

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.

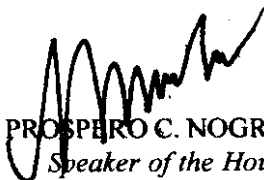
SEC. 6. *Implementing Rules and Regulations.* – The DSWD, in coordination with the Department of Health (DOH) and its attached agencies, the Bureau of Food and Drugs (BFAD) and the National Nutrition Council (NNC); the National Disaster Coordinating Council (NDCC); the Union of Local Authorities of the 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.

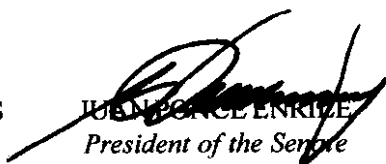
SEC. 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

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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