

11m- Dizon



REPUBLIKA NG PILIPINAS  
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15<sup>TH</sup> SANGGUNIANG PANLUNGSOD

2<sup>ND</sup> SESSION  
REGULAR SESSION NO. 17

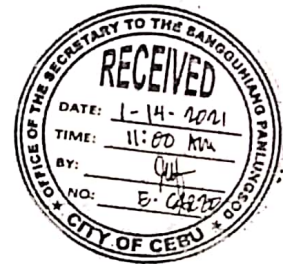
EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD  
BY THE SANGGUNIANG PANLUNGSOD OF THE CITY OF CEBU  
AT THE SESSION HALL ON DECEMBER 2, 2020.

**PRESENT:**

- |                               |   |
|-------------------------------|---|
| Vice-Mayor Michael L. Rama    | ..... Presiding Officer                           |
| Coun. Eduardo R. Rama Jr.     | ..... President Pro Tempore                       |
| Coun. Raymond Alvin N. Garcia | ..... Majority Floor Leader                       |
| Coun. Phillip S. Zafrá        | ..... 1 <sup>st</sup> Asst. Majority Floor Leader |
| Coun. Joel C. Garganera       | ..... 2 <sup>nd</sup> Asst. Majority Floor Leader |
| Coun. Nestor D. Archival Sr.  | ..... Minority Floor Leader                       |
| Coun. Joy Augustus G. Young   | ..... Asst. Minority Floor Leader                 |
| Coun. Raul D. Alcoseba        | ..... Member                                      |
| Coun. James Anthony R. Cuenco | ..... Member                                      |
| Coun. Alvin M. Dizon          | ..... Member                                      |
| Coun. Eugenio F. Gabuya Jr.   | ..... Member                                      |
| Coun. Jerry L. Guardo         | ..... Member                                      |
| Coun. Donaldo C. Hontiveros   | ..... Member                                      |
| Coun. Lea O. Japson           | ..... Member                                      |
| Coun. Prisca Niña O. Mabatid  | ..... Member                                      |
| Coun. Franklyn O. Ong         | ..... Member                                      |
| Coun. Renato Z. Osmeña Jr.    | ..... Member                                      |
| Coun. Jessica P. Resch        | ..... Member                                      |
| Coun. David F. Tumalak        | ..... Member                                      |

**ABSENT:**

None



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**RESOLUTION NO. 15-0911-2020**

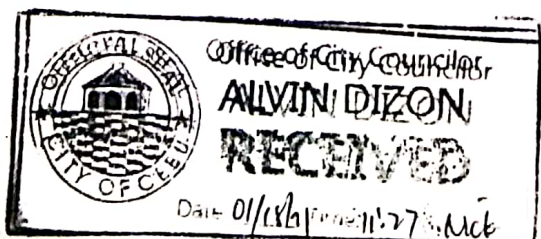
The Sangguniang Panlungsod of the City of Cebu, as moved by Coun. Dizon, and seconded by Councilor Tumalak:

RESOLVED, to approve the following Ordinance:

**ORDINANCE NO. 2594**

**AN ORDINANCE REDUCING FOOD WASTE THROUGH FOOD DONATION AND RECYCLING, IMPOSING PENALTIES, AND PROVIDING FUNDS THEREFOR**

WHEREAS, according to the Food Agriculture Organization's (FAO) latest estimates, 1.3 billion tons of food is lost or wasted in the world every year, representing a third of total food production; and what is morally unacceptable is the fact that the number of hungry people in the world is growing, reaching close to 750 million in 2019 or nearly one in ten people in the world were exposed to severe levels of food insecurity (Source: The State of Food Security and Nutrition in the World, 2020);





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WHEREAS, the current global COVID-19 pandemic seriously aggravates global hunger and under nutrition and the inadequacy of our food systems will seriously impact our task in achieving Zero Hunger within the context of the United Nations Sustainable Development Goals (UN SDGs);

WHEREAS, food is wasted at all parts of the supply chain: at the agricultural level, while it is being handled and stored, while it is being processed, when it arrives at a grocery store and after it is purchased by consumers;

WHEREAS, climate activists say food waste is not only unethical in a world of rising hunger but also environmentally destructive since food loss harms the environment and producing food that will not be consumed leads to unnecessary carbon dioxide emissions;

WHEREAS, in the Philippines, 64.1% of total Filipino households are food insecure (FNRI, 2019) and an estimated 20.91% or 5.2 million Filipino families experienced involuntary hunger due to lack of food to eat at least once in the past three months (SWS, July 2020);

WHEREAS, the State recognizes and upholds the right of the people to be free from poverty, enjoy a rising standard of living and an improved quality of life; the pernicious problems of poverty and hunger are blatant transgressions of the basic human rights to accessible, sufficient, safe and nutritious food and adequate income/wages to purchase the food needed to feed oneself and his/her families in a dignified manner;

WHEREAS, the massive amount of food waste produced vis-à-vis our serious problem on hunger presents an opportunity for the government to take concrete actions to address hunger and adopt a policy and legal framework especially at the local level to promote, facilitate and ensure the reduction of food waste through a mandatory system of redistribution of edible food surplus to charities and recycling; and

WHEREAS, the problem on food waste has moral, social and ecological dimensions; and programs, policies and initiatives at addressing food waste are aligned to the 17 Sustainable Development Goals (SDGs) set by the United Nations in 2015 for the year 2030 specifically SDG #2 on Zero Hunger, SDG #3 on Good Health and Well-Being; SDG #12 on Responsible Consumption and Production; and SDG #13 on Climate Action.

NOW THEREFORE, the Sangguniang Panlungsod of the City of Cebu, in a regular session assembled hereby ordains that

Section 1. *Short Title.* – This ordinance shall be referred to as "Food Waste Reduction Ordinance of Cebu City".

Section 2. *Definition of Terms.* – As used in this ordinance:

- a. 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.
- b. Food Waste or food loss – is food that is discarded, lost, or uneaten.





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- c. Food related establishments – refer to private businesses involved in the wholesaling and retailing of food products, those that are serving food products, and those private institutions offering courses in the art and science of preparation, cooking, and presentation of food.
- d. Edible food surplus – refers to excess food or surplus food in the retail and consumption stages determined to be fit for human consumption based on the standards set by the Cebu City Nutrition Council, Food and Drug Administration (FDA) and other pertinent laws and administrative regulations. 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".
- e. Inedible food surplus – refers to excess food or surplus food in the retail and consumption stages determined to be unfit for human consumption based on the standards set by the City Nutrition Council and the Food and Drug Administration (FDA) including but not limited to prepackaged food products that have gone beyond their declared expiry dates.
- f. Food poor or insecure – are those who lack or have no access to a sufficient quantity of affordable, safe, and nutritious food.
- g. Food surplus reduction action plan – refers to strategy, policy, programs, and projects to decrease food surplus generation, the redistribution of food surplus to the food poor or insecure or the recycling of food as fertilizer or compost.
- h. Food bank – refers to the Cebu City government-run food bank and/or non-profit or charitable groups or organizations that distribute or supply food, either in its raw form or through feeding programs, to the marginalized, disadvantaged communities and vulnerable groups such as the informal settlers, children, elderly, Persons with Disabilities (PWDs), and those who have difficulty purchasing enough food during public health emergencies and disasters.
- i. Recycling – the process of converting inedible food waste or surplus into fertilizer or compost.
- j. Gross Negligence – refers to voluntary and conscious conduct, including a failure to act, by a person who, at the time of conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.
- k. 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.

**Section 3. Covered Establishments and Entities.** – The following are covered by this ordinance as follows:

- a. Food establishments (restaurants, hotels, cafeterias, and fast-food chains);
- b. Supermarkets and grocery stores with at least 500 square meters of selling space;



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- c. Culinary schools which offer culinary baking and pastry courses with at least fifty (50) students;
- d. School canteens;
- e. Organized farmers and vendors groups; and
- f. Food manufacturers.

**Section 4. Segregation and Distribution of Edible Food Surplus.** – The owners of the covered establishments shall be guided with the following steps in the segregation and distribution of edible food surplus:

- a. The owner of the covered establishments through his/her duly designated food safety compliance officer shall determine and segregate their edible and inedible food surplus. The segregation must observe proper hygiene and handling. The edible food surplus shall be fit for human consumption based on the standards set by the Cebu City Nutrition Council and the Food and Drug Administration (FDA);
- b. After determination that the edible food surplus is fit for human consumption, it shall then be distributed by the owner of the establishment or his/her duly authorized representative to the Department of Social Welfare and Services (DSWS) accredited food banks and/or to the Cebu City government-run food bank; and
- c. In the distribution of the edible food surplus to the food poor or insecure or target beneficiaries, food banks must coordinate with the Department of Social Welfare and Services (DSWS), representative from the City Health Office (CHO) and the barangay council where the distribution shall be made. The distribution must observe proper hygiene and handling.

**Section 5. Food-Related Business Waste Reduction Action Plan (BWRAP).** – The owners or duly authorized representatives of the covered establishments shall:

- a. Submit annual report to the Cebu City Environment and Natural Resources Office (CCENRO) on the volume or quantity and type of edible and inedible food surplus, organized in the manner of disposal such as donation, recycling, or composting;
- b. Enter into agreement with food banks to redistribute edible food surplus;
- c. Ensure that the edible food surplus is fit for human consumption based on standards set by the Cebu City Nutrition Council and Food and Drug Administration (FDA) and is properly handled, unadulterated and in good condition upon arrival at the food bank; and
- d. Comply with the BWRAP as component of the Environment Sustainability Plan required by Cebu City Environment and Natural Resources Office (CCENRO) in securing or renewal of business permit.





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**Section 6. Corporate Social Responsibility of Covered Establishments and Entities.** – Covered establishments and entities are encouraged to help solve the pressing social issues through their business activities with a view to achieving the 17 Sustainable Development Goals (SDGs) of the United Nations (UN) aimed at promoting prosperity while protecting the planet.

The problem of food waste has moral, social, and ecological dimensions. Specifically, when food-related businesses consciously and responsibly adopt and implement sound policies and practices that are aimed at addressing food waste in the conduct of their business, they are positively contributing to the realization of SDG #2 on Zero Hunger, SDG #12 on Responsible Consumption and Production, and SDG #13 on Climate Action.

Thus, in lieu of food donation to accredited food banks, covered establishments have an option to adopt, as their corporate social responsibility, the distribution of their edible food surplus directly to their partner communities or beneficiaries after compliance with the requirements set forth in Section 4 of this ordinance.

To educate the public on hunger and food waste and responsible consumption, food-related establishments shall be encouraged to place signage, table-top standee, and other forms of notice to their consumers to read:

**“REDUCE FOOD WASTE. HELP SAVE OUR PLANET.”**  
**Please work with us in our effort to create a sustainable environment**  
**and curb worldwide hunger by preserving resources.**  
**“Take All You Can Eat But Eat All You Can Take.”**

**Section 7. Tax Incentive to Food Establishments.** – Establishments that are compliant with the requirements set forth under this ordinance or having implemented a much higher standard shall, upon certification by the Cebu City Environment and Natural Resources Office (CCENRO), be given garbage collection tax breaks by the Cebu City Government. Hence, all donated edible food fit for human consumption and those inedible food surpluses recycled for composting have to be properly recorded as required under Section 5 (a) of this ordinance as basis for the granting of the garbage collection tax incentive.

Further, compliant establishments shall also be properly acknowledged through a marker recognizing their business' conscious efforts to fight hunger and food waste.

**Section 8. Accreditation and Financial Assistance and Recognition to Food Banks.** –

- a. To regulate the operation of food banks to ensure compliance of safety and sanitary requirements, the DSWs shall accredit food banks and the City Health Office (CHO) shall provide, at minimal cost, food safety orientation to food bank owners and staff.
- b. As one of the requirements for accreditation, food banks shall designate a food safety compliance officer (FSCO) who is primarily tasked to ensure that food safety standards are applied and followed in the handling, storage, and distribution of edible food surplus to the food poor or insecure. The Food Safety Compliance Officer (FSCO) will oversee the



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implementation of the food safety programs and activities of the food bank which pertains to this ordinance.

- c. Food banks that shall become partners of the Cebu City Government in the fight against hunger and food waste shall be eligible, upon compliance with existing guidelines, to receive a Program Support Fund (PSF) as financial assistance from the Cebu City Government to help in their program implementation. Their valuable contributions shall also be acknowledged during the annual Charter Day celebration of the city.

**Section 9. Local Food Surplus Scheme.** – The Department of Social Welfare and Services (DSWS), in coordination with the City Health Office (CHO), and Cebu City Environment and Natural Resources Office (CCENRO) as coordinating offices between food businesses and food banks shall have the following tasks:

- a. For the City Health Office (CHO) and Cebu City Environment and Natural Resources Office (CCENRO) - to provide guidelines and standards for the segregation, storage, collection, and distribution of edible food surplus donated to food banks, and the inedible food for composting or discarding;
- b. For the City Health Office (CHO) - to ensure that food banks have adequate, clean, and well-maintained storage for edible food surplus and must undergo the process of complying with the Sanitary Permit and all other related requirements for the operation of a food bank which operates like all other establishments to ensure sanitary and hygienic operation.
- c. For the Department of Social Welfare and Services (DSWS) to:
  - c.1 Ensure that a contract is entered into between food business establishments and food banks;
  - c.2 Promote linkages and coordination between food banks and the barangays to create a community-based food distribution system for the food poor and insecure;
  - c.3 Develop a Self-Sufficiency Program that will involve and tap agencies of government such as the Department of Manpower Development and Placement (DMDP), Technical Education and Skills Development Authority (TESDA), and other development partners from the private sector or civil society groups to provide skills and livelihood training and programs to the food poor or insecure to avoid dependence solely on dole-outs.

**Section 10. Responsibility of the Barangays in Food Waste Reduction Strategy.** – As frontliners in governance, the barangays shall:

- a. In the distribution by the food banks of the edible food surplus to the food poor or insecure in a particular barangay where the distribution shall be made, coordinate with the Department of Social Welfare and Services (DSWS) and representative from the City Health Office (CHO); and





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- b. Together with Cebu City Environment and Natural Resources Office (CCENRO), initiate community-based campaigns on proper waste segregation, recycling of inedible food surplus into fertilizer or compost and urban gardening where the fertilizer or compost may be used or shared with other barangays that are practicing community gardening pursuant to the 'Ordinance Institutionalizing Urban Food Gardening in the City of Cebu' which promote urban food gardening in the barangays as a local climate action and food security strategy.

**Section 11. Capacity-Building of Health and Sanitary Inspectors, Food Establishment and Food Banks, and Designation of a Food Safety Compliance Officer by the Establishment.** – The City Health Office (CHO) shall coordinate with the Department of Health (DOH), Food and Drug Administration (FDA), and Department of Agriculture (DA) to equip its health and sanitary inspectors with the knowledge and skills in the proper handling, determination or sorting, storage, collection and distribution of edible and inedible food surplus. Health and sanitary inspectors shall be encouraged to keep themselves abreast with the evolving trends and developments in food science and food safety management.

Further, the City Health Office (CHO) shall capacitate food establishments and food banks on personal hygiene, food safety, and sanitation. A minimal fee shall be collected by the City Health Office (CHO) to defray the administrative cost of the food safety orientation. Food banks may also undergo food safety seminar or training with private training providers and the proof of training shall be presented to the City Health Office (CHO). Private training providers shall coordinate with the City Health Office (CHO) in their operations within the city so that representatives from the City Health Office (CHO) shall be present during actual food safety seminar for the latter to apprise the training provider on the existence and requirements of this ordinance.

Covered establishments shall designate a food safety compliance officer (FSCO) who will be responsible for ensuring the safety of foods that will be given or donated to food banks as required under Section 4. The Food Safety Compliance Officer (FSCO) will oversee the implementation of the food safety programs and activities of the establishment which pertains to this ordinance.

**Section 12. City Health Office to Establish Linkage or Partnership with the Academe.** – Recognizing the competence of culinary schools and colleges or universities offering Hotel and Restaurant Management (HRM), Nutrition and Dietetics, Food Technology, and other relevant courses related to food science, nutrition and food safety management, the City Health Office (CHO) shall be encouraged to foster linkage and partnership with them for technical support and assistance especially on the area of capacity-building and enhancement.

**Section 13. Creation of a Food Bank Governing Board.** – The creation of the Board shall be governed by Section 11 of City Ordinance 2570 otherwise known "An Ordinance Establishing a Food Bank in the City of Cebu in Times of Public Health Emergencies and Disasters, Providing Funds Thereof and For Other Purposes".

The food bank governing board shall perform the primary task of combating hunger and food waste and shall likewise perform advisory, policy setting and recommendation, consultative and advocacy functions and collaborate with other stakeholders.



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**Section 14. *Implementing Offices.*** – The City Health Office (CHO), Department of Social Welfare and Services (DSWS), Cebu City Environment and Natural Resources Office (CCENRO) shall be the primary implementing offices that will ensure the enforcement and monitoring of the implementation of this ordinance. The coordination and delineation of the tasks and functions among the three (3) implementing offices shall be clearly defined in the Implementing Rules and Regulations (IRR).

**Section 15. *Creation of Technical Working Group (TWG) to Formulate the Implementing Rules and Regulations (IRR).*** – Within thirty (30) days from the effectivity of this ordinance, upon call by the DSWS, a technical working group shall be created with representatives from the City Health Office (CHO), Department of Social Welfare and Services (DSWS), Cebu City Environment and Natural Resources Office (CCENRO), author of this ordinance, and environmental advocates from the civil society to formulate and prepare the necessary rules and regulations for the effective implementation of this ordinance.

The TWG may tap the expertise and competence of individual/s or group/s to enhance the formulation of the IRR.

**Section 16. *Appropriation.*** – There shall be allocated in the Annual Budget for the following items:

- a. Personnel services to augment the human resource for sanitary inspectors to be funded annually by the General Fund under the City Health Department in an amount commensurate to their job description;
- b. Training and capacity-building of sanitary inspectors and purchase of equipment to fully equip the latter to effectively perform their job as required under this ordinance to be funded by the General Fund under the City Health Department; and
- c. Training and capacity-building for Department of Social Welfare and Services (DSWS) and Cebu City Environment and Natural Resources (CCENRO) to equip staff who will be directly involved in the implementation of this ordinance.

**Section 17. *Liability Protection.*** – To protect food merchandise donors, whether natural or juridical, from abuses and to further encourage donations, donor's liability shall cease to attach once the donations have been made to and accepted by the food bank through the Department of Social Welfare and Services (DSWS). At such point in time, donors are exempt from liability of injuries that may arise from such donation.

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.

**Section 18. *Prohibition on the Selling of Edible and Inedible Food Surplus.*** – The reselling of donated edible and inedible food surplus is strictly prohibited. Anyone caught reselling donated food surplus shall be dealt with accordingly under Section 20 of this ordinance. If the offender is a juridical entity, the responsible officers shall be held liable for said violation.





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Section 19. **Compliance Period.** – All covered establishments are mandated to comply within one (1) year from the effectivity of this ordinance.

Section 20. **Penalties.** – For anyone caught reselling donated food surplus, the following fines shall be imposed:

First offense	P1,000.00
Second offense	P3,000.00
Third offense	P5,000.00 and/or imprisonment not exceeding one (1) month at the discretion of the court

This is without prejudice to the application of existing laws such as RA 6713 also known as "An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees" if the offender is a public official involved in the Cebu City government-run food bank pursuant to City Ordinance 2570 otherwise known "An Ordinance Establishing a Food Bank in the City of Cebu in Times of Public Health Emergencies and Disasters, Providing Funds Thereof and For Other Purposes".

Section 21. **Separability Clause.** – Should any part or parts of this ordinance be declared invalid or unconstitutional, the other parts not so declared shall remain in force and effect.


Section 22. **Repealing Clause.** – Any existing ordinance or any of its provision or provisions, which are inconsistent with this ordinance, shall be deemed repealed, amended, or modified accordingly.

Section 23. **Effectivity.** – This ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation.

**CARRIED UNANIMOUSLY.**

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I hereby certify to the correctness of this resolution/ordinance.

  
**CHARISSE L. PIRAMIDE**  
Acting Secretary  
to the Sangguniang Panlungsod

ATTESTED:

  
**MICHAEL L. RAMA**  
Presiding Officer

APPROVED:

  
**EDGARDO C.ABELLA**  
City Mayor

01/13/2021

/camc