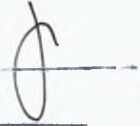


'22 AUG 31 A8 :29

SENATE

S. No. 1234

RECEIVED BY: _____



Introduced by SENATOR JOSEPH VICTOR "JV" EJERCITO

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

EXPLANATORY NOTE

The imposition of lockdowns and quarantines due to the COVID-19 pandemic shocked many lifestyle and changed the retail landscape in an instant. People were made to work-from-home, rely on online shopping and food delivery. Indeed, this pandemic forced everyone to depend in the online and digital world through different online platforms in order to buy our favorite food in a restaurant, to shop for clothes, to buy food, pantry items and other basic necessities, among others. It has become part of the new normal that we have foods, groceries, and other essential goods delivered to our doorsteps, either through Grab, Lalamove, Foodpanda, and the likes.

Definitely, doing business today has become faster and efficient for both sellers and buyers, with all the available online platforms. However, in the middle of all these online transactions are the delivery riders who make it happen for all the sellers to deliver their products, and for buyers to receive their shopped items. But along with this, there had been many instances that delivery riders fall victims of scammers and pranksters. These heartless and unscrupulous people either make fake bookings or cancel confirmed orders to the prejudice of the delivery rider.

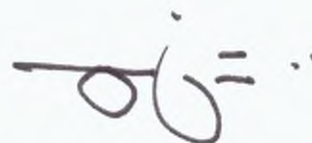
The proposed measure is one step in safeguarding our delivery riders in their everyday work. Under this bill, it shall be prohibited for any food, grocery and pharmacy delivery service provider to require advance payment from the rider to fulfill the orders. In this way, delivery riders will be protected not to shell out their hard earned money to pay for the orders in cases where fake bookings or orders are made. Our delivery riders are working with a meager pay to support their families in the midst of the dangers of the COVID virus, and making them pay for items that are not theirs is not justifiable and acceptable.

Moreover, the measure mandates the delivery service providers to make as a requisite for the registration in their platform the submission of a valid proof of identity and address, in order to impede such fake bookings. Furthermore, any person using another's personal information, cancelling a confirmed orders, placing hoax or fake order, and refusing to receive an unpaid order shall be punishable to a penalty of arresto mayor and/or fine of not more than one hundred thousand (Php 100,000.00) pesos.

With the growing demand and impact of online deliveries in our daily lives and our economy, it is but proper for the government to prioritize not only for the economic sustainability of the industry, but most especially the necessary protection that should be accorded to our delivery riders. We oftentimes forget the significance of our delivery riders who have been literally the movers of the economy during this global crisis.

As we honor our front liners in this battle against COVID-19, we must not fail to remember also the contributions of one of our unsung heroes in this pandemic, our delivery riders.

In view of the foregoing, the passage of this bill is earnestly sought.



JOSEPH VICTOR G. EJERCITO

'22 AUG 31 A8 :29

SENATE

S. No. 1234

RECEIVED BY: _____



Introduced by SENATOR JOSEPH VICTOR G. EJERCITO

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 "***Delivery Riders***
2 ***Protection Act***".

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

- 5 a) *Food, Grocery, and Pharmacy Delivery Service* - a form of courier or delivery
6 service where a person through a mobile phone application, internet website
7 or any other similar platform orders food, grocery or pharmaceutical items
8 from a third-party seller and engages the service of a rider or driver for the
9 delivery of said order for a fee;
- 10 b) *Food, Grocery, and Pharmacy Delivery Service Providers or Service*
11 *Providers* - these are persons or entities who are engaged in the business
12 of providing food, grocery and pharmacy delivery services by way of mobile
13 phone applications, internet websites or other similar platforms;
- 14 c) *Delivery Riders or Drivers* - regardless of the existing contractual
15 relationship with the service providers, these are persons who perform the
16 delivery services by picking up the ordered items from the third-party seller,
17 and delivering the items to the customers who avail of the service;

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

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

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

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

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

15 Any food, grocery, and pharmacy delivery service provider who shall be found
16 to be in violation of the prohibition on requiring monetary advances from delivery
17 riders or drivers shall, upon conviction, be subject to the penalty of *arresto mayor*
18 and/or fine of an amount not exceeding One Hundred Thousand Pesos (Php
19 100,000.00) and the licenses and permits of said violators shall be revoked. This is
20 without prejudice to any other available remedies under existing laws.

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

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

1 *Sec. 5. Prohibited Acts. -*

- 2 a) *Using Another Person's Personal Information* - It shall be unlawful for any
3 person to use the personal information of another such as but not limited
4 to name, address, and contact number when registering for any food,
5 grocery, and pharmacy delivery service;
- 6 b) *Cancellation of Confirmed Orders*- It shall be unlawful for any person to
7 cancel a confirmed order unless such option is specifically allowed by the
8 food, grocery, and pharmacy delivery service hired;
- 9 c) *Placing of Hoax Order* - It shall be unlawful for any person to: (1) place an
10 order under the name of another unless the latter consented to the same;
11 (2) place an order using a fictitious name, address or both; and
- 12 d) *Refusal to Receive Unpaid Order* - It shall be unlawful for any person to
13 unjustly refuse to receive an order when such order has been placed by him
14 personally or if the order is placed by virtue of his authority.

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

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

22 *Sec. 7. Separability Clause.* - If any provision or part of this Act, or the
23 application thereof to any person or circumstance, is held unconstitutional or invalid,
24 the remainder of this Act shall not be affected thereby.

25 *Sec. 8. Effectivity.* - This Act shall take effect fifteen (15) days from its
26 publication in the Official Gazette or in a newspapers of general circulation.

Approved,