

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11037, OTHERWISE KNOWN AS THE "MASUSTANSYANG PAGKAIN PARA SA BATANG PILIPINO ACT"

WHEREAS, Republic Act No. (RA) 11037 entitled "An Act Institutionalizing a National Feeding Program for Undernourished Children in Public Day Care, Kindergarten and Elementary Schools to Combat Hunger and Undernutrition Among Filipino Children and Appropriating Funds Therefor," otherwise known as the "Masustansyang Pagkain para sa Batang Pilipino Act," was signed into law by President Rodrigo Roa Duterte on 20 June 2018;

WHEREAS, the Department of Education (DepEd) and the Department of Social Welfare and Development (DSWD), in consultation with other National Government Agencies (NGAs), Local Government Units (LGUs), Non-Government Organizations (NGOs), and development partners, are mandated by RA 11037 to promulgate their respective rules and regulations for the efficient and effective implementation of the National Feeding Program for Public Day Care Centers (PDCCs) or Child Development Centers (CDCs), public kindergarten and elementary schools, pursuant to Section 4 of RA 11037 to address undernutrition among Filipino children;

WHEREAS, Section 4(c) of RA 11037 provides that the NGAs shall coordinate with the Department of Agriculture (DA), the National Dairy Authority (NDA), the Philippine Carabao Center, the Cooperative Development Authority (CDA) and for purposes of this IRR such other relevant government agencies for the incorporation of fresh milk and fresh milk-based food products in the fortified meals and cycle menu in accordance with RA 8976, otherwise known as the "Philippine Food Fortification Act of 2000;"

WHEREAS, the National Feeding Program that RA 11037 seeks to institutionalize is consistent with the Philippine Plan of Action for Nutrition formulated by the National Nutrition Council (NNC) where such plan aims to reduce stunting and wasting among preschool and school children, as well as reduce micronutrient deficiencies to levels below public health significance through the implementation of nutrition-specific and nutrition-sensitive programs;

WHEREAS, the NDA created through RA 7884, otherwise known as the "National Dairy Development Act of 1995," is mandated to enhance children's, pregnant and nursing mothers' nutritional intake through the promotion of local milk and milk products and to ensure that all government programs requiring milk and dairy products shall be sourced from small farmers and dairy cooperatives;

WHEREAS, the efficient and effective implementation of a national feeding program shall sustain the gains of good nutrition achieved through the delivery of early childhood care and development services consistent with RA 10410, otherwise known as the "Early Years Act of 2013" and quality basic education services under RA 10533, otherwise known as the "Enhanced Basic Education Act of 2013;"

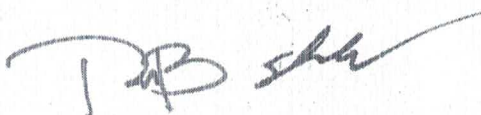
NOW THEREFORE, the Secretaries of DepEd and DSWD, pursuant to RA 11037, and after several consultative meetings with the concerned NGAs and private stakeholders,

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hereby promulgate the following Implementing Rules and Regulations (IRR) in order to carry out the provisions of the Act:

RULE I GENERAL PROVISIONS

Section 1. Short Title. These rules and regulations shall be known and cited as the Implementing Rules and Regulations (IRR) of Republic Act No. (RA) 11037, otherwise known as the "Masustansyang Pagkain para sa Batang Pilipino Act."

Section 2. Scope and Application. The provisions of this IRR shall apply to all public day care centers, kindergarten and elementary schools. This IRR shall also apply to all home-based supplemental feeding programs which are: (a) managed by DSWD, in coordination with the LGUs, for children aged three (3) to five (5) years old; and (b) those implemented by DepEd under its School-Based Feeding Program (SBFP), consistent with Section 4(b) of the Act, implemented by a public elementary school; Provided That they satisfy the definition of an "undernourished" child as provide under Section 3(e) of the Act and/or the definition of Children under Section 4.3 of this IRR.

Section 3. Declaration of Policy. This IRR shall be interpreted in light of the Declaration of Policy found in Section 2 of the Act.

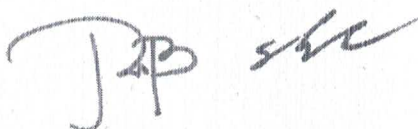
Section 4. Definition of Terms. For purposes of this IRR, the following terms are defined as follows:

- 4.1. Act** refers to RA 11037, otherwise known as the "Masustansyang Pagkain para sa Batang Pilipino Act."
- 4.2. Central Kitchen** refers to a school or LGU-supervised facility that centralizes the procurement and, food preparation or cooking of a school or a group of schools where food preparation is done in the Central Kitchens and the prepared food is delivered to or picked up by the schools for distribution among its feeding program beneficiaries.
- 4.3. Children**, consistent with Section 3(a) of RA 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act) and in relation to the Act, refer to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
- 4.4. Community-Based Facilities** refer to a facility run by the Local Government Unit, (include RLA SWDAs) (LGU) for children 2-5 years old not enrolled in public Day Care Centers (DCCs) or Child Development Centers (CDCs), Supervised Neighborhood Playgroup (SNP) but are provided with Early Childhood Enrichment Activities together with older children through play activities, games, guided exercises, and other learning opportunities and

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modalities. It also includes those children included in the Home-Based Program, as stipulated in the Early Years Act RA 10410, such as the neighborhood-based play groups, family child care programs, parent education and home visiting programs.

4.5. Cycle Menu refers to standardized menus prepared by the NGAs, in coordination with the NNC and the Food and Nutrition Research Institute (FNRI), which shall be contextualized and drawn up, among others, according to age range, location, and/or type of school, and local cultural and/or religious eating preferences: Provided, that such menus shall have as many varieties and selections as may be necessary taking into account its availability in the place or locality where the day care center or school is located.

It shall also refer to a set of carefully planned menus by the proper offices under DepEd and DSWD, which are rotated according to a definite pattern. The cycle menus referred to in this IRR shall be prepared by the NGAs in coordination with the National Nutrition Council (NNC) and the Department of Science and Technology (DOST)-Food and Nutrition Research Institute (FNRI).

For purposes of this IRR, **Menu** and **Standardized Recipe** are further defined as follows:

4.5.1. Menu refers to a list of dishes that are to be served at a meal or the meal itself, which is composed of standardized recipes.

4.5.2. Standardized Recipe, as defined by the United States Department of Agriculture refers to a recipe that has been tried, adapted, and retried several times for use by a given food service operation and has been found to produce the same good results and yield every time when the exact procedures are used with the same type of equipment and the same quantity and quality of ingredients.

4.6. ECCD Service Providers, as defined under Section 4(2)(b) of RA 10410, refers to various professionals, paraprofessionals and volunteer caregivers who are directly responsible for the care and education of young children from ages zero (0) to four (4) years through the various centers and home-based programs. They shall include, but shall not be limited to, day care workers, child development teachers, teacher-aides, rural health midwives, social workers, community health workers, barangay nutrition scholars, parent effectiveness service providers, and family day care providers.

4.7. Kindergarten, refers to the first stage of compulsory and mandatory formal education which consists of one (1) year of preparatory education for children at least five (5) years old as a prerequisite for Grade 1.


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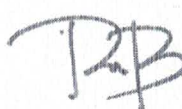
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- 4.8. Elementary Education**, refers to the second stage of compulsory basic education which is composed of six (6) years. The entrant age to this level is typically six (6) years old.
- 4.9. Fresh Milk**, refers to the normal mammary secretion of one or more healthy dairy animals like cows, buffalos/carabaos, or goats, and as far as practicable, produced by local dairy farmers or farms, that is: 1) free from colostrum, 2) without adding or extracting anything to or from it, 3) has undergone heat processing, and 4) intended for consumption as liquid milk or for further processing.
- 4.9.1. Fresh Milk-Based Food Product** refers to a product created or produced based on, derived from, or blended with fresh milk. Some examples would be cheese, yogurt, toned milk and flavoured milk drinks among others produced with fresh milk as a component.
- 4.9.2. Locally-Produced Milk** refers to fresh milk or fresh milk-based food product produced in the Philippines.
- 4.10. Fortified Meal** refers to a meal with deliberately increased content of essential micronutrients so as to improve the nutritional quality of the food and provide the level of calories and protein as prescribed by the NNC which shall consist of at least one-third (1/3) of the daily requirement based on the Philippine Dietary Reference Intake (PDRI).
- Fortified Meal shall also refer to a meal that contains at least fifty percent (50%) requirements for micronutrients based on the PDRI.
- Meal shall be fortified using nutrient-dense foods, iron-fortified rice, fortified food products, and/or addition of multiple micronutrient powder.
- For purposes of this IRR, **nutritionally adequate meal** refers to a meal with addition of ingredients that are not customary to a certain recipe to increase content of essential micronutrients to improve the nutritional quality of the meal. The goal is to meet one-third (1/3) of the daily requirement based on the Recommended Energy Intakes (REI) and Recommended Nutrient Intakes (RNI) per day.
- 4.11. Health Examination** refers to the examination conducted by NGAs, in coordination with the Department of Health (DOH) and LGUs concerned, on the overall condition of the program beneficiary which shall, among others, include the program beneficiary's height, weight and other ailments, defects or deformities that may need special care or treatment.

It may also refer to the history taking and physical examination conducted by local health and nutrition service providers, child development workers

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and other capacitated personnel of the NGAs, in coordination with the DOH and LGUs concerned.

- 4.12. National Government Agencies (NGAs)** refer to DepEd and the DSWD which shall be the lead agencies in the implementation of the program for public kindergarten and elementary schools and public DCCs, respectively.

Consistent with the provision of RA 10410 (Early Years Act), Public DCCs shall also mean Child Development Centers (CDCs) managed by the DSWD, ECCD and/or LGUs as further defined under Section 5 of this IRR.

- 4.13. Philippine Dietary Reference Intake (PDRI)** refers to the collective term comprising reference values for energy and nutrient levels of intakes namely the Estimated Average Requirement (EAR), the Recommended Energy/Nutrient Intake (REI/RNI), the Adequate Intake (AI) and the Tolerable Upper Intake Level or Upper Limit (UL).

- 4.14. Public Day Care Centers (PDCCs)** refers to a facility for children aged three (3) to four (4) years old that enhance development domains namely, the physical-motor, socio emotional, cognitive, language, psychological and spiritual development of young children. Such facility may be managed by DSWD, Early Childhood Care and Development Council (ECCDC) or any government agency including LGUs.

For purposes of this IRR and consistent with the Act, the Public Day Care Centers (PDCCs) defined under the preceding paragraph shall also refer to Day Care Centers converted to Child Development Centers in various LGUs under Section 11 of RA 10410 (Early Years Act of 2013) which are also managed by the DSWD, Early Childhood Care and Development Council (ECCDC), or any government agency including LGUs.

- 4.15. Undernourished Child** refers to a child who has been supplied with less than the minimum amount of foods essential for sound health and growth. As stated in the Act, it shall include children who are suffering from chronic hunger and malnutrition as well as those who are considered as wasted, severely wasted or stunted under the World Health Organization Child Growth Standards.

For purposes of this IRR, Chronic Hunger and Malnutrition are further defined as follows:

- 4.15.1. Chronic Hunger** refers to a status of an individual whose food intake regularly provides less than their minimum energy requirements.

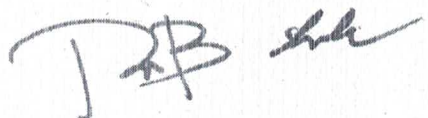
- 4.15.2. Malnutrition** refers to deficiencies, excesses or imbalances in a person's intake of protein, energy (carbohydrates and fats) and/or nutrients covering both undernutrition which

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includes suboptimal breastfeeding, stunting, wasting or thinness, underweight and micronutrient deficiencies or insufficiencies, as well as over nutrition, which includes overweight and obesity.

4.15.2.1. Stunting refers to chronic undernutrition during the most critical periods of growth and development in early life. It is defined as the percentage of children aged 0 to 59 months whose height for age is below minus two standard deviations (moderate and severe stunting) and minus three standard deviations (severe stunting) from the median of the WHO Child Growth Standards.

4.15.2.2. Underweight refers to a child who manifests low weight for age based on the WHO Child Growth Standards. This term, which is used before as a key indicator for the nutritional status of children, for purposes of this IRR and the implementation of the National Feeding Program as mandated by the Act, shall now only be collected for purposes of growth monitoring as "Stunting" and "Wasting" shall now be the indices for the targeting and selection of beneficiaries of the NFP to be implemented under the Act.

4.15.2.3. Wasting - also known as Acute Malnutrition or being thin, refers to children age 0-59 months whose weight-for-length/height is below minus 2 up to minus 3 of the standard deviation or < -2 to -3 (moderate wasting or moderate acute malnutrition or MAM) and below minus three or < -3 (severe wasting or severe acute malnutrition or SAM) from the median of the WHO Child Growth Standards.

For older children above 59 months, it is defined as a body mass index (BMI) of below minus 2 up to minus 3 of the standard deviation or < -2 to -3 (moderate) and below minus three or < -3 (severe), from the median.

If using the Mid-Upper Arm Circumference (MUAC), moderate wasting refers to a measurement of less than one hundred twenty-five millimeters ($<125\text{mm}$) and greater than or equal to one hundred fifteen millimeters

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(>115mm) for infants and children aged 6-59 months; while severe wasting refers to a MUAC of below 115 millimeters (< 115mm).

Only children older than 59 months and with wasting will be covered by this Implementing Rules and Regulations. Younger children aged 59 months and below will be managed separately through the National Guidelines for the Management of Acute Malnutrition covered by RA 11148 ("Kalusugan at Nutrisyon ng Mag-Nanay Act").

4.15.2.4. Micronutrient deficiency - refers to the lack of essential vitamins and minerals required in small amounts by the body for proper growth and development. Essential micronutrients include (but not limited to): iron, zinc, calcium, iodine, vitamin A, B-vitamins, and vitamin C.

4.15.2.5. Over-nutrition- refers to excess intake of protein and energy as well as poor health status and poor maternal and child caring practices resulting to overweight and obesity. Over-nutrition may also co-exist with undernutrition such as an overweight or obese child with micronutrient deficiency.

4.15.2.5.1. Overweight – for children 0-59 months, it refers to a weight for length/height from above plus 2 to less than +3 (> + 2 to + 3) from the median of the WHO Child Growth Standards; for older children above 59 months, a body mass index (BMI) from above plus 2 to less than +3 (> + 2 to + 3) from the median.

4.15.2.5.2. Obese - for children 0-59 months, it refers to a weight for length/height of above plus 3 (> + 3) from the median of the WHO Child Growth Standards; for older children above 59 months, a body

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mass index (BMI) from above plus 3 ($> + 3$) from the median.

4.16. Water, Sanitation, and Hygiene (WASH) refers to activities aimed at improving access to and use of safe drinking water and sanitation as well as promoting good hygiene practices, such as tooth brushing, proper hand washing with soap at critical times, use of proper footwear at all times, use of toilet facilities. Other interventions can include water potability and microbiological testing, vermin and vector control, solid waste management among others.

RULE II NATIONAL FEEDING PROGRAM

Section 5. National Feeding Program. The National Feeding Program, hereinafter referred to as the Program, is hereby established to address undernutrition among Filipino children.

The Program shall have the following components and coverage:

5.1. Supplemental Feeding Program for Day Care Children. The DSWD, in coordination with the LGUs concerned shall implement a supplemental feeding program for undernourished children with ages three (3) to five (5) years. The Program shall be administered in DCCs or any other facility which can be used for such purpose; Provided, That the program shall include the provision of at least one fortified meal for a period not less than 120 days in a year; Provided further, that in the preparation of fortified meals, the DSWD shall work in collaboration with recognized parent organizations.

For purposes of this IRR, the supplemental feeding program for day care children shall further be subjected to the following guidelines:

5.1.1. The supplemental feeding program shall also mean DSWD's Supplementary Feeding Program (SFP) in coordination with the LGUs concerned, covering undernourished children ages three (3) to five (5) years enrolled in the CDCs and home-based programs, such as but not limited to, supervised neighbourhood play groups (SNPs), among others, as

5.1.2. The program shall be administered in Child Development Centers (CDCs) or any community based facilities, which can be used for such purpose. Unless otherwise provided by the Secretary of DSWD, in consultation with the relevant offices concerned, the ingredients to be used in the supplemental feeding program shall as much as possible be locally procured from small scale farmers.

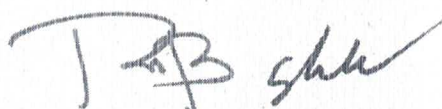
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5.1.3. This program shall be in a form of fortified meals to be served during snack or meal time to children enrolled in CDCs or community-based facilities. It shall be conducted for 120 days, from the minimum of five (5) days and to the maximum of seven (7) days in a week. It shall be managed by parents or caregivers supervised by the Child Development Workers (CDWs) or teachers based on the prepared cycle menu using locally available and/or indigenous food supplies. The program shall follow the recommended at least 20-day cycle menu.

5.1.4. Weight and height of children participants shall be measured at the start (baseline) and at the end of the program (endline). Children found to have moderate acute malnutrition (wasting) and severe acute malnutrition (severe wasting), with or without medical condition, shall be referred to the health facilities for appropriate health and nutritional intervention. The concerned Child Development Worker or ECCD Service Providers shall submit a quarterly report to the Local Social Welfare and Development Office (LSWDO) for onward submission to the DSWD. Progress reports on the nutritional status of the beneficiaries should also be submitted to the Local Nutrition Councils (barangay to provincial) to use and improve administrative data for results based monitoring. The standardized monitoring and reporting tools will be issued by the DSWD to all concerned LSWDOs.

The DSWD shall create a Program Management Unit in the National and Regional Offices, which shall be composed of staffing complement who shall ensure the effective and efficient implementation of the program subject for approval of DBM.

5.2. School-Based Feeding Program. The DepEd shall implement a School-Based Feeding Program (SBFP) for undernourished public school children from Kindergarten to Grade Six; Provided, That the Program shall include the provision of at least one fortified meal to all undernourished public elementary school children for a period of not less than 120 days in a year.

For purposes of this IRR, the SBFP shall be further subject to the following guidelines:

5.2.1. General Objective. The SBFP shall uphold its objective to impact not only on improvement of nutritional status but also in the improvement of education outcomes such as but not limited to classroom attendance, net enrollment rate, gross enrollment rate, cohort survival rate and the observed

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positive impact on learner cognition, and improved classroom participation for its child beneficiaries.

5.2.2. Feeding Commodity. Fortified meals shall be provided to target beneficiaries every school day using the recommended cycle menu and locally available and/or indigenous vegetables from school gardens.

5.2.3. Program Implementation. To ensure the quality implementation of the SBFP and establish a system that promotes strict compliance to food safety and food science policies, DepEd, in coordination with LGUs, and partner stakeholders, shall implement, as one of the possible modalities, the "Central Kitchen Model" as a system for implementation through an efficient transport arrangement system. DepEd shall provide alternate modalities that schools or group of schools may consider should circumstances or situations not allow the Central Kitchen Model in their localities. Central kitchen, as far as practicable, should use fuel-efficient stoves, have dedicated woodlots, use recyclable and biodegradable packing materials to environmentally-friendly.

5.2.4. Staffing/Human Complement. In order to ensure quality implementation and strict adherence to food safety measures, and lessen the burden of teachers in the implementation of the program, DepEd may create a Program Management Unit in the National, Regional and Divisions Offices, which shall be composed of staffing complement from its existing personnel who shall ensure the effective and efficient implementation of the program subject for approval by DBM.

5.3. Milk Feeding Program. The NGAs shall coordinate with the Department of Agriculture (DA), the NDA, the PCC and the CDA for the incorporation of fresh milk and fresh milk-based food products in the fortified meals and cycle menu in accordance with ¹RA 8172 otherwise known as the Philippine Food Fortification Act of 2000, utilizing, as far as practicable, locally produced milk in order to enhance its nutritional content and at the same time help boost livelihood opportunities for local dairy farmers and the local dairy industry.

Consistent with Section 6, par. 2 of RA 8976, the DOH, through the Food and Drug Administration (FDA) and the NNC, shall promulgate regulations to implement the inclusion of fresh milk and fresh milk-based food product as one of the foods to be fortified based on the most recent nutrition survey and acceptable scientific research and standards.

¹ RA 8172 is the Asin Law; RA 8976 is the correct law

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The NDA, being the country's authority on milk and dairy products, and the PCC, as the agency mandated to conserve, propagate, and promote the Philippine Carabao as a source of milk, shall assume the lead roles in assisting the NGAs for the nationwide coordination and implementation of milk feeding programs as well as feeding programs having milk as part of the menu. The NGAs, assisted by the NDA and the PCC, shall ensure that all plans, agreements, systems and procedures for fresh milk and fresh milk-based product procurement and distribution, program funding and implementation, generating more livelihood opportunities for the local dairy industry and farmers, private sector participation, are formulated and developed. The NGAs, prior to the approval and adoption of the procurement procedure, shall consult the Government Policy Procurement Board (GPPB) to ensure compliance with existing procurement laws, rules and regulations.

Fresh milk and fresh milk-based products to be procured and utilized for feeding programs, consistent with Section 4(c) of the Act in relation to Section 16 of RA 7884 (National Dairy Development Act of 1995) and Section 5 (d) of RA 7307 (Philippine Carabao Act of 1992), as far as practicable, shall be sourced from local dairy producers and cooperatives and shall be done in coordination with the NDA and PCC to determine conformity to the standards and qualifications of the law and the program.

The NGAs, in coordination with the NDA and PCC, may enter into partnership with the private sector and other private or public entities to accept donations of fresh milk and fresh milk-based product, subject to existing laws, rules and regulations on the same to effectively and efficiently implement the milk feeding program mandated under the Act.

Fresh milk or fresh milk-based product to be served under this program shall not be less than 100ml per serving, together with the fortified meals. In addition, fresh milk or fresh milk-based product may also be used as an ingredient in the recipes of fortified meals to enhance their nutritional content.

For funding arrangements, and subject to existing procurement, auditing, and accounting laws, rules and regulations, a Memoranda of Agreement (MOA) may be entered into generally between and among DepEd, DSWD, DA, and the NDA and /or PCC; or between the interested NGA and/or LGU and the NDA and/or PCC.

Private sector participation is encouraged as stated in Section 8, Rule V of this IRR; Provided however, that the fresh milk supply, as far as practicable, shall have a local fresh milk component as determined by the NDA.

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The NGAs, in consultation with DOH, NDA, PCC and DILG, shall formulate health protocols in relation to adverse food reactions like food allergies/lactose intolerance among others.

5.4. Micronutrient Supplements. The NGAs, in coordination with the DOH, shall provide micronutrient supplements to the Program beneficiaries including the use of iodized salt in accordance with Republic Act No. 8172, otherwise known as "An Act for Salt Iodization Nationwide (ASIN)."

The DOH, through the LGUs, shall provide the appropriate micronutrient supplements to the eligible beneficiaries of the NGAs in accordance with the existing guidelines for micronutrient supplementation.

The NGAs shall coordinate with the local health offices with regard to the schedule and frequency of administration of micronutrient supplements for their eligible beneficiaries.

Those beneficiaries who are no longer eligible to receive the universal micronutrient supplementation of DOH like the school children, may still receive additional micronutrients through the use of multiple micronutrient powder (MNP) that may be incorporated in the fortified meals served to them.

The DOH, through their Regional Offices, will designate an office that will oversee the sufficient provision of micronutrient supplements to the Program beneficiaries through:

5.4.1. Coordination with Schools Division Offices;

5.4.2. Coordination with focal persons in the DSWD Field Offices for their Supplementary Feeding Program.

Further, the NGAs shall annually provide the DOH the number of Program beneficiaries.

5.5. Health Examinations, Vaccination and Deworming. The NGAs, in coordination with the DOH and LGUs concerned, shall conduct health examinations, deworming, and vaccination, as the case may be to Program beneficiaries.

DepEd, in coordination with the DOH and LGU Rural Health Units, Barangay Health Workers, and Barangay Nutrition Scholars, shall conduct health and nutrition assessment of all school children through appropriate facilitation of school personnel without disrupting school / classroom activities. These screening processes shall enable DepEd to identify the undernourished (Wasted, Severely

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Wasted, Stunted, Severely Stunted, and the Micronutrient Deficient Learners) who will be enrolled in the SBFP. To maximize efficiency, the learner health examinations shall be conducted even before the start of classes, preferably during recognized In-School community activities as Brigada Eskwela, early registration activities, enrollment period.

DepEd shall allocate and provide the Individual School Health Cards for each learner. This individual health card shall be used to record all health assessment and health and nutrition interventions provided in the school until the child graduates. The card may also be transferred along with other school documents should the child transfer from one school to another.

The DOH, through the LGUs, shall conduct appropriate medical examinations and provide health services to the eligible beneficiaries of the NGAs in accordance with the existing DOH guidelines.

The DSWD, through their CDWs, shall coordinate with the local health offices with regard to the schedule and frequency of medical examinations and provision of appropriate health services for their eligible beneficiaries.

The CDWs, in coordination with the Barangay Midwife, and with the assistance of Barangay Health Workers (BHWs) and Barangay Nutrition Scholars (BNS), shall monitor the status of the health examination, vaccination, and deworming of the Program beneficiaries.

The CDWs or ECCD Service Providers, in coordination with the Barangay Health Workers (BHWs) and Barangay Nutrition Scholars (BNS), shall monitor the status of the health examination, vaccination, and deworming of the Program beneficiaries. The CDWs shall submit a report to the concerned LSWDO for onward submission to the DSWD and DepEd.

5.6. Gulayan sa Paaralan. The NGAs shall encourage their respective component units to devote portions of their land or space for the cultivation of vegetables and other nutrient-rich plants as identified by the NNC, in coordination with Bureau of Plant Industry of the DA: Provided, that component units lacking in land shall adopt modern gardening technologies with the assistance of the DA and the city or municipal agriculture officers.

The DepEd and DA to have a strong partnership with the concerned local government units and other stakeholders, i.e. recognized parent's organizations, people's organizations, etc. in the program

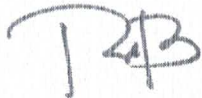
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implementation particularly on the monitoring of food preparation, and the maintenance of land used as school gardens.

The DA may provide technical assistance to parents and teachers who have sufficient agricultural knowledge, e.g. developing alternative gardening strategies, cultivation of vegetables and other nutrient-rich plants, among others in their respective backyards.

5.7. Water, Sanitation and Hygiene (WASH). The NGAs, in coordination with the DOH and LGUs, shall establish and maintain water and sanitation facilities, promote good hygiene and safe food preparation in all of its component units especially in areas devoted for the preparation of meals under the Program.

5.7.1. The LGUs, including the CDWs and DepEd teachers, shall conduct a WASH campaign focusing on the proper use and maintenance of toilets, danger of practice of open defecation and the importance of thorough washing of hands with soap and water after defecation and before eating their meals.

5.7.2. The LGUs shall assist the NGAs, with technical assistance and support from DOH, in the establishment of water and sanitation facilities in schools and DCCs. The LGUs shall also conduct regular water supply testing in schools and DCCs to ensure that water is safe for drinking and for use in food preparation.

5.7.3. To ensure food safety, the LGUs shall provide training to the food handlers that will be involved in the food preparation for the feeding program and shall finance issuance of the corresponding health permit to those that have been trained and have undergone health examination as stipulated in Section 7 of the law. They shall also conduct regular inspection of the food preparation areas in schools and DCCs, and conduct investigation when there is reported cases of food and waterborne diseases.

5.7.4. LGUs shall use various methods to simplify regulatory processes such as issuance of permits and licenses and other necessary processes, in accordance with existing laws on business permit and licensing system and other relevant laws, rules, regulations, policies and issuances.

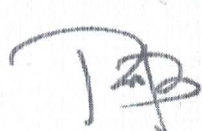
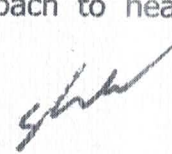
5.8. Integrated Nutrition Education, Behavioral Transformation, and Social Mobilization. The Program shall be complemented by a public health, nutrition, and values transformation campaign to promote holistic and integrated approach to health and nutrition

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education. Orientation-training on the objectives and mechanics of the Program shall be held among personnel of NGAs and LGUs concerned, parent volunteers and the parent-teacher's associations (PTAs) and learners' organization to generate support for the Program. The NGAs concerned shall endeavor to mobilize community organizations such as, but not limited to, the Sangguniang Kabataan to continue nutrition education outside of the school.

The NGAs, in consultation with the NNC, shall formulate or enhance existing training modules to include topics on health and nutrition education based on the following settings:

5.8.1. School-Based Training Module that will be used for the Program implementation in the public schools; and

5.8.2. Community-Based Training Module that will be used for the Program implementation in the public DCCs or CDC or any community-based or home-based facilities. The DSWD shall use the Family Development Session for all Pantawid Pamilya beneficiaries to implement the integrated nutrition education, behavioral transformation, and social mobilization program particularly for those families with children zero (0) to eight (8) years as the first crucial years of educational development.

Sec. 6. Prioritization in the Program Implementation. The NGAs shall create a five (5)-year plan to fully implement the Program: Provided, That the NGAs concerned shall prioritize the implementation of the Program in the LGUs and public CDCs or elementary schools that meet any of the following criteria:

- 6.1.** With the highest prevalence and/or magnitude of undernutrition and nutrient-deficiency among children aged three (3) years up to grade six (6) level;
- 6.2.** With available facilities or capability to implement the Program; or
- 6.3.** Will prioritize such Program in their locality and are willing to provide counterpart resources for its implementation.

RULE III NATIONAL NUTRITION INFORMATION SYSTEM

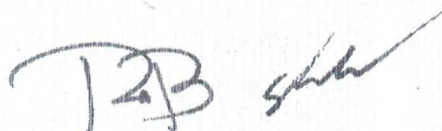
Section 7. Creation of a National Nutrition Information System. The NNC shall harmonize all existing national and local nutrition databases from NGAs, LGUs and other relevant agencies of government. Specifically, for this law, the NNC as focal agency, shall host the NNIS with data collection and submission at all levels effected by agencies identified as lead per intervention consistent with the prescribed results

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framework. The NNIS shall inform decisions of agencies in the identification of nutritionally depressed provinces, cities and municipalities; groups and individuals, groups and/or localities that have the highest magnitude of hunger and undernutrition and individuals who are stunted based on administrative reporting systems such as the "Operation Timbang Plus" data available at the city/municipal levels. The system shall also include the inventory of nutrition interventions being implemented complementary to the feeding program to address the other causes of undernutrition in children and their families.

All government agencies that are tasked under the law shall maintain their databases to be linked to the NNIS based on the prescribed monitoring and evaluation framework and mechanism for data sharing consistent with salient provisions of the data privacy act. This mechanism will ensure the efficient and regular and timely collection, storage and utilization of common database for the smooth planning of the program and related interventions for children enrolled in both day care centers and schools. Twice annually, on or before start and then end of each school year, the databases shall be updated in all day care centers and schools implementing the program to allow baseline and endline monitoring of children's nutritional status; and submitted to the regional and national level, annually.

The National Nutrition Information System shall have the following information, disaggregated by locality, institution, age and sex:

7.1. Number of children who are beneficiaries of the Program under the Supplementary Feeding Program and School-based Feeding Program, disaggregated by locality, age and sex;

7.2. Annual nutritional status of the Program beneficiaries.

The program's impact may be assessed through conduct of evaluation every five years or as may be agreed by key agencies mentioned in the law.

RULE IV LOCAL GOVERNMENT ASSISTANCE

Section 8. Local Government Assistance. LGUs shall assist the NGAs in the efficient and effective implementation of the Program in accordance with Section 4 of the Act and shall be authorized to use a portion of the Special Education Fund (SEF) and/or twenty percent (20%) development fund as provided for in Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" as amended, to augment the appropriations available under the General Appropriations Act (GAA). Specifically, the LGUs through the Local Nutrition Committee (LNC) shall (but not limited to) to oversee the program implementation, design a buy-back implementation strategy to support local food production and market such that organized smallholder farmers will participate in food production and are linked up to DepEd and DSWD for the procurement of food commodities required, integrate LGU school feeding budget in the Comprehensive Development Plans and shall be part of the LGU Food Security

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Plans. Moreover, LGUs shall facilitate training of farmers and LNC staff for the preparatory activities prior to the implementation. Further, it shall ensure that school feeding is integrated in the SIP and is deliberated by the Local School Board for funding support. Lastly, it shall develop its local monitoring and evaluation mechanisms in conjunction with the National Nutrition Information System and conduct local resource mobilization especially with private sectors for support as part of corporate social responsibility.

RULE V PRIVATE SECTOR PARTICIPATION

Section 9. Private Sector Participation. The NGAs shall encourage the participation of the private sector in the Program which shall include among others, PTAs, private corporations, peoples and non-government organizations and such other groups or organizations, both foreign and local, that may want to be partner in whole or in part with the implementation of the program.

The DSWD and DepEd shall develop a Joint Memorandum of Agreement in partnership with concerned private sectors in the implementation of the National Feeding Program, which will include provisions on criteria and qualifications, minimum requirements, roles and responsibilities, among others.

The partnership with the private sector shall in no way contradict with the prohibitions set by law against having partnership with organizations or corporations prohibited under Executive Order 51 (National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements, and Other Related Products), Article 5.3 of the Framework Convention on Tobacco Control (FCTC), among others, nor shall it encourage partnership with organizations or corporations whose primary purpose of business is deemed illegal, or contrary to morals and public policy until existing laws.

RULE VI MONITORING, EVALUATION AND REPORTING MECHANISMS

Section 10. Monitoring, Evaluation and Annual Reporting. The NGAs, in coordination with the LGUs, the NNC, and other stakeholders, shall regularly monitor, review and assess the impact and effectivity of the Program as well as ensure compliance with the standards and guidelines of the Program for food safety, quality and accountability, community participation and the procurement and liquidation processes adopted.

For this purpose, the NGAs through their Program Management Units, shall prepare and submit an annual report on the status of the implementation of the Program to the Office of the President and both House of Congress copy furnished NNC and DILG.

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RULE VII TAX EXEMPTIONS

Section 11. Tax Exemption. Any donation or request made to the NGAs or any of the aforementioned government agencies including LGUs for the Program shall be exempt from donor's tax: Provided, that donations in kind shall be approved by the NGAs concerned upon the recommendation of the NNC in the case of food products and the DOH, in the case of vaccine and supplements, as the case may be respectively.

The NGAs shall submit their respective Feeding Program Projects for inclusion in the National Priority Programs (NPP) list of the National Economic Development Authority (NEDA) for the full tax deduction from the gross taxable income of private sector donations. (NEDA input)

The DOH and NNC shall approve big scale donations of vaccines and supplements and foods, respectively, for wide distribution throughout the country. However, for small donations of vaccines and supplements, and foods, the Municipal Health Officer (MHO) and the Municipal Nutrition Action Officer (MNAO) may approve them behalf of DOH, FDA and NNC, respectively.

RULE VIII PROCUREMENT OF GOODS AND SERVICES

Section 12. Procurement of Goods and Services. The Department of Budget and Management (DBM), Government Procurement Policy Board (GPPB), and Commission on Audit (COA) in consultation with the NGAs, are hereby mandated to specifically establish and promulgate a community-based mode of procurement, liquidation and audit within ninety (90) days after the effectivity of this IRR to ensure the efficient and effective implementation of the Program by the NGAs and LGUs concerned.

For purposes of this IRR, the GPPB, in consultation with NGAs, shall review existing procurement guidelines and manuals, and if deemed necessary, amend said existing guidelines and manuals such as the Partnership Against Hunger and Poverty (PAHP) Community Participation Procurement Manual.¹

The community-based mode of procurement reference above shall be covered by Section 53.12 of the revised IRR of RA No. 9184 or the Government Procurement Reform Act, and its associated guidelines and issuances.

¹ https://www.gppb.gov.ph/issuances/Resolutions/Resolution%20No.%2017-2016_Annex.pdf

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RULE IX INSTITUTIONAL GUIDELINES

Section 13. Institutional Guidelines. The NGAs stipulated in this rules and regulations shall formulate their institutional guidelines to ensure effective and efficient implementation of the law. The other Government Agencies concerned in the implementation of this law shall formulate relevant policies and issuances to support the implementation of this law.

RULE X FINAL PROVISIONS

Section 14. Appropriations. The amount necessary to carry out the initial implementation of this Act shall be sourced from the current appropriations of the NGAs. Thereafter, such sums as may be necessary for the continuous implementation of this Act shall be included in the annual GAA under the respective budgets of the NGAs.

Section 15. Implementing Details. The NGAS may issue such policies and guidelines as may be necessary to further implement this IRR.

Section 16. Amendments. Amendments to this IRR shall be jointly promulgated by the NGAs.

Section 17. Separability Clause. Should any provision of this IRR be found unconstitutional or invalid by a court of law, such provision shall be severed from the remainder of these Rules and such action shall not affect the enforceability of the remaining provisions of these Rules.

Section 18. Repealing Clause. All laws, presidential decrees, executive orders, and rules and regulations or part thereof, contrary to, or inconsistent with the provisions of these Rules, are hereby repealed or modified accordingly.

Section 19. Effectivity. This IRR shall take effect fifteen (15) days after its publication in the Official Gazette and in at least two (2) national newspapers of general circulation.


This IRR shall be registered with the Office of the National Administrative Register at the University of the Philippines Law Center, UP Diliman, Quezon City.

Approved on _____, 2019.


LEONOR MAGTOLIS BRIONES
Secretary of Education

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ROLANDO JOSELITO D. BAUTISTA
Secretary of Social Welfare and Development


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