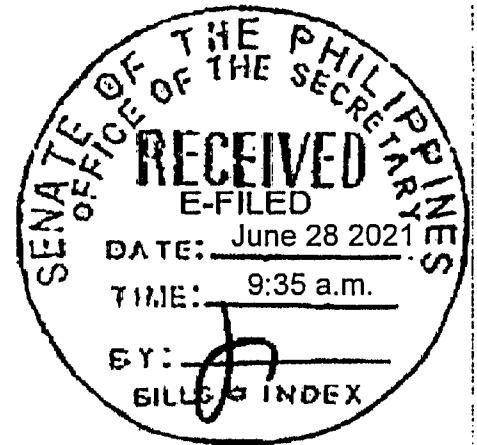


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

S. NO. 2302

(In Substitution of SB No. 1677)

Prepared by the Committee on Trade, Commerce and Entrepreneurship with
Senators Lapid and Pimentel III as authors thereof.

AN ACT
PROVIDING MEASURES TO PROTECT INDIVIDUALS ENGAGED IN FOOD,
GROCERY AND PHARMACY DELIVERY SERVICES

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

1 SECTION 1. *Short Title.* – This Act shall be known as "*Food, Grocery, and*
2 *Pharmacy Delivery Services Protection Act*".

3
4 Sec. 2. *Definition of Terms.* – For purposes of this Act, these terms are
5 defined as follows:

6 (a) Food, Grocery, and Pharmacy Delivery Service – a form of courier or
7 delivery service where a person through a mobile phone application,
8 internet website or any other similar platform orders food, grocery or
9 pharmaceutical items from a third-party seller and engages the service of
10 a rider or driver for the delivery of said order for a fee;

11 (b) Food, Grocery, and Pharmacy Delivery Service Providers or Service
12 Providers – these are persons or entities who are engaged in the business
13 of providing food, grocery and pharmacy delivery services by way of

- 1 mobile phone applications, internet websites or other similar platforms;
- 2 (c) Delivery Riders or Drivers – regardless of the existing contractual
3 relationship with the service providers, these are persons who perform the
4 delivery services by picking up the ordered items from the third-party
5 seller, and delivering the items to the customers who avail of the service;
- 6 (d) Confirmed Order – there shall be a confirmed order once the customer
7 sends his confirmation to the delivery rider or driver with respect to the
8 order for the purchase of food, grocery and/or pharmaceutical items.

9

10 *Sec. 3. Prohibition Against Advance Payment.* – It shall be prohibited for any
11 food, grocery, and pharmacy delivery service provider to require delivery riders or
12 drivers to advance any monetary amount for the fulfillment of orders.

13 In case of cancellation of confirmed orders, the food, grocery, and pharmacy
14 delivery service provider shall still pay the delivery riders or drivers for the service
15 fee due them as if the transaction was successful.

16 In turn, it shall be the duty of service providers to pursue claims for collection
17 from its cancelling customers.

18 Any investigation or inquiry conducted by the service providers on the
19 propriety or validity of the cancellation shall not affect the right of the riders/drivers
20 to collect their respective service fee as provided under this Section.

21 Any food, grocery, and pharmacy delivery service provider who shall be found
22 to be in violation of the prohibition on requiring monetary advances from delivery
23 riders or drivers shall, upon conviction, be subject to the penalty of arresto mayor
24 and/or fine of an amount not exceeding One Hundred Thousand Pesos (Php
25 100,000.00) and the licenses and permits of said violators shall be revoked. This is
26 without prejudice to any other available remedies under existing laws.

27 If the violation is committed by a corporation, partnership, association, or any
28 other kind of business entity that may be created by operation of law, the penalty
29 provided in the next preceding paragraph shall be imposed upon its president,
30 director, partner or any responsible officer that authorized monetary advances to be
31 required.

32

1 *Sec. 4. Know-Your-Customer Rules for Food, Grocery and Pharmacy Delivery*
2 *Service.* – The service providers shall require its customers, prior to the registration
3 with their mobile phone applications, internet websites or other similar platforms, to
4 submit a valid proof of identity and residential address. Procedures for verification of
5 identity shall likewise be implemented by the service providers. The processing of
6 personal information done in accordance with this Section shall be fully compliant
7 with the requirements of Republic Act No. 10173, or the "Data Privacy Act of 2012."
8

9 *Sec. 5. Prohibited Acts.* –

10 *(a) Using Another Person's Personal Information* – It shall be unlawful for any
11 person to use the personal information of another such as but not limited
12 to name, address, and contact number when registering for any food,
13 grocery, and pharmacy delivery service;

14 *(b) Cancellation of Confirmed Orders* – It shall be unlawful for any person to
15 cancel a confirmed order unless such option is specifically allowed by the
16 food, grocery, and pharmacy delivery service hired;

17 *(c) Placing of Hoax Order* – It shall be unlawful for any person to: (1) place
18 an order under the name of another unless the latter consented to the
19 same; (2) place an order using a fictitious name, address or both; and

20 *(d) Refusal to Receive Unpaid Order* – It shall be unlawful for any person to
21 unjustly refuse to receive an order when such order has been placed by
22 him personally or if the order is placed by virtue of his authority.
23

24 Any person who shall commit any of the prohibited acts as provided for in this
25 Section shall, upon conviction, be subject to the penalty of arresto mayor and/or fine
26 of an amount not exceeding One Hundred Thousand Pesos (Php 100,000.00)
27 without prejudice to any other available remedies under existing laws.
28

29 *Sec. 6. Repealing Clause.* - All laws, presidential decrees, executive orders,
30 proclamations, rules and regulations, or any part thereof, which are inconsistent with
31 the provisions of this Act are hereby repealed or modified accordingly.
32

1 *Sec. 7. Separability Clause.* – If any provision or part of this Act, or the
2 application thereof to any person or circumstance, is held unconstitutional or invalid,
3 the remainder of this Act shall not be affected thereby.

4
5 *Sec. 8. Effectivity Clause.* - This Act shall take effect fifteen (15) days from its
6 publication in the Official Gazette or in at least two (2) newspapers of general
7 circulation.

8
9 *Approved,*