

**[ REPUBLIC ACT NO. 9803, November 25, 2009 ]**

**AN ACT TO ENCOURAGE THE DONATION OF FOOD FOR  
CHARITABLE PURPOSES**

*Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:*

SECTION 1. *Short Title.* — This Act shall be known as the "Food Donation Act of 2009".

SEC. 2. *Declaration of Policy.* — It is the policy of the State to alleviate national poverty and reduce food wastage. As such, the State shall implement measures to encourage the donation of apparently wholesome food for charitable purposes.

SEC. 3. *Definition of Terms.* — For purposes of this Act, the following terms shall be defined as follows:

- a. "Apparently Wholesome Food" refers to food that meets all quality and labeling standards imposed by a pertinent laws and administrative regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions. It does not include milk products as defined and covered under Executive Order No. 51, the "National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products".
- b. "Donate" is to dispose of an apparently wholesome food in favor of another. It includes giving by one person to another person of an apparently wholesome food for distribution, notwithstanding that the former has charged a nominal fee from the latter, if the ultimate beneficiary is not required to give anything of monetary value.
- c. "Food" refers to any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.
- d. "Gross Negligence" refers to voluntary and conscious conduct, including a failure to act, by a person who, at the time of conduct, knew that the conduct was likely to be harmful to the health or well-being of another person.
- e. "Intentional Misconduct" refers to conduct by a person with knowledge at the time of the conduct that the conduct is harmful to the health or well-being of another person.
- f. "Charitable Purposes" refers to philanthropic, humanitarian and non-profit objectives, including the benefit of the needy, poor, sick, prisoners, orphans, etc.

SEC. 4. *Coordinating Mechanism.* — To ensure effective and sustained inter-agency