

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Cotabato City

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Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Office of the Member of Parliament
KADIL M. SINOLINDING JR., MD, DPBO
Bangsamoro Government Center, Cotabato City
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Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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Second Parliament
First Regular Session

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BTA Bill No. 55

Introduced by **MPs KADIL M. SINOLINDING, JR., MD., DPBO**
and **AMILBAHAR S. MAWALLIL**

Co-authored by **MP's ABDULRAOF A. MACACUA, ATTY. LAISA MASUHUD ALAMIA, ATTY. SHA ELIJAH B. DUMAMA-ALBA, ATTY. SUHARTO M. AMBOLODITO, ENGR. BAINATAN A. AMPATUAN, RASUL E. ISMAEL, ENGR. DON MUSTAPHA A. LOONG, ATTY. RASOL Y. MITMUG, JR., ENGR. AIDA M. SILONGAN**

AN ACT CREATING THE BANGSAMORO NUTRITION COUNCIL IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO, PROVIDING FOR ITS MANDATE, POWERS, AND FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

"Every infant and child has the right to good nutrition according to the Convention on the Rights of Child".

- *Global Strategy of Infant and Young Child Feeding*

The relationship between food security, nutrition and human resource development has long been established. Food security is vital in realizing and sustaining a healthy nutritional wellbeing.¹ Healthy individuals are better equipped to provide for their and their family's needs. Meanwhile, having a workplace that is food secure and is well-nourished is a condition sine qua non to sustainable development.² Conversely, countries that fall behind others in terms of development indices often perform poorly in global food and nutrition rankings. Simply put, the importance of nutrition in human resource development and therefore in a state's development, could not be overstated. The recently published 2020 Global Nutrition Report provides insight on substantial inequities with countries, which mostly affects the vulnerable groups that are concealed

¹ Food and Agriculture Organization of the United Nations. (n.d.) CHAPTER 1 - The role of nutrition in social and economic development. <http://www.fao.org/3/y5343e/y5343e04.htm>
² Ibid

by global and national patterns.³ It is undeniable that inequities can lead to malnutrition, however, there is also a reverse causation in the sense that malnutrition can increase inequities because those who are insecure and malnourished are likely to have poorer development outcomes. This results in the vicious cycle that if left unchecked, it will only worsen over time.

It is alarming that the Philippines is among the countries that are not on track to meet even a single of the 2025 global nutrition targets. However, in the 2020 Global Nutrition Report, the Philippines is 'on course' to meet one target for maternal, infant and young child nutrition (MIYCN). The report shows some progress has been made towards achieving the target of reducing anaemia among women of reproductive age, with 12.3% of women aged 15 to 49 years and further made some progress towards achieving the target for stunting, with 30.3% of children under 5 years of age are still affected, which is still higher than the average for the Asia region (21.8%). Meanwhile, no progress has been made towards achieving the low birth weight target, with 20.1% of infants having a low weight at birth and no progress towards achieving the target for wasting, with 5.6% of children under 5 years of age affected.⁴

In addition to that, the Philippines in 2015-2020, showed 64% of the total population were chronically food insecure, of which 17% moderately food insecure and 8% severely food insecure. Then out of the 71 provinces it was analysed that Lanao del Sur and Sulu were among the provinces who were experiencing severe chronic food insecurity with (IPC Level 4) which is driven by poor food consumption quality, quantity and high level of chronic undernutrition.⁵

Prevalence of undernutrition among children, less than 5 years old by province: Philippines and ARMM, 2013 vs 2015

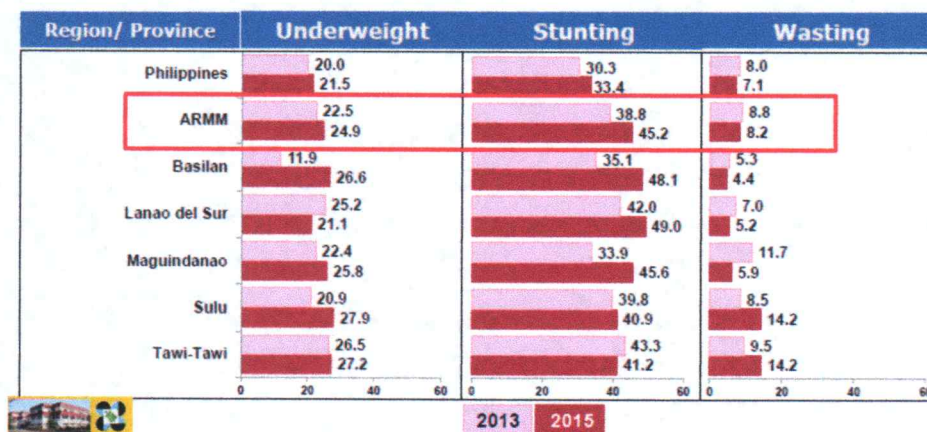


Figure 1. 2015 Updating National Nutrition Survey, Anthropometric Survey: DOST- FNRI

This contextualization is important because it puts into perspective the situation in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) when we consider the following findings in the 2015 Updating National Nutrition Survey⁶ that shows the region has higher prevalence rate for stunting of under-five children at 45.2% (see Figure 1), school age children (5-10 years old) at 44%, pre-adolescent and older children (10-19 years old) at 44.9% and chronic energy deficiency (CED) rate among adult (above 20 years old) at 10.2%. Furthermore, wasting among under-five children is at 8.2%, 5-10

³ (2020) 2020 Global Nutrition Report: Action on Equity to End Malnutrition. Bristol, UK: Development Initiatives

⁴ <https://globalnutritionreport.org/resources/nutrition-profiles/asia/south-eastern-asia/philippines/>

⁵ https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Philippines_ChronicFI_Situation_20152020_Round1_2_3_4.pdf

⁶ Food and Nutrition Research Institute-Department of Science and Technology. (2014)

years old at 6.3%, and 10-19 years old at 9.3%.⁷ BARMM also recorded the prevalence rate for nutritionally at risk pregnant women with 19.5% and overweight among lactating mothers at 24.4%. The region also posted very low indicators in meeting minimum dietary diversity with 12.2% versus the Philippine data of 29.2%.⁸ On a larger scale, the region shows only 30.4% of households with diets meeting energy requirements.⁹ All these results capture the overall state of nutrition in the region, which will serve as a public concern of the Bangsamoro Government.

Evidence study done by Save by the Children and Department of Science and Technology - Food and Nutrition Research Institute in 2016, the cost of undernutrition is a burden shouldered not only by one third of Filipino children, but by the entire nation. Beyond the health implications for each individual child, malnutrition hinders a child's capability to achieve his/her full potential as a learner and his/her future productivity as a worker and a contributor to the Philippines. Thus, the cost of undernutrition to the Philippine economy is 4.5 Billion Dollars. This is equivalent to 2.84% of our country's gross domestic product (GDP) in 2013.¹⁰

Fortunately, the Philippines have not been idle in trying to tackle the issues. In fact, as early as 1947, the National Government already took note of the importance of promoting the citizen's nutrition when it attempted to institutionalize a national nutrition program through the creation of the Philippine Institute of Nutrition. Significant gains were made when the National Nutrition Council (NNC) was created in 1974 through Presidential Decree 491 also known as the "Nutrition Act of the Philippines", a declaration that nutrition is the priority of the national government to be implemented by all branches of the government in an integrated fashion.

Moreover, one of the functions of the National Nutrition Council is to oversee and lead the formulation of the Philippine Plan of Action for Nutrition (PPAN) which serves as the blueprint for achieving nutritional adequacies for all Filipinos and the commitment of the Philippine government in addressing all forms of malnutrition in the country. The NNC has been formulating this 5-year plan since 1978, which has been integrated as a companion plan of the 5-year Philippine Development Plan. Starting from ARMM in 2018, the Bangsamoro Autonomous Region in Muslim Mindanao has crafted its Regional Plan of Action for Nutrition (RPAN) 2020-2022 to fight hunger and malnutrition and to achieve the desired outcomes of reduced stunting, wasting, micronutrient deficiencies, low birth weight infants and nutritionally at-risk pregnant women.

However, despite the institutionalization done from the national down to the local level, there are still gaps that need to be addressed if BARMM intends to meet not just national but global nutrition standards. There are also lessons that could be gleaned from the experience of other Local Government Units (LGU) in implementing the PPAN 2017-2022. These lessons include among others, the following: (1) the significance of strengthening capacities across different levels of government, (2) the institutional buy-in and impact of cooperation among public officials, (3) the value of harnessing grassroots efforts for better program outcomes.

In Executive Order No. 138, entitled "Full Devolution of Certain Functions of the Executive Branch to Local Governments, Creation of a Committee on Devolution, and for other purposes", it was cited in Section 4, that the functions, services and facilities which shall be fully devolved from the National Government (NG) to the Local Government Units no later than the end of FY 2024, shall include those indicated under

7 http://enutrition.fnri.dost.gov.ph/site/uploads/2015_ANTHROPOMETRIC_SURVEY.pdf

8 http://enutrition.fnri.dost.gov.ph/site/uploads/2015_ANTHROPOMETRIC_SURVEY.pdf

9 http://enutrition.fnri.dost.gov.ph/site/uploads/2015_MATERNAL_AND_IVCF_SURVEY.pdf

10 <file:///C:/Users/Nutrition/Downloads/Save-the-Children-Cost-of-Hunger-Philippines-2016.pdf>

Section 17 of Republic Act 7160 (Local Government Code of 1991) and other existing laws which subsequently devolved functions of the NG to LGUs. It further mandates that, the local government shall be primarily and ultimately responsible and accountable for the provision of all the basic services and facilities fully devolved to them in accordance with the standards for service delivery to be prescribed by the NG.¹¹

*In accordance with Section 17 (g) of RA No. 7160, the basic services and facilities fully devolved shall be funded from the share of the LGUs in the proceeds of national taxes and other local revenues. Local Chief Executives shall ensure that any fund or resources available for the use of their respective LGUs shall be first allocated for the provision of basic services or facilities devolved before applying the same for other purposes, in accordance with relevant laws and budgeting and auditing laws, rules and regulations.*¹²

Taking stock of the situation, the enactment of the RA 11054 or the Bangsamoro Organic Law itself provides the region a great opportunity to enhance institutional capacities through the establishment of a mechanism that would adopt a systems approach to solving food insecurity and malnutrition. In addition, a mechanism that promotes collaboration and cooperation, both vertically and horizontally, among stakeholders allows creative problem-solving. Finally, ensuring participation in all levels fosters alignment of goals, sharing of values and increased ownership.

Our ongoing experience with the coronavirus disease (COVID19) pandemic is a stark reminder that as the pandemic rages on, it will only exacerbate inequities in the country and the Bangsamoro region, thereby worsening food insecurity and malnutrition. Regrettably, all this disproportionately affects different members of society.

In view of the foregoing, the passage of this bill is earnestly sought.

¹¹ <https://www.officialgazette.gov.ph/downloads/2021/06jun/20210601-EO-138-RRD.pdf> pg. 3

¹² <https://www.officialgazette.gov.ph/1991/10/10/republic-act-no-7160/>

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**AN ACT CREATING THE BANGSAMORO NUTRITION COUNCIL IN THE
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO, PROVIDING
FOR ITS MANDATE, POWERS, AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

Section 1. Title. - This Act shall be known as the “Bangsamoro Nutrition Act of 2022”.

Section 2. Declaration of Policy. - The Bangsamoro Government recognizes the importance of nutritional improvement as the key component in human resource development. It is thus the policy of the Bangsamoro Government to promote and protect access to adequate food and nutrition among all inhabitants in the Bangsamoro Autonomous Region

Towards this end, the Bangsamoro Government shall establish a mechanism for facilitating collaboration and cooperation among multiple agencies, sectors and stakeholders in addressing hunger and malnutrition in the region. This shall be carried out through policies, plans, monitoring and programs that are responsive to the needs of its constituents, especially vulnerable groups.

Section 3. Creation of the Bangsamoro Nutrition Council. - In order to carry out the declared policy, there is hereby created a Bangsamoro Nutrition Council, hereinafter referred to as the “Council”.

Section 4. Coordination. The Council shall be attached to the Office of the Chief Minister and working closely synched with the Ministry of Health (MOH) for health policies and programs coordination, Ministry of Agriculture, Fisheries and Agrarian

Reform (MAFAR) for Food Security, Ministry of the Interior and Local Government (MILG) for local government policies, Ministry of Social Services and Development (MSSD) for the development and implementation of Supplemental Feeding Program, Ministry of Basic, Higher and Technical Education (MBHTE) for the development and implementation of School Based Feeding Program, Ministry of Science and Technology (MOST) for the innovation of complementary foods and other relevant agencies with nutrition related activities.

Section 5. Integration of the Bangsamoro Plan of Action for Nutrition to the National Plan. - Following the principle of subsidiarity, the Bangsamoro Plan of Action for Nutrition (BPAN) approved under this Act shall be the primary framework in addressing hunger and malnutrition in the Bangsamoro. The nutrition plan shall be consistent with the Philippine Plan of Action for Nutrition and shall be the guiding principle in the formulation of Local Nutrition Action Plan and further be integrated in the LGUs' Annual Investment Program supportive through policies, resolutions and ordinance in all levels.

Section 6. Governing Board. - The authority of the Council shall be vested in the Governing Board, hereinafter referred to as the "Board". It shall be composed of the following:

- a. Minister of Health, Chairperson;
- b. Minister of Agriculture, Fisheries and Agrarian Reform, Vice Chairperson;
- c. Minister of the Interior and Local Government, Vice Chairperson;
- d. Minister of Finance, Budget and Management;
- e. Minister of Basic Higher and Technical Education;
- f. Minister of Science and Technology;
- g. Minister of Social Services and Development;
- h. Minister of Trade Investment and Tourism;
- i. Minister of Labor and Employment;
- j. Director General of Bangsamoro Planning and Development Authority;
- k. Four (4) Sectoral Representatives from non-Moro indigenous peoples, settler communities, women, and youth, as ex-officio members; and
- l. One (1) representative from the private sector to be appointed by the Chief Minister.

Section 7. Powers and Functions. - The Board shall be the policy making and coordinating body in all matters related to food and nutrition, nutrition and health and food security issues in the Bangsamoro Autonomous Region. With these, it shall have the following powers and functions:

- a. Formulate regional food and nutrition, nutrition and health, and food security policies and strategies;
- b. Coordinate the planning, monitoring and evaluation of the regional food and nutrition programs;
- c. Promote food security and good nutrition through education, training and public awareness;
- d. Direct the formulation of the Bangsamoro Plan of Action for Nutrition (BPAN) and recommend its approval by the parliament;
- e. Mutually may represent the Bangsamoro Government in food and nutrition, nutrition and health, related planning, monitoring, and evaluation activities called for or initiated by the National Government along with other Ministries/Offices/Agencies of the Bangsamoro;

- f. Direct the conduct of research on the state of food security and nutrition in the Bangsamoro and report its findings to the Bangsamoro Government and the Parliament;
- g. Ensure that all Local Nutrition Action Plans of Local Government Units (LGUs) in the Bangsamoro are consistent with the BPAN, which shall be consistent with the Philippine Plan of Action for Nutrition (PPAN);
- h. Improve ownership of stakeholders over food and nutrition plans, programs and strategies by promoting a participative approach throughout the different strategies of planning, monitoring, and evaluation;
- i. Serve as the primary agency on all nutrition concerns during natural and manmade calamities;
- j. Call on any ministry, bureau, office, agency and other instrumentalities of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) for assistance as needed; and
- k. Exercise such powers and perform such functions as may be necessary in carrying out the objectives and provisions of this Act, including but not limited to the intent of existing national laws in support of food and nutrition and nutrition and health related activities.

Section 8. Internal Rules and Procedures. - In its first regular session, the Council shall promulgate and adopt its internal rules and procedures.

Section 9. Secretariat. - There shall be a Secretariat responsible for the general conduct of operations of the Council. It shall be headed by an Regional Executive Director with Salary Grade 25 who shall be appointed by the Chief Minister.

In carrying out its mandate as the implementing arm of the Council, the Regional Executive Director shall be supported by the following:

- a. One (1) Nutrition Officer V- Salary Grade 24;
- b. One (1) Nutrition Officer III - Salary Grade 18
- c. Five (5) Nutrition Officer I for each province and three (3) Nutrition Officer I for each city that shall act as Provincial Nutrition Officers and City Nutrition Officers within BARMM, respectively, - Salary Grade 10;
- d. One (1) Administrative Officer V - Salary Grade 18;
- e. Two (2) Administrative Assistant VI (Admin and Finance)- Salary Grade 12,
- f. Two (2) Administrative Aide IV (Driver) - *Salary Grade 4*; and
- g. One (1) Administrative Aide IV (Utility Worker) - *Salary Grade 4*.

The staffing pattern, qualification standards, and placement of personnel shall be appointed in accordance with civil service laws, rules, and regulation.

Section 10. Organizational Structure. - The Council shall be composed of the following divisions:

- **Nutrition Policy and Planning Division (NPPD)** - The NPPD shall be responsible for leading the formulation and updating of the Bangsamoro Plan of Action for Nutrition (BPAN); the organization, development and nurturing of Regional Nutrition Committee, Regional Nutrition Technical Working Group and Regional Scaling Up Nutrition (SUN) Networks; and advocate the creation of Local Nutrition Committee and recruitment of (1) one Barangay Nutrition Scholars per barangay.
- **Nutrition Information and Education Division (NIED).** The NIED shall lead the preparation and coordination of regional activities for the Nutrition Month campaign. Implement local media campaigns and develop and

distribute Information and Education Campaign (IEC) materials. The NIED shall also provide orientation to the new Nutrition Action Officers, Barangay Nutrition Scholars and Local Nutrition Committees on nutrition programs. The division shall convene the Provincial/City/Municipal Nutrition Action Officers and program updates, and assist in regional nutrition associations.

- **Nutrition Surveillance Division (NSD).** The NSD shall be responsible in consolidating the Operation Timbang Plus results in the region and provide a consolidated copy to the National Nutrition Council. It shall advocate the adoption and implementation of Monitoring and Evaluation for Local Level Plan Implementation for the performance assessment of local government units. Finally, it shall organize, lead and assist the Regional Federation of BNS, conferences of Nutrition Action Officers and the Bangsamoro Nutrition Awarding Ceremony.
- **Administrative Division.** This division shall be responsible for the administrative management operations of the Council, as well as all its budgetary and financial management activities. It shall likewise provide legal advisory services to the Council, and conduct management and operation audit of the Council's functions, programs and projects. Finally, it shall review and appraise the Council's systems and procedures, and advise the Regional Executive Director on all matters pertaining to management control and operation audit by the Council.

The staffing pattern, qualification standards, and placement of personnel shall be appointed in accordance with civil service laws, rules, and regulation.

Section 11. Functions of the Secretariat. - The Secretariat shall have the following functions:

- a. Execute nutrition policies, directives and guidelines set by the Council;
- b. Lead the formulation of the BPAN based on the food and nutrition situation in the region and aligned with the PPAN;
- c. Coordinate the planning, implementation, monitoring and evaluation of the BPAN;
- d. Provide technical assistance to program implementers to enhance their involvement;
- e. Establish and maintain functional linkages with agencies involved in the nutrition program
- f. Coordinate with government agencies, non-government organizations and other stakeholders for the implementation of food and nutrition programs;
- g. Generate nutrition and related data and serve as monitoring and database center of the BPAN;
- h. Facilitate the provision of materials from various services for the intended recipients of nutrition program;
- i. Serve as the Secretariat to the regional nutrition committee and other Technical Committees;
- j. Coordinate to lead the nutrition cluster under the Health Cluster of the National Disaster Risk Reduction Management Council
- k. Assist LGUs and agencies for the development and implementation of local nutrition plans, programs and projects;
- l. Craft a nutrition advocacy and communication strategy with Bangsamoro context; and facilitate recruitment of Barangay Nutrition Scholar (BNS) in every Barangay, conduct trainings intended to capacitate and enhance skills, knowledge for better provision of services; and

m. Exercise such functions as may be directed by the Board.

Section 12. Technical Working Group. - There shall be a Technical Working Group, composed of (a) heads of relevant bureaus, offices, and agencies involved in food, nutrition and health, as well as (b) experts from academic institutions and appropriate non-government organizations and international development agencies (UNICEF, WFP, UN-FAO, and others), including women and youth sector, business and other relevant institutions.

Section 13. Functions of the Technical Working Group. - The TWG shall provide technical assistance to the Board and the Secretariat including, but not limited to, dispensing policy and program recommendations. It shall also facilitate inter-agency and multi-stakeholder coordination and collaboration on food, nutrition and health policies and programs.

Section 14. Monitor Compliance of LGU in the Creation of the Position of Nutrition Officer. There is hereby created the position of Nutrition Officer in every constituent LGU of the Bangsamoro who shall be mandated to address food security and malnutrition in the locality. The Nutrition Officer shall be a licensed Nutritionist-Dietitian pursuant to Republic Act No. 10862, s. 2016.

Section 15. Consultations with Key Stakeholders. - The Council, through its Secretariat and Committee, shall periodically meet with key stakeholders including academic, business, youth stakeholders that it may deem relevant for coordination and consultation on the Council's plans, activities, programs, and projects;

Section 16. Compliance to National and Regional Orders, Instructions and Laws. - The BNC shall encourage LGU's to comply with the following National Laws, Instructions and Orders.

- a. *The Department of Interior and Local Government Letter of Instruction 441 ordered to establish functional nutrition committees in every region, province, city, municipality and barangay. In 2018, the Department of Interior and Local Government issued Memorandum Circular No. 2018-42, Section V, Roles of LGU 1.4, stated "Organize, reorganize, and strengthen functional Local Nutrition Committee at the Provincial, City/Municipal/Barangay level with the local chief executive as chairperson thru an enactment of a local ordinance that entails permanency.*
- b. *Presidential Decree No. 1569 (1979) mandated the deployment of at least one (1) BNS in every barangay in the country to monitor the nutritional status of children and other nutritionally at-risk groups and link them with nutrition and nutrition-related service providers. NNC BARMM recorded a total of 538 trained BNS in the region.*
- c. *Republic Act 11148 or the Kalusugan at Nutrisyon ng Mag-Nanay Act aims to strengthen the implementation of already existing interventions targeting groups within the First 1000 Days of life. The law mandates provision of interventions and services focused on the first 1,000 days of life to break the intergenerational cycle of malnutrition. The First 1000 Days of life is from conception up to the child's second birthday. It is considered the "golden window of opportunity" where health, nutrition, and development foundations are established. Good nutrition can help maximize a child's ability to grow, learn, and develop.*
- d. *Executive Order 51 of 1986, "The Milk Code" contributes to the provision of safe and adequate nutrition for infants by the protection and promotion of*

breastfeeding and by ensuring the proper use of breastmilk substitutes and breastmilk supplements when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.

- e. *Republic Act 8976 "The Philippine Food Fortification Act of 2000" which is the fortification of staple foods based on standard sets by the DOH through the BFAD is hereby made mandatory for the following: (1) Rice- with iron; (2) Wheat Flour- with Vitamin A; (3) Refined Sugar- with Vitamin A; (4) Cooking Oil- with Vitamin A; and (5) Other staple foods with nutrients as may later required by The NNC.*
- f. *Republic Act 8172 "An Act of Promoting Salt Iodization Nationwide" that requires the local government units (LGUs), through their health officers and nutritionists/dietitians, or in their absence through their sanitary inspectors, to check and monitor the quality of food-grade salt being sold in their market in order to ascertain that such salt is properly iodized. To contribute to the elimination of micronutrient malnutrition in the country, particularly iodine deficiency disorders, through the cost-effective preventive measure*

Section 17. Implementing Rules and Regulations. - The Bangsamoro Nutrition Council Governing Board (BNC-GB) shall promulgate the Implementing Rules and Regulations (IRR) of this Act. Upon the organization of the Council, it may adopt such IRR or amend the same with simple majority votes of its members in favour.

Section 18. Separability Clause. - If any section or part of this Act is held unconstitutional or invalid, all other sections or provisions not otherwise affected shall remain in full force and effect.

Section 19. Repealing Clause. - All ordinances, executive orders, administrative orders, or other rules and regulations contrary to or consistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 20. Effectivity. - This Act shall take effect fifteen (15) days after publication.

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