departments and agencies of government and government-owned and controlled corporations participated in the formulation of practically every law adopted by the House of Representatives.

Accountability

Copies of the *Statements of Assets, Liabilities and Net Worth* of legislators who deliberated and acted on these laws are currently unavailable. Thus it is not possible to identify their financial and business interests and assess the extent to which these interests influenced the laws.

There is no standard number of committee meetings required to deliberate on and approve a bill. Some laws were passed after only one committee meeting, while others were passed after 8 to 15 committee meetings.

Not all members attended every committee meeting. In some meetings, only one member was present; in other meetings, as few as 2 to as many as 46 members were present. Most committee meetings lasted between one to two hours; the short period of time, together with under-attendance by committee members, are not indicative of a high degree of accountability in the rule making process.

Non-Discrimination

Non-discrimination in lawmaking may be seen through the extent of participation of indigenous peoples and women in the process. The indigenous peoples were *not* represented during the deliberations of 37 laws. In the deliberation of

107 RA 8178 (Agricultural Tariffication Act); RA 8550 (Philippine Fisheries Code); RA 7900 (High Value Crops Development Act); RA 6982 (Social Amelioration Program in Sugar Industry); RA 7277 (Magna Carta for Disabled Persons); RA 6727 (Wage Rationalization Act); RA 7658 (An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for this Purpose Section 12, Article VIII of Republic Act 7610); RA 8425 (Social Reform and Poverty Alleviation Act); and RA 9257 (Expanded Senior Citizens Act of 2003).

108 RA 6972 (Barangay Level Total Development and Protection of Children Act) and RA 7192 (Women in Development and Nation Building Act).

109 RA 6972 (Barangay-Level Total Development and Protection of Children Act) and RA 7610 (An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination Providing Penalties for its Violation and for Other Purposes).

110 RA 7394 (Consumer Act of the Philippines); RA 7581 (Price Act); and RA 8172 (Act for Salt Iodization Nationwide).

111 RA 6978 (Accelerated Program for Construction of Irrigation Projects); RA 7308 (Seed Industry Development Act); RA 8800 (Safeguard Measures Act); RA 8178 (Agricultural Tariffication Act); RA 8550 (Philippine Fisheries Code); RA 8752 (Anti-Dumping Act); RA 6982 (Social Amelioration Program in the Sugar Industry); RA 7581 (Price Act); RA 7394 (Consumer Act of the Philippines); RA 7277 (Magna Carta for Disabled Persons); RA 8291 (Revised Government Service Insurance System Act of 1977); RA 8289 (Magna Carta for Small Enterprises); RA 8425 (Social Reform and Poverty Alleviation Act); and RA 9257 (Expanded Senior Citizens Act of 2003).

4 laws,¹¹² no women were present. Women outnumbered men in the deliberations of only 3 laws;¹¹³ women and men were equally represented in the committee meeting on one law.¹¹⁴ Men outnumbered women in the deliberations of the rest of the laws. The ratio of women to men who were present during committee meetings varied from 1:10 to 4:10. Under-representation of women in committee meetings contributed to the apparent gender-blindness of many laws.

Transparency

Copies of bills, inputs, transcripts and other documents are available only upon verbal or written request at the Legislative Archives of the House of Representatives. Bills, transcripts and other committee documents are written in English and contain many legal and technical terms; these documents would not be easily understood by those most vulnerable to hunger. Despite being public records, copies of the Statements of Assets, Liabilities and Net Worth of legislators are not readily accessible. Greater transparency in law making may be enhanced if documents were more readily accessible and were written in more easily understandable forms and media.

Human Dignity

While many bills appeared to have paid attention to those most vulnerable to hunger, potential risks arising from the bills were not identified so that risk management to prevent starvation and hunger was not factored into the final laws. In addition, no real hunger mitigation strategies were considered, deliberated upon and included in the final laws. It is thus questionable whether the human rights principle of human dignity was espoused and promoted in the formulation of these laws.

Empowerment

Whether those most vulnerable to hunger were encouraged to engage in rulemaking is doubtful because they were not generally invited to participate in the process. Because of under-representation in law-making, efforts of those most vulnerable to hunger to bring about the necessary changes to address their situation were not referenced in the laws. Also, the dimensions of power relations and structures were not exhaustively discussed during committee meetings, so these did not find their ways into the laws. The law making process does not appear to result in the empowerment of those most vulnerable to hunger.

Rule of Law

In the formulation of laws, access to justice, a key element of the rule of law embodied in the Constitution¹¹⁵ and in human rights treaties,¹¹⁶ was not discussed.

In 2004, the Supreme Court promulgated A.M. No. 04-2-04-SC, amending Rule 141 of the Rules of Court on Legal Fees, which increased legal fees by 25 to 4900 percent. As a result, those most vulnerable to hunger cannot afford to seek justice. It is important to point out that costs of seeking justice are not limited to legal fees; these include “hidden costs,” i.e., expenses indirectly associated with litigation.¹¹⁷

112 RA 6978 (An Act to Promote Rural Development by Providing for An Accelerated Program within a 10-Year Period for the Construction of Irrigation Projects); RA 8751 (Countervailing Duty Act); RA 6982 (Social Amelioration Program in the Sugar Industry); and RA 8371 (Indigenous Peoples Rights Act of 1997).

113 RA 7192 (Women in Development and Nation Building Act); RA 8972 (Solo Parents' Welfare Act of 2000); and RA 7600 (Rooming-In and Breastfeeding Act of 1992).

114 RA 9257 (Expanded Senior Citizens Act of 2003).

115 Section 11, Article III, 1987 Constitution; see also Sections 12(1), 13, 14, 16, 19(1), Article III, 1987 Constitution.

116 See Articles 2(3), 14, and 17(2) of the International Covenant on Civil and Political Rights; Articles 2 and 15 of the Convention on the Elimination of All Forms of Discrimination against Women; Articles 4, 37, 39 and 40 of the Convention on the Rights of the Child; and Articles 5 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination.

117 These include costs related to consulting lawyers, following up cases, securing copies and documents, foregone income on the days clients consult their lawyers, or attend hearings, or follow-up matters related to the case.

Those who cannot afford to pay legal fees and hidden costs cannot bring their claims before any court; they lose every opportunity to seek and receive justice. While it is possible to seek exemption from paying legal fees by claiming to be indigent, standards governing such claims could actually exclude the poor. These standards proceed from Section 21 of Rule 3 and Section 19 of Rule 141 of the Rules of Court.

Rule 141 requires that the applicant's and his/her immediate family's gross incomes do not exceed an amount double the monthly minimum wage and the applicant does not own real property with a fair market value of more than PhP 300,000. Thus, families with two minimum wage earners would not be exempt from paying legal fees because they meet the income standard set by the Court, even if their combined incomes are not sufficient to meet their requirements for food, clothing, housing, health care, transportation, and leisure. Agrarian reform beneficiaries awarded land valued at more than PhP 300,000.00 would likewise not be exempt from paying legal fees because they meet the property standard set by the Court.

Rule 3 provides that an applicant may be declared indigent if the court is satisfied that the applicant has no money or property sufficient and available for food, shelter and basic necessities for him/herself and his/her family.

In *Spouses Algura vs. the LGU of the City of Naga*,¹¹⁸ the Supreme Court held that if the applicant meets the income and property standards under Section 19 of Rule 141, then courts are mandated to grant the application. But, when the applicant does not meet one or both standards, then courts must apply Section 21 of Rule 3, and act on the application based on the courts' sound discretion.

Laws relevant to the right to food would be more effective if the human rights principle of the rule of law were truly incorporated in law making.

118 G.R. No. 150135, October 30, 2006.

2.6 Awareness on the Right to Food

Government Awareness

In its terminal report on the right to food indicators project,¹¹⁹ the Commission on Human Rights noted that government “agencies concerned [with the right to food] were unaware of the state obligations under the ICESCR, hence, the lack of a conscious effort to fulfill the right.”¹²⁰

To remedy this lack of awareness—and in pursuit of its project—the Commission adopted a “mapping methodology” that facilitated identification by “dutyholders [of] their roles in the respect, protection and fulfillment of the human rights (*sic*) to food,” “allow[ed] governments (*sic*) to acquaint/orient their work into the Human Rights Framework” and “view their mandate from the human rights perspective and analyze them vis-à-vis the normative content of the right.”¹²¹

The “mapping methodology” apparently resulted in some understanding by some government agencies of the normative entitlements implicit in the right to food, because these agencies were able to situate their mandates in the context of these entitlements. The Department of Labor and Employment, for instance, interpreted its mandate in relation to *food accessibility*,¹²² while the National Economic Development Authority viewed its functions in relation to all the normative entitlements inherent in the right to food.¹²³

Despite this, however, there does not appear to be any real understanding of state obligations arising from the right to food. For example, the National Economic Development Authority limited its responsibility to the obligation to respect the right to food, overlooking the fact that, as the “country’s premier social and economic development planning and policy coordinating body,” it should likewise perform obligations of progressive realization, equality and nondiscrimination, international cooperation and assistance, core obligations, and obligations to protect and fulfill the right to food.¹²⁴ While the Department of Labor and Employment identified concrete roles and activities, it failed to link these concrete roles to the obligations to fulfill and protect the right to food, the obligations of progressive realization, equality and nondiscrimination, and the core obligation to ensure freedom from hunger.¹²⁵ The Departments of Agriculture and Agrarian Reform similarly submitted their respective mandates but did not link these mandates directly to state obligations.¹²⁶ Only the Bureau of Trade and Consumer Protection of the Department of Trade and Industry attempted to identify specific respect-bound, protection-bound and fulfillment-bound obligations,¹²⁷ but the examples they provided were not correctly correlated with the meaning and requirements of these obligations.

It would appear from the sparse information contained in the terminal report that only the obligations to respect, protect and fulfill (facilitate and provide) the right to food were brought to the attention of concerned government agencies. Obligations of progressive realization, equality and nondiscrimination, international cooperation and

119 Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights prepared by the Government and Linkages Office (GovLink), Commission on Human Rights of the Philippines, undated.

120 Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights at page 3.

121 Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights at page 4.

122 See *Annex D*, Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights.

123 See *Annex F*, Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights.

124 See *Annex F*, Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights.

125 See *Annex D*, Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights.

126 See *Annexes B and C*, Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights.

127 See *Annex E*, Commission on Human Rights, “Indicators on the Right to Food,” A Terminal Report on the Pilot-Study: Rights-Based Indicators on Selected Economic, Social and Cultural Rights.

assistance and core obligations do not appear to have been presented to—much more discussed among—participating government agencies.

Given the initial lack of awareness by government agencies of state obligations, and the apparent failure of the Commission to initiate in-depth discussions on the varying levels and nature of state obligations, it appears that government is still largely unaware of its obligations related to the right to food.

Public Awareness

Awareness of citizens of their status as rights holders is a strong indication of the State's performance in fulfilling its duties to uphold these rights. Furthermore, if they are aware of these rights, they can hold the State accountable in case of inaction or in the event of violating these rights (to a certain extent).

To assess the awareness of the general population on their right to food, key questions were included as rider questions in the second quarter survey of the Social Weather Stations (SWS). A special feature of these nationally-representative surveys, which are conducted quarterly, is a module on hunger. Responses can also be classified by the respondents' demographic characteristics such as socio-economic class and educational level. The survey was conducted in the 3rd week of June 2008.

The SWS Survey

The survey had a national sample of 1,200 statistically representative adult respondents, for an error margin of $\pm 3\%$ at the national level and $\pm 6\%$ at the major study areas: Metro Manila, Balance Luzon, Visayas and Mindanao. The survey utilized face-to-face interviews using a structured questionnaire with visuals.

Applying census weights, 13% of the adult respondents are from Metro Manila, 44% from Balance of Luzon, 20% from Visayas and 23% from Mindanao. Fifty-six percent are from urban areas and 44% are from rural localities. The distribution by socio-economic class is: 6% classes ABC, 65% class D and 29% class E.

Thirteen percent of adults had at most some elementary education; 30% finished elementary education/had some high school education; two-fifths (45%) finished high school/completed vocational school/attended some college, while 11% graduated from college or took post-graduate studies.

Male and female respondents have a 1 to 1 ratio, and thus, are alternately sampled. By age group, 13% are youth (18-24), 24% are intermediate youth (25-34), 22% are middle aged (35-44), 21% are 45 to 54 years old and 20% are 55 years old and above.

The Right to Food Module

A Right to Food module was included in the SWS survey. The module consists of seven questions. These included one open-ended question, two "yes" or "no" questions, and four multiple choice questions. The questions are intended to gauge the public's awareness on the right to food, including its normative content (availability, accessibility, safety and adequacy) and the different obligations of the government.

Direct questions (e.g., do you agree or disagree with the statement: the right to food means government must feed me whenever I am a victim of a calamity or disaster) were avoided as these tend to be self-evident and leading. Hence, questions revolved around specific situations or were phrased in such a way that did not specifically suggest what the government obligations should be.

The survey results were disaggregated by location, economic class, and educational attainment of the respondent.

General Awareness on the Right to Food

The first two questions dwelt on the general awareness on the right to food. Question No. 1 simply asked if the respondent has heard or read of the "Right to Food", while Question No. 2 asks them to describe the phrase "Right to Food".

Only one out of five Filipinos have heard or read anything about “Right to Food”. By area, awareness is slightly higher in Metro Manila (25%) and Visayas (24%). Those from middle-to-upper classes ABC (29%) are more likely to have heard or read anything about “Right to Food” than the classes D (21%) and E (15%). Awareness of “Right to Food” also increases the higher the educational attainment of respondents—one in three among college graduates, one in five among high school graduates and elementary graduates and only 8% among non-elementary graduates.

Tables.

AWARENESS OF “RIGHT TO FOOD,” BY AREA, CLASS AND EDUCATION, JUNE 2008		
	AWARE (%)	NOT AWARE (%)
Total RP	20	80
NCR	25	74
Balance Luzon	19	81
Visayas	24	76
Mindanao	15	85
Classes ABC	29	72
Class D	21	79
Class E	15	85
Up to some elem.	8	92
Up to some HS	20	80
Up to some coll.	20	80
Coll. grad. +	33	67

HOW WOULD YOU DESCRIBE THE PHRASE “RIGHT TO FOOD”? JUNE 2008 (MULTIPLE RESPONSES ALLOWED)	
“Pagkakaroon ng wasto at tamang pagkain”	13%
“Karapatan ng tao na kumain at hindi magutom”	13
“Karapatang pumili ng mga nutritious food”	12
“Abot ng mamimili ang presyo ng pagkain”	11
“Kumain ng 3 beses sa isang araw”	6
“Kailangang tulungan ng gobyerno ang mamamayan kung walang makain”	4
“Karapatang pumili kung ano ang dapat kainin”	3
“Laging may mabibilhan ng pagkain/ walang food shortage”	2
“Karapatang bumili ng pagkaing masarap”	2
“Kailangang maghanapbuhay para kumain”	1
Others	9
Don't know	29
None	4
No answer/Refused	4

Regardless of whether they have heard or read anything about it, the respondents were asked to describe the phrase “Right to Food.” The top descriptions of “Right to Food” are “Pagkakaroon ng wasto at tamang pagkain” [having the right food] (13%), “Karapatan ng tao na kumain at hindi magutom” [right not to be hungry] (13%), “Karapatang pumili ng nutritious food” [right to choose nutritious food] (12%), and “Abot ng mamimili ang presyo ng pagkain” [affordability of food prices] (11%). Other responses include: “Kumain ng 3 beses sa isang araw” [eat three times a day] (6%), “Kailangang tulungan ng gobyerno ang mamamayan kung walang makain” [need for the government to help those who have nothing to eat] (4%), “Karapatang pumili kung ano ang dapat kainin” [right to choose what food to eat] (3%), “Laging may mabibilhan ng pagkain/walang food shortage” [availability of food at all times/no food shortage] (2%), “Karapatang bumili ng pagkaing masarap” [right to buy delicious food] (2%), and “Kailangang maghanapbuhay para kumain” [need to work to buy food to eat] (1%). Twenty-nine percent of the respondents said they don’t know how to describe “Right to Food” at all, most of whom are unaware of the phrase “Right to Food”.

Obligation to Protect

Question No. 3 assesses the public’s perception on the government’s obligation to protect. The state has the obligation to protect people’s access to food against activities that threaten the livelihoods of people or the safety of the food supply in a given area. In this case, a question indirectly asked the respondents whether or not industrial activities on productive lands or other natural resources could impact availability of food as it relates to their right to food. Given the case, “a private company is putting up a plant that will manufacture electronic equipment. The plant is waiting for government’s permit to start construction. The farmers located near the proposed plant are worried that it will contaminate the river which is two (2) kilometers away and the source of their irrigation water,” the respondents were asked whether or not this case concerns their “Right to Food”. Government’s obligation to protect is indirectly referred to as it is supposed to issue the permit to the company to start construction.

Table.

WHETHER OR NOT THE BUILDING OF A MANUFACTURING PLANT NEAR A SOURCE OF IRRIGATION WATER FOR AGRICULTURAL FARMS IS RELATED TO RESPONDENT’S RIGHT TO FOOD, BY AREA AND CLASS, JUNE 2008								
<p>For example, a private company is putting up a plant that will manufacture electronic equipment. The plant is waiting for government’s permit to start construction. The farmers located near the proposed plant are worried that it will contaminate the river which is two (2) kilometers away and the source of their irrigation water. In your opinion, does this concern your Right to Food?</p>								
	RP	NCR	LUZ	VIS	MIN	ABC	D	E
It has a relation	75%	85%	78%	74%	65%	81%	81%	62%
It has no relation	23	14	21	26	30	18	19	34
	RP	Non-elem grad	Elem grad/ Some HS	HS grad/ Voc/ Some coll.	Coll. grad+			
It has a relation	75%	59%	76%	78%	84%			
It has no relation	23	36	23	22	13			
	RP	Non-elem grad	Elem grad/ Some HS	HS grad/ Voc/ Some coll.	Coll. grad+			
It has a relation	75%	59%	76%	78%	84%			
It has no relation	23	36	23	22	13			

Three out of four say the building of a manufacturing plant near their source of irrigation water has a relation to their “Right to Food,” whereas a fourth (23%) say this has no relation. This indicates a rather high awareness on the issue of the industrial activities impacting on agricultural production and on the public’s right to food.

However, it still follows the previous trend in terms of the breakdown of response by respondent type. The view that a manufacturing plant built near a source of irrigation water for agricultural lands has a relation to one’s “Right to Food” is higher in Metro Manila (85%) as well as among classes ABC (81%) and D (81%). On the other hand, those who responded this case does not concern their “Right to Food” is higher in Mindanao (30%) and among class E (34%). The awareness of the relation between the building of a plant near a source of irrigation water and “Right to Food” also increases the higher the educational attainment of the respondents—84% among the college graduates, 78% among high school graduates, 76% among elementary graduates and 59% among non-elementary graduates.

Obligation to Respect

Question No. 4 is related to the state obligation to respect the right to adequate food, which “requires States not to take any measures that result in preventing individuals and/or groups from utilizing their own efforts to satisfy this right,” such as authorizing, instructing or tolerating “official policies, programmes and/or actions that destroyed people’s food sources—such as crops or food stocks—without a valid reason or reasonable compensation.”¹²⁸

After presenting the following case:

“The government is building a hydro-electric dam that will supply electricity to several cities and towns. The dam will partially submerge part of a public land occupied by farmers planting corn and other subsistence crops”

The respondents were asked to choose from a number of options on what should the government do in this situation. The top response covering 34% of the respondents is that the government should not build the dam at all. This option indicates that the rights of the farmers should take primacy over supplying electricity to several cities and towns.

The next three options consider the balancing act of the state as the respondents believe that the government should build the dam but provide compensation to the affected farmers. The options differ in the degree or extent of disturbance compensation that the respondents deem adequate. Sixty-three percent of respondents chose these options, with the following breakdown:

- Twenty percent (20%) opted for the government to build the dam but pay the farmers disturbance compensation equivalent to the value of their crops, their houses, and other developments that they have made on the land;
- Thirty-one percent (31%) of respondents believe that the government should build the dam only after the farmers have been adequately compensated and resettled in a decent place;
- Twelve percent (12%) suggested that the government should build the dam and pay the farmers disturbance compensation equivalent to the value of their standing crops.

On the other hand, 2% did not consider the rights of the farmers suggesting that the government should “*build the dam and evict the farmers.*”

¹²⁸ Food and Agriculture Organization of the United Nations (FAO), *The Right to Food Guidelines: Information Papers and Case Studies* (Rome: FAO, 2006), pp 79-80.

Table.**OPTIONS FOR THE GOVERNMENT IN BUILDING A DAM THAT WOULD SUBMERGE AGRICULTURAL LANDS, JUNE 2008**

The government is building a hydro-electric dam that will supply electricity to several cities and towns. The dam will partially submerge part of a public land occupied by farmers planting corn and other subsistence crops. Government should build the dam and...

Don't build the dam	34 %
Build the dam, only after the farmers have been adequately compensated and resettled in a decent place	31
Pay the farmers disturbance compensation equivalent to the value of their crops, their houses, & other developments that they have made on the land	20
Build the dam & pay the farmers disturbance compensation equivalent to the value of their standing crops	12
Build the dam & evict the farmers	2

Government's Obligations to Consumers of Food Products

Question No. 5 assesses awareness of government's obligations to the public as consumers of food products. These relate to two obligations—the obligation to protect and the obligation to fulfill (facilitate). The respondents were asked the question: *As part of your "Right to Food" the government has an obligation to you as a consumer of food products; what do you think this obligation covers?* The following four options were presented and the respondents were asked to choose only one:

- Ensure that food products are properly labeled as to their content/ingredients and nutritional information
- Enact and enforce regulations to ensure the safety of food products
- Monitor and regulate the prices of basic food products
- Monitor and regulate the prices of all food products

The first two options fall under the government's obligation to protect, which "requires states to ensure that private parties, such as enterprises or individuals, do not deprive other individuals of access to adequate food," including the establishment or enforcement of food safety standards and controls.¹²⁹ The third option correspond under the government's *obligation to fulfill* (facilitate), which requires states to undertake "far reaching measures...to create conditions (enabling environment) allowing for the effective realization of the right to food," including "improving measures of production, harvesting, conservation, processing, retailing and consumption of food."¹³⁰ The fourth option seems similar to the third option, but it covers **all** food products instead of **basic** food products. With regards to food products, it is generally the government's obligation to regulate prices only for basic food products, hence the fourth option is a rather sweeping perception of government's obligation. We included this option to determine if the respondents can perceive the distinction.

Since the respondents were asked to choose only one option, this will show the relative importance they attach to the different obligations.

The survey results indicate that the most popular answer, covering 29% of respondents, is the obligation to *ensure that food products are properly labeled as to their content/ingredients & nutritional information*. This is followed by the obligation to *monitor and regulate the prices of all food products* (26%) and *monitor and regulate the prices of basic food products* (25%). Only 20% chose the obligation to *enact and enforce regulations to ensure the safety of food products*.

¹²⁹Ibid., p. 81.

¹³⁰Food and Agriculture Organization of the United Nations (FAO). *The Right to Food: A Primer to the Right to Food. Lesson 3: Rights and Obligations*.

Taken together, the obligation to monitor and regulate the prices of food products (basic or otherwise) was chosen by a slim majority of respondents (51%). It shows the importance of prices and affordability of food products among consumers. On the other hand, the respondents seem to attach a relatively lower priority on safety of food products they consume.

Table.

OPINION ON WHAT ARE THE GOVERNMENT'S OBLIGATIONS IN FULFILLING THE PEOPLE'S "RIGHT TO FOOD," BY AREA, JUNE 2008					
			BAL		
	RP	NCR	LUZ	VIS	MIN
Ensure that food products are properly labeled as to their content/ingredients & nutritional information	29%	29%	27%	29%	31%
Monitor and regulate the prices of all food products	26	23	28	28	24
Monitor and regulate the prices of basic food products	25	25	22	26	28
Enact and enforce regulations to ensure the safety of food products	20	23	23	17	16

Obligation to Fulfill (Provide)

The government's *obligation to fulfill (provide)* requires the state not to provide for every individual but for those who are unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, including those that are victims of natural disasters. This also includes measures by the state to identify marginalized and disadvantaged groups and to design policies and programmes that improve their access to food-producing resources or income. Two types of policy measures emanate from this obligation to fulfill: measures to facilitate access to productive resources such as land, seeds, water and technology (e.g., agrarian reform and livelihood programs) and social transfer schemes for people that are unable to feed themselves due to reasons beyond their control.

Questions No. 6 and No. 7 focus on the said obligation of the state to fulfill, particularly relating to social transfer schemes like food subsidies for the poor and victims of calamities and disasters.

Question No. 6 assesses the public's perception on the conditions in which the government has the obligation to feed the respondents and their families: a) *only in case of calamities and disasters*, b) *at all times*, and c) *not at all*.

Majority of the respondents say the government has the obligation to feed them and their families, with most of them saying "*only in case of calamities and disasters*" (53%), while 14% maintain that this should be done "*at all times*". About a third (32%), however, maintain "*it is NOT the obligation of the government to feed me and my family at any time*".

The proportions of those who believe that the government has the obligation to feed them and their families "only in case of calamities and disasters" are higher in areas outside of Metro Manila—56% in Balance Luzon, 53% in Visayas and 51% in Mindanao. In Metro Manila, opinion is split, with 45% saying the government has to feed them "*only in cases of disasters and calamities*" and 43% saying the government "*has no obligation*" to feed them. Nevertheless, the opinion that "*it is not the government's obligation*" to feed them and their families is still higher in Metro Manila, and decreases the farther from it. Most of those who believe that the government has the obligation to feed them and their families "*at all times*", on the other hand, are from Visayas (21%) and Mindanao (22%).

Those who say the government has the obligation to feed them and their families "*only in case of calamities and disasters*" is the same across socio-economic class. Although small, it is notable that 17% of the class E believe that the government has the obligation to feed them and their families "*at all times*".

Moreover, those with some college education or less are more likely than the college graduates (45%) to agree that the government has obligation to feed the people "*only in case of calamities and disasters*"—54% among high school

graduates, 53% among elementary graduates and 55% among non-elementary graduates. Those who believe it is not the government's obligation to feed them and their families at any time is higher among the college graduates (38%). On the other hand, those who say the government has to feed them and their families *"at all times"* is higher among elementary graduates (22%).

Table.

STATEMENT WHICH BEST DESCRIBES THE GOVERNMENT'S OBLIGATION REGARDING "RIGHT TO FOOD," BY AREA AND CLASS, JUNE 2008								
	RP	NCR	BAL LUZ	VIS	MIN	ABC	D	E
It is the obligation of the gov't to feed me & my family. ONLY in case of calamities & disasters	53%	45%	56%	53%	51%	53%	53%	52%
It is the NOT the obligation of the gov't to feed me & my family at any time	32	43	34	26	27	34	33	31
It is the obligation of the gov't to feed me & my family at all times	14	9	9	21	22	12	14	17

	RP	Non-elem grad	Elem grad/ Some HS	HS grad/ Voc/ Some coll.	Coll. grad+
It is the obligation of the gov't to feed me & my family. ONLY in case of calamities & disasters	53%	55%	53%	54%	45%
It is the NOT the obligation of the gov't to feed me & my family at any time	32	23	32	34	38
It is the obligation of the gov't to feed me & my family at all times	14	22	15	11	16

Question No. 7 relates to the public's perceptions of conditions which the government has the obligation to provide subsidies on rice and other staple food products. The respondents were first told that *"the government has been selling subsidized NEA rice and there is a proposal to give subsidies for other staple food products and basic commodities,"* then were asked to choose from a set of options as to what the *"Right to Food"* dictates the government to do regarding who should be the recipients of government-subsidized food prices: a) *all consumers whether rich or poor*, b) *only for the poor*, and c) *not at all*.

Most of the respondents (54%) indicated that the Right to Food dictates that the *"government should provide subsidized prices to all consumers whether rich or poor"*. Only a little more than one-third (35%), think that the *"government should provide subsidized prices only for those who are poor,"* while a tenth (11%) say the *"government should not sell subsidized prices to all"*. This indicates that the entitlement for subsidized food prices is perceived by majority of Filipinos as something that should be made available to all, both the rich and the poor.

By area, while majorities of those from Metro Manila (55%), Balance Luzon (56%) and Visayas (52%) are of the opinion that the *"government should provide subsidized prices to all whether rich or poor,"* only a plurality (49%) of those from Mindanao say the same. Those who said the *"government should not sell subsidized prices to all"* is slightly higher in Mindanao (18%) than in other three areas.

Table.

OPINION ON WHO SHOULD BE GIVEN FOOD SUBSIDIES, BY AREA AND CLASS, JUNE 2008								
The government has been selling subsidized NFA rice and there is a proposal to give subsidies for other staple food products and basic commodities. The "Right to Food" dictates that the government...								
	RP	NCR	BAL LUZ	VIS	MIN	ABC	D	E
Gov't should provide subsidized prices to all consumers whether rich or poor	54%	55%	56%	52%	49%	62%	55%	49%
Gov't should provide subsidized prices only for those who are poor	35	35	36	35	33	28	34	41
Gov't should not sell subsidized prices to all	11	10	7	12	18	7	11	10

	RP	Non-elem grad	Elem grad/ Some HS	HS grad/ Voc/ Some coll.	Coll. grad+
Gov't should provide subsidized prices to all consumers whether rich or poor	54%	48%	50%	55%	64%
Gov't should provide subsidized prices only for those who are poor	35	40	41	32	26
Gov't should not sell subsidized prices to all	11	12	9	12	8

Meanwhile, the proportions of those who believe that the *"government should provide subsidized prices to all whether rich or poor,"* are higher among the classes ABC (62%), and decreases the lower the socio-economic classes of respondents—55% among the class D and 49% among the class E. Conversely, those who say that the subsidized prices should be provided by the government to *"only for those who are poor"* are higher among the class E (41%), and decreases the higher the class—34% among the class D and 28% among the classes ABC.

Education is also a factor on opinion on who should be given food subsidies by the government. While the view that the *"government should provide subsidized prices to all whether rich or poor"* is more prevalent among those with more education—55% among high school graduates and 64% among college graduates—the view that subsidized prices should be given *"only for to those who are poor"* is stronger among those with less education—40% among non-elementary graduates and 41% among elementary graduates.

2.7 Conclusions and recommendations

Overall, the study found that, despite the surfeit of laws, the Philippine legal framework governing the right to food falls short of the imperatives for realizing the right to food. The Philippine legal framework does not sufficiently incorporate human rights obligations arising from the right to food; neither does it heed the *Right to Food Guidelines*.

The legal framework is neither coherent nor complementary: while some laws contribute to hunger alleviation, these are not pursued in tandem with the rest of the laws. Other laws restrict, hinder or retard the enjoyment of the right to food, particularly of those most vulnerable to hunger.

- The Philippine legal framework is a good base upon which to ensure availability of food, but it does not increase physical access to food, and its contributions towards strengthening food economic accessibility are marginal, at best. The most positive aspect of the food legal framework is its emphasis on improving food safety.
- The national budget does not reflect a bias towards addressing the hunger situation in the country, as it accords the right to food limited funds from the national coffers. This finding is the cause of issues of poor performance in implementation of the laws coupled with a failure to harmonize conflicting policies.
- Recourse mechanisms to seek state protection due to violation of an individual's right to food are in place but this may be negated by other barriers such as the costs of litigation and access to advocates. However, the mechanisms to enforce the fulfillment of state obligations are almost inexistent.
- The country's national human rights institutions contribute very little—if at all—to address the hunger situation in the country, and vindicate breaches of the right to food.
- Finally, the law making process leaves much to be desired: it is wanting in participation, accountability, non-discrimination, transparency, human dignity, empowerment, and rule of law.

The weaknesses of the Philippine legal framework governing the right to food can be traced to the lack of explicit recognition of the right to food by the country's fundamental law, and to the lack of a *national food policy* that should serve as the overarching framework to address hunger.

The study therefore recommends the adoption of a national food policy, with the full and active participation of all actors in the public and private spheres, including those most vulnerable to hunger, along the lines recommended by the United Nations Committee on Economic, Social and Cultural Rights in *General Comment No. 12* (1999) and the Food and Agriculture Organization's *Right to Food Guidelines* (2004). Such a policy should include concrete measures that address food production, processing, distribution, consumption, food prices, income and employment, and other normative entitlements inherent in the right to food. Such a policy also requires the adoption of a rights-based approach, rather than a minimum basic needs approach, towards hunger eradication.

Following the adoption of a national food policy, the study also recommends the rationalization of the food legal framework by synchronizing laws with the right to food, addressing contradictions in policy objectives within and among the various laws, correcting flaws and ambiguities, repealing those laws (or provisions in laws) that obstruct the realization of the right to food, aligning the national budget to the national food policy, enhancing the mandates of the national human rights institutions, and improving the process of law-making.

Specifically, rationalizing the food legal framework may include, but not be limited to, the following:

1. Passage of the law that will stabilize the agrarian reform program;
2. Amending the Price Act by clearly defining “illegal acts of price manipulation” and setting objective standards to allow the operation and enforcement of the law;
3. Repealing Article 130 of the Labor Code prohibiting night work for women;
4. Amending RA 8187 (Paternity Leave Act of 1996), which amended Article 133 of the Labor Code, by including common-law spouses-employees and live-in partners-employees, in addition to married male employees;

5. Reconsidering the one year ban on granting minimum wage increases;
6. Formulating clear standards to better guide employers when adjusting wages of house helpers;
7. Amending RA 7658 on the employment of children below the age of 15, by including provisions guaranteeing the working child's right to food and stipulating strict guidelines on the management of the child's income;
8. Reconciling contradictory implications on food availability and food accessibility of RA 7900 (High Value Crops Development Act);
9. Amending RA 7277 (Magna Carta for Disabled Persons) by guaranteeing the right to food of persons with disabilities, and reconsidering the hiring requirements to include regular positions;
10. Incorporating temporary special measures in all appropriate laws to address the inherent disadvantages women face in the grant of titles, leasehold agreements, credit, microfinance, access to pre- and post-harvest facilities, marketing, technology transfer, capital, fishing gear or equipment, etc.; require information targeting addressed to women; include women in various councils and boards created to address hunger; and ensure that gender-based decision making and gender division of labor in food production, preparation, distribution and consumption are referenced into all relevant laws.
11. Setting aside the provision in the Rules and Regulations on Children in Situations of Armed Conflict limiting the delivery of goods, including food, to areas of conflict;
12. Amending the law on persons with HIV/AIDS by expressly guaranteeing their right to food;
13. Enacting an organic law strengthening the mandate of the Commission on Human Rights.

Admittedly, the adoption of a *rights-based* national food policy and the rationalization of the food legal framework imply fully developed human rights and right to food capacities of all concerned public and private actors. In this connection, capacity development on the right to food, and the rights based approach, would doubtless contribute to fulfilling these recommendations.

★ Annex B – Constitutional Recognition of the Right to Food

	PROVISION	RECORD OF THE CONSTITUTIONAL COMMISSION	RELEVANT JURISPRUDENCE	FINDING
Article II Section 9	The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.	Vol. 4, page 688. "Mr. Bennagen. Is it the idea therefore that for human rights to be valued and protected, there should be a conscious effort on the part of the state to enhance social, economic and political conditions? Mr. Nollado. ... When we talk of human rights we talk of the whole gamut of rights pertinent to the existence of the human person."	In <i>Tondo Medical Center Employees Association, et. al., v. The Court of Appeals, et. al.</i> , G.R. Number 167324, 17 July 2007, the Supreme Court ruled that several provisions of 1987 Constitution upholding rights to health, education, work, and rights of the family, youth, workers, and persons with disabilities are "not judicially enforceable rights. These provisions, which merely lay down a general principle, are distinguished from other constitutional provisions as non self-executing and, therefore, cannot give rise to a cause of action in the courts; they do not embody judicially enforceable constitutional rights." Ruling applies to: Sections 5 (right to protection of life, liberty and property and promotion of the general welfare), 9 (right to just and dynamic social order), 10 (right to social justice in national development), 11 (right to dignity and full respect for human rights), 12 (rights of the family), 13 (rights of the youth), 15 (right to health), 18 (rights of workers), Article II; Sections 1 (right to human dignity and against social, economic, political and cultural inequalities) and 13 (rights of persons with disabilities), Article XIII; and Section 2 (right to education), Article XIV.	No explicit recognition of right to food; may be inferred through broader interpretation of various provisions relating to "human rights" and "improved quality of life." In constitutional commission, no discussion of hunger, starvation or malnutrition; main focus was eradication of "mass poverty" which may be interpreted to include issues and concerns relating to hunger, starvation or malnutrition.
Article II Section 10	The State shall promote social justice in all phases of national development.			
Article II Section 11	The State values the dignity of every human person and guarantees full respect for human rights.	Vol. 4, page 831. Mass poverty is the "oldest, most brutalizing, most dehumanizing problem of this country [so] it should be the prime duty of government to address this problem."		
Article II Section 21	The State shall promote comprehensive rural development and agrarian reform.	Comprehensive rural development and agrarian reform a "priority for the welfare of the poor"		



	PROVISION	RECORD OF THE CONSTITUTIONAL COMMISSION	RELEVANT JURISPRUDENCE	FINDING
Article XII Section 1	The goals of the national economy are a more equitable distribution of opportunities, income and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged. The State shall promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets. However, the State shall protect Filipino enterprises against unfair foreign competition and trade practices. In the pursuit of these goals, all sectors of the economy and all regions of the country shall be given optimum opportunity to develop. Private enterprises, including corporations, cooperatives, and similar collective organizations, shall be encouraged to broaden the base of their ownership.	Constitutional intent to address "mass poverty"		No explicit recognition of right to food; may be inferred from constitutional intent
Article XII Section 13	The State shall pursue a trade policy that serves the general welfare and utilizes all forms and arrangements of exchange on the basis of equality and reciprocity.	Vol. 2 page 642 Ms. Aquino. ...Will this contemplate likewise the possibility of a policy that will prohibit the use of the Philippine market as a dumping ground for unwanted surplus production or also disallow obsolete, inappropriate and backward technology? Is that contemplated? Mr. Monsod. Yes that is also covered by Section 1. Ms. Aquino. And the "GENERAL WELFARE?" Mr. Monsod. Yes that would constitute unfair competition and unfair trade practices. Vol. 2 page 643 Mr. Suarez. Are we saying that the formulation of these trade policy principles for the Philippines is beneficial to the Filipinos? Mr. Monod. Yes that is the meaning of "GENERAL WELFARE." It serves the general welfare—whether one is a producer, a consumer, a farmer, or an industrialist. That is the meaning of "GENERAL WELFARE." Mr. Suarez. In other words we are trying to protect both the domestic industries and also the domestic consumers? Mr. Monsod. Yes.		No direct link to right to food; however, general constitutional mandate may be applied to right to food

	PROVISION	RECORD OF THE CONSTITUTIONAL COMMISSION	RELEVANT JURISPRUDENCE	FINDING
Article Xiii Section 1	The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.	Mass poverty is major concern	<i>Tondo Medical Center Employees Association, et. al., v. The Court of Appeals, et. al.</i> ; Same comment as above	No explicit recognition of right to food; may be inferred through broader interpretation of “right ... to human dignity” and through constitutional intent to address “mass poverty”
Article Xiii Section 2	The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.	Same comment on social justice as above.		No explicit recognition of right to food; may be inferred.
Article Xiii Section 4	The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just fair of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.	Vol. 2 Page 618 makes reference to rice and corn lands, coconut lands, fish ponds, sugarcane lands, poultry, piggery in the context of agrarian reform and not food production.		Agrarian reform linked to explicit recognition of right to land not right to food.



	PROVISION	RECORD OF THE CONSTITUTIONAL COMMISSION	RELEVANT JURISPRUDENCE	FINDING
Article Xiil Section 5	The State shall recognize the right of farmers, farmworkers, and landowners, as well as cooperatives and other independent farmers' organizations to participate in the planning, organization, and management of the program, and shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing and other support services.	Agrarian reform as "priority for the welfare of the poor"		Agrarian reform linked to explicit recognition of right to land not right to food
Article Xiil Section 6	The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous cultural communities to their ancestral lands. the State may resettle landless farmers and farmworkers in its own agricultural estates which shall be distributed to them in the manner provided by law.			
Article Xiil Section 7	The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The State shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources.	Same comment as above		Explicit recognition of rights of subsistence fishermen to preferential use of communal inland and offshore marine and fishing resources; right to food may be inferred



	PROVISION	RECORD OF THE CONSTITUTIONAL COMMISSION	RELEVANT JURISPRUDENCE	FINDING
Article Xiii Section 12	The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems.	Vol. 2 Page 608. Sponsorship Speech of Comm. Nieva. "The State shall maintain an effective food and drug system. The problem of the dumping of harmful and adulterated food and drugs in the country from foreign countries has been a very significant problem that has to be addressed through this provision." Vol. 2 Page 657. Ms. Quesada. When we talk about the food and drug monitoring body, it encompasses all other areas that would refer to food and drugs."		Only provision in entire constitution that mentions the word "food" not so much as a right but more as an obligation of government to "establish and maintain an effective food and drug regulatory system;" covers "all areas" relating to food; incorporated in section on health; refers largely to food safety
Article Xiii Section 15	The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means. People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.			Right to participation constitutionally recognized; crucial for enjoyment and realization of right to food
Section 16	The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.			

★ **Annex C – Relevant Laws Related to the Right to Food**

Food Availability Laws

On Agriculture, Agrarian Reform and Fisheries

1. Republic Act 3844, was signed into law by President Diosdado Macapagal on October 1963.
2. Presidential Decree 27, Rice and Corn Land Reform, was issued by President Ferdinand Marcos on October 21, 1972.
3. Presidential Decree 717, Providing an Agrarian Reform Credit and Financing System for Agrarian Reform Beneficiaries through Banking Institutions, also known as the Agri-Agra Law, was promulgated by President Ferdinand E. Marcos on 29 May 1975. This decree was subsequently amended by Executive Order 83, Strengthening the Enforcement of the Agri-Agra Law and Launching the NDC Agri-Agra Erap Bonds for Rural Development, issued by President Joseph E. Estrada on 25 December 1998. The Monetary Board, in its Resolution No. 442 dated 7 April 1999 approved and adopted rules strengthening the enforcement of Presidential Decree 717 and Executive Order 83, through Monetary Board Circular No. 196, Series of 1999.
4. Republic Act 6657, the Comprehensive Agrarian Reform Law, was signed into law by President Corazon C. Aquino on 10 June 1998.
5. Republic Act 8435, the Agriculture and Fisheries Modernization Act of 1997, was signed into law by President Fidel V. Ramos on 22 December 1997.
6. Republic Act 7607, the Magna Carta of Small Farmers, was signed into law by President Corazon C. Aquino on 4 June 1992.
7. Republic Act 7900, the High Value Crops Development Act of 1995, was signed into law by President Fidel V. Ramos on 23 February 1995.
8. Republic Act 9168, the Plant Variety Protection Act, was signed into law by President Gloria Macapagal-Arroyo on 7 June 2002.
9. Republic Act 7308, the Seed Industry Development Act of 1992, was signed into law by President Corazon C. Aquino on 27 March 1992.
10. Republic Act 7884, the National Dairy Development Act of 1995, was signed into law by President Fidel V. Ramos on 20 February 1995.
11. Republic Act 8550, the Philippine Fisheries Code, was signed into law by President Fidel V. Ramos on 25 February 1998.

On Irrigation

1. Republic Act 6978, *An Act to Promote Rural Development by Providing for an Accelerated Program within a 10-Year Period for the Construction of Irrigation Projects*, was signed into law by President Corazon C. Aquino on 24 January 1991.

On Trade

1. Republic Act 8178, the *Agricultural Tariffication Act*, was signed into law by President Fidel V. Ramos on 28 March 1996.
2. Republic Act 8752, the Anti Dumping Act of 1999, was signed into law by President Joseph E. Estrada on 12 August 1999.
3. Republic Act 8800, the Safeguard Measures Act, was signed into law by President Joseph E. Estrada on 19 July 2000.
4. Republic Act 8751, Countervailing Duty Act of 1999, was signed into law by President Joseph E. Estrada on 7 August 1999.

On Bio-Fuels

1. Republic Act 9367, the *Biofuels Law*, was signed into law by President Gloria Macapagal-Arroyo on 12 January 2007.

Food Accessibility Laws

On Physical Accessibility

1. Batas Pambansa 344, *An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and Other Devices*, also known as the *Accessibility Law*, was signed into law by President Ferdinand E. Marcos on 25 February 1983.

On Prices

1. Republic Act 7581, *An Act Providing Protection to Consumers by Stabilizing Prices of Basic Necessities and Prime Commodities and by Prescribing Measures against Undue Price Increases during Emergency Situations and Like Occasions*, was signed into law by President Corazon C. Aquino on 27 May 1992.
2. Republic Act 71, *An Act Requiring Price Tags to be Affixed on all Articles of Commerce Offered for Sale at Retail and Penalizing Violations of Such Requirement*, was signed into law by President Manuel A. Roxas on 21 October 1946.
3. Republic Act 7394, the *Consumer Act of the Philippines* (particularly Articles 81-84), was signed into law by President Corazon C. Aquino on 13 April 1992.

On Wages and Employment

1. Presidential Decree 442 as amended, *The Labor Code of the Philippines*, was promulgated by President Ferdinand E. Marcos on 16 February 1976. It has since been amended by a series of Presidential Decrees, Batas Pambansa laws, Executive Orders and Republic Acts. Of particular relevance to food economic accessibility are the provisions in Title II, Book III on wages and Chapter 3, Title III, Book III on the employment of house-helpers.
2. Republic Act 6727, the *Wage Rationalization Act*, was signed into law by President Corazon C. Aquino on 9 June 1989. The Department of Labor and Employment subsequently issued the Rules Implementing Republic Act 6727 on 7 July 1989. These Rules were then revised by the National Wages and Productivity Commission of the Department of Labor and Employment through NWPC Guidelines No. 001-95, the *Revised Rules of Procedure on Minimum Wage Fixing*, dated 29 November 1995.
3. Republic Act 6971, the *Productivity Incentives Act of 1990*, was signed into law by President Corazon C. Aquino on 22 November 1990. A number of Rules implementing this law were issued by the Department of Labor and Employment.
4. Republic Act 1161 as amended by Republic Act 8282, the *Social Security Law of 1997*, was signed into law by President Fidel V. Ramos on May 1, 1997.
5. Republic Act 8291, the *Revised Government Service Insurance System Act of 1977*, was signed into law by President Fidel V. Ramos on 30 May 1997.
6. Republic Act 7658, *An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for this Purpose Section 12, Article VIII of Republic Act 7610*, was signed into law by President Fidel V. Ramos on 9 November 1993.
7. Republic Act 8042, the *Migrant Workers and Overseas Filipinos Act of 1995*, was signed into law by President Fidel V. Ramos on 7 June 1995. The Secretary of Foreign Affairs and the Secretary of Labor and Employment subsequently issued Omnibus Rules and Regulations Implementing Republic Act 8042 on 29 February 1996.

On Income Generating Opportunities

1. Republic Act 7900, the *High Value Crops Development Act of 1995*, was signed into law by President Fidel V. Ramos on 23 February 1995.
2. Republic Act 8289, the *Magna Carta for Small Enterprises*, which amends Republic Act 6977, was signed into law by President Fidel V. Ramos on 30 September 1997.

3. Republic Act 8550, the Philippine Fisheries Code, was signed into law by President Fidel V. Ramos on 25 February 1998.
4. Republic Act 7277, the Magna Carta for Disabled Persons, was signed into law by President Corazon C. Aquino on 24 March 1992.
5. Republic Act 8371, the Indigenous Peoples Rights Act of 1997, was signed into law by President Fidel V. Ramos on 29 October 1997.
6. Republic Act 8972, the Solo Parents' Welfare Act of 2000, was signed into law by President Joseph E. Estrada on 7 November 2000.

On Access to Credit

1. Republic Act 7394, the Consumer Act of the Philippines, was signed into law by President Corazon C. Aquino on 13 April 1992.
2. Republic Act 7192, the Women in Development and Nation Building Act, was signed into law by President Corazon C. Aquino on 12 February 1992.
3. Republic Act 8425, the Social Reform and Poverty Alleviation Act, was signed into law by President Fidel V. Ramos on 11 December 1997.

Special Laws and Regulations for Those Most Vulnerable or in Special Situations

1. Republic Act 6972, the *Barangay-Level Total Development and Protection of Children Act*, was signed into law by President Corazon C. Aquino on 23 November 1990.
2. Republic Act 7610, *An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination Providing Penalties for its Violation and for Other Purposes*, was signed into law by President Corazon C. Aquino on 17 June 1998.
3. The *Rules and Regulations on Children in Situations of Armed Conflict* were issued by the Secretary of Justice with the conformity of the Secretary of Social Welfare and Development on 21 January 1994.
4. Republic Act 9257, the *Expanded Senior Citizens Act of 2003*, was signed into law by President Gloria Macapagal Arroyo on 26 February 2004. The Department of Social Welfare and Development subsequently issued Rules and Regulations Implementing Republic Act 9257 on 25 May 2004, through an unnumbered Resolution, Series of 2004.
5. Republic Act 8504, the *Philippine AIDS Prevention and Control Act of 1998*, was signed into law by President Fidel V. Ramos on 13 February 1998.

Food Safety Laws

On Nutritive Quality of Food

1. Executive Order 51, Adopting a National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Related Products, Penalizing Violations thereof and for Other Purposes, was promulgated by President Corazon C. Aquino on 20 October 1986, by virtue of legislative powers granted to her by the then Freedom Constitution.
2. Republic Act 7600, Rooming-In and Breastfeeding Act of 1992, was signed into law by President Corazon C. Aquino on 2 June 1992.
3. Republic Act 8172, An Act for Salt Iodization Nationwide was signed into law by President Fidel V. Ramos on 29 December 1995. The law is accompanied by Implementing Rules and Regulations.
4. Republic Act 8976, the Philippine Food Fortification Act of 2000, was signed into law by President Joseph E. Estrada on 7 November 2000.

On Safety Standards and Regulation

1. Republic Act 3720, *An Act to Ensure the Safety and Purity of Goods, Drugs and Cosmetics being made available to the Public by Creating the Food and Drug Administration which shall Administer and Enforce the Laws Pertaining Thereto*, was signed into law by President Diosdado Macapagal on 22 June 1963. The law was subsequently amended by Executive Order 175, promulgated by President Corazon C. Aquino on 22 May 1987.
2. Republic Act 7394, the Consumer Act of the Philippines, was signed into law by President Corazon C. Aquino on 13 April 1992.
3. Republic Act 7160, the Local Government Code of 1991, –was signed into law by President Corazon C. Aquino on 10 October 1991, Article 8, Title 5, Book III of the Code specifies the powers and duties of the Health Officer, including those related to sanitation.
4. Executive Order 292, the Revised Administrative Code of 1987, was promulgated by President Corazon C. Aquino on 25 July 1987. Particularly related to food safety is Section 48 (4), Chapter 6, Title IV which identifies specific functions of the National Meat Inspection Service (formerly Commission).
5. Executive Order 137, Providing for the Implementing Rules and Regulations Governing the Devolution of Certain Powers and Functions of the National Meat Inspection Commission to the Local Government Unit pursuant to Republic Act No. 7160, otherwise *known as the Local Government Code of 1991*, was promulgated by President Fidel V. Ramos on 28 November 1993.

On Sanitation

1. Republic Act 7160, the *Local Government Code of 1991*, –was signed into law by President Corazon C. Aquino on 10 October 1991, Article 8, Title 5, Book III of the Code specifies the powers and duties of the Health Officer, including those related to sanitation.

LAWS

RA 8435(1998) [Agriculture and Fisheries Modernization Act]

Core Policy Statement

The State shall empower the agriculture and fisheries sectors to develop and sustain themselves. Toward this end, the State shall ensure the development of the agriculture and fisheries sectors in accordance with the following principles:

- a. Poverty Alleviation and Social Equity
- b. Food Security
- c. Rational Use of Resources
- d. Global Competitiveness
- e. Sustainable Development
- f. People Empowerment-
- g. Protection from Unfair Competition

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes, by ensuring that the resources of the state are devoted to ensuring adequate supply of food and the farmers (producers) are able to produce the food in a manner that is sustainable, efficient and globally competitive.	Yes, by explicitly stating that the state has the obligation of ensuring the availability, accessibility, adequacy and affordability of food at all times. However, there is no explicit obligation of ensuring freedom from hunger at all times. The law provides for ensuring equitable access. The law does not provide for the manner by which these staples are provided to the vulnerable.	Yes, by requiring the consideration of the needs, desires and situation of disadvantaged sectors, indigenous people, women, and youth in the planning and implementation of the law and the prohibition of discrimination against such sectors.	Not addressed	Not addressed	Yes, by providing for the protection of the use of land devoted to agriculture and fisheries.	Yes, by devoting resources to enhance agricultural productivity (including fisheries) by using incentives, technology transfer, devoting funds and providing the mechanisms for assuring the country's food self-sufficiency.

Findings

No explicit recognition of right to food but the law uses language that has the general objective of ensuring availability, access and adequacy of food. However, ensuring freedom from hunger is not explicitly stated.

LAWS

RA 6978 (1991) [An Act to Promote Rural Development by Providing for an Accelerated Program Within a Ten-Year Period for the Construction of Irrigation Projects]

Core Policy Statement

It is hereby declared to be a national policy to promote the quality of living of every Filipino through the provision of adequate social services including, but not limited to, the provision of adequate irrigation projects facilities to increase agricultural production.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by requiring the development of irrigation projects in support of agricultural production.	Ambiguous, while irrigation is primarily used for the production of staple food crops, the same can be used for the production of crops that are not classified as food crops and in fact can simply be for high value crops.	Not addressed	Not addressed	Not addressed	Not addressed	Yes by requiring the National Irrigation Administration (NIA) to develop an irrigation program to allow increased agricultural production.

Findings

The implementation of this law has been greatly hampered by very low budget allocations during the ten-year period of implementation.

LAWS

PD 717 (1975) [Providing an Agrarian Reform Credit and Financing System for Agrarian Reform Beneficiaries through Banking Institutions]

Core Policy Statement

Provision of funds for agricultural production particularly agrarian reform beneficiaries. Financial institutions are required to extend 25% of their total loans.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes, by provision of credit support to agrarian reform beneficiaries that will allow greater productivity.	Not addressed	Not addressed	Not addressed	Not addressed	Yes, by insulating farmer beneficiaries from expensive financing that may prevent them from producing staple food.	Yes, by providing the financing to support agricultural production of agrarian reform beneficiaries.

Findings

The lack of credit support to agricultural production and agrarian reform beneficiaries has not been addressed by this law due to the use of alternative forms of compliance by banks by way of purchasing government securities. Financial institutions are hesitant to lend to borrowers engaged in agriculture due to high risks with no attendant insurance coverage. Agrarian reform beneficiaries cannot provide security for these loans.

LAWS

RA 8178 (as amended by RA 9496) [Agricultural Competitiveness Enhancement Fund]

Core Policy Statement

Allocation of funds for agricultural production using funds collected from tariffs imposed on imported agricultural products. The funds are to be used for irrigation, farm-to-market roads, post-harvest equipment and facilities, credit, research and development, infrastructure, provision of market information, retraining, extension services, and other forms of assistance and support to the agricultural sector. These products were formerly covered by quantitative restrictions prior to 1995 and in pursuance of the Philippine's commitments, tariffs replaced quantitative restrictions.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes, by providing for protection to farmers from imported agricultural goods. Yes, by providing funds for agricultural development.	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Yes, by providing funding support for agricultural production.

Findings

The extension of the ACEF is in recognition of the low funding available for financing agricultural production. The continued use of this facility may also be detrimental to achieving efficiency in the agricultural sector IF this facility is only used to protect certain sectors without any effort to increase efficiency.

LAWS

Trade Remedies Laws – RA 8751 (Subsidies and Countervailing Measures), RA 8752 (Anti-Dumping) and RA 8800 (Safeguard Measures)

Core Policy Statement

These laws protect the producers of agricultural and food products from unfair trade practices by providing for means to allow the imposition of tariffs on goods that are dumped, subject of subsidies or in case of a sudden surge of imports in such products.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes, by providing protection to agricultural and food producers to allow producers to achieve efficiency.	Arguably, prevention of entry of cheaper food from other countries may deprive the vulnerable population of access to food.	Not addressed	Not addressed	Not addressed	Yes, by preventing unfair trade practices.	These laws on trade remedies allow temporary protection to local industries. This temporary protection can allow these industries to gain efficiency in the long-run.

Findings

The effects of these laws are ambiguous. In the long-run they can be means that promote the local industries, however they may also deprive vulnerable sectors access to cheaper food.

LAWS

RA 8550(1998) [Philippine Fisheries Code]

Core Policy Statement

This law considers food security as the overriding consideration in the utilization, management, development conservation and protection of fishery resources in order to provide the food needs of the population. The law provides support for the municipal fisherfolk through incentives, research, and training.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Addressed by providing mechanisms to develop the fishery industry.	Not addressed	Not addressed	Not addressed	Addressed by providing mechanisms to allow the participation of local communities in the determination of prohibited areas for fishing and exploitation.	The law provides for penalties for intrusion into areas designated exclusively for municipal and subsistence fisherfolk, violation of catch ceilings, fishing or exportation of prohibited species, spawners or breeders, and other prohibited acts.	The law provides for the progressive development of the fishery industry.

Findings

The Fisheries Code has the potential to promote the right to food with the proper budgetary support. However, there are conflicts regarding the determination of commercial fishery rights and municipal fishery areas.

LAWS

Laws on Access to Seeds and Planting Materials. RA 7308 [Seed Industry Development Act] and RA 9168 [Plant Variety Protection Act]

Core Policy Statement

The State recognizes intellectual property rights in the development of new strains of seeds and planting materials.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
The Plant Variety Protection Act (PVPA) has been criticized by some groups as a law that denies peasants the right to use seeds by protecting the rights of seed companies.	Not addressed	Not addressed	Not addressed	Not addressed	This law is similarly viewed as one that hampers the right of small farmers to gain livelihood and obtain access to food by forcing them to plant only seeds and planting materials that are available from commercial concerns.	Arguable for the same reason.

Findings

These two laws may infringe on the right to food of subsistence farmers by foreclosing the use of traditional seed varieties in favor of commercially produced planting materials. Without an adequate system of ensuring the survival of traditional varieties of seeds and planting materials and its propagation and use by farmers, this result is not unreal.

This law has the potential to seriously impair the fulfillment of the right to food if no mechanisms are put in place to ensure that land and other resources devoted to food production is not diverted to production of biomass for biofuels. There are no safeguards in the law that will prevent conversion of land to planting to crops that will produce the biomass.

FOOD ECONOMIC ACCESSIBILITY LAWS ON PRICES

Laws

RA 7581 – Price Act An Act Providing Protection to Consumers by Stabilizing Prices of Basic Necessities and Prime Commodities and by Prescribing Measures against Undue Price Increases during Emergency Situations and like Occasions

Core Policy Statement

Ensure availability of basic necessities and prime commodities at reasonable prices at all times without denying legitimate business a fair return on investment; Provide effective and sufficient protection to consumers against hoarding, profiteering and cartels with respect to the supply, distribution, marketing and pricing of said goods, especially during periods of calamity, emergency, widespread illegal price manipulation and other situations.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by requiring state to develop, adopt and promulgate measures to promote productivity in basic necessities and prime commodities, develop improved and efficient transport and distribution system, develop, adopt and promulgate measures to stabilize prices at reasonable levels, institute appropriate penalties for illegal price manipulation and other violations, establish mechanism to readily protect consumers from inadequate supply and unreasonable price increases on occasions of calamities, emergencies and like occurrences.	Arguably, could be addressed by keeping prices "reasonable".	Not addressed	Not addressed	Not addressed	Yes by penalizing illegal acts of price manipulation (hoarding, profiteering, cartel). Yes by freezing prices at prevailing prices or placing items under automatic price control during emergency situations defined by law. Yes by empowering President to impose price ceiling on any basic necessity or prime commodity during emergency or other situations defined by law. Yes by allocating buffer fund to procure, purchase, import, stockpile and devise ways to distribute for sale at reasonable prices in areas of shortage or to effect changes in prevailing price. Yes by requiring DA, DOH, DENR, DTI to investigate any violation and after due notice and hearing impose administrative fines and sanctions. Yes by setting penalties for violators (imprisonment or fine; deportation for aliens, permanent disqualification for public official)	Yes by requiring DA, DOH, DENR, DTI to develop, promulgate and implement programs, etc to promote productivity of all basic necessities and prime commodities, promote and facilitate establishment of effective procurement, storage, marketing and distribution, with approval of President to institute temporary measures to ensure orderly and equitable distribution to consumers in affected areas; periodically issue suggested reasonable retail prices, immediately disseminate mandated price ceiling, with approval of President enter into agreement with local or foreign producer, manufacturer, supplier, distributor or seller for procurement of supplies or stocks, provided that in areas of shortage or rampant illegal price manipulation, order immediate sale, enter into agreement with owners or operators of warehouses or with owners, operator or franchise holders of vehicles or public utilities for storage, transport or distribution and periodically publicize developments in productivity, supply, distribution and prices. Yes by requiring NSO to conduct independent periodic surveys and studies of selling prices and their share or effect on family income of different economic groups.

Findings

Temporary special measure for those affected by emergency situations as defined by law (applies ONLY in emergency situations defined by law). Law is vague, ambiguous and susceptible to subjective interpretation. No clear definitions for hoarding, cartel, profiteering. No clear standards for when mandated price ceilings become operational. Includes release of suggested retail prices of items but for information and guidance purposes only. No impact on hunger mitigation during normal times.

FOOD PHYSICAL ACCESSIBILITY LAWS

Laws

RA 71 – An Act Requiring Price Tags to be Affixed on all Articles of Commerce Offered for Sale at Retail and Penalizing Violations of Such Requirement

Core Policy Statement

None.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Yes by requiring price tags and penalizing failure to affix price tags.	Not addressed

Findings

Law merely requires that price tags be attached to all items sold at retail outlets; does not influence food prices at all.

Laws

RA 7394 – Consumer Act of the Philippines (particularly Articles 81-84)

Core Policy Statement

Protect interest of consumer, promote his general welfare and establish standards of conduct for business and industry
Art. 131. Simplify, clarify and modernize law governing credit transactions and encourage development of fair and economically sound consumer credit practices. State shall assure full disclosure of true cost of credit.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Yes by requiring that products not sold at prices higher than indicated on price tags; price tags that must be clearly written, without erasures or alterations Yes by requiring additional label requirements for food products, i.e., expiry date, whether semi-processed, fully processed, ready to cook, ready to eat, prepared food or plain mixture, nutritive values, natural or synthetic ingredients, etc.	Not addressed

Findings

Same as above.

FOOD ECONOMIC ACCESSIBILITY LAWS ON WAGES AND EMPLOYMENT

Laws

PD 442 as amended - The Labor Code of the Philippines, particularly Title II, Book III (Wages)

Core Policy Statement

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Payment of minimum wage compulsory (mandatory and cannot be waived); lack of funds not valid defense for non payment of minimum wage	<p>Art 130 – night work prohibited for women regardless of age; with exceptions including call centers</p> <p>Art 132 –DOLE required to establish standards to ensure safety and health of women employees</p> <p>Art 133 – maternity leave benefits with full pay based on regular or average weekly wages to pregnant women employee who rendered aggregate service of at least 6 month for last 12 months</p> <p>Paternity Leave granted under RA 8187 (approved by President Fidel V. Ramos on 11 June 1996) for deliveries of legitimate spouse with whom paternity leave applicant is cohabiting and for not more than 4 deliveries – for 7 days with full pay; applies only to married male employees</p> <p>Art 134 – establishments required by law to maintain clinic or infirmary to provide free family planning services</p> <p>Art 135 – Discrimination prohibited: payment of lesser compensation, including wage, salary or other form of remuneration and fringe benefits to women as against men for work of equal value; favoring male over female with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes; criminal liability</p> <p>Art 136 – unlawful for employer to require that woman employee shall not get married or stipulate that upon getting married a woman employee deemed resigned or separated or actually dismiss discharge or prejudice woman merely because of marriage</p> <p>Prohibited acts: deny women benefits; discharge woman to prevent her from enjoying benefits; discharge women on account of pregnancy or while on leave or in confinement due to pregnancy; discharge or refuse women admission upon returning to work for fear she may again be pregnant</p>	Not addressed.	Not addressed	<p>Prohibited forms of payment of wages – promissory note, vouchers, coupons, tokens, tickets, chits or any object other than legal tender even when expressly requested by employee</p> <p>Payment by check or money order allowed</p> <p>Wages must be paid once every 2 weeks or twice a month at intervals not exceeding 16 days</p> <p>Payment made at or near place of employment</p> <p>Payment directly to workers except when force majeure or in case of death (payment to heirs)</p> <p>Prohibitions regarding wages: non interference in disposal of wages, no wage deductions except allowed by law, no deposits for loss or damage allowed, withholding of wages and kickbacks prohibited, deduction to ensure employment not allowed, retaliatory measures in form of refusal to pay or reduction of wages and benefits, discharge or any manner of discrimination against employees who filed complaint or instituted proceedings about wages or has testified or is about to testify; false reporting</p> <p>Visitorial and enforcement power of DOLE – power to issue compliance orders to give effect to labor standards provisions; power to order work stoppage or suspension of operation when non compliance with law poses grave and imminent danger to health and safety or workers in workplace; visitorial power is on-site inspection</p>	Not addressed

Findings

Setting minimum wages OK only if minimum wage levels give workers enough income to spend for food and other rights related expenses. Night work prohibition not only discriminatory but also diminishes economic access of women to food. Paternity leave applies only to married male employees; likewise discriminatory

FOOD ECONOMIC ACCESSIBILITY LAWS ON WAGES AND EMPLOYMENT

Laws

RA 6727 – Wage Rationalization Act NWPC Guidelines No. 001-95, Revised Rules of Procedure on Minimum Wage Fixing

Core Policy Statement

Rationalize fixing minimum wages and promote productivity improvement and gain sharing measures to ensure decent standard of living for workers and families, guarantee rights of labor to just share in fruits of production, enhance employment generation through industry dispersal and allow business and industry reasonable returns on investment, expansion and growth.

Promote collective bargaining as primary mode of setting wages and other terms and conditions; whenever necessary, minimum wage rates to be adjusted in fair and equitable manner, considering existing regional disparities in cost of living and socio-economic factors and national economic and social development plans.

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Creates regional tripartite wage boards to determine and fix minimum wage rates in region, province or industry and issue corresponding wage orders; develop plans, programs and projects relative to wages, incomes and productivity improvement in region; undertake studies, researches and surveys; coordinate with other regional boards; receive, process and act on applications for exemption Regional boards composed of RDs of NEDA and DTI as vice chair, 2 members each from workers and employers sectors for term of 5 years	Not addressed	Not addressed	Not addressed	Penalizes those who refuse or fail to pay any of prescribed increases or adjustments in wage rates by fine and/or imprisonment (convict not entitled to probation) Sec 9 – DOLE to conduct inspections as often as possible of payroll and other financial records to determine whether workers are paid prescribed minimum wage rates and other benefits granted by law	Creates National Wages and Productivity Commission as national consultative and advisory body on wages, income and productivity Minimum wage fixing standards/criteria (art 124) – (a) needs of workers and families (demand for living wages, wage adjustment vis-à-vis consumer price index, cost of living and changes/increases therein, needs of workers and their families, improvement in standards of living); (b) capacity to pay (fair return of capital invested and employers, capacity to pay, productivity); (c) comparable wages and incomes (prevailing wage levels); (d) requirements of economic and social development (need to induce industries to invest, effects on employment generation and family income, equitable distribution of income and wealth along imperatives of economic and social development)

Findings

Core obligation to set wages “as nearly adequate as is economically feasible to maintain minimum standards of living necessary for health, efficiency and general well being of employees within framework of national economic and social development program”

“Daily statutory minimum wage rates” are lowest wage rates fixed by law that employer can pay workers classified by sector/industry across regions – low to begin with so wage adjustments are also low. No wage increases allowed for 1 year from effectivity, however, supervening conditions (extraordinary increase in prices of oil products and basic foods/services) may demand review of minimum wage rates; if wages don’t rise faster than food prices, 1 year delay could exacerbate hunger situation of workers

FOOD ECONOMIC ACCESSIBILITY LAWS ON WAGES AND EMPLOYMENT

Laws

PD 442 as amended - The Labor Code of the Philippines, particularly Chapter 3, Title III, Book III (Employment of Househelpers)

Core Policy Statement

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Art 142 - Contract of domestic service to last not more than 2 years but may be renewed upon agreement by parties Art 143 – minimum wage of PhP 800 for househelpers in MM and highly urbanized cities; PhP 600 for those in chartered cities and first class municipalities; PhP 550 for those in other municipalities; but employers must review employment contracts every 3 years to improve terms and conditions; househelpers receiving at least PhP 1000 to be covered by SSS and entitled to all benefits Art 144 - Minimum wage rates to be paid in cash in addition to lodging, food and medical attendance Art 148 – requires employer to provide suitable and sanitary living quarters, adequate food and medical assistance free of charge	Art 141 - Applies to all persons rendering services in household for compensation (includes family drivers)	Not addressed	Not addressed	Art 145 - No househelper shall be assigned to work in commercial, industrial or agricultural enterprise at wage or salary rate lower than that provided for agricultural or non agricultural workers Art 147 –just and humane treatment of househelpers; physical violence not allowed Art 149 –indemnity for unjust termination of services if period of service is fixed; if househelper leaves without justifiable reason unpaid salary exceeding 15 days is forfeited Art 150 – 5 day notice of termination required by either party for unfixed period Art 151 – employment certification mandatory upon severance of service	Art 146 – if househelper below 18, employer must give opportunity for at least elementary education; cost of education part of househelper's compensation

Findings

Explicit recognition of right to adequate food for house helpers. Attempt to regulate informal sector.

Wages to be determined “by agreement of parties” but employer-house helper power relationship is already skewed to begin with and house helper may not have bargaining power to demand higher wages or better benefits

FOOD ECONOMIC ACCESSIBILITY LAWS ON WAGES AND EMPLOYMENT

Laws

RA 6971 – Productivity Incentives Act of 1990 Rules Implementing RA 6971

Core Policy Statement

Encourage higher levels of productivity, maintain industrial peace and harmony and promote principle of shared responsibility between workers and employers, recognizing rights of labor to just share in fruits of production and right of business enterprises to reasonable returns on investments and to expansion and growth, provide corresponding incentives to labor and capital for undertaking voluntary programs to ensure greater sharing by workers in fruits of labor

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Arguable, while providing incentives to capital, ties down bonus (not salary increase) to be received by labor to increase in productivity, rather than afford an outright share of the fruits of production in terms of additional income	Arguable for same reason as progressive realization	Not addressed Apparently gender neutral; applies to all employees and workers, including casual, regular, supervisory and managerial employees in all business enterprises with or without existing and duly recognized or certified labor organizations/ unions including government owned and controlled corporations performing proprietary functions	Not addressed	Not addressed	Penalizes any person who makes fraudulent claim whether tax benefit or not with imprisonment or fine or both	Grants tax deduction from gross income to business enterprises that adopt productivity incentives program Grants manpower training and special studies to rank and file employees pursuant to program for necessary skills development; grants business enterprise special deduction from gross income over allowable ordinary and necessary business deductions Strike or lockout arising from productivity incentives program suspends effectivity pending settlement but business enterprise not deemed to have forfeited tax incentives accrued prior to strike or lockout and workers not required to reimburse productivity bonuses granted; Disputes and grievances first to be settled by labor management committee; disputes unresolved within 20 days shall be submitted to voluntary arbitration

Findings

Labor Management Committee composed of equal representatives from management and rank-and-file with equal voting rights
Productivity Incentives Program established refers only to productivity bonuses not less than half of percentage increase in productivity of business enterprise; may be integrated into CBAs.

Bonuses not considered salary increases. Limited contribution to hunger alleviation

FOOD ECONOMIC ACCESSIBILITY LAWS ON WAGES AND EMPLOYMENT

Laws

RA 7658 – An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for this Purpose Section 12, Article VIII of RA 7610

Core Policy Statement

(Amends Section 12 of RA 7610)

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Allows children below 15 to be employed: (a) when under sole responsibility of parents/legal guardian and only members of employer's family are employed; (b) where child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential	Not addressed

Findings

No provision assuring working child's right to food; no provision on who manages child's income and how income should be managed so law's influence over hunger situation indeterminable

FOOD ECONOMIC ACCESSIBILITY LAWS ON WAGES AND EMPLOYMENT

Laws

RA 8042 – Migrant Workers and Overseas Filipinos Act of 1995. Omnibus Rules and Regulations Implementing RA 8042

Core Policy Statement

State does not promote overseas employment as means to sustain economic growth and achieve national development. Existence of overseas employment program rests solely on assurance that dignity and fundamental rights and freedoms of Filipinos shall not at any time be compromised or violated. State shall continuously create local employment opportunities and promote equitable distribution of wealth and benefits of development “Nonetheless deployment of Filipino overseas workers, whether land based or sea based, by local service contractors and manning agencies employing them shall be encouraged. Appropriate incentives may be extended to them.”

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Not addressed	Sec 2 - State affirms fundamental equality before the law of women and men and significant role of women in nation building. Requires application of “gender sensitive criteria” in formulating and implementing policies and programs and in composition of bodies tasked for welfare of OFWs “Gender sensitivity shall mean cognizance of the inequalities and inequities prevalent in society between women and men and a commitment to address issues with concern for the respective interests of the sexes.” (Sec 3)	Not addressed	Not addressed	Punishes illegal recruitment Grants free legal assistance and preferential entitlement to witness protection program for victims of illegal recruitment Services include travel advisory, information dissemination, worker repatriation, mandatory repatriation of underage migrant workers, replacement and monitoring center, Migrant Workers and Other Overseas Filipino Resource Center Sec 29 – deregulation of recruitment activities so migration strictly between worker and foreign employer Sec 30 – gradual phases out regulatory functions of POEA within 5 years	Not addressed

Findings

Not directly related to right to food; included because of large numbers of OFWs and OFW families and potential income derived from overseas employment. Contradictory state policy – while claiming not to promote overseas employment it encourages deployment of OFWs; domestic employment opportunities not promoted?

Deregulation of recruitment activities may not be consistent with obligation to protect

FOOD ECONOMIC ACCESSIBILITY LAWS ON WAGES AND EMPLOYMENT

Laws

RA 8291 amending PD 1146 as amended –Government Service Insurance System Act of 1997

Core Policy Statement

Requires compulsory membership in GSIS for all public employees irrespective of employment status except AFP, PNP subject to condition they must first settle their financial obligations with GSIS and contractuels who have no employer-employee relationship with agencies they serve

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by establishing regime for social security benefits for government employees	Arguably, social security benefits could help address freedom from hunger	Not addressed	Not addressed	Not addressed	Claims prescribe after 4 years except for life and retirement benefits Penal provisions for direct or indirect participation in fraud, collusion, falsification or misrepresentation in any transaction with GSIS (punished under Art 172 Revised Penal Code); other offenses and penalties listed in Sec 52	Judiciary life insurance only All other public employees entitled to life insurance, retirement, all other social security protection such as disability, survivorship, separation and unemployment benefits Benefits include monthly pension, separation benefit, unemployment or involuntary separation benefit due to abolition of office or position usually resulting from reorganization, retirement benefit, permanent disability benefit, temporary disability benefit, survivorship benefit, funeral benefit, life insurance benefit

Findings

Deals more with right to social security than with right to food. Minimal impact on hunger situation.

FOOD ECONOMIC ACCESSIBILITY LAWS ON WAGES AND EMPLOYMENT

Laws

RA 1161 as amended by RA 8282 – Social Security Law of 1997

Core Policy Statement

Establish, develop, promote and perfect sound and viable tax exempt social security system suitable to needs of people which promotes social justice and provides meaningful protection to members and beneficiaries against hazards of disability, sickness, maternity, old age, and death and other contingencies resulting in loss of income or financial burden

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by establishing regime for social security benefits for all employees and self employed	Arguably, social security benefits could help address freedom from hunger	Not addressed	Not addressed	Not addressed	Provides penalties (Sec 28)	Requires compulsory membership for all employees including householders with monthly salary over PhP 1000; compulsory membership for self employed Benefits: monthly pension, dependent's pension for each dependent child upon death, permanent total disability or retirement of member, death benefits, permanent disability benefit, funeral benefits, sickness benefit, maternity leave benefit

Findings

Same as above.

FOOD ECONOMIC ACCESSIBILITY LAWS ON INCOME GENERATING OPPORTUNITIES

Laws

RA 7809 – High Value Crops Development Act of 1995

Core Policy Statement

Accelerate growth and development of agriculture, enhance productivity and incomes of farmers/rural population, improve investment climate, competencies and efficiency of agribusiness and develop high value crops as export crops to significantly augment foreign exchange earnings of country through all out promotion of production, processing, marketing and distribution of high value crops in suitable areas of country. Guided by principles (land has social function and land ownership has social responsibility); owners and lessees of agricultural land have obligation to cultivate lands and make land economically productive in sustainable and environmentally friendly manner; state has right to expropriate lands not utilized for benefit of community and country. Effect efficient use of land and other productive resources with due regard to ecological balance and environmental protection, rural development, equity, mobilization of human resources, and increased agro-industrial production for poverty alleviation and sustainable growth

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Arguable, stimulating agricultural productivity of high value crops may lead to diminution of agricultural lands for production of food staples like rice and corn thus possibly compromising food availability; but income generated from cultivation of high value crops could conceivably enhance economic access to food	Arguably, by promoting income generation activities on land, farmers could theoretically earn more to access food	Focus on upland dweller, lowland tenants, indigenous peoples, ARBs, upland farm owners, farmers, farmer organizations/ associations/ cooperatives, community associations, farmworkers Apparently gender neutral	Not addressed	Not addressed	Yes by requiring DA to establish and enforce standards in grading, sampling and inspection, tests and analysis, specifications, nomenclature, units of measurement, code of practice and packaging, preservation, conservation and transportation of high value crops	Yes by promoting cooperative systems for economically sized farms for high value crop farming, extending low cost credit, providing incentives (crop insurance, credit assistance, credit guarantee, grace period on lease of government lands payments), tax exemptions, market linkages, technical and infrastructure support, access to post harvest facilities, storage and distribution/ transport facilities of existing government agencies, access to good seeds and planting materials, fiscal incentives

Findings

Law could theoretically improve economic access to food but may have negative effect on food availability

FOOD ECONOMIC ACCESSIBILITY LAWS ON INCOME GENERATING OPPORTUNITIES

Laws

RA 6877 as amended by RA 8289 - Magna Carta for Small Enterprises

An Act to Strengthen the Promotion and Development of, and Assistance to, Small and Medium Scale Enterprises, Amending for that Purpose Republic Act 6977, otherwise known as the "Magna Carta for Small Enterprises," and for other purposes

Core Policy Statement

Promote, support, strengthen and encourage growth and development of SMEs in all productive sectors of economy particularly rural agri-based enterprises; spur growth and development of SMEs and attain countryside industrialization through: assuring, by establishing adequate support structures, creation and promotion of environment conducive to viability of SMEs; establishing mechanisms, access and transfer of appropriate technology; intensifying and expanding program for training in entrepreneurship; facilitating access to sources of funds; assuring access to fair share of government contracts and related incentives and preferences; complementing and supplementing financing programs; instituting safeguards for protection and stability of credit delivery system; raising government efficiency and effectiveness in providing assistance to SMEs at least cost; promoting linkages between large and SMEs; making private sector a partner in building SMEs; assuring balanced and sustainable development through feedback and evaluation mechanisms to monitor economic contributions and bottlenecks

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by supporting SMEs towards employment generation particularly in rural areas	Arguably yes by encouraging employment generation (and hopefully increasing incomes) in rural areas Arguably yes by requiring all public and private lending institutions for period of 10 years from effectivity of law, to set aside at least 6 % (public) and at least 2 % (private) of their total loan portfolio on balance sheet as of end of previous quarter, and make it available to SMEs	Not addressed	Not addressed	Not addressed	Yes by authorizing Bangko Sentral to impose administrative sanctions and other penalties on lending institutions for non compliance including fine not less than PhP 500,000	Guiding principles: minimal set of rules and simplification of procedures and requirements for registration, availment of financing and access to government services and assistance; encouraging private sector to assist in effective implementation of law; coordinating government efforts; decentralization through substantial delegation of authority to regional and provincial offices in registration, qualification for availment, expedition of private voluntary organizations, industry associations and cooperatives and resolution of complaints for violations Yes by creating SME Development Council attached to DTI as primary agency responsible for promotion, growth and development of SMEs Yes by creating SBGFC to source and adopt development initiatives for globally competitive SMEs in terms of finance, technology, production, management and business linkages

Findings

Law simplifies rules of procedure and registration requirements

SBGFC can engage in direct lending which could potentially lead to hunger mitigation

Same as above

FOOD ECONOMIC ACCESSIBILITY LAWS ON INCOME GENERATING OPPORTUNITIES

Laws

RA 7277 – Magna Carta for Disabled Persons

Core Policy Statement

Disabled persons are part of Philippine society thus state shall give full support to improvement of total wellbeing of disabled persons and their integration into mainstream of society through adoption of policies ensuring rehabilitation, self-development and self reliance; disabled persons have same rights as others to take their proper place in society

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
es by partially addressing the special circumstances of persons with disabilities	Not addressed	Yes by requiring equal access to employment subject to same terms and conditions of employment and same compensation, privileges, benefits, fringe benefits, incentives of allowances as qualified able bodied person Yes by prohibiting discrimination against disabled persons (in employment, transportation, use of public accommodations and services, use of government recreation or sports centers free of charge) subject to fine and imprisonment	Not addressed	Not addressed	Other than anti discrimination, not addressed	Yes by requiring that 5 % of casual, emergency and contractual positions in DSWD, DOH, DEPED and other government agencies, offices or corporations engaged in social development shall be reserved for disabled persons Yes by providing incentives to employers to hire disabled persons Yes by requiring barrier free environment to enable access to private building and establishments; all government buildings and facilities required to include architectural facilities or structural features for disabled persons Yes by providing program to assist marginalized disabled persons to gain access to public transport facilities Yes by providing tax incentives on donations, bequests, subsidies, financial aid made to government agencies engaged in rehabilitation of disabled persons

Findings

No explicit recognition of right to food

Broader than Accessibility Law since it impacts also on economic access (through employment and donor incentives)

5 % hiring requirement limited to “casual, emergency and contractual positions” only; not to regular positions; is this tokenism?

Questionable whether law actually promotes food accessibility

FOOD ECONOMIC ACCESSIBILITY LAWS ON INCOME GENERATING OPPORTUNITIES

Laws

RA 8371 – Indigenous Peoples Rights Act of 1997

Core Policy Statement

Recognize and promote rights of ICCs/IPs in framework of Constitution, national unity and development; protect rights to ancestral domain; recognize applicability of customary laws governing property rights/relations in determining ownership and extent of ancestral domain; recognize, respect, protect rights to preserve and develop culture, traditions and institutions; consider these rights in formulating national laws and policies; guarantee regardless of sex full enjoyment of human rights without distinction or discrimination; take measures with ICC/IP participation to protect rights and guarantee respect for cultural identity and ensure members benefit on equal footing; assure maximum ICC/IP participation in education, health and other services; institutionalize and establish necessary mechanisms to enforce and guarantee rights

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by promoting respect, protection and guaranteeing rights of ICCs/IPs	Yes by recognizing ICCs/IPs as among those most vulnerable and guaranteeing their rights to basic services, health, water, etc.	Equal protection and nondiscrimination of ICCs/IPs; no provision in act to be interpreted to result in diminution of rights and privileges already granted to women under existing laws Freedom from discrimination with respect to recruitment and conditions of employment and other labor rights Indigenous women shall enjoy equal rights and opportunities with men in social, economic, political and cultural spheres of life; participation of indigenous women in decision making process at all levels and in the development of society to be given due respect and recognition	Not addressed	Recognition of rights of indigenous peoples to ancestral domain (right of ownership, right to develop lands and natural resources, right to stay in territories, right to temporary resettlement as result of natural catastrophes and right to return to abandoned lands, right to regulate entry of migrants, right to safe and clean air and water, right to claim parts of reservations, right to resolve conflict), ancestral lands (right to transfer land/property, right of redemption) Right to determine and decide priorities for development	Provides for responsibilities of ICCs/IPs related to ancestral domains – maintain ecological balance, restore denuded areas, observe laws During armed conflict, prohibition on armed forces under any circumstances to force indigenous individuals to abandon their lands, territories and means of subsistence or relocate them in special centers for military purposes under any discriminatory condition Requires free and prior informed consent before access to biological and genetic resources and to indigenous knowledge related to conservation, utilization and enhancement of resources	Yes by entitling ICCs/ IPs to special measures for immediate, effective and continuing improvement of economic and social conditions, including employment, vocational training and retraining, housing, sanitation, health, social security; particular attention on rights and special needs of indigenous women, elderly, youth, children and differently-abled; guarantees right to basic services including water, electrical facilities, health and infrastructure Yes by recognizing rights of IPs to full ownership, control and protection of cultural and intellectual rights, special measures to control, develop and protect their sciences, technologies and cultural manifestations including human and other genetic resources, seeds, including derivatives of resources, traditional medicines, health practices, vital medicinal plants, animals and minerals, indigenous knowledge systems/practices, knowledge of properties of fauna and flora, oral traditions, literature, designs, and visual and performing arts

Findings

Arguably, by guaranteeing rights of ICCs/IPs to water, basic services, health and infrastructure, and by recognizing rights to full ownership and control over indigenous seeds and other indigenous plant genetic resources, law has potential to address hunger situation among IPs/ICCs

FOOD ECONOMIC ACCESSIBILITY LAWS ON ACCESS TO CREDIT

Laws

RA 8425 – Social Reform and Poverty Alleviation Act

Core Policy Statement

Adopt area based sectoral and focused intervention to poverty alleviation wherein every poor Filipino family is empowered to meet minimum basic needs of health, food and nutrition, water and environmental sanitation, income security, shelter and decent housing, peace and order, education and functional literacy, participation in governance, and family care and psycho-social integrity; actively pursue asset reform or redistribution of productive economic resources to basic sectors including adoption of system of public spending targeted to poor; institutionalize and enhance Social Reform Agenda; adopt and operationalize principles and strategies; adopt national framework integrating structural reforms and anti-poverty initiatives

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by adopting integrated Social Reform Agenda in national anti poverty action agenda implemented through sector specific flagship programs targeted at poor (farmers, landless rural workers, fisherfolk, indigenous peoples and communities, workers in informal sector, urban poor, disadvantaged groups, i.e., women, children, youth, persons with disabilities, elderly and victims of natural and manmade disasters)	Yes by providing microfinance services thru People's Credit and Finance Corp and by setting up special credit windows in existing government financial institutions	Not addressed	Not addressed	Not addressed	Not addressed	National Anti Poverty Commission composed of Heads of DAR, DA, DOLE, DBM, DSWD, DOH, DEPED, DILG, DENR, DOF, NEDA, PCFC, PCUP, Presidents of League of Provinces, League of Cities, League of Municipalities, Liga ng Barangay, Reps from farmers and landless rural workers, artisanal fisherfolk, urban poor, indigenou communities/ peoples, workers in formal sector and migrant workers, workers in informal sector, women, youth and students, persons with disabilities, victims of disaster and calamities, senior citizens, NGOs, children and cooperatives People's Development Trust Fund (PhP 4.5B) from PAGCOR earnings – proceeds to be used but mostly for capacity building

Findings

No temporary special measures like feeding programs, food aid, food subsidies etc. mostly credit facilities and microfinance
Adopts minimum basic needs approach, not rights based approach

FOOD ECONOMIC ACCESSIBILITY SPECIAL LAWS ON VULNERABLE AND DISADVANTAGED SECTORS OR THOSE IN SPECIAL SITUATIONS

Laws

RA 6972 – Barangay-Level Total Development and Protection of Children Act

Core Policy Statement

Defend the rights of children to assistance, including proper care and nutrition and provide them with special protection against all forms of neglect, abuse, cruelty, exploitation and other condition prejudicial to their development

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by requiring growth and nutritional monitoring with supplementary nutrition feeding and supervision of nutritional intake at home and by creating referral and support system for pregnant mothers for prenatal and neonatal care	Yes by requiring establishment of day care centers in every barangay for children up to 6 years old with, among others, feeding program for children within center and at home	Special attention to children of working mothers, abused, neglected or exploited children and pregnant mothers No differentiation of gender factors of girl-child and boy-child	Not addressed	Not addressed	Yes by requiring all abused, neglected or exploited children to receive support and assistance even without parental consent	Yes (same as progressive realization and core obligation) Yes by requiring network of homes to care for children of working mothers during work hours with adequate supervision from social welfare officer

Findings

Law has potential to promote right to food and alleviate hunger situation of children at barangay level if properly implemented and fully financed

Laws

Rules and Regulations on Children in Situations of Armed Conflict, 21 January 1994, issued by Secretary of Justice with conformity of Secretary of Social Welfare and Development

Core Policy Statement

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Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed

Findings

Allows government to prevent or limit delivery of good into area of armed conflict if it will directly interfere with ongoing combat operations or endanger lives or safety of those delivering goods for no longer than 3 days and provided that restriction shall not lead to starvation of those inside combat areas; needs concurrence of Peace and Order Council; upon termination of combat operations, Peace and Order Council required to expedite release of goods
Could contribute to worsening of hunger situation in conflict areas

FOOD ECONOMIC ACCESSIBILITY SPECIAL LAWS ON VULNERABLE AND DISADVANTAGED SECTORS OR THOSE IN SPECIAL SITUATIONS

Laws

RA 7610 – An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination Providing Penalties for its Violation and for Other Purposes

Core Policy Statement

Provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, provide sanctions for their commission and carry out program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Yes by requiring delivery of basic social services in health and nutrition to children of indigenous cultural communities	Special attention to children of indigenous cultural communities and prohibiting any form of discrimination, penalizing discrimination No attention to gender factors affecting girl-child or boy-child	Not addressed	Not addressed	Yes by prohibiting child abuse, which includes unreasonable deprivation of child's basic needs for survival such as food and shelter, punishable by <i>prison mayor</i> in minimum period	Yes by declaring children in situations of armed conflict "zones of peace" and requiring that expectant and nursing mothers and children be given additional food in proportion to their physiological needs

Findings

Law potentially enhances right to food by explicitly declaring deprivation of food as a form of child abuse

Laws

RA 8504 – Philippine AIDS Prevention and Control Act of 1998

Core Policy Statement

Promote public awareness about causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS
Extend to person suspected or known to be infected with HIV/AIDS full protection of human rights and civil liberties

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Not addressed	Not addressed	Prohibits denial of access to credit and loan services including health and life insurance on basis of actual, perceived or suspected HIV status provided person with HIV has not concealed or misrepresented the fact to insurance company upon application	Not addressed	Not addressed	Not addressed	Not addressed

Findings

No mention of access to food and nutrition; limited to AIDS prevention and control

FOOD ECONOMIC ACCESSIBILITY SPECIAL LAWS ON VULNERABLE AND DISADVANTAGED SECTORS OR THOSE IN SPECIAL SITUATIONS

Laws

RA 9257 – Expanded Senior Citizens Act of 2003. Rules and Regulations Implementing RA 9257

Core Policy Statement

Duty of family to take care of its elderly members while State may design programs of social security for them; objectives (a) motivate and encourage senior citizens to contribute to nation building, (b) encourage families and communities they live with to reaffirm valued Filipino tradition of caring for senior citizens; (c) give full support to improvement of total well being of elderly and their full participation in society, (d) recognize rights of senior citizens, (e) provide comprehensive health care and rehabilitation system for disabled senior citizens, (f) recognize important role of private sector in improving welfare of senior citizens

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by granting senior citizens 20 % discount from restaurants and eating places for purchase of food, drinks, dessert and other consumable items including value meals and promotional meals and special discounts for purchase of basic commodities	Not addressed	Not addressed	Not addressed	Not addressed	Not addressed	Yes by granting 50 % discount for consumption of electricity, water and telephone by senior citizens' centers and residential care/group homes of non-stock non-profit corporations organized and operated exclusively for promoting wellbeing of abandoned, neglected, unattached or homeless senior citizens Yes by granting tax incentives to establishments providing discounts Yes by providing government assistance in employment for senior citizens Yes by granting exemption from payment of individual income tax provided annual taxable income does not exceed poverty level Yes by granting private employers of senior citizens tax incentives Yes by granting basic personal tax exemption as head of family to unmarried or legally separated persons caring for and living with senior citizen who is dependent upon him/her for chief support whether senior citizens are relatives or not

Findings

Law has potential to enhance food economic access through discounts given to the elderly

★ Annex F – Content Assessment of Relevant Food Safety Laws

FOOD SAFETY LAWS ON NUTRITIVE QUALITY OF FOOD

Laws

EO 51 – Adopting a National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Related Products, Penalizing Violations thereof and for Other Purposes

Core Policy Statement

Contribute to provision of safe and adequate nutrition for infants by protecting and promoting breast feeding and ensuring proper use of breastmilk substitutes and breastmilk supplements when necessary on basis of adequate information and through appropriate marketing and distribution

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by contributing to safe and adequate nutrition for infants	Yes by encouraging breast feeding	Apparently gender neutral Focuses on improving infant health Applies to marketing and related practices, quality, availability and information, of breastmilk substitutes including infant formula, milk products, food beverages including bottle fed complementary foods when marketed or represented as partial or total replacement of breastmilk, feeding bottles and treats	Not addressed	Not addressed	Yes by prohibiting advertising, promotion, marketing of materials unless duly authorized Yes by prohibiting manufacturers from directly or indirectly giving samples/ supplies to general public, hospitals, health institutions, personnel in health care system, pregnant women or mothers with infant children Yes by prohibiting point of sale advertising or any promotional device to induce direct sales at retail level Yes by prohibiting distribution to pregnant women/ mothers of infants any gifts, articles or utensils that promote use of breastmilk substitutes or infant formula Yes by setting strict requirements for labeling and containers Yes by requiring quality assurance Yes by creating interagency committee to implement and monitor code Yes by providing sanctions	Yes by requiring objective and consistent information on infant feeding for use by families and those in field of infant nutrition; information required to include benefits of breastfeeding, maternal nutrition, preparation and maintenance of breastfeeding, negative effect on breastfeeding of introducing partial bottle-feeding, difficulty of reversing decision not to breastfeed, and where needed proper use of infant formula whether manufactured industrially or home-prepared (including social and financial implications, health hazard of inappropriate food or feeding methods, health hazard of unnecessary or improper use of infant formula and other breastmilk substitutes; materials may not use picture or text that idealizes use of breastmilk substitutes) Yes by requiring DOH to encourage and promote breastfeeding

Findings

Law has potential to promote food adequacy, but Breastmilk case may compromise that potential
Sections 4(f), 11 and 6 of Administrative Order No. 2006-0012 dated May 12, 2006 (prohibiting advertising, promotions, sponsorships of infant formula, breastmilk substitutes and other related products) were invalidated by Supreme Court for being ultra vires; Supreme Court prohibited DOH and respondents from implementing these provisions.

FOOD SAFETY LAWS ON NUTRITIVE QUALITY OF FOOD

Laws

RA 7600 – Rooming-In and Breastfeeding Act of 1992

Core Policy Statement

Rooming in as national policy to encourage, protect and support practice of breastfeeding

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by creating rooming-in mechanism to facilitate mother-infant bonding and initiate breastfeeding	Arguably yes by promoting breast feeding	Not addressed	Not addressed	Recognizes right of mother to breastfeed and right of child to mother's breast milk	Not addressed	Yes by requiring all private and government health institutions adopting rooming in and breastfeeding to provide equipment, facilities and supplies for breastmilk collection, storage and utilization, standards to be defined by DOH Yes by providing tax incentives for private health institutions

Findings

Law has potential to address food adequacy if properly implemented

FOOD SAFETY LAWS ON NUTRITIVE QUALITY OF FOOD

Laws

RA 8172 – Act for Salt Iodization Nationwide Implementing Rules and Regulations

Core Policy Statement

Protect and promote health, maintain an effective food regulatory system, and provide entire population especially women and children with proper nutrition; promote nutritional fortification of food to combat micronutrient malnutrition as a priority health program

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes as means to “contribute to the elimination of micronutrient malnutrition in the country, particularly iodine deficiency disorders through the cost-effective preventive measure of salt iodization.” (Sec 3(a)) Requirement for staggered implementation: 1 year for large and medium producers/ manufacturers; 2 years for small producers or manufacturers; 5 years for subsistence producers/ manufacturers	Not addressed	Apparently gender neutral Focuses on all who suffer from micronutrient malnutrition and iodine deficiency disorders Applies to entire salt industry (salt producers or manufacturers, importers, traders, distributors, government and non government agencies involved in salt iodization including all food outlets, restaurants and stores)	Not addressed	Not addressed	<p>Yes by requiring all food grade salt producers/ manufacturers to iodize salt produced, manufactured, imported, traded or distributed</p> <p>Yes by requiring DOH and BFAD to set and enforce standards for food grade iodized salt and monitor compliance</p> <p>Yes by requiring DTI to regulate and monitor trading of iodized salt</p> <p>Yes by requiring monitoring thru LGU of availability and quality of iodized salt sold or served in all food outlets, restaurants and stores</p> <p>Yes by requiring salt producers/ manufacturers to register with BFAD</p> <p>Yes by providing sanctions</p> <p>IRR requires all manufacturers to conduct routine quality assurance activities</p> <p>IRR requires manufacturers, traders and retailers to maintain proper identification of iodized salt from non iodized salt in storage and during display until all food grade salt is iodized</p> <p>IRR penalizes failure to comply with quality specifications and labeling requirements</p> <p>IRR clarifies role of agencies</p>	<p>Yes by requiring DOST and TLRC to initiate, promote and cause transfer of technology for salt iodization</p> <p>Yes by providing mechanism and incentives for local salt industry in production, marketing and distribution</p> <p>Yes by requiring public information campaigns in areas endemic to IDD</p> <p>Yes by requiring LGUs to make available iodized salt in areas endemic to IDD</p> <p>Yes by requiring all food manufacturers/ producers to use iodized salt in processing of food products within 1 year from effectivity</p> <p>Yes by requiring DOH to provide free iodized salt to indigents in 6th class municipalities for 3 years from effectivity</p>

Findings

Law has potential to enhance food adequacy if properly implemented

FOOD SAFETY LAWS ON NUTRITIVE QUALITY OF FOOD

Laws

RA 8976 – Philippine Food Fortification Act of 2000

Core Policy Statement

Food fortification is vital where there is demonstrated need to increase intake of an essential nutrient by one or more population groups, as manifested in dietary, biochemical or clinical evidences of deficiency. Food fortification is considered important in promoting optimal health and to compensate for loss of nutrients due to processing and/or food storage. Food fortification, therefore, shall be carried out to compensate for inadequacies in Filipino diet based on present day needs as measured using most recent Recommended Dietary Allowances (RDA).

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by requiring food fortification as an approach to control micronutrient deficiency	Not addressed	Program apparently gender neutral Addresses all who suffer from nutritional deficiency Addresses the “Filipino diet” which is deficient in ascorbic acid, calcium and folate.	Sec. 13. International Commitments – Nothing in this Act is intended to violate provisions of treaties and international agreements to which Philippines is party	Not addressed	Yes by requiring quality assurance, implementation, monitoring and review by DOH-BFAD Yes by requiring NNC to conduct periodic review of micronutrients added to food Yes by requiring LGUs to monitor or check that mandated fortified foods are properly fortified and labeled Yes by imposing sanctions (offenses and penalties – fine and cancellation of license for 3rd violation) Yes by setting standards on non compliance with fortification process Yes by requiring local food industry to report annually on production, marketing and distribution of fortified foods	Yes by establishing food fortification program particularly mandatory food fortification of rice, wheat, flour, refined sugar, cooking oil, other staple foods Yes by providing support to affected manufacturers Yes by requiring DOH to launch information campaign

Findings

Law based on factual assessment of micro nutrient deficiencies prevalent in Philippine society; law intended to address this problem; law has two aspects: voluntary and mandatory food fortification; voluntary only “encourages” fortification of all processed foods or food products
No standards to guide which food may be fortified and which food not eligible for fortification; danger of indiscriminate promotion and marketing of so-called “fortified” food of questionable nutritive quality
Section 13 may render law nugatory if law violates any food trade agreements

FOOD SAFETY LAWS ON SAFETY STANDARDS AND REGULATION

Laws

RA 3720 – An Act to Ensure the Safety and Purity of Goods, Drugs and Cosmetics being made available to the Public by Creating the Food and Drug Administration which shall Administer and Enforce the Laws Pertaining Thereto
Executive Order 851 (1982) Executive Order 175 – Amendments to RA 3720

Core Policy Statement

Protect and promote right to health and instill health consciousness among them; Establish and maintain effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to country's health needs and problems

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by requiring establishment of standards and quality measures for food, adopting measures to ensure pure and safe supply of food and strengthening BFAD	Not addressed	Not addressed	Not addressed	Not addressed	Yes by requiring BFAD to collect, analyze and inspect food, establish analytical data, recommend standards of identity, purity, quality and fill of container, issue certificates of compliance with technical requirements and conduct spot checks for compliance, levy, assess and collect fees for inspection, analysis and testing of food products and materials, conduct test analysis and trials of food products Yes by prohibiting certain acts and providing penalties Yes by requiring DOH to promulgate regulations fixing and establishing reasonable definition and standard of identity, reasonable standard of quality and/or reasonable standards of fill of container except for fresh or dried fruits and vegetables Yes by setting clear definitions for adulterated food, misbranded food, tolerance for poisonous ingredients in food, coal-tar color for food Yes by providing for due process in administrative sanctions, regulations, hearings and institution of criminal actions Yes by regulating shipments of incoming food	Yes by requiring DOH to disseminate information regarding food in situations of imminent danger to health or gross deception to consumer

Findings

Law has potential to enhance food safety if properly implemented and BFAD granted sufficient budgetary support

FOOD SAFETY LAWS ON SAFETY STANDARDS AND REGULATION

Laws

RA 7394 – Consumer Act of the Philippines

Core Policy Statement

Protect interest of consumer, promote his general welfare and establish standards of conduct for business and industry
 Objectives: protect against hazards to health and safety; protect against deceptive, unfair and unconscionable sales acts and practices; provide information and education to facilitate sound choice and proper exercise of rights by consumers; provide adequate means of redress; involve consumer representatives in formulating social and economic policies

Art. 20. Ensure safe and good quality of food, drugs, cosmetics and devices and regulate their production, sale, distribution and advertisement to protect health of consumer

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by requiring state to develop and provide safety and quality standards for consumer products, assist consumers in evaluating quality, safety, performance and comparative utility, undertake research on quality improvement of products, assure public of consistency of standardized products	Not addressed	Not addressed	Not addressed	Not addressed	Yes by requiring public protection against unreasonable risks of injury associated with consumer products, investigate causes and prevent product related deaths, illness and injuries Yes by clearly defining adulterated food Yes by requiring LGU to regulate preparation and sale of meat, fresh fruits, poultry, milk, fish, vegetables and other foodstuff for public consumption Yes by clearly identifying unsafe food additives and providing for process to petition for regulation of food additives Yes by listing prohibited acts and setting penalties Yes by enforcing compulsory labeling and packaging; requiring additional labeling requirements for food	Yes by requiring DOH to establish standards and quality measures for food, adopt measures to ensure pure and safe supply of food, and strengthen BFAD Yes by creating National Consumer Affairs Council to undertake continuing education and information campaign to provide consumer with facts about consumer products and services, consumer rights and mechanisms for redress, new concepts and developments in consumer protection Yes by requiring DEPED to develop and adopt consumer education program to be integrated into existing curricula of primary to secondary level; continuing consumer education program for out-of-school youth and adults

Findings

Law has potential to enhance food safety if properly implemented

FOOD SAFETY LAWS ON SAFETY STANDARDS AND REGULATION						
Laws						
RA 7394 – Consumer Act of the Philippines						
Core Policy Statement						
Same as above						
Assessment in Relation to State Obligations Relating to Right to Food						
Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Same as above	Same as above	Same as above	Same as above	Same as above	Yes by clearly specifying mislabeled food Yes by prohibiting false, deceptive or misleading advertisements and fraudulent sales promotion practices Yes by including special advertising requirements for food Yes by stipulating process for consumer complaints, investigation, arbitration and sanctions and appeal procedures Yes by requiring DA to inspect and analyze consumer products related to agriculture to determine conformity with established quality and safety standards Yes by empowering DA to levy, assess, collect, and retain costs necessary to cover inspection, certification, analysis and tests of samples of consumer products	Same as above
Findings						
Same as above						

FOOD SAFETY LAWS ON SAFETY STANDARDS AND REGULATION

Laws

EO 292 - Revised Administrative Code of 1987, particularly Section 48 (4), Chapter 6, Title IV
National Meat Inspection Commission (now Service)

Core Policy Statement

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Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
—	Not addressed	Not addressed	Not addressed	Not addressed	Yes by requiring NMIS to conduct actual ante mortem inspection on all animals presented for slaughter and post mortem inspection on all carcasses intended for human consumption in all abattoirs; render technical assistance in construction of meat establishments (abattoirs, dressing plants, processing plants and meat markets) including plant design preparation, equipment design and test runs; exercise overall supervision and control of management and operations of all abattoirs, dressing plants, meat processing plants and meat markets	Not addressed

Findings

NMIS powers and responsibilities expanded by EO 137 below; like EO 137, law has potential to enhance food safety if properly implemented and if NMIS receives adequate budgetary support

FOOD SAFETY LAWS ON SAFETY STANDARDS AND REGULATION

Laws

Executive Order 137 - Providing for the Implementing Rules and Regulations Governing the Devolution of Certain Powers and Functions of the National Meat Inspection Commission to the Local Government Unit pursuant to Republic Act No. 7160, otherwise known as the Local Government Code of 1991

Core Policy Statement

Harmonize various provisions of Local Government Code, Consumers Act of Philippines and role of National Meat Inspection Commission in establishment, operation and regulation of slaughterhouses, livestock and meat inspection; prevent wastage in terms of time and valuable logistics and to maintain uniform, high standard of sanitation in operation and maintenance of slaughterhouses

Assessment in Relation to State Obligations Relating to Right to Food

Progressive Realization Obligation	Core Obligation	Non Discrimination Obligation	Obligation of International Cooperation and Assistance	Respect	Protect	Fulfill
Yes by creating mechanism to ensure safety of meat and fowl products	Not addressed	Not addressed	Not addressed	Not addressed	Yes by requiring city or municipality to establish and operate public slaughterhouse; by ordinance, may sell, lease, encumber or dispose of slaughterhouses for public use or exclusively as part of meat processing complex Yes by requiring provinces to ensure that establishment and operation of slaughterhouses are in accord with policies, standards and guidelines set by national and provincial governments; provide technical supervision including financial assistance in establishing and operating of slaughterhouses; review ordinances of component cities and municipalities relating to establishment and operation of slaughterhouses, granting of franchises including imposition of taxes, fees and charges Yes by requiring NMIC to exercise technical supervision over establishment and operations of slaughterhouses with authority to recommend sanctions and closure	Yes by requiring NMIC to formulate national policies, guidelines, rules and regulations, quality and safety standards on establishment and operations of slaughterhouses, marketing, preservation, and inspection of meat and meat products, import and export of meat/meat products Yes by requiring NMIC in coordination with LGU to monitor, conduct field inspection and require slaughterhouse operators to submit periodic and special reports Yes by requiring NMIC to design and conduct training program on slaughterhouse operation Yes by requiring NMIC to provide information on slaughterhouse management, facilities, LGU regulations and impositions and supply and demand of meat products here and abroad

Findings

Law has potential to promote food safety if properly implemented and if NMIS given enough budgetary support for operations

★ Annex G – Right to Food in the National Budget

2007 PROPOSED NATIONAL BUDGET CLASSIFIED BY RIGHT AND FUNCTION		
Right/Function	Amount ('000 Php)	Percent of Total
Allocations for the Right to Education	157,907,225	14.02
Allocations for the Right to Balanced and Healthful Environment	8,795,490	0.78
Allocations for the Right to Food	74,051,258	6.57
Allocations for the Right to Health	14,208,045	1.26
Allocations for the Right to Housing	3,617,563	0.32
Allocations for the Right to Social Security	69,712,337	6.19
Allocations for the Right to Work	2,249,138	0.20
Congress	4,832,951	0.43
Judiciary	8,701,482	0.77
National Human Rights Institutions	1,203,785	0.11
National Defense and Security	109,254,911	9.70
Other Executive Functions	343,071,785	30.46
Debt Service (Interest Payments)	328,733,000	29.19
Total 2007 Proposed Budget	1,126,339,000	100.00

Source: *Budget of Expenditures and Sources of Funding, 2007; National Expenditure Program, 2005, 2006, 2007.*

Notes:

1. Budgetary allocations for the rights to education, food, health, housing and social security are drawn from the budgets of various cabinet departments, government corporations, executive offices, and special purpose funds.
2. Budgetary allocations for the right to work refer mainly to the budget of the Department of Labor and Employment.
3. Budgetary allocations for the right to healthy environment refer mainly to the budget of the Department of Natural Resources and Environment.
4. Allocations for national human rights institutions refer to the budgets of the Commission on Human Rights and the Office of the Ombudsman.
5. Allocations for national defense and security refer to the budgets of the Armed Forces of the Philippines, net of those allocations included in the other classifications, and the budgets of the Department of Interior and Local Governments, Bureau of Fire Protection, Bureau of Jail Management and Penology, National Police Commission, and the Philippine National Police.
6. Allocations for other executive functions refer to the budgets of the other executive offices, agencies, departments, government corporations and special purpose funds not reflected in the above classification.

RIGHT TO FOOD ALLOCATIONS, 2005-2007			
Agency	2005, Actual ('000 Php)	2006 (Adjusted) ('000 Php)	2007 (Proposed) ('000 Php)
Department of Agriculture			
Office of the Secretary	2,555,508	2,257,609	2,359,566
Agricultural Credit Policy Council	18,395	18,735	19,782
Bureau of Fisheries and Aquatic Resources	450,477	443,768	465,546
Bureau of Post Harvest Research and Extension	55,388	53,231	55,638
Fertilizer and Pesticide Authority	37,217	68,794	70,342
Livestock Development Council	9,990	9,204	9,938
National Agricultural and Fishery Council	53,888	53,347	54,649
National Nutrition Council	45,928	45,627	-
National Meat Inspection Service	19,302	19,037	19,390
Philippine Carabao Center	27,233	27,026	28,356
Department of Agrarian Reform			
Office of the Secretary	8,561,657	1,708,952	1,762,706
National Commission on Indigenous Peoples	-	441,005	414,363
Department of Science and Technology			
Food and Nutrition Research Institute	62,774	60,441	73,152
Forest Products Research and Development Institute	64,439	65,568	73,910
Phil Council for Agriculture, Forestry and Natural Resources Research and Development	128,398	134,709	236,473
Phil Council for Aquatic and Marine Research and Development	29,901	30,017	30,557
Department of Health			
Commission on Population	110,904	111,375	119,995
National Nutrition Council	-	-	52,400
Department of Social Welfare and Development			
A Day Care Based Feeding Program	-	-	1,085,000
<i>Tindahan Natin</i>	-	-	160,844
Department of Education			
School Health and Nutrition Program	13,947	14,030	16,067
Implementation of Programs for School Health and Nutrition	73,420	73,420	80,762
School Feeding Program for Pupils in Elementary Education	-	1,600,000	4,013,000
Department of Justice			
Commission on Settlement of Land Problems	22,865	20,757	22,179
Land Registration Authority	721,257	590,589	611,641
Department of Public Works and Highways			
Infrastructure (Roads and Bridges and Water Supply)	27,937,355	37,388,994	37,893,572
Department of Transportation and Communications			
Infrastructure (Land Transportation, Ports and Lighthouses)	97,736	338,559	341,860

RIGHT TO FOOD ALLOCATIONS, 2005-2007			
Agency	2005, Actual ('000 Php)	2006 (Adjusted) ('000 Php)	2007 (Proposed) ('000 Php)
Metro Manila Development Authority			
Infrastructure (Land Transportation)	121,154	121,154	121,154
Other Executive Offices			
National Water Resources Board	32,511	34,202	34,536
Support to Government Corporations			
Laguna Lake Development Authority	51,135	-	-
Local Water Utilities Administration	-	100,000	-
National Dairy Authority	91,726	52,200	52,200
Natural Resources Development Corporation	70,000	-	-
National Food Authority	12,941,244	900,000	1,100,000
National Irrigation Administration	-	-	459,444
North Luzon Railways Corporation	1,621,338	-	-
Philippine Coconut Authority	177,111	180,000	290,000
Philippine Crop Insurance Corporation	30,500	30,500	30,500
Philippine National Railways	181,040	135,000	135,000
Philippine Rice Research Institute	90,000	90,000	97,590
Sugar Regulatory Administration	35,000	30,000	-
Special Purpose Funds			
Agriculture and Fisheries Modernization Program	13,633,628	17,022,627	21,709,146
TOTAL RIGHT TO FOOD ALLOCATIONS	70,174,366	64,270,477	74,051,258
FOOD ALLOCATIONS AS PERCENT OF TOTAL BUDGET	7.41%	6.10%	6.57%
TOTAL BUDGET	947,553,728	1,053,277,000	1,126,339,000

Source: *Budget of Expenditures and Sources of Funding, 2007; National Expenditure Program, 2005, 2006, 2007.*

Notes:

1. The Calamity Fund, in the total amount of 3,650,000,000 was NOT included as there is insufficient data in the budget books to indicate the precise allocations for food aid.
2. Off-budget accounts, such as, for example, loans contracted by the National Food Authority and guaranteed by the Philippine government, are NOT included.

RIGHT TO FOOD ALLOCATIONS BY AGENCY AND GENERAL EXPENSE CLASS, 2007 PROPOSED BUDGET

Agency	Personal Services ('000 Php)	Maintenance and Other Operating Expenses ('000 Php)	Capital Outlays ('000 Php)	Total ('000 Php)
Department of Agriculture				
Office of the Secretary	1,850,757	453,205	55,604	2,359,566
Agricultural Credit Policy Council	13,267	6,515	-	19,782
Bureau of Fisheries and Aquatic Resources	312,158	144,818	8,570	465,546
Bureau of Post Harvest Research and Extension	43,512	12,126	-	55,638
Fertilizer and Pesticide Authority	24,628	14,321	31,393	70,342
Livestock Development Council	8,378	1,560	-	9,938
National Agricultural and Fishery Council	36,103	18,546	-	54,649
National Meat Inspection Service	5,844	13,546	-	19,390
Philippine Carabao Center	21,647	6,709	-	28,356
Department of Agrarian Reform				
Office of the Secretary	1,682,388	80,318	-	1,762,706
National Commission on Indigenous Peoples	326,789	87,574	-	414,363
Department of Science and Technology				
Food and Nutrition Research Institute	49,451	21,151	2,550	73,152
Forest Products Research and Development Institute	55,165	13,745	5,000	73,910
Phil Council for Agriculture, Forestry and Natural Resources Research and Development	62,450	173,023	1,000	236,473
Phil Council for Aquatic and Marine Research and Development	14,546	16,011	-	30,557
Department of Social Welfare and Development				
A Day Care Based Feeding Program	-	1,085,000	-	1,085,000
Tindahan Natin	-	160,844	-	160,844
Department of Health				
Commission on Population	83,926	35,564	505	119,995
National Nutrition Council	30,381	19,047	2,972	52,400
Department of Education				
School Health and Nutrition Program	7,440	7,627	1,000	16,067
Implementation of Programs For School Health and Nutrition	-	80,762	-	80,762
School Feeding Program for Pupils in Elementary Education	-	4,013,000	-	4,013,000
Department of Justice				
Commission on Settlement of Land Problems	20,611	1,568	-	22,179
Land Registration Authority	452,261	149,380	10,000	611,641
Department of Public Works and Highways				
Infrastructure (Roads and Bridges and Water Supply)	-	-	37,893,572	37,893,572

RIGHT TO FOOD ALLOCATIONS BY AGENCY AND GENERAL EXPENSE CLASS, 2007 PROPOSED BUDGET				
Agency	Personal Services (‘000 Php)	Maintenance and Other Operating Expenses (‘000 Php)	Capital Outlays (‘000 Php)	Total (‘000 Php)
Department of Transportation and Communications				
Infrastructure (Land Transportation, Ports and Lighthouses)	-	-	341,860	341,860
Metro Manila Development Authority				
Infrastructure (Land Transportation)	-	-	121,154	121,154
Other Executive Offices				
National Water Resources Board	26,224	8,312	-	34,536
Support to Government Corporations				
National Dairy Authority	-	52,200	-	52,200
National Food Authority	-	1,100,000	-	1,100,000
National Irrigation Administration	-	459,444	-	459,444
Philippine Coconut Authority	-	240,000	-	240,000
Philippine Crop Insurance Corporation	-	-	30,500	30,500
Philippine National Railways	-	135,000	-	135,000
Philippine Rice Research Institute	-	97,590	-	97,590
Special Purpose Funds				
Agriculture and Fisheries Modernization Program	280,649	5,668,976	15,759,521	21,709,146
TOTAL RIGHT TO FOOD ALLOCATIONS	5,408,575	14,377,482	54,265,201	74,051,258
PERCENT OF TOTAL FOOD ALLOCATIONS	7.30%	19.42 %	73.28 %	100.00 %

Source: *National Expenditure Program, 2007*

Notes:

1. Personal Services refer to salaries of permanent positions, salaries/wages of non-permanent positions, lump sum appropriations, terminal leave of civilian personnel, retirement benefits, per diems, retirement and life insurance premiums, Pag-ibig contributions of civilian personnel, Medicare premiums of civilian personnel, employees compensation insurance premiums, overtime pay, commutable allowances/fringe benefits, bonuses and incentives, pensions and other benefits.
2. Maintenance and Other Operating Expenses refer to traveling expenses, communications expenses, repair and maintenance, transportation and delivery expenses, supplies and materials, rents, interests, subsidies and donations, utility expenses, training and scholarship expenses, extraordinary and miscellaneous expenses, confidential and intelligence expenses, taxes, insurance premiums and other fees, professional services, printing and binding expenses, advertising expenses, representation expenses, storage expenses, subscription expenses, survey expenses, membership dues and contributions to organizations, awards and indemnities, rewards and other claims.
3. Capital Outlay refers to investment outlay, loan outlay, livestock and crops outlay, land and land improvement outlay, roads, bridges, water supply, ports and lighthouses, buildings and structures outlay, office equipment, furniture and fixtures, transportation equipment, lump sum for capital outlay, machineries and equipment, public infrastructure and net lending.

RIGHT TO FOOD ALLOCATIONS BY AGENCY AND TYPOLOGY OF OBLIGATIONS, 2007 PROPOSED BUDGET

Agency	Respect (‘000 Php)	Protect (‘000 Php)	Fulfill - Facilitate (‘000 Php)	Fulfill - Provide (‘000 Php)	Automatic Appropriations (Unclassified) (‘000 Php)	Total (‘000 Php)
Department of Agriculture						
Office of the Secretary	-	67,085	2,149,368	-	143,113	2,359,566
Agricultural Credit Policy Council	-	-	18,802	-	980	19,782
Bureau of Fisheries and Aquatic Resources	-	9,203	431,700	-	24,643	465,546
Bureau of Post Harvest Research and Extension	-	-	52,249	-	3,389	55,638
Fertilizer and Pesticide Authority	-	56,412	11,929	-	2,001	70,342
Livestock Development Council	-	-	9,300	-	638	9,938
National Agricultural and Fishery Council	-	1,588	50,264	-	2,797	54,649
National Meat Inspection Service	-	18,931	-	-	459	19,390
Philippine Carabao Center	-	1,762	24,858	-	1,736	28,356
Department of Agrarian Reform						
Office of the Secretary	-	153,824	1,474,639	-	134,243	1,762,706
National Commission on Indigenous Peoples	-	-	388,605	-	25,758	414,363
Department of Science and Technology						
Food and Nutrition Research Institute	-	24,631	44,670	-	3,851	73,152
Forest Products Research and Development Institute	-	-	69,544	-	4,366	73,910
Phil Council for Agriculture, Forestry and Natural Resources Research and Development	-	-	231,545	-	4,928	236,473
Phil Council for Aquatic and Marine Research and Development	-	-	29,602	-	955	30,557
Department of Social Welfare and Development						
A Day Care Based Feeding Program	-	-	-	1,085,000	-	1,085,000
Tindahan Natin	-	-	160,844	-	-	160,844
Department of Health						
Commission on Population	-	-	113,800	-	6,195	119,995
National Nutrition Council	-	-	50,133	-	2,267	52,400
Department of Education						
School Health and Nutrition Program	-	-	16,067	-	-	16,067
Implementation of Programs For School Health and Nutrition	-	-	80,762	-	-	80,762
School Feeding Program for Pupils in Elementary Education	-	-	-	4,013,000	-	4,013,000
Department of Justice						
Commission on Settlement of Land Problems	-	20,767	-	-	1,412	22,179
Land Registration Authority	-	409,258	9,278	-	193,105	611,641
Department of Transportation and Communications						
Infrastructure (Land Transportation, Ports and Lighthouses)	-	-	37,893,572	-	-	37,893,572

RIGHT TO FOOD ALLOCATIONS BY AGENCY AND TYPOLOGY OF OBLIGATIONS, 2007 PROPOSED BUDGET						
Agency	Respect (‘000 Php)	Protect (‘000 Php)	Fulfill - Facilitate (‘000 Php)	Fulfill - Provide (‘000 Php)	Automatic Appropriations (Unclassified) (‘000 Php)	Total (‘000 Php)
Metro Manila Development Authority						
Infrastructure (Land Transportation)	-	-	341,860	-	-	341,860
Other Executive Offices						
National Water Resources Board	-	-	121,154	-	-	121,154
Other Executive Offices						
National Water Resources Board	-	21,575	10,844	-	2,117	34,536
Support to Government Corporations						
National Dairy Authority	-	-	52,200	-	-	52,200
National Food Authority	-	-	-	1,100,000	-	1,100,000
National Irrigation Administration	-	-	459,444	-	-	459,444
Philippine Coconut Authority	-	-	240,000	-	-	240,000
Philippine Crop Insurance Corporation	-	-	30,500	-	-	30,500
Philippine National Railways	-	-	135,000	-	-	135,000
Philippine Rice Research Institute	-	-	97,590	-	-	97,590
Special Purpose Funds						
Agriculture and Fisheries Modernization Program	-	139,916	21,455,459	113,771	-	21,709,146
TOTAL RIGHT TO FOOD ALLOCATIONS	-	924,952	66,255,582	6,311,771	558,953	74,051,258
PERCENT OF TOTAL FOOD ALLOCATIONS	0.00 %	1.25 %	89.47 %	8.52 %	0.75 %	100.00%

Source: *National Expenditure Program, 2007*

Notes:

1. Automatic appropriations generally refer to retirement and life insurance premiums and were not classified under the typology of obligations.
2. Allocations for protection bound obligations were based on a line-item analysis of the different programs and locally funded projects of the relevant agencies that relate to regulation, conservation, protection, control, monitoring, evaluation, provision of legal services or assistance, and quality and safety standard setting.
3. Allocations for obligations to fulfill (facilitate) were based on a line-item analysis of different programs and locally funded projects of the relevant agencies that relate to policy formulation, policy research, policy review, planning, research and development, land acquisition and distribution, land use management and land development, agrarian reform beneficiaries development, development of various agricultural sectors (crops, livestock) or agricultural and fishing industries, capacity building, technical services, and information management and dissemination.
4. Allocations for obligations to fulfill (provide) were based on a line-item analysis of different programs and locally funded projects of the relevant agencies that relate to direct feeding programs.

RIGHT TO FOOD ALLOCATIONS BY AGENCY AND NORMATIVE ELEMENTS, 2007 PROPOSED BUDGET

Agency	Food Availability ('000 Php)	Food Physical Accessibility ('000 Php)	Food Economic Accessibility ('000 Php)	Food Safety and Adequacy ('000 Php)	Automatic Appropriations (Unclassified) ('000 Php)	Total ('000 Php)
Department of Agriculture						
Office of the Secretary	1,987,912	-	221,241	7,300	143,113	2,359,566
Agricultural Credit Policy Council	-	-	18,802	-	980	19,782
Bureau of Fisheries and Aquatic Resources	430,267	-	1,433	9,203	24,643	465,546
Bureau of Post Harvest Research and Extension	52,249	-	-	-	3,389	55,638
Fertilizer and Pesticide Authority	68,341	-	-	-	2,001	70,342
Livestock Development Council	9,300	-	-	-	638	9,938
National Agricultural and Fishery Council	51,582	-	-	-	2,797	54,649
National Meat Inspection Service	-	-	-	18,931	459	19,390
Philippine Carabao Center	26,620	-	-	-	1,736	28,356
Department of Agrarian Reform						
Office of the Secretary	1,437,335	-	191,128	-	134,243	1,762,706
National Commission on Indigenous Peoples	-	-	388,605	-	25,758	414,363
Department of Science and Technology						
Food and Nutrition Research Institute	-	-	-	69,301	3,851	73,152
Forest Products Research and Development Institute	69,544	-	-	-	4,366	73,910
Phil Council for Agriculture, Forestry and Natural Resources Research and Development	231,545	-	-	-	4,928	236,473
Phil Council for Aquatic and Marine Research and Development	29,602	-	-	-	955	30,557
Department of Social Welfare and Development						
A Day Care Based Feeding Program	-	-	1,085,000	-	-	1,085,000
Tindahan Natin	-	-	160,844	-	-	160,844
Department of Health						
Commission on Population	-	-	113,800	-	6,195	119,995
National Nutrition Council	-	-	-	50,133	2,267	52,400
Department of Education						
School Health and Nutrition Program	-	-	14,067	-	-	16,067
Implementation of Programs For School Health and Nutrition	-	-	80,762	-	-	80,762
School Feeding Program for Pupils in Elementary Education	-	-	4,013,000	-	-	4,013,000
Department of Justice						
Commission on Settlement of Land Problems	20,767	-	-	-	1,412	22,179
Land Registration Authority	418,536	-	-	-	193,105	611,641
Department of Transportation and Communications						
Infrastructure (Land Transportation, Ports and Lighthouses)	500,000	37,393,572	-	-	-	37,893,572

RIGHT TO FOOD ALLOCATIONS BY AGENCY AND NORMATIVE ELEMENTS, 2007 PROPOSED BUDGET						
Agency	Food Availability ('000 Php)	Food Physical Accessibility ('000 Php)	Food Economic Accessibility ('000 Php)	Food Safety and Adequacy ('000 Php)	Automatic Appropriations (Unclassified) ('000 Php)	Total ('000 Php)
Metro Manila Development Authority						
Infrastructure (Land Transportation)	-	341,860	-	-	-	341,860
Other Executive Offices						
National Water Resources Board	-	121,154	-	-	-	121,154
Other Executive Offices						
National Water Resources Board	32,419	-	-	-	2,117	34,536
Support to Government Corporations						
National Dairy Authority	52,200	-	-	-	-	52,200
National Food Authority	-	-	1,100,000	-	-	1,100,000
National Irrigation Administration	459,444	-	-	-	-	459,444
Philippine Coconut Authority	240,000	-	-	-	-	240,000
Philippine Crop Insurance Corporation	30,500	-	-	-	-	30,500
Philippine National Railways	-	135,000	-	-	-	135,000
Philippine Rice Research Institute	97,590	-	-	-	-	97,590
Special Purpose Funds						
Agriculture and Fisheries Modernization Program	18,637,582	2,817,877	113,771	139,916	-	21,709,146
TOTAL RIGHT TO FOOD ALLOCATIONS	24,851,186	40,831,038	7,515,297	294,784	558,953	74,051,258
PERCENT OF TOTAL FOOD ALLOCATIONS	33.56%	55.14%	10.15%	0.40%	0.75%	100.00%

Source: *National Expenditure Program, 2007*

Notes:

1. Allocations for food availability were based on a line-item analysis of the different programs and locally funded projects of the relevant agencies that relate to planning, monitoring, policy research, land acquisition and distribution, land use management and land development, agrarian reform information and education, development of crop/livestock sectors, technical services, development of fisheries and aquatic resources, post harvest technology, development of fertilizer and pesticide industry, monitoring and evaluation, research and development, water development, etc.
2. Allocations for food physical availability were based on a line-item analysis of the different programs and locally funded projects of the relevant agencies that relate to infrastructure.
3. Allocations for food economic accessibility were based on a line-item analysis of the different programs and locally funded projects of the relevant agencies that relate to implementation of development projects, agrarian reform beneficiaries development, agrarian legal services, capacity development, agricultural credit and finance, grants and scholarships, population program, etc.
4. Allocations for food adequacy and safety were based on a line-item analysis of the different programs and locally funded projects of the relevant agencies that relate to development of quality and safety standards, conservation, regulation and protection of natural resources, nutritional assessment and monitoring, etc.

★ Annex H – Human Rights in Food Law-Making

No. 1		LAW	RA 6657 - Comprehensive Agrarian Reform Law			
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.agrarian reform	9/16/87	31	Government CSO Media	18	1 hour	2 women and 10 men present
	9/18/87			14		
	9/30/87			10		
	2/9/88			14		
	5/9/88			9		
	5/10/88			11		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request; Documents written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for landless farmers						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)			Sec. 74			

No. 2	LAW	RA 8435 – Agriculture and Fisheries Modernization Act of 1997				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.agrarian reform	8/10/95	59	Government	23	1 hour and 50 minutes	1 woman and 10 men present
2.ways and means						
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request; Documents written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Secs. 10, 11, and 110				

No. 3	LAW	RA 6978 – An Act to Promote Rural Development by Providing for An Accelerated Program within a 10-Year Period for the Construction of Irrigation Projects				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.public works and highways	Public works and highways	Unknown	Government Private Sector Academe Military	18	1 hour	2 women and 10 men present
	2/6/88			14		
	12/15/88			10		
	5/23/89			9		
	5/10/88			11		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request; Documents written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for landless farmers						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				Sec. 74		

No. 4	LAW	RA 7607 – Magna Carta of Small Farmers				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1. agriculture and foods	2/24/88	33	Government	4	1 hour and 30 minutes	2 women and 10 men present
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request; Documents written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills' Impact on Most Vulnerable to Hunger)						
Impact considered for small farmers						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				Sec. 27		

No. 5	LAW	RA 7308 – Seed Industry Development Act of 1992				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.agriculture and food	4/12/89	33	Government Private Sector	6	1 hour and 15 minutes	3 women and 10 men present
	5/4/89			4		
	5/17/89			12		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request; Documents written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Sec. 19				

No. 6	LAW	RA 8800 – Safeguard Measures Act				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.ways and means	3/23/99	53	Government Private Sector	3	1 hour	1 woman and 10 men present
2.trade and industry	Trade and industry w/ Ways and means			Trade and industry w/ Ways and means		
	5/10/99			4		
	8/17/99	123		2		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger; discussion limited to unfair trade competition and impact on domestic industry						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Sec. 30				

No. 7	LAW	RA 8178 – Agricultural Tariffication Act				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.agriculture and foods	Agriculture	59	Government Private Sector Farmers Academe	Agriculture:	1 hour	2 women and 10 men present
2.ways and means	1/31/96			15		
	2/15/96			15		
	Agriculture and Food w/ Ways and Means	120		Agriculture and Food w/ Ways and Means		
	2/21/96		20			
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger; discussion limited to enhancing global competitiveness of agricultural sector						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Farmers encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)			None			

No. 8	LAW	RA 7884 – National Dairy Development Act of 1995				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.agriculture and foods	5/19/93	45	Government	5	1 hour and 15 minutes	3 women and 10 men present
2.ways and means	8/16/93			5		
3.appropriations	8/23/93			7		
	9/29/93			10		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact of importation of milk and dairy products on country’s dollar reserves and on children’s access to milk considered						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Sec. 22				

No. 9		LAW		RA 8048 – Coconut Preservation Act of 1995		
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.agriculture and food	2/2/94	45	Government	12	1 hour and 50 minutes	2 women and 10 men present
2.ways and means	5/18/94			5		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact of cutting of coconut trees on coconut farmers considered						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				Sec. 8		

No. 10	LAW	RA 8550 – Philippine Fisheries Code				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.fisheries industry	8/30/95	14	Government	4	3 hours and 30 minutes	2 women and 10 men present
	9/21/95		Private Sector	4		
	11/18/95		Fisher Folk	4		
	11/19/95		Academe	4		
	11/24/95		Environmental Organization	3		
	2/15/96		Agriculturists	3		
	2/22/96		Aquaculturists	2		
	5/29/96			4		
	11/30/96			4		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for fisher folk						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Fisher folk encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)		Secs. 62, 86, 88 to 105.				

No. 11	LAW	RA 8751 – Countervailing Duty Act of 1999				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.ways and means	3/2/99	70	Government AGILE	10	1 hour and 30 minutes	NO women present; 10 men present
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills' Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				None		

No. 12	LAW	RA 8752 – Anti Dumping Act of 1999									
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)					
				Attendance of Members	Duration of Meetings						
				1.ways and means	3/2/99		70	Government Private Sector	7	1 hour	1 woman and 10 men present
				2.trade and industry	3/9/99				2		
	5/5/99	4									
Transparency (Public Availability of Bills and All Committee Documents and Language)											
Documents available upon request, written in English and contain legal and/or technical terminology											
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)											
No consideration of impact on those most vulnerable to hunger; discussion limited to impact of flooding of cheap imported products on domestic industry											
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)											
Those most vulnerable to hunger not invited											
Rule of Law (Provision for Offenses and Penalties)				Sec. 4							

No. 13	LAW	RA 9168 - Plant Variety Protection Act				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.agriculture, foods and fisheries	9/4/01	126	None	5	45 minutes	3 women and 10 men present
2.ways and means						
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger; discussion limited to establishing intellectual property rights system in agriculture						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				Sec. 56		

No. 14	LAW	RA 7900 – High Value Crops Development Act of 1995				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.agriculture and foods	5/18/93	45	Government Farmers	10	3 hours and 38 minutes	3 women and 10 men present
	5/20/93			6		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger; discussion limited to promotion and development of agri-business						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Farmers encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)				None		

No. 15	LAW	RA 6982 – An Act Strengthening the Social Amelioration Program in the Sugar Industry Providing the Mechanics for its Implementation and for Other Purposes				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.labor and employment	2/1/90	34	Government Private Sector Sugar Workers	5	1 hour and 15 minutes	NO women present; 10 men present
	3/20/99			3		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for sugar workers						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Sugar workers encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)			Sec. 13			

No. 16	LAW	RA 7581 – Price Act				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.trade and industry	8/25/88	43	Government Private Sector Consumers’ Organization	7	2 hours and 15 minutes	3 women and 10 men present
	8/26/88			5		
	12/7/88			7		
	1/24/90			9		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact of high food prices on those most vulnerable to hunger considered						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Secs. 15 to 20				

No. 17	LAW	RA 7394 – Consumer Act of the Philippines				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.trade and industry	10/13/88	43	Government Private Sector Consumers’ Organization	1	2 hours and 15 minutes	4 women and 10 men present
	5/17/89			11		
	11/29/89			3		
	7/25/90			9		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)			Definition of terms and Articles 18 and 19			

No. 18	LAW	RA 8172 – Act for Salt Iodization Nationwide				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.health	9/20/95	31	Government Academe Consumers’ Organization UNICEF	35	3 hours and 15 minutes	2 women and 10 men present
2.appropriations						
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for those suffering from iodine deficiency disorder						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				Sec. 9		

No. 19	LAW	RA 8976 – Philippine Food Fortification Act of 2000				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.health	11/10/98	52	Government Private Sector UNICEF	3	1 hour	4 women and 10 men present
	11/24/98			3		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for those suffering from micronutrient deficiencies						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				Sec. 11		

No. 20	LAW	Republic Act 7160 - Local Government Code of 1991				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
1.local government	11/9/89	31	Government	4	3 hours	1 woman and 10 men present
	9/11/90			3		
	10/18/90			3		
	11/14/90			18		
	11/15/90			8		
	11/16/90			2		
	11/27/90			4		
	1/23/91			18		
	2/5/91			6		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Book I, Secs. 60, 63, 66, 90, and 50, 66, and 87				

No.21	LAW	Republic Act 7277, the <i>Magna Carta for Disabled Persons</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Social Services	4/25/91	18	Government Private Sector Academe Groups or Associations of Persons with Disabilities	4	2 hours and 30 minutes	4 women and 10 men present
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills' Impact on Most Vulnerable to Hunger)						
Impact considered for persons with disabilities						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Persons with disabilities encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)				Secs. 29 and 46		

No. 22	LAW	Republic Act 1161 as amended by Republic Act 8282, the <i>Social Security Law of 1997</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Government enterprises and privatization	11/29/95	31	Government Media	8	2 hours and 30 minutes	3 women and 10 men present
	12/14/95			6		
	7/31/96			12		
	8/7/96			9		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Sec. 28				

No. 23	LAW	Republic Act 6727, the <i>Wage Rationalization Act</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Labor and employment (Labor standards)	11/20/87	31	Government Academe Workers	6	2 hours and 30 minutes	2 women and 10 men present
	4/12/89			6		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Sec. 12				

No. 24	LAW	Republic Act 7658, <i>An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for this Purpose Section 12, Article VIII of Republic Act 7610</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Labor and employment	2/24/93	34	Government Health workers Government workers	14	2 hours	4 women and 10 men present
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills' Impact on Most Vulnerable to Hunger)						
Impact considered for workers						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Labor groups/unions encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)				None		

No. 25	LAW	Republic Act 8042, the <i>Migrant Workers and Overseas Filipinos Act of 1995</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Foreign affairs	11/23/94	DATA NOT AVAILABLE	Government	8	3 hours	2 women and 10 men present
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills' Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				Secs. 7, 10 and 33		

No. 26	LAW	Republic Act 8291, the <i>Revised Government Service Insurance System Act of 1977</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Government enterprises and privatization	11/8/95	31	Government Private sector	5	1 hour and 30 minutes	2 women and 10 men present
	11/22/95*			DATA NOT AVAILABLE		
	11/29/95*					
	12/6/95			7		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Secs. 5, 31 and 52				

No. 27	LAW	Republic Act 6972, the <i>Barangay-Level Total Development and Protection of Children Act</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Social services	10/22/87	18	Government Women Child welfare groups	5	1 hour	7 women and 10 men present
	4/28/88			7		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for vulnerable children						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Welfare representatives and associations encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)			None			

No. 28	LAW	Republic Act 8289, the <i>Magna Carta for Small Enterprises</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Economic affairs	2/26/96	41	Government Private sector Academe	46	1 hour and 15 minutes	2 women and 10 men present
	2/18/97			10		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger; discussion limited to contributions of special economic zones to country’s growth and need for globally competitive SMEs						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)				Sec. 14		

No. 29	LAW	Republic Act 8371, the <i>Indigenous Peoples Rights Act of 1997</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
National cultural communities	12/10/96	18	Government	5	2 hours and 45 minutes	NO women present; 10 men present
	12/16/96			4		
	2/19/96			8		
	3/5/97			7		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on those most vulnerable to hunger						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)		Secs. 69, 72 and 73				

No. 30	LAW	Republic Act 8425, the <i>Social Reform and Poverty Alleviation Act</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Poverty alleviation, Rural development	Poverty Alleviation and Rural Development:	28	Government Private sector Media Academe Fisher folk/ Workers/Urban Poor		2 hours	3 women and 10 men present
	12/4/95			20		
	2/12/96			5		
	5/13/96			7		
	5/20/96			14		
	Rural Development:	18				
	12/18/95			5		
	8/28/95			2		
	1/22/96			8		
	1/29/96			12		
	Poverty Alleviation:	10				
	2/5/96			4		
	5/28/96			7		
	6/17/96			2		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for fisher folk and workers						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Fisher folk and labor groups/unions encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)		None				

No. 31	LAW	Republic Act 6971, the <i>Productivity Incentives Act of 1990</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Ways and means (W&M)	Ways & Means:	41	Government		2 hours	1 woman and 10 men present
	2/1/90			23		
Labor and employment (L&E)	Labor & Employment:	34	Government		2 hours	1 woman and 10 men present
	10/9/87			12		
	4/21/88			15		
	11/23/89			10		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills' Impact on Most Vulnerable to Hunger)						
Impact considered for workers						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Labor groups/unions encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)				Sec. 11		

No. 32	LAW	Republic Act 7192, the <i>Women in Development and Nation Building Act</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Family relations and population	3/1/89	19	Government	10	3 hours and 30 minutes	10 women and 9 men present
			Women			
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal &/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for women						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Women encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)			None			

No. 33	LAW	Republic Act 7610, <i>An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination Providing Penalties for its Violation and for Other Purposes</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Revision of laws	6/7/88	29	Government Child rights advocates	6	1 hour and 45 minutes	4 women and 10 men present
Justice	11/9/89	35		4		
Justice	2/6/90	35		9		
Justice	2/13/90	35		2		
Social services	12/11/90	18		3		
Social services	11/8/91	18		1		
Social services	11/22/91	18		1		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for children						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Child rights advocates encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)			Secs. 5-11, 16, 20, 25, and 31			

No. 34	LAW	Republic Act 8504, the <i>Philippine AIDS Prevention and Control Act of 1998</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Health + Human rights and civil liberties	5/28/96	64	Health representatives	16	1 hour and 15 minutes	2 women and 10 men present
	10/8/97	DATA NOT AVAILABLE				
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
No consideration of impact on persons with HIV/AIDS						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)			Secs. 11, 14,33, 42			

No. 35	LAW	Republic Act 8972, the <i>Solo Parents' Welfare Act of 2000</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Population and family relations	3/10/99	25	Government Academe Church	2	2 hours	10 women and 4 men present
	8/17/99			2		
	9/15/99			5		
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills' Impact on Most Vulnerable to Hunger)						
Impact considered for women heads of households and solo parents						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Women encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)			None			

No. 36	LAW	Republic Act 9257, the <i>Expanded Senior Citizens Act of 2003</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Ways and means	2/19/02	DATA NOT AVAILABLE	Government	7	2 hours	10 women and 10 men present
	10/15/02		Private sector	7		
Appropriations	4/22/03		Senior citizens	16		
Medical professionals						
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills’ Impact on Most Vulnerable to Hunger)						
Impact considered for the elderly						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
The elderly encouraged to participate in rule making						
Rule of Law (Provision for Offenses and Penalties)			Sec. 10			

No. 37	LAW	Republic Act 7600, <i>Rooming-In and Breastfeeding Act of 1992</i>				
Assigned Legislative Committee	Dates of Meetings	Number of Members	Participation of Interest Groups	Accountability		Non-Discrimination (Inclusion of Women in Committee Meetings)
				Attendance of Members	Duration of Meetings	
Health	12/11/91	32	Government UNICEF Medical professionals	7	3 hours	10 women and 7 men present
Transparency (Public Availability of Bills and All Committee Documents and Language)						
Documents available upon request, written in English and contain legal and/or technical terminology						
Human Dignity (Consideration of Bills' Impact on Most Vulnerable to Hunger)						
Impact considered for women and children						
Empowerment (Encourages Engagement by Most Vulnerable to Hunger in Rule Making)						
Those most vulnerable to hunger not invited						
Rule of Law (Provision for Offenses and Penalties)			Sec. 14			