



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5467



Introduced by HONORABLE ERNESTO “ERNIX” M. DIONISIO, JR.

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

EXPLANATORY NOTE

The pandemic has highlighted how valuable delivery services are. During those times that the metropolis was on lockdown and community quarantines, individuals engaged in food, grocery and pharmacy delivery services became modern-day frontliners, providing resources at the time the citizenry needed it the most.

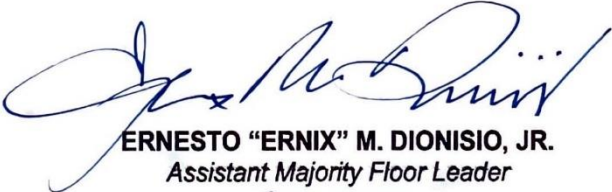
The pandemic, however, has also highlighted the need to introduce measures to safeguard the rights of the riders, who are falling prey to unscrupulous individuals.

Section 18, Article II of the 1987 Constitution states: “The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

Likewise, Section 3, Article XIII of the 1987 Constitution states: “The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.”

This bill seeks to introduce measures designed to punish individuals with false identities placing bogus orders, to the prejudice of riders making an honest living. Likewise, errant companies employing these riders will be penalized for passing on the burden of the bogus orders to their laborers.

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

A handwritten signature in blue ink, appearing to read 'Ernesto M. Dionisio, Jr.', with a stylized flourish at the end.

ERNESTO "ERNIX" M. DIONISIO, JR.

Assistant Majority Floor Leader

Congressman

First Congressional District of Manila



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

SECTION 1. Short Title. – This Act shall be known as the "Delivery Riders Protection Act."

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

- a) *Food Grocery, and Pharmacy Delivery Service* – a form of courier or delivery service where a person through a mobile phone application, internet website or any other similar platform orders food, grocery or pharmaceutical items from a third-party seller and engages the service of a rider or driver for the delivery of said order for a fee;
- b) *Food, Grocery, and Pharmacy Delivery Service Providers or Service Providers* – these are persons or entities who are engaged in the business of providing food, grocery and pharmacy delivery services by way of mobile phone applications, internet websites or other similar platforms;
- c) *Delivery Riders or Drivers* regardless of the existing contractual relationship with the service providers, these are persons who perform the delivery services by picking up the ordered items from the third-party seller, and delivering the items to the customers who avail of the service;
- d) *Confirmed Order* – there shall be a confirmed order once the customer sends his confirmation to the delivery rider or driver with respect to the order for the purchase of food, grocery and/or pharmaceutical items.

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

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

In turn, it shall be the duty of service providers to pursue claims for collection from their canceling customers. Any investigation or inquiry conducted by the service providers on the propriety or validity of the cancellation shall not affect the right of the riders/drivers to collect their respective service fees as provided under this Section.

Any food, grocery, and pharmacy delivery service provider who shall be found to be in violation of the prohibition on requiring monetary advances from delivery riders or drivers shall, upon conviction, be subject to the penalty of arresto mayor and/or fine of an amount not exceeding One Hundred Thousand Pesos (Php100,000.00) and the licenses and permits of said violators shall be revoked. This is without prejudice to any other available remedies under existing laws.

If the violation is committed by a corporation, partnership, association, or any other kind of business entity that may be created by operation of law, the penalty provided in Sec. 6 shall be imposed upon its president, director, partner, or any responsible officer that authorized monetary advances to be required.

Sec. 4. Payment of Gratuities. – It shall be prohibited for service providers who have a gratuity or “tip” system in their respective applications to withhold the same from the delivery riders or drivers.

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

Sec. 6. Prohibited Acts. –

- a) Using Another Person's Personal Information – It shall be unlawful for any person to use the personal information of another such as but not limited to name, address, and contact number when registering for any food, grocery, and pharmacy delivery service;
- b) Cancellation of Confirmed Orders – It shall be unlawful for any person to cancel a confirmed order unless such option is specifically allowed by the food, grocery, and pharmacy delivery service hired;
- c) Placing of Hoax Order – It shall be unlawful for any person to: (1) place an order under the name of another unless the latter consented to the same; (2) place an order using a fictitious name, address, or both; and

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

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

Sec. 7. Repealing Clause. – All laws, presidential decrees, executive orders, proclamations, rules and regulations, or any part thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 8. Separability Clause. – If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

Sec. 9. Effectivity. - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

Approved,