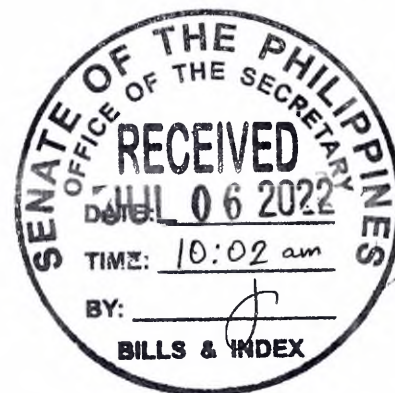


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



**SENATE**

S. No. 38

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Introduced by Senator Manuel "Lito" M. Lapid

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

**EXPLANATORY NOTE**

The COVID-19 pandemic has forced most of us to stay at home as much as possible and avoid crowded places, such as but not limited to, restaurants, fast food outlets, supermarkets, and groceries. The delivery riders or drivers took so much risk and continued to work and provide for our needs during the pandemic, especially during the time of community quarantine and lockdown.

Unfortunately, the rights of these delivery riders or drivers had not been given much attention and the service providers had not been made accountable, as exposure to unjustified cancellation of orders or even instances of "no-show" customers continues, even though the delivery riders or drivers have already advanced or paid the ordered items. These fraudulent acts result in a waste of time, effort, and money on the part of the delivery riders or drivers. What aggravates the situation is that some of these canceling customers cannot be traced and be held accountable for collection as they use fake names, contact numbers, and/or addresses.

The said acts are very alarming and adequate protection to delivery riders or drivers must be provided. Thus, this proposed measure aims to ascertain whether the rights of the delivery riders or drivers are respected and whether the obligations imposed to food, grocery and pharmacy delivery service providers are fulfilled. This

bill mandates that the service providers cannot require delivery riders or drivers to advance any monetary amount for the fulfillment of orders, and in case of cancellation of confirmed orders, the service provider shall pay the delivery riders or drivers for the service fee due them. It is the service provider which has the duty to pursue claims for collection from its canceling customers, and must be responsible for and in charge of the registration and verification of identity of the customer. Further, for better protection of the delivery riders or drivers, this measure includes prohibition against cancellation of confirmed orders, placing of hoax orders, refusal to receive the unpaid orders, and using another person's personal information.

In view of this, early passage of this bill is sought.



**MANUEL "LITO" M. LAPID**  
*Senator*



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S. No. 38

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

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

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

6 SECTION 2. *Definition of Terms.* – For purposes of this Act, these terms are  
7 defined as follows:

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

13 (b) *Food, Grocery, and Pharmacy Delivery Service Providers or Service*  
14 *Providers* – these are persons or entities who are engaged in the business  
15 of providing food, grocery and pharmacy delivery services by way of mobile  
16 phone applications, internet websites or other similar platforms;

17 (c) *Delivery Riders or Drivers* – regardless of the existing contractual  
18 relationship with the service providers, these are persons who perform the  
19 delivery services by picking up the ordered items from the third-party seller,

1 and delivering the items to the customers who avail of the service;

2 (d) *Confirmed Order* – there shall be a confirmed order once the customer  
3 sends his confirmation to the delivery or driver with respect to the order for  
4 the purchase of food, grocery and/or pharmaceutical items.

5  
6 SECTION 3. *Prohibition Against Advance Payment.* – It shall be prohibited for  
7 any food, grocery, and pharmacy delivery service provider to require delivery riders  
8 or drivers to advance any monetary amount for the fulfillment of orders.

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

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

14 Any investigation or inquiry conducted by the service providers on the propriety  
15 or validity of the cancellation shall not affect the right of the riders/drivers to collect  
16 their respective service fee as provided under this section.

17 Any food, grocery, and pharmacy delivery service provider who shall be found  
18 to be in violation of the prohibition on requiring monetary advances from delivery  
19 riders or drivers shall, upon conviction, be subject to the penalty of *arresto mayor*  
20 and/or fine of an amount not exceeding One hundred thousand pesos (P100,000.00)  
21 and the licenses and permits of said violators shall be revoked. This is without  
22 prejudice to any other available remedies under existing laws.

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



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

9 SECTION 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 service hired;

17 (c) *Placing of Hoax Order* – It shall be unlawful for any person to: (1) place an  
18 order under the name of another unless the latter consented to the same;  
19 (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 him  
22 personally or if the order is placed by virtue of his authority.

23 Any person who shall commit any of the prohibited acts as provided for in this  
24 section shall, upon conviction, be subject to the penalty of *arresto mayor* and/or fine  
25 of an amount not exceeding One hundred thousand pesos (Php100,000.00) without  
26 prejudice to any other available remedies under existing laws.

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

1           SECTION 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 remained of this Act shall not be affected thereby.

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

7           *Approved,*