



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

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October 4, 2010

**MEMORANDUM CIRCULAR**

No. 2010 - 108

**TO :** ALL PROVINCIAL GOVERNORS, CITY/MUNICIPAL MAYORS,  
PUNONG BARANGAYS, DILG REGIONAL DIRECTORS/ARMM  
REGIONAL SECRETARY/FIELD OFFICERS AND OTHERS  
CONCERNED

**SUBJECT :** IMPLEMENTATION OF REPUBLIC ACT NO. 9803, OTHERWISE  
KNOWN AS THE "FOOD DONATION ACT OF 2009"

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In consonance with the State policy to alleviate national poverty and reduce food wastage, Republic Act No. 9803, otherwise known as the "Food Donation Act of 2009" was enacted into law on 25 November 2009 to encourage the donation of apparently wholesome food for charitable purposes.

To ensure the active support and cooperation of the LGUs to successfully carry out its objectives, this memorandum circular is issued pursuant to Rule V, Section 1 (j) of the Rules and Regulations Implementing the Food Donation Act.

**ROLES AND RESPONSIBILITIES:**

There shall be a composite team for the food donations in every province, city and municipality.

**COMPOSITION:**

**a. Provincial level:**

Chairperson - Governor  
Vice-Chairperson - Social Welfare and Development Officer  
Members - Local Health Officer  
Philippine Red Cross (PRC) Representative  
Sanitary Inspector  
NGO Representative

**b. City/Municipal level:**

Chairperson - Mayor  
Vice-Chairperson - Social Welfare and Development Officer  
Members - Local Health Officer  
Philippine Red Cross (PRC) Representative  
Sanitary Inspector  
NGO Representative

**FUNCTIONS:**

- a. Assign the Local Social Welfare and Development Officer (LSWDO) to handle the collection/distribution of perishable food donations to its intended beneficiaries and issue a *Certificate of Acceptance* to the food donor;
- b. Assist in the proper storage of perishable food donations when necessary;
- c. Mobilize LSWDOs to assist the Philippine Red Cross (PRC) in the collection/distribution of highly perishable food donations;
- d. Require LSWDOs to submit distribution reports to DSWD;

- e. Designate local health officers, sanitary inspectors or other equipped personnel to conduct organoleptic testing and/or laboratory testing of all processed products, fresh meat and fresh, frozen and chilled fish and fishery/aquatic products as basis for the issuance of a *Certification* whether or not the food intended for donation is fit for human consumption; and
- f. Participate in the preparation of an allocation plan through its LSWDOs with DSWD Regional Offices, PRC chapters and concerned NGOs.

#### **COLLECTION, INSPECTION AND TESTING**

Perishable food donations to be collected by the LGUs through the LSWDOs shall be subjected to organoleptic and/or laboratory testing when deemed necessary by the local health officers or other equipped personnel designated by local chief executive (LCE).

Highly perishable food donations to be collected by PRC and/or deputized licensed/accredited NGOs shall be subjected to organoleptic and/or laboratory testing when deemed necessary by the local health officers or other equipped personnel designated by the LCE.

Appropriate Certification shall be issued based on the result of the test/s conducted.

#### **STORAGE AND DISTRIBUTION**

The LGUs, through the LSWDOs, will be primarily responsible for the storage and distribution of perishable food donations based on the allocation plan.

PRC and/or deputized licensed/accredited NGOs will be responsible for the immediate distribution of highly perishable food donations based on the allocation plan and in collaboration with the LGUs.

#### **IDENTIFICATION OF BENEFICIARIES**

Selection of beneficiaries for all food donations will be based on an allocation plan prepared by DSWD Regional Offices together with PRC chapters, LSWDOs and other concerned NGOs.


In view thereof, all LCEs are encouraged to advocate the laudable intent and purpose of RA 9803 and extend full cooperation to and coordination with their respective counterpart agencies/NGOs for the efficient and effective implementation of the said law.

Moreover, the Union of Local Authorities in the Philippines (ULAP) shall participate in the dissemination of information to LGUs relative to the active involvement of LCEs.

All DILG Regional Directors, Field Officers to include the ARMM Regional Secretary are directed to disseminate this Memorandum Circular and the attached RA 9803 and its Implementing Rules and Regulations within their jurisdiction, provide assistance as appropriate and where necessary.

For compliance.

  
**JESSE M. ROBREDO**  
Secretary

Republic of the Philippines  
DEPARTMENT OF THE INTERIOR  
AND LOCAL GOVERNMENT  
IN REPLYING, PLS USE  
SILG10-003297  


Republic of the Philippines  
DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT  
Batasan Pambansa, Quezon City

RESOLUTION  
Series of 2010

APPROVING AND ADOPTING THE IMPLEMENTING RULES AND REGULATIONS  
OF REPUBLIC ACT NO. 9803, OTHERWISE KNOWN AS THE "FOOD DONATION  
ACT OF 2009"

**WHEREAS**, the President signed into law on November 25, 2009 Republic Act No. 9803, known as An Act to Encourage the Donation of Food for Charitable Purposes";

**WHEREAS**, Section 6 of the Act stipulates that the Department of Social Welfare and Development, in coordination with the Department of Health (DOH) and its attached agencies, the Food and Drug Administration (FDA) and the National Nutrition Council (NNC); the National Disaster Coordinating Council (NDCC); the Union of Local Authorities in the Philippines (ULAP); other relevant government agencies, nongovernment organizations including the Philippine Red Cross (PRC) and private entities shall formulate and issue the necessary rules and regulations within ninety (90) days after the effectivity of this Act.

**WHEREAS**, this IRR is the product of several consultations and active participation of the different government agencies, business sector and non-government organizations (NGOs).

**NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, to approve and adopt the Rules and Regulations Implementing RA 9803, otherwise known as the "Food Donation Act of 2009";

**RESOLVED FURTHER**, that these Implementing Rules and Regulations shall be published in two (2) newspapers of general circulation and copy furnished the UP Law Center as required under the Administrative Code of 1987.

**DONE** this 17<sup>th</sup> of May in the year of the Lord, Two Thousand and Ten, in Manila.

SECRETARY OF  
NATIONAL DEFENSE

*[Handwritten signatures and initials]*

*C. Capadocia*  
**CELIA CAPADOCIA-YANGCO**  
Acting Secretary  
Department of Social Welfare and Development

*Gwendolyn T. Pang*  
**GWENDOLYN T. PANG**  
Secretary General  
Philippine Red Cross

*Esperanza I. Cabral*  
**ESPERANZA I. CABRAL**  
Secretary  
Department of Health

*Nazarita T. Tacandong*  
**NAZARITA T. TACANDONG**  
Acting Director  
Food and Drug Administration

*Maria Bernardita T. Flores*  
**MARIA BERNARDITA T. FLORES**  
Executive Director  
National Nutrition Council

*Mario V. Capanzana*  
**MARIO V. CAPANZANA**  
Executive Director  
Food and Nutrition Research Institute

*Atty. Jane C. Bacayo*  
**ATTY. JANE C. BACAYO**  
OIC-Executive Director  
National Meat Inspection

*Atty. Malcolm I. Sarmiento, Jr.*  
**ATTY. MALCOLM I. SARMIENTO, JR.**  
Director  
Bureau of Fisheries and Aquatic Resources

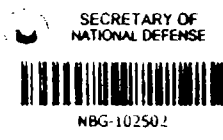
*Norberto B. Gonzales*  
**NORBERTO B. GONZALES**  
Chairman  
National Disaster Coordinating Council

*M/Gen. Glenn J. Rabonza*  
**M/GEN. GLENN J. RABONZA**  
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Office of Civil Defense

*Ronaldo V. Puno*  
**RONALDO V. PUNO**  
Secretary  
Department of Interior and Local Government

*Benjamin C. Abalos, Jr.*  
**BENJAMIN C. ABALOS, JR.**  
President  
Union of Local Authorities in the Philippines

*Humphrey O'Leary*  
**HUMPREY O'LEARY**  
President  
Hotel and Restaurant Association of the Philippines



**RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 9803, AN ACT TO ENCOURAGE THE DONATION OF FOOD FOR CHARITABLE PURPOSES**

Pursuant to Section 6 of Republic Act No. 9803 otherwise known as "Food Donation Act of 2009", the following Rules and Regulations are hereby promulgated to implement the provisions of said Act.

**RULE I**

**TITLE, PURPOSE AND CONSTRUCTION**

**Article 1. Title.** – These Rules shall be known and cited as the Rules and Regulations Implementing Republic Act No. 9803, An Act to Encourage the Donation of Food for Charitable Purposes, also known as "Food Donation Act of 2009".

**Article 2. Purpose.** – These Rules are promulgated to describe the procedures and guidelines for the implementation of RA No. 9803 in order to facilitate compliance therewith and to achieve the objectives thereof.

**Article 3. Construction.** – These Rules shall be construed and applied in accordance with and in furtherance with the policies and objectives of the law. In case of conflict or ambiguity, which may arise in the implementation of these Rules, the Department of Social Welfare and Development (DSWD) shall issue the necessary clarification. In case of doubt, the same shall be construed liberally and in favor of the beneficiaries of the donated food.

**RULE II**

**DECLARATION OF POLICY**

**Article 4. Declaration of Policy.** – It is the policy of the State to alleviate national poverty and reduce food wastage. As such, the State shall implement measures to encourage the donation of apparently wholesome food for charitable purposes.

**RULE III**

**SCOPE**

**Article 5. Scope.** - Unless otherwise provided for by any special laws, these Rules shall apply to all food donations from local donors for charitable purposes.

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RULE IV

DEFINITION OF TERMS

**Article 6. Definition of Terms.** – For purposes of these Rules and Regulations, these terms are defined as follows:

- 6.1 **APPARENTLY WHOLESOME FOOD** – refers to food that meets all quality and safety, and labeling standards imposed by pertinent laws and administrative regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. It does not include milk products as defined and covered under Executive Order No. 51, the "National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products." It should not refer to tomato-based and milk-based cooked food and cooked food that have been served directly to diners.
- 6.2 **DONATE** – refers to the gratuitous disposal or sharing of an apparently wholesome food in favor of another. It includes giving by one person to another person of an apparently wholesome food for distribution, notwithstanding that the former has charged a nominal fee from the latter, if the ultimate beneficiary is not required to give anything of monetary value.
- 6.3 **NOMINAL FEE** – a fee of extremely small value that does not reflect the real cost of the donated food.
- 6.4 **DONOR** – refers to individuals, corporations, organizations, and groups who gratuitously donate apparently wholesome food for charitable purposes.
- 6.5 **BENEFICIARIES** – refers to humanitarian institutions and groups of individuals who are sick, imprisoned, orphaned and those considered needy, poor, and vulnerable.
- 6.6 **FOOD** – refers to any raw, cooked, processed or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.
- 6.6.1 **RAW** – any uncooked, unprocessed, and often organic food like fruits and vegetables.
- 6.6.2 **COOKED** – food that has been prepared by applying heat, using a wide range of tools and methods and a combination of various ingredients.

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6.6.3 **PROCESSED** – food that has been subjected to some degree of processing like milling, drying, concentrating, canning or addition of some ingredients which changes partially or completely the physico-chemical and/or sensory characteristics of the product's raw material.

6.6.4 **FRESH MEAT** - meat such as chicken, beef, pork and other meat from food animals, that has not yet been treated in any way other than by modified atmosphere packaging or vacuum packaging to ensure its preservation.

6.6.5 **FISH AND FISHERY/AQUATIC PRODUCTS** – includes not only finfish but also mollusk, crustaceans, echinoderms, marine mammals, and all other species of aquatic flora and fauna and all other products of aquatic living resources in any form.

6.6.6 **INGREDIENTS** – a substance that forms part of a mixture in cooking, used in these Rules specifically to mean seasonings or condiments like salt, sugar, vinegar, ketchup, mustard, pepper, olive oil and soy sauce.

6.6.7 **PERISHABLE** – may include food and beverages that will not quickly spoil or deteriorate; examples include canned and/or processed fruits, vegetables, meat, fish and fishery/aquatic products that do not require special storage such as refrigeration and/or freezing. All types of pasta, sugar, flour and spices are also considered perishable.

6.6.8 **HIGHLY PERISHABLE** – may include food items that will spoil or deteriorate easily such as raw fruits and vegetables, fresh meat, fresh, frozen and chilled fish and fishery/aquatic products, cooked food and other processed products that require special storage such as refrigeration and/or freezing.

6.7 **GROSS NEGLIGENCE** – refers to voluntary and conscious conduct, including a failure to act, by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.

6.8 **INTENTIONAL MISCONDUCT** – refers to conduct by a person with knowledge at the time of the conduct that the conduct is harmful to the health or well-being of another person.

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- 6.9 **CHARITABLE PURPOSES** – refers to philanthropic, humanitarian and non-profit objectives, including the benefit of the needy, poor, sick, prisoners, orphans, etcetera.
- 6.10 **INJURY** – damage or harm caused to the structure or function of the body due to a physical, chemical or microbial outside agent or force.
- 6.11 **ORGANOLEPTIC TESTING** – involves inspection through visual, feeling, smelling or tasting of products.
- 6.12 **LABORATORY TESTING** – analytical methods used to determine product acceptability in accordance with established standards.
- 6.13 **ALLOCATION PLAN** – plan of distribution of food donations that includes the areas, beneficiaries, volume and types of food appropriated thereof.

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## RULE V

### COORDINATING MECHANISM

**Article 7. Coordinating Mechanism.** – To ensure effective and sustained inter-agency and multi-sectoral coordination, the Department of Social Welfare and Development (DSWD) shall serve as the main coordinating agency together with the Philippine Red Cross (PRC) as auxiliary for the implementation of these Rules.

**Section 1. Roles and Responsibilities.** – A core inter-agency mechanism composed of DSWD and PRC together with the Department of Health (DOH) as represented by the Food and Drug Administration (FDA) and National Nutrition Council (NNC), the Department of Agriculture (DA) as represented by the National Meat Inspection Service (NMIS) and Bureau of Fisheries and Aquatic Resources (BFAR), Office of Civil Defense (OCD), Food and Nutrition Research Institute (FNRI), Hotel and Restaurant Association of the Philippines (HRAP), Department of Interior and Local Government (DILG), the Local Government Units (LGUs) and Union of Local Authorities of the Philippines (ULAP) shall be established.

a) **Department of Social Welfare and Development (DSWD).** - DSWD shall:

1. Act as Chairperson of the Inter-Agency Committee and the main coordinating agency for the implementation of these Rules;
2. Lead in the preparation of an allocation plan both at the national/regional level and in the provincial/city/municipal level through its Regional Offices;

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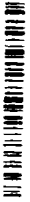
3. Facilitate the collection, storage and issuance of a *Certificate of Acceptance* to food donors of perishable food donations at the national/regional level;
4. Facilitate the distribution of perishable food donations at the national/regional level to DSWD Centers/Institutions, charitable organizations or to other intended beneficiaries through the Local Social Welfare and Development Offices (LSWDOs);
5. Monitor the activities of LSWDOs directly participating in the collection, distribution and storage of food donations under these Rules; and
6. Deputize licensed and/or accredited NGOs to assist PRC in the collection and distribution of highly perishable food donations both at the national/regional and provincial/city/municipal level.

b) **Philippine Red Cross (PRC).** – PRC shall:

1. Act as Vice Chairperson of the Inter-Agency Committee and lead collecting agency for the implementation of these Rules;
2. Make its hotlines available to receive calls from food donors nationwide;
3. Participate in the preparation of an allocation plan both at the national/regional and provincial/city/municipal level;
4. Facilitate the collection, storage and issuance of a *Certificate of Acceptance* to food donors of highly perishable food donations both at the national/regional and provincial/city/municipal level; and
5. Take charge in the distribution of highly perishable food donations both at the national/regional and provincial/city/municipal level especially during the election period and to areas affected by armed conflict or those inaccessible to government agencies and other private organizations.

c) **Department of Health (DOH)**

1. **Food and Drug Administration (FDA).** – FDA shall:
  - i. Issue guidelines and provide training to collecting agents on the preliminary screening of processed food products, except meat products, intended for donations;
  - ii. Conduct laboratory testing, or through accredited private testing laboratories, of processed food products, except meat products, when deemed necessary;
  - iii. Issue a *Certification* whether or not the processed food products, except meat products, intended for donations are fit for human consumption based on the results of laboratory testing; and



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- iv. Provide technical assistance to other government agencies, private entities or organizations in the provincial/city/municipal level for the testing of processed food products, except meat products.

2. **National Nutrition Council (NNC).** – NNC shall:

- i. Provide technical assistance on matters concerning correct nutrition practices and hunger-mitigation measures; and
- ii. Participate in the preparation of an allocation plan at the national/regional level.

d) **Department of Agriculture (DA)**

1. **National Meat Inspection Service (NMIS).** – NMIS shall:

- i. Issue guidelines and provide training to collecting agents on the preliminary screening of fresh meat and meat products intended for donations;
- ii. Conduct organoleptic testing of fresh meat and meat products and laboratory testing when deemed necessary;
- iii. Issue a *Certification* whether or not the fresh meat and meat products intended for donations are fit for human consumption upon proper evaluation; and
- iv. Provide technical assistance to those designated by the Local Chief Executives (LCEs) tasked to conduct testing of fresh meat and meat products.

2. **Bureau of Fisheries and Aquatic Resources (BFAR).** – BFAR shall:

- i. Issue guidelines and provide training to collecting agents on the preliminary screening of fresh, frozen and chilled fish and fishery/aquatic products intended for donations;
- ii. Conduct organoleptic testing of fresh, frozen and chilled fish and fishery/aquatic products and laboratory testing when deemed necessary;
- iii. Issue a *Certification* whether or not the fresh, frozen and chilled fish and fishery/aquatic products intended for donations are fit for human consumption upon proper evaluation; and
- iv. Provide technical assistance to those designated by the Local Chief Executives (LCEs) tasked to conduct testing of fresh fish, frozen and chilled fish and fishery/aquatic resources.

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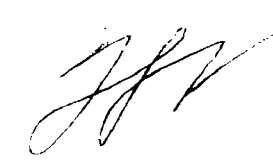
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- e) **Office of Civil Defense (OCD).** – OCD shall:
1. Participate in the preparation of an allocation plan at the national/regional level;
  2. Provide appropriate guidance to food donors and proper referral to either DSWD, PRC or the concerned LGU; and
  3. Facilitate the provision of logistical support for the delivery of food donations to the identified beneficiaries.
- f) **Food and Nutrition Research Institute (FNRI).** – FNRI shall undertake research and development and science and technology activities related to food quality and safety.
- g) **Hotel and Restaurant Association of the Philippines (HRAP).** – HRAP shall:
1. Encourage its members to donate apparently wholesome food for charitable purposes towards achieving the objectives of these Rules; and
  2. Execute Memoranda of Agreement (MOAs) between and among the collecting agents on their participation for the effective and efficient implementation of these Rules.
- h) **Local Government Units (LGUs).** – LGUs shall:
1. Establish a composite team for food donations at the provincial/city/municipal level to:
    - i. Assign LSWDOs to handle the collection/distribution of perishable food donations to its intended beneficiaries and issuance of a *Certificate of Acceptance* to the food donor;
    - ii. Assist in the proper storage of perishable food donations when necessary;
    - iii. Mobilize LSWDOs to assist PRC in the collection/distribution of highly perishable food donations;
    - iv. Require LSWDOs to submit distribution reports to DSWD.
    - v. Designate local health officers, sanitary inspectors or other equipped personnel to conduct organoleptic testing and/or laboratory testing of all processed products, fresh meat and fresh, frozen and chilled fish and fishery/aquatic products as basis for the issuance of a *Certification* whether or not the food intended for donation is fit for human consumption; and
    - vi. Participate in the preparation of an allocation plan through its LSWDOs with DSWD Regional Offices, PRC chapters and concerned NGOs.

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X-22. Establish a composite team for food donations at the national/regional level to:

- i. Take charge in the handling and appropriate distribution of perishable food donations to its target beneficiaries through the LSWDOs upon turn-over from DSWD;
- ii. Require LSWDOs to submit distribution reports to DSWD; and
- iii. Designate local health officers, sanitary inspectors or other equipped personnel to conduct organoleptic testing for cooked food donations as basis for the issuance of a *Certification* whether or not the food intended for donation is fit for human consumption.

- i) **Union of Local Authorities in the Philippines (ULAP).** – ULAP shall:
1. Coordinate with LGUs for their participation in the implementation of these Rules; and
  2. Participate in the dissemination of information to LGUs relative to the active involvement of LCEs.

- ✓ j) **Department of Interior and Local Government (DILG).** – DILG shall:
1. Issue appropriate memorandum circulars directing/encouraging LGUs to actively support and implement the provisions of these Rules; and
  2. Ensure the cooperation of LCEs with implementing agencies and concerned NGOs to successfully carry out the objectives of these Rules.

**Section 2. Collection, Inspection and Testing.**

**A. National/Regional Level**

**a. Perishable food donations:**

- i. Perishable food donations to be collected by DSWD shall be subjected to organoleptic and/or laboratory testing when deemed necessary by FDA or NMIS.
- ii. Appropriate *Certification* shall be issued based on the result of the test/s conducted.

**b. Highly Perishable food donations:**

- i. Highly perishable food donations to be collected by PRC and/or deputized licensed/accredited NGOs shall be subjected to organoleptic and/or laboratory testing when deemed necessary by FDA, NMIS, BFAR, local health

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- officers or other equipped personnel designated by LCEs.
- ii. Appropriate *Certification* shall be issued based on the result of the test/s conducted.

**~~B. Provincial/City/Municipal Level~~**

**a. Perishable food donations:**

- i. Perishable food donations to be collected by the LGUs through the LSWDOs shall be subjected to organoleptic and/or laboratory testing when deemed necessary by local health officers or other equipped personnel designated by LCEs.
- ii. Appropriate *Certification* shall be issued based on the result of the test/s conducted.

**b. Highly Perishable food donations:**

- i. Highly perishable food donations to be collected by PRC and/or deputized licensed/accredited NGOs shall be subjected to organoleptic and/or laboratory testing when deemed necessary by the local health officers or other equipped personnel designated by LCE.
- ii. Appropriate *Certification* shall be issued based on the result of the test/s conducted.

**Section 3. Storage and Distribution.**

**~~X~~ A. National/Regional Level**

- a. DSWD will be primarily responsible for the storage and distribution of perishable food donations based on the allocation plan.
- b. PRC and/or the deputized licensed/accredited NGOs will be responsible for the immediate distribution of highly perishable food donations based on the allocation plan and in collaboration with the LGUs.

**B. Provincial/City/Municipality Level**

- a. The LGUs, through the LSWDOs, will be primarily responsible for the storage and distribution of perishable food donations based on the allocation plan.
- b. PRC and/or the deputized licensed/accredited NGOs will be responsible for the immediate distribution of highly perishable food donations based on the allocation plan and in collaboration with the LGUs.

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**Section 4. Identification of Beneficiaries.**

**A. National/Regional Level**

Selection of beneficiaries for all food donations will be based on an allocation plan prepared by DSWD together with PRC, NNC, and OCD.

**B. Provincial/City/Municipal Level**

Selection of beneficiaries for all food donations will be based on an allocation plan prepared by DSWD Regional Offices together with PRC chapters, LSWDOs and other concerned NGOs.

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**RULE VI**

**LIABILITY FOR DAMAGES FROM DONATED FOOD**

**Article 8. Liability for Damages from Donated Food.** – A person, whether natural or juridical, shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food that a person donates in good faith for charitable purposes. This shall not apply, however, to an injury or death of an ultimate beneficiary of the donated food that results from an act or omission of a person constituting gross negligence or intentional misconduct. Nothing in these Rules should be construed to supersede any health regulations.

**RULE VII**

**APPROPRIATION**

**Article 9. Appropriation.** – The amount necessary to carry out the provisions of these Rules shall be included in the General Appropriations Act (GAA). The heads of concerned agencies/entities shall include in their annual appropriations the amount necessary to implement the activities stipulated in these Rules.

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RULE VIII

FINAL PROVISIONS

**Article 10. Separability Clause.** – If any portion or provision of these Rules is declared unconstitutional, the remainder of these Rules or any provisions not affected thereby shall remain in force and effect.

**Article 11. Effectivity Clause.** – These Rules shall take effect fifteen (15) days from the date of its publication in at least one (1) newspaper of general circulation.

SECRETARY OF  
NATIONAL DEFENSE



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S. No. 150  
H. No. 420

Republic of the Philippines  
**Congress of the Philippines**  
Metro Manila

Fourteenth Congress

Third Regular Session

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

[ REPUBLIC ACT No. 9803 ]

AN ACT TO ENCOURAGE THE DONATION OF FOOD FOR  
CHARITABLE PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as  
the “Food Donation Act of 2009”.

SEC. 2. *Declaration of Policy.* – It is the policy of the  
State to alleviate national poverty and reduce food wastage.  
As such, the State shall implement measures to encourage the  
donation of apparently wholesome food for charitable purposes.



SEC. 3. *Definition of Terms.* - For purposes of this Act, the following terms shall be defined as follows:

(a) "Apparently Wholesome Food" refers to food that meets all quality and labeling standards imposed by pertinent laws and administrative regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. It does not include milk products as defined and covered under Executive Order No. 51, the "National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products".

(b) "Donate" is to dispose of an apparently wholesome food in favor of another. It includes giving by one person to another person of an apparently wholesome food for distribution, notwithstanding that the former has charged a nominal fee from the latter, if the ultimate beneficiary is not required to give anything of monetary value.

(c) "Food" refers to any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(d) "Gross Negligence" refers to voluntary and conscious conduct, including a failure to act, by a person who, at the time of the conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.

(e) "Intentional Misconduct" refers to conduct by a person with knowledge at the time of the conduct that the conduct is harmful to the health or well-being of another person.

(f) "Charitable Purposes" refers to philanthropic, humanitarian and non-profit objectives, including the benefit of the needy, poor, sick, prisoners, orphans, etc.

**SEC. 4. *Coordinating Mechanism.*** – To ensure effective and sustained inter-agency and multi-sectoral coordination, the Department of Social Welfare and Development (DSWD) shall serve as the main coordinating agency together with the Philippine National Red Cross as auxiliary for the implementation of this Act.

**SEC. 5. *Liability for Damages from Donated Food.*** – A person, whether natural or juridical, shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food that a person donates in good faith for charitable purposes. This shall not apply, however, to an injury or death of an ultimate beneficiary of the donated food that results from an act or omission of a person constituting gross negligence or intentional misconduct.

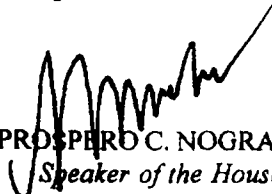
**SEC. 6. *Implementing Rules and Regulations.*** – The DSWD, in coordination with the Department of Health (DOH) and its attached agencies, the Bureau of Food and Drugs (BFAD) and the National Nutrition Council (NNC); the National Disaster Coordinating Council (NDCC); the Union of Local Authorities of the Philippines (ULAP); other relevant government agencies, nongovernment organizations including the Philippine National Red Cross and private entities shall formulate and issue the necessary rules and regulations for the implementation of this Act within ninety (90) days after the effectivity of this Act.

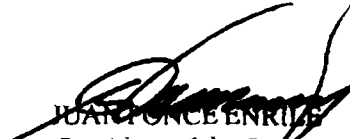
**SEC. 7. *Repealing Clause.*** – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

**SEC. 8. *Separability Clause.*** – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.


SEC. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from the date of its publication in at least one (1) newspaper of general circulation.


Approved,

  
PROSPERO C. NOGRALES  
*Speaker of the House  
of Representatives*


  
JUAN PONCE ENRILE  
*President of the Senate*

This Act which is a consolidation of Senate Bill No. 150 and House Bill No. 420 was finally passed by the Senate and the House of Representatives on July 28, 2009 and September 30, 2009, respectively.

  
MARILYN B. BARUA-YAP  
*Secretary General  
House of Representatives*

  
EMMA LIRIO-REYES  
*Secretary of the Senate*

Approved: NOV 25 2009

  
GLORIA MACAPAGAL ARROYO  
*President of the Philippines*

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