



# NUTRITION AS A CONSTITUTIONAL RIGHT: ADDRESSING STUNTING AND LEARNING POVERTY THROUGH POLICY REFORM IN CHILD HEALTH AND EDUCATION

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## ABSTRACT

Child stunting in the Philippines remains a pressing health and education crisis, undermining children's growth, learning capacity, and future productivity. Despite constitutional guarantees and laws such as the *Kalusugan at Nutrisyon ng Mag-Nanay Act*, the *Masustansyang Pagkain para sa Batang Pilipino Act*, and the *Early Childhood Care and Development Act*, weak implementation has left millions of children vulnerable. Recent jurisprudence, including the consolidated cases of *Pimentel III*, *Colmenares*, and *1SAMBAYAN (2025)*, affirms that the right to health entails enforceable state obligations, situating stunting as a constitutional violation. Empirical evidence highlights maternal health and socio-economic disparities as key drivers of malnutrition, while learning poverty remains alarmingly high. This paper argues that eradicating stunting requires decisive national action, stronger accountability, and sustained investment in maternal and child health programs to secure the country's human capital.

## I – POLICY PROBLEM AND POSITION

Child stunting remains a persistent crisis in the Philippines, reflecting chronic malnutrition that undermines both physical growth and cognitive development. Stunted children often experience reduced concentration, slower language acquisition, and weaker problem-solving skills, which directly impair classroom performance and increase the risk of school dropout. National assessments, including the Second Congressional Commission on Education (EDCOM II), emphasize that stunting contributes significantly to the country's learning crisis. Feeding programs introduced in later grades cannot undo the damage caused by early malnutrition, underscoring the urgency of interventions during the first 1,000 days of life. Without sustained action, the cycle of malnutrition and poor educational outcomes will continue to erode the nation's human capital.

The 1987 Philippine Constitution explicitly guarantees children's rights in relation to health, nutrition, and education, establishing a foundation for holistic child development. Article II, Section 15 mandates the State to protect and promote the right to health and instill health consciousness among the people. Article XV, Section 3(2) affirms children's entitlement to proper care and nutrition, safeguarding them from neglect and exploitation. Article XIV, Sections 1 and 2 guarantee free, quality education at the elementary and high school levels, ensuring accessibility for all citizens. These provisions demonstrate that health, nutrition, and education are not isolated concerns but interconnected rights essential to the full development of Filipino children.

To operationalize these constitutional guarantees, several statutes have been enacted. Republic Act No. 11148, or the *Kalusugan at Nutrisyon ng Mag-Nanay Act*, institutionalizes maternal and child health and nutrition strategies during the first 1,000 days of life. Republic Act No. 11037, or the *Masustansyang Pagkain para sa Batang Pilipino Act*, establishes a national feeding program for undernourished children in public schools. Republic Act No. 8980, or the *Early Childhood Care and Development Act*, creates a comprehensive ECCD system integrating health, nutrition, early education, and parental support. While these laws provide statutory mechanisms to fulfill constitutional guarantees, their under-implementation has left many children vulnerable to malnutrition and its long-term consequences.

Beyond policy, the issue must also be understood as a constitutional violation. The Supreme Court has recently affirmed that social rights, particularly the right to health, can be enforceable obligations. In the consolidated cases of *Aquilino Pimentel III, et al. vs. House of Representatives* (G.R. No. 274778), *BAYAN MUNA Chairman Neri Colmenares, et al. vs. President Ferdinand Marcos Jr.* (G.R. No. 275405), and *1SAMBAYAN Coalition, et al. vs. House of Representatives* (G.R. No. 276233), decided on December 3, 2025, the Court scrutinized the constitutionality of transferring PhilHealth reserve funds to the National Treasury. These petitions underscored that the State's duty to protect the right to health includes safeguarding institutional resources meant for universal healthcare. Framing child stunting within this jurisprudential context highlights that persistent malnutrition is not merely a public health issue but a breach of enforceable constitutional guarantees.



In sum, child stunting is both a public health and educational crisis and a constitutional failure. Despite the existence of constitutional guarantees and statutory mechanisms, the Philippines continues to struggle with implementation gaps that leave children vulnerable to malnutrition and learning poverty. The position advanced here is clear: eradicating child stunting must be treated as a constitutional imperative, requiring comprehensive policy reform in child health, nutrition, and education.

## II. LEGAL AND CONSTITUTIONAL FRAMEWORK

The Philippine Constitution explicitly guarantees the right to health and adequate nutrition as part of the fundamental rights of every citizen, particularly children. Article II, Section 15 declares that “the State shall protect and promote the right to health of the people and instill health consciousness among them,” while Article XV, Section 3 affirms the duty of the State to defend the right of children to assistance, proper care, and nutrition (1987 Philippine Constitution (Budiono et al., 2025). These constitutional provisions establish the normative baseline that every Filipino child must be afforded equal access to health services and nutritious food.

In line with these constitutional mandates, Republic Act No. 8980, or the Early Childhood Care and Development (ECCD) Act of 2000, institutionalizes a national system to ensure holistic child development, integrating health, nutrition, early education, and parental support (Manuel & Gregorio, 2011). The law guarantees that all children are entitled to a healthy and dignified life, yet its implementation remains uneven. The persistent reality that many Filipino children suffer from malnutrition, stunting, and poor health outcomes underscores the critical importance of upholding constitutional and statutory rights to health and nutrition.

Thus, the failure to provide adequate health and nutrition to children undermines the very principles enshrined in the Constitution and RA 8980. Addressing this gap is both a matter of legal compliance and a moral imperative, as the State is duty-bound to safeguard the welfare of the nation’s youth (1987 Philippine Constitution; Republic Act No. 8980, 2000). Ensuring proper health and nutrition is not merely a policy option but a constitutional obligation that directly impacts the country’s future development.

## III – EMPIRICAL EVIDENCE

Stunting, or chronic malnutrition, remains one of the most serious threats to child health in the Philippines. About one-third of Filipino children are stunted, reflecting long-term nutritional deprivation (Ulep, 2025). In 2023, 23.6 percent of children under five were recorded as stunted—a rate that has hardly improved over the past two decades and remains higher than in many countries at a similar stage of development (Ulep 2025). This persistent prevalence underscores the urgent need to examine the socio-economic and maternal factors that drive inequality in child nutrition outcomes.

Moreover, a study by the Philippine Institute for Development Studies (Ulep, 2023) quantified the socio-economic determinants of stunting disparities. It found that maternal factors account for more than 50 percent of the inequality between poor and non-poor children. Specifically, maternal education contributes 18 percent, while maternal height explains 26 percent of the gap. Iron supplementation was also identified as a contributing factor, accounting for 5 percent of the disparity (Ulep, 2023). Overall, stunting prevalence in the Philippines was estimated at 38.5 percent, with 45 percent among poor children compared to 32 percent among non-poor children (Ulep, 2023). These findings highlight the critical role of maternal health, education, and nutrition interventions in addressing chronic malnutrition.

A study conducted by the Philippine Institute for Development Studies (PIDS) in support of the Second Congressional Commission on Education (EDCOM II) revealed that one in three Filipino children are stunted due to severe underinvestment in early childhood care and development. The report emphasized that inadequate and untimely access to high-quality childcare and prenatal interventions significantly contribute to the alarming levels of stunting among children (Ulep et al., 2024).

The same study highlighted that weak institutions and fragmented governance further hinder the effective implementation of early childhood care and development programs. Despite the existence of policies and laws, the lack of coordinated efforts and sufficient funding has prevented these interventions from reaching the children who need them most (Ulep et al., 2024). EDCOM II welcomed these findings, noting that their recommendations for programmatic and legislative reforms are grounded in empirical evidence provided by such research (Yee, 2024).

In terms of education, the study found that participation in early education among children aged 3–4 remains low, despite the passage of the *Kindergarten Education Act* (Republic Act No. 10157, 2012), which institutionalized kindergarten as the first compulsory stage of formal schooling to build foundational skills; the *Enhanced Basic Education Act* (Republic Act No. 10533, 2013), which extended basic education to 13 years under the K to 12 program to align with global standards and prepare learners for higher education or employment; and the *Early Years Act* (Republic Act No. 10410, 2013), which recognized ages 0–8 as the most crucial stage of development and established a national Early Childhood Care and Development system integrating health, nutrition, and parental support. The pandemic worsened this situation, causing a drastic decline in school attendance among young children. Although participation recovered to 20% in 2022, it still fell below pre-pandemic levels, underscoring persistent gaps in early childhood education access (Ulep et al., 2024).

The report also linked poor child health outcomes to maternal and child undernutrition and exposure to infections, which directly contribute to chronic malnutrition and increased risks of mortality. Approximately 14% of Filipino women of



reproductive age are undernourished, and evidence shows that malnourished mothers are more likely to give birth to infants with low birth weights, leading to both short-term and long-term developmental consequences (Ulep et al., 2024). Furthermore, access to basic health services—including prenatal care, child immunization, and postnatal care—remains far from universal coverage, leaving many children vulnerable.

The study revealed that only one in four Filipino children meet the recommended energy intake (REI). This finding highlights the persistent challenges in addressing nutritional needs, particularly among children aged 6–12 months from low-income households. The inability to meet basic dietary requirements reflects the broader structural issues in poverty, food insecurity, and inadequate service delivery (Ulep et al., 2024).

By situating stunting within both national prevalence data and socio-economic determinants, the study emphasizes that reducing child malnutrition requires not only food security but also targeted maternal and child health programs (Ulep, 2023). Addressing these inequalities is essential to achieving sustainable improvements in child development and meeting the country's commitments under the Sustainable Development Goals (Ulep, 2025).

#### IV. THE POSITION AND CORE ARGUMENT

The prevalence of stunting among Filipino children is a critical factor contributing to the country's severe learning poverty (Ulep et al., 2021). The urgency of this crisis is underscored by the World Bank's learning poverty metric, which reports that approximately 90% of Filipino 10-year-olds are unable to read and understand a simple text (World Bank 2024). Connecting this figure directly to the high rates of stunting strengthens the argument that malnutrition is not only a health issue but also a central driver of the country's educational crisis.

The Philippines must establish a more comprehensive and sustained national program to eradicate child stunting. If this problem is not decisively addressed, learning poverty will persist regardless of the efforts of schools, teachers, and school communities. Proper care must begin as early as the prenatal stage, since nutrition and health during pregnancy are foundational to a child's development (Black et al., 2016; Naaz & Muneshwar, 2023). Access to adequate nutrition is a basic right, yet the failure to fully implement existing laws and programs constitutes a violation of children's rights.

The central argument is that the Philippines must establish a more comprehensive and sustained national program to eradicate child stunting. If this problem is not decisively addressed, learning poverty will persist regardless of the efforts of schools, teachers, and school communities. Proper care must begin as early as the prenatal stage, since nutrition and health during pregnancy are foundational to a child's development (Black et al., 2016; Naaz & Muneshwar, 2023). Access to adequate nutrition is a basic right, yet the failure to fully implement existing laws and programs constitutes a violation of children's rights. This constitutional mandate has been explicitly

operationalized through Republic Act No. 11148 (2018), the Kalusugan at Nutrisyon ng Mag-Nanay Act, which institutionalizes a comprehensive maternal and child health and nutrition strategy during the first 1,000 days of life, and Republic Act No. 11037 (2018), the Masustansyang Pagkain para sa Batang Pilipino Act, which establishes a national feeding program for undernourished children in public schools. While these statutes provide concrete mechanisms to fulfill constitutional guarantees, their under-implementation has left millions of children vulnerable to stunting and its long-term educational consequences. Framing the issue in terms of both constitutional rights and statutory obligations underscores that the persistence of stunting is not merely a developmental challenge, but a failure of the State to enforce its own legal commitments.

#### V. RECOMMENDATIONS

The Philippines faces a critical choice in addressing child stunting: either to act decisively with effective and immediate solutions or to neglect the issue and remain trapped in learning poverty. Since stunting is a major contributor to poor educational outcomes, the government must prioritize comprehensive interventions that go beyond temporary measures (Ulep et al., 2021).

The government should implement existing solutions with greater rigor and accountability. Authorities must ensure that programs are not only launched but also properly executed, with clear mechanisms to hold responsible parties accountable for failures in implementation. One actionable approach is to empower existing oversight bodies such as the Commission on Audit (COA) to conduct regular performance audits of nutrition and early childhood programs, ensuring that funds are properly allocated and utilized. In addition, the Department of Health (DOH) and the Department of Education (DepEd) should be mandated to submit periodic compliance reports to Congress, subject to public disclosure, to strengthen transparency. Linking these measures to the institutional gaps identified earlier—particularly fragmented governance and weak inter-agency coordination—underscores the need for a centralized accountability framework. Establishing an inter-agency task force on child nutrition and learning outcomes, with authority to monitor, evaluate, and sanction non-compliance, would make the constitutional and statutory mandates more enforceable. By embedding accountability into existing structures, the government can move beyond symbolic program launches and ensure that commitments translate into measurable improvements in child health, nutrition, and education.

Beyond these, several additional recommendations are necessary: **1. Expand feeding programs:** Ensure daily access to nutritious meals in schools, particularly in disadvantaged communities. To address the issue of fragmented governance and inconsistent quality, programs should adopt the “central kitchen” model institutionalized under Republic Act No. 11037 (2018). This systematic approach centralizes food preparation and distribution,



ensuring uniform standards, efficiency, and accountability across schools.

**2.Strengthen maternal care:** Provide prenatal and postnatal nutrition support to mothers, as maternal health is a key determinant of child stunting (Ulep, 2023).

**3.Enhance local governance:** Empower local government units to implement nutrition-sensitive programs with adequate funding and monitoring, while aligning them with national frameworks to avoid duplication and inefficiency.

**4.Improve accountability systems:** Establish transparent evaluation mechanisms to track program outcomes and penalize non-compliance. Oversight bodies such as the Commission on Audit (COA) should be empowered to audit compliance with RA 11037 and RA 11148.

**5.Integrate community participation:** Mobilize parents, teachers, and local organizations to promote nutrition awareness and sustainable practices, ensuring grassroots ownership of interventions.

**6.Increase national investment:** Allocate greater resources to nutrition programs, treating child health as a development priority rather than a secondary concern.

Child stunting is not only a health issue but also a constitutional and moral challenge (Ramos, 2025). Effective solutions already exist, but they must be implemented consistently, coordinated across agencies, and supported by strong accountability measures (Silvestre et al., 2023). Only through decisive national action can the Philippines break free from learning poverty and secure a healthier, more capable generation (Ulep, 2025).

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