

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY 2
Cotabato City

Second Regular Session

BTA PARLIAMENT
BTA Parliament Bill No. 187

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION

RECEIVED

Name: ADELAH DAPATUN Signature: _____
Date: MAY 31 2023 Time: 10:24 AM

Introduced by
MP Engr. Baintan Adil-Ampatuan, MNSA

Co-authors

MP Amilbahar S. Mawallil, MPSA; MP Atty. Laisa M. Alamia, MNSA; MP Atty. Suharto M. Ambolodto, MNSA; MP Don Mustapha A. Loong, MPSA; MP Atty. Rasol Y. Mitmug, Jr., CESE; and MP Rasul E. Ismael

AN ACT
MANDATING ALL PUBLIC AND PRIVATE SCHOOLS TO PROHIBIT THE SALE AND DISTRIBUTION OF ANY UNHEALTHY FOODS INSIDE THE PREMISES OF THEIR RESPECTIVE INSTITUTIONS

Explanatory Note

The 1987 Philippine Constitution has very specific provisions concerning the youth. Section 13, Article II of the 1987 Constitution states that the State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Section 15 of the same article states that the State shall protect and promote the right to health of the people and instill health consciousness among them. This same provision was also stated in Section 22, Article IX of R.A. 11054 or the Bangsamoro Organic Law (BOL).

Section 3, Article V of the BOL states that the Bangsamoro Government shall exercise the power expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of general welfare. Within its territorial jurisdiction, the Bangsamoro Government shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right

of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among its residents, maintain peace and order, and preserve the comfort and convenience of its inhabitants.

The Department of Education issued Department Order No. 13, Series of 2017, titled, "Policy and Guidelines in Healthy Food and Beverage Choices in Schools and in DepEd Office", wherein schools must ensure that the food and drinks available to students in the school premises are healthy and nutritious.

Within these declarations and policies exist the importance of the youth, specifically children, and the current measures undertaken that the Government has undertaken to ensure their health. However, despite these existing policies, the status of nutrition among school-age children in the Philippines continues to exist with challenges.

The 2021 Expanded Nutrition Survey¹ focused on the status of Filipino School-age Children in the Philippines, showing the following results:

- one (1) in every five (5) (20.8%) school-age children is underweight;
- one (1) in every five (5) (19.7%) school-age children is stunted;
- one (1) in every fifteen (15) (6.9%) school-age children is wasted or underweight for their height; and
- one (1) in every ten (14%) school-age children is overweight for their height.

It is within this survey that the obesity of children can be purported and attributed to easy access to unhealthy foods in the school, which makes the healthier options the last option. Obesity and the state of being overweight are defined by the World Health Organization (WHO) as the "abnormal or excessive fat accumulation that presents a risk to health". Along with being underweight and micronutrient deficient in the body, obesity is part of the triple burden of malnutrition affecting children around the Philippines. In essence, a child suffering from obesity is at a serious disadvantage in life, prone to non-communicable diseases, such as diabetes, cancer, and heart failure.²

Children spend most of their hours in school where their parents cannot monitor them. The schools are expected to look after the welfare of the children by promoting a healthier lifestyle. Children getting adequate nutrients should be a priority, since good nutrition allows the children to be more productive in school as this can help with their overall cognitive development.

¹ <http://enutrition.fnri.dost.gov.ph/site/uploads/2021%20ENNS%20-%20National%20Results%20Dissemination.pdf>

² <https://www.unicef.org/philippines/stories/curbing-childhood-obesity-philippines-time-junk-junk-food>

The eating preferences of the children can be controlled by removing all of the unhealthy foods which are affordable, available, and easily accessible as options within the premises of the school. If no measures are taken and unhealthy foods are still readily and easily accessible in school, the children may frequently consume this kind of food, thus increasing the risk of obesity and other diseases that can lead to chronic health issues.

In furtherance of the Government's primordial duty as *parens patriae* or the guardian of the rights of the people, it is necessary to prioritize the health of the students. This can be achieved by prohibiting the sale and distribution of any unhealthy food inside the premises of the school.

In view of the foregoing, the approval of this measure is earnestly sought.


ENGR. BAIN TAN ADIL-AMPATUAN, MNSA
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AN ACT

MANDATING ALL PUBLIC AND PRIVATE SCHOOLS TO PROHIBIT THE SALE AND DISTRIBUTION OF ANY UNHEALTHY FOODS INSIDE THE PREMISES OF THEIR RESPECTIVE INSTITUTIONS

Be it enacted by the Parliament of the Bangsamoro Autonomous Region in Muslim Mindanao assembled:

Section 1. Title. – This Act shall be known as the “*Anti-Unhealthy Food in Schools Act of 2023*”.

Section 2. Declaration of Policy. – It is the declared policy of the Bangsamoro Government to protect and promote the youth’s right to health as well as to instill a health consciousness among them. Towards this end, the Bangsamoro Government shall promote a healthier lifestyle to all the students by removing all the unhealthy foods as an option within the school premises.

Section 3. Objective. – This Act generally aims to prohibit the sale and distribution of any unhealthy foods inside the premises of the school in order to promote a healthier diet to school-age children. This can stop the rapid increase of child malnutrition that leads to oral, cardiovascular, and other related health problems.

Section 4. Prohibition. – Schools shall prohibit the promotion, sale, distribution, and advertisement of any unhealthy foods but ensure the availability of healthy food within the school premises. This prohibition also includes all carbonated and caffeinated drinks.

Section 5. Food Standards. – Foods with calories, fat, sugar, and sodium content beyond the limits prescribed by the implementing rules and regulations determined by the Ministry of Basic, Higher, and Technical Education (MBHTE) together with the Ministry of Health (MOH), shall not be allowed.

Section 6. Coverage. – This Act shall cover all the schools operating within the Bangsamoro Autonomous Region.

Section 7. Implementation. – Within sixty (60) days from the promulgation of this Act, the necessary rules and regulations for the proper implementation of its provisions shall be formulated by the MBHTE and MOH.

Section 8. Appropriations. – The funds necessary for the implementation of provisions of this Act shall be included in the annual appropriations of the Bangsamoro Autonomous Region and submitted to the Parliament for approval.

Section 9. Separability Clause. – If for any cause, any part of this Act is declared unconstitutional or contrary to the provisions of Bangsamoro Organic Law, the rest of the provisions shall remain in force and effect.

Section 10. Repealing Clause. – All laws, orders, rules, and regulations which are inconsistent with the provisions of this Act, are hereby repealed, modified, superseded, or amended accordingly.

Section 11. Effectivity. – This Act shall take effect after fifteen (15) days following its complete publication in a newspaper of general circulation in the Bangsamoro Autonomous Region.

Adopted,


MP ENGR. BAIN TAN ADIL AMPATUAN, MNSA
Author