



Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY

May 11, 2022

DEPARTMENT CIRCULAR

No. 2022 - 0253

FOR: MINISTER OF HEALTH – BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARMM), DOH UNDERSECRETARIES, ASSISTANT SECRETARIES, BUREAU AND SERVICE DIRECTORS, DIRECTORS OF ALL CENTERS FOR HEALTH DEVELOPMENT, DOH ATTACHED AGENCIES, CHIEFS OF MEDICAL CENTERS, HOSPITALS, SANITARIA AND INSTITUTES, AND ALL OTHERS CONCERNED

SUBJECT: Guidelines on the Provision of the Mandatory Statutory Benefits and Privileges of the Senior Citizens and Persons with Disabilities on their Purchases through Online (E-Commerce) and Phone Call/SMS

Attached for your information and guidance is a copy of the DTI-DSWD-NCSC-NCDA-DOH-DILG-BIR Joint Memorandum Circular No. 1 series of 2022 entitled "*Guidelines on the Provision of the Mandatory Statutory Benefits and Privileges of the Senior Citizens and Persons with Disabilities on their Purchases through Online (E-Commerce) and Phone Call/SMS*".

Dissemination of the information to all concerned is requested.

By Authority of the Secretary of Health:

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Undersecretary of Health
Public Health Services Team



**Department of Trade and Industry (DTI)
Department of Social Welfare and Development (DSWD)
National Commission of Senior Citizens (NCSC)
National Council on Disability Affairs (NCDA)
Department of Health (DOH)
Department of the Interior and Local Government (DILG)
Bureau of Internal Revenue (BIR)**

**JOINT MEMORANDUM (JMC) No. 01
Series of 2022**

SUBJECT: GUIDELINES ON THE PROVISION OF THE MANDATORY STATUTORY BENEFITS AND PRIVILEGES OF THE SENIOR CITIZENS AND PERSONS WITH DISABILITIES ON THEIR PURCHASES THROUGH ONLINE (E-COMMERCE) AND PHONE CALL/SMS

WHEREAS, Article II, Section 10 of the 1987 Constitution provides that the State shall provide social justice in all phases of national development;

WHEREAS, Article II, Section 11 of the 1987 Constitution likewise provides that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, Article XIII, Section 11 of the 1987 Constitution also provides that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health, and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children;

WHEREAS, Republic Act (R.A.) No. 7277, or the "Magna Carta for Disabled Persons, and for Other Purposes", as amended by R.A. Nos. 9442¹, 10070², and 10754³, entitles Persons with Disabilities to a twenty percent (20%) discount and exemption from value-added tax (VAT), if applicable, on the sale of the goods and services for the exclusive use and enjoyment or availment of Persons with Disabilities, as provided by law;

WHEREAS, in the recognition of the contributions of the Senior Citizens, R.A. No. 7432, otherwise known as "An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grants Benefits and Special Privileges", as amended by R.A. Nos. 9257⁴ and 9994⁵, requires the adoption of measures whereby Senior Citizens are assisted and appreciated;

WHEREAS, under Section 4 of R.A. No. 7432, as amended by R.A. No. 9994, a Senior Citizen is entitled to privileges, such as the grant of twenty percent (20%) discount and exemption from the value-added tax (VAT), if applicable, on the sale of the goods and

¹ An Act Amending Republic Act No. 7277, otherwise known as the "Magna Carta for Disabled Persons, and for Other Purposes", effectively inserting "Chapter 8. Other Privileges and Incentives".

² Establishing Institutional Mechanism to Ensure the Implementation of Programs and Services for Persons with Disabilities in Every Province, City and Municipality, Amending Republic Act No. 7277, otherwise known as the "Magna Carta For Disabled Persons, as amended, and for other Purposes".

³ An Act Expanding the Benefits and Privileges of Persons with Disability (PWD).

⁴ Expanded Senior Citizens Act of 2003.

⁵ Expanded Senior Citizens Act of 2010.

services for the exclusive use and enjoyment or availment of Senior Citizens, as provided by law;

WHEREAS, Section 4 (j) of R.A. No. 7432, as amended by R.A. No. 9994, and Section 32 (j) of R.A. No. 7277, as amended by R.A. No. 9442, provides that the government may grant special discounts in special programs for Senior Citizens and Persons with Disabilities, respectively, on purchase of basic necessities and prime commodities, subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA);

WHEREAS, Joint DTI-DA Administrative Order No.10-02, series of 2010 (JAO 10-02 s.2010), as amended by DTI-DA-DOE JAO17-02 s.2017; and DTI-DA JAO 02 s.2008, as amended by DTI-DA-DOE JAO17-01 s.2017, were issued to grant a special discount of five percent (5%) of the regular retail price, without exemption from the VAT, on the purchase of basic necessities and prime commodities by the Senior Citizens and Persons with Disabilities, respectively;

WHEREAS, NCMB Resolution 3-2009, s. 2009 "Resolution Clarifying the Availment of the 20% Senior Citizens Discount in Restaurants and other Food Establishments" issued on 26 March 2009 states that "the Department of Justice in its Opinion No. 55, Series of 2007 dated 01 October 2007, opined that the DSWD is the government agency primarily responsible for the implementation, administration and enforcement of R.A. No. 9257, such that it can formally adopt a position on specific issues and assume responsibility for it through the mandate of the National Coordinating and Monitoring Board (NCMB)";

WHEREAS, R.A. No. 11350, otherwise known as the "National Commission of Senior Citizens" (NCSC) Act" provides that all functions, programs, projects and activities of the Department of Social Welfare and Development (DSWD) pertaining to Senior Citizens shall be transferred to the NCSC;

WHEREAS, upon the effective transition of the different programs of the DSWD as provided under R.A. No. 11350, the NCSC shall discharge the functions and responsibilities established herein, and as provided by law;

WHEREAS, the rapid development of digital technology has provided new opportunities for sellers and consumers to access products and services through the internet. During the COVID-19 pandemic, people especially vulnerable sectors of society, including the Senior Citizens and the Persons with Disability became dependent on the internet, phone and mobile devices on the purchase of their basic needs given the mobility restrictions imposed.

WHEREAS, the new opportunities presented by access to products and services through internet, phone and mobile devices brings with it concomitant challenges that require mutually acceptable solutions to all parties involved.

WHEREFORE, foregoing premises considered, this JMC is hereby issued for the information, guidance and strict compliance of those concerned:

Section 1. Objective. To ensure and require persons and business establishments to comply with existing relevant rules and guidelines, particularly on the grant of Senior Citizen and Persons with Disability discounts mandated by law on the purchase of covered goods and services using the digital/online platforms.

Section 2. Scope and Coverage. This JMC shall apply to all persons, natural or juridical, registered or not, engaged in the sale of goods and services (herein referred to as "business establishment") as provided under R.A. Nos. 7581, 9994, and 10754 using the open network or the internet.

All transactions made through the telephone/mobile phone/mobile applications are also covered by this JMC.

Section 3. Definition of Terms. For purposes of this JMC, the following terms shall be defined as follows:

- a. **Basic Necessities** - refers to goods vital to the needs of consumers for their sustenance and existence;
- b. **Business establishments** - refers to all business entities and sellers that provide or offer goods and services enumerated in R.A. Nos. 9994, 10754, and 7581, as amended, and its respective Implementing Rules and Regulations (IRR), to consumers using ecommerce or through telephone or mobile phone;
- c. **E-Commerce (also known as electronic commerce)** - refers to the production, distribution, marketing, sale, purchase, or delivery of goods and services via electronic means;
- d. **Goods and Services** - refers to items or products or services specifically mandated by law, including basic necessities and prime commodities, to be granted discount upon purchase by the Senior Citizens and Persons with Disability for their personal consumption, use and enjoyment.
- e. **Office of the Senior Citizens Affairs (OSCA)** - refers to the office established in cities and municipalities under the Office of the Mayor headed by a Senior Citizen⁶ that will assist Senior Citizens in their concerns relative to their welfare, including the rights and privileges provided by law;
- f. **Persons with Disability** - refers to a person suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being;⁷ it shall also include individuals within the definition of Persons with Rare Diseases, as provided under Section 10 of R.A. No. 10747⁸, and Cancer Patients, as provided under Section 25 of R.A. No. 11215⁹;
- g. **Persons with Disability Affairs Office (PDAO)** - refers to the office created in every province, city, and municipality¹⁰ operating under the Office of the Local Chief Executive who shall manage and oversee the programs, projects and activities / services related to persons with disabilities;

⁶ Section 6, R.A. No. 7432, as amended by R.A. No. 9994.

⁷ Section 40 (b) (1), R.A. No. 7277, as amended by R.A. 10070.

⁸ Section 10. Designation of Persons with Rare Disease as Persons with Disabilities (PWDs). — Persons with rare disease shall be considered as persons with disabilities (PWDs), in accordance with Republic Act No. 7277, as amended, or the Magna Carta for Disabled Persons.

⁹ Section 25. Persons with Disabilities. - Cancer patients, persons living with cancer and cancer survivors are considered as persons with disabilities (PWDs) in accordance with Republic Act No. 7277, as amended, otherwise known as the "Magna Carta for Disabled Persons".

¹⁰ Section 40 (b) (1), R.A. No. 7277, as amended by R.A. 10070.

- h. **Persons with Disability ID** - refers to an identification card issued by the Persons with Disability Affairs Office (PDAO) or the City/Municipal Social Welfare and Development Office (C/MSWDO) of the place where the person with disability resides¹¹, or the identification card issued by the National Council on Disability Affairs (NCDA);
- i. **Purchase** – refers to the act of ordering, buying, and paying Goods and Services, as defined herein, through online or phone platforms, or other electronic or digital means, this definition shall be limited only for this JMC;
- j. **Prime Commodities** - refers to goods not considered as basic necessities but are essential to consumers;
- k. **Senior Citizen** - refers to any Filipino citizen who is a resident of the Philippines, and who is sixty (60) years old or above. It may apply to Senior Citizens with “dual citizenship” provided they have a valid Senior Citizenship or OSCA ID;
- l. **Senior Citizen ID** - refers to an identification card issued by the OSCA at the place where the Senior Citizen resides to prove their entitlement. The identification card issued by the particular OSCA or relevant government agency shall be honored nationwide;¹²
- m. **Third-party service providers** - refers to an outsourced service provider that may deliver or provide the goods and services purchased or availed of by the Senior Citizen or Persons with Disability, it shall also include electronic markets where business establishments may conduct e-commerce.

Section 4. Privileges of Senior Citizens and Persons with Disabilities. As provided by the laws governing privileges for Senior Citizens and Persons with Disabilities, both shall be granted the following privileges:

Privilege	Goods and Services	Senior Citizen	Persons with Disability
20% discount (VAT-exempt)	medicines and medical supplies subject to the Guidelines of DOH Administrative Order No. 2012-0007 as amended	√	√
	professional fees of attending physician/s in all private hospitals, medical facilities, outpatient clinics and home health care services	√	√
	professional fees of licensed professional health providing home health care services	√	√
	medical and dental services, diagnostic and laboratory fees in all private hospitals,	√	√

¹¹ Section 32(k), R.A. No. 7277, as amended by R.A. No. 9442.

¹² Section 4, R.A. No. 7432, as amended by R.A. No. 9994.

	medical facilities, outpatient clinics, and home health care services		
	actual fare for land transportation travel in public utilities, including domestic air transport services and sea shipping vessels and the like	√	√
	utilization of services in hotels and similar lodging establishments, restaurants and recreation centers	√	√
	admission fees charged by theaters, cinema houses and concert halls, circuses, leisure and amusement	√	√
	foods, drinks, desserts and other consumable food items	√	√
	Funeral and Burial Services	√	√
5% special discount	Basic Necessities	√	√
	Prime Commodities	√	√

Any provisions of later laws granting new privileges shall form part of this JMC, whenever applicable.

In the purchase of goods and services which are the subject of promotional discount, the Senior Citizen and the Person with Disability can avail of the establishment's offered discount, as permitted by DOH, DTI or other appropriate government agencies, or the 20% VAT exemption or the 5% special discount provided herein, whichever is higher/more favorable and applicable.

In cases wherein the buyer or customer is both a Senior Citizen and a Person with Disability, he/she shall be entitled only to a single 20% discount, with VAT exemption, or 5% special discount whichever is applicable under his/her valid Senior Citizen ID or Person with Disability ID.

Section 5. Basic Necessities and Prime Commodities (BNPCs). The following are the basic necessities and prime commodities, as defined by the Price Act¹³, as amended:

Basic Necessities	Prime Commodities
1. All kinds and variants of rice;	1. Flour;
2. Corn;	2. Dried, processed and canned pork, beef and poultry meat;
3. All kinds of bread (Pastries and cakes not included);	3. Dairy products not falling under Section 1 (a) of the DTI-DA-DOE JAO;
4. Fresh, dried and canned fish and other	

¹³ Section 3, sub-items (1) and (8), R.A. No. 7581, as amended by R.A. No. 10623.

<p>marine products (including frozen and in various modes of packaging);</p> <p>5. Fresh pork, beef and poultry meat;</p> <p>6. All kinds of fresh eggs (excluding Quail Eggs);</p> <p>7. Potable water in bottles and containers;</p> <p>8. Fresh and processed milk (excluding milk labeled as food supplement);</p> <p>9. Fresh vegetables including root crops;</p> <p>10. Fresh Fruits;</p> <p>11. Locally manufactured instant noodles;</p> <p>12. Coffee and coffee creamer;</p> <p>13. All kinds of sugar (excluding sweetener)</p> <p>14. All kinds of cooking oil;</p> <p>15. Salt;</p> <p>16. Powdered, liquid, bar laundry and detergent soap;</p> <p>17. Firewood;</p> <p>18. Charcoal</p> <p>19. All kinds of candles;</p> <p>20. Household liquefied: petroleum gas, not more than 11kgs. LPG content once every five (5) months bought from LPG dealers; and</p> <p>21. Kerosene, not more than 2 liters per month.</p>	<p>4. Onions and Garlic;</p> <p>5. Vinegar, patis, and soy sauce;</p> <p>6. Toilet/Bath soap;</p> <p>7. Fertilizer;</p> <p>8. Pesticides;</p> <p>9. Herbicides;</p> <p>10. Poultry feeds, livestock feeds and fishery feeds;</p> <p>11. Veterinary products;</p> <p>12. Paper, school supplies;</p> <p>13. Nipa shingle;</p> <p>14. Sawali;</p> <p>15. Cement, Clinker, GI Sheets;</p> <p>16. Hollow Blocks;</p> <p>17. Plywood;</p> <p>18. Plyboard;</p> <p>19. Construction nails;</p> <p>20. Batteries (excluding cellphone and automotive batteries)</p> <p>21. Electrical supplies arid light bulbs; and</p> <p>22. Steel wires.</p>
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As provided by law, drugs identified as "essential" and "not essential" shall be considered as "Basic Necessities" and "Prime Commodities", respectively. However, for purposes of determining the rightful statutory discount, the Senior Citizen or Person with Disability shall be granted the flat discount of 20% as provided by law.

The total amount of offline and online purchase of Senior Citizens and Persons with Disability per calendar week shall not exceed the amount of One Thousand Three Hundred Pesos (Php1,300.00) without carry-over of the unused amount, unless otherwise increased, as may be determined by the DTI and other relevant agencies. Provided that the purchase of medicine shall no longer be limited by the Php1,300.00 ceiling as provided in the DTI-DA-DOE JAO, and as reflected hereto.

The said amount shall be spent on the above-mentioned commodities commensurate to his/her personal and exclusive consumption and/or enjoyment within the calendar week, Provided, that said amount shall be spent on at least four (4) items identified as BNPCs.

Section 6. Mechanisms for the Availment of 20% and 5% Special Discount for Online Purchases of Senior Citizens and Persons with Disability. A Senior Citizen or a Person with Disability shall be entitled to the grant of 20% discount and 12% VAT-exempt of their purchase of goods and services; and 5% special discount for basic necessities and prime commodities provided herein, for their exclusive use and enjoyment.

The grant of the Senior Citizen and the Person with Disability discount shall be in accordance with the following:

A. General guidelines for availment

- 6.1. The Senior Citizen must present his/her Senior Citizen ID issued by the OSCA in the city or municipality where the senior citizen resides, or any Government-issued ID, which reflects the name, picture, date of birth and nationality of the senior citizen, and other pertinent requirements as prescribed in the succeeding provisions of this JMC.

The Person with Disability must present the Person with Disability ID, issued by the PDAO or the C/MSWDO of the place where the person with disability resides, or the NCDA, and other pertinent requirements as prescribed in the succeeding provisions of this JMC.

If a purchaser is both a Senior Citizen and a Person with Disability, the purchaser shall only be allowed to avail either the discount for Senior Citizens or the discount for Person with Disability, and he/she shall present the relevant ID as required under the preceding paragraphs.

If the purchaser is children with disability, the parents have the full authority to purchase the product for their child and must only present the ID as required in this JMC.

- 6.2. On the purchase of group meals, the basis of the 20% discount for a Senior Citizen and Person with Disability shall be on the amount corresponding to the combination of the most expensive and biggest single serving meal with beverage served in a quick service restaurant, is deemed flexible and is adjusted accordingly by food establishments to estimate a single food purchase for an individual Senior Citizen and Person with Disability.
- 6.3. In case of multiple number of Senior Citizens or Persons with Disability in one transaction, the Senior Citizens or Persons with Disability are required to inform the business establishment of such fact in order to grant their individual privilege discount, as long as applicable. Provided that, the total bill shall be divided according to the number of people to determine actual consumption of the individual Senior Citizen or Persons with Disability entitled to the 20% discount.
- 6.4. The statutory discount provided by law shall be observed by business establishments regardless of who is the source of payment or mode of payment, provided that the goods and services are for the exclusive use of the Senior Citizen or Person with Disability.

B. E-Commerce Purchases through the internet or online platform:

6.5. The Senior Citizen or Person with Disability must, prior to placement of order, declare to the online platform/merchant that he/she is a Senior Citizen or a Person with Disability. Upon confirmation of order/s, the Senior Citizen or Person with Disability must provide/attach a scanned copy/screenshot or image of his/her ID, as explained in paragraph 6.1 of this JMC.

In addition, the following shall also be attached by the Senior Citizen or the Person with Disability upon placement of the order:

6.5.1. For purchases of medicines, copy of the medical prescription, copy of the front page and last entry page of the Senior Citizen/ Person with Disability purchase booklet.

6.5.2. For purchases of basic necessities and prime commodities, copy of the front page and last entry page of the Senior Citizen/Person with Disability purchase booklet for commodities.

6.6. Upon delivery of the goods/orders or performance of the service purchased through the online platform the Senior Citizen or the Person with Disability, or his/her duly authorized representative, shall present the original copy of the Senior Citizen or the Person with Disability proof of entitlement which was attached during the confirmation of his/her order/s together with the authorization letter, if applicable.

6.7. In the event that upon delivery of the goods/orders or performance of the service, the Senior Citizen, Person with Disability, or his/her authorized representative failure to present the Senior Citizen/ Person with Disability ID, or any government issued ID, as proof of discount entitlement and authorization letter, if applicable, the concerned platform/merchant may charge the Senior Citizen and the Person with Disability the full amount of the goods/orders or service.

C. Purchases through the telephone or mobile phone call:

6.8. The Senior Citizen or Person with Disability must upon placement of order provide his/her name, date of birth, and the ID number of those provided under Section 6 (6.1) of this JMC, as proof of discount entitlement.

6.9. The business establishment shall exert effort and ask the customer if he/she is a Senior Citizen and/or Person with Disability.

6.10. After completing the order, the business establishment shall apply the appropriate discount to the price of the goods or services for the consumption of the Senior Citizen or Person with Disability.

6.11. Upon delivery of the goods/orders or performance of the service, the Senior Citizen or Person with Disability must present his/her Senior Citizen or Person with Disability proof of entitlement together with the authorization letter, if applicable, to the business establishment representative or its third-party service provider.

6.12. In the event that upon delivery of the goods/orders or performance of the service purchased through phone call/mobile call, the Senior Citizen and Person with Disability or his/her authorized representative failure to present the Senior Citizen or Person with Disability ID, or any government issued ID, as proof of discount entitlement and authorization letter, if applicable, the concerned platform/merchant may charge the Senior Citizen and Person with Disability the full amount of the goods/orders or services.

D. Authorized Representative

6.13. The senior citizen/Person with Disability can authorize any person of his/her choosing through an authorization letter duly signed by the senior citizen/person with disability.

6.14. At the time of the purchase of the goods and services, the online merchants and vendors shall verify the information presented to establish the relationship of the authorized representative to the Senior Citizen and Persons with Disability. The authorized representative before claiming or paying the goods and/or services must present the following documents:

Document/s	Medicine and/or medical supplies	Food, drinks, desserts, and other consumable items	Basic Necessities and Prime Commodities
OSCA/Person with Disability ID, or any other government ID that may establish their circumstance(s)	√	√	√
Senior Citizen / Person with Disability Purchase Booklet	√	√	√
Authorization Letter	√	√	√
ID of the representative	√	√	√
Medical Prescription	√	-	-

6.15. In case of the absence of any of the above documents at the time of the purchase of the goods and services, the business establishment or the third-party service provider has the right to refuse to release the goods to the authorized representative.

6.16. In cases where the Person with Disability is a minor, the parent or guardian shall be the automatic representative of the minor without the need of any authorization letter. However, the parent or guardian must clearly establish their identity and relationship with the minor.

E. Pick-up of goods purchased through e-commerce or phone/mobile

- 6.17. In cases where the business establishment or third-party service provider offers a "pick-up" option on purchased goods, the business establishment and the third-party service provider shall charge the Senior Citizen and Person with Disability the discounted price. Provided that, these goods were purchased through the means covered in this JMC. Provided finally, that in case the payment of the goods will be done physically and directly to the business establishment, the amount charged must be discounted in accordance with the existing BIR rules.

The DTI, Department of the Interior and Local Government (DILG), Bureau of Internal Revenue (BIR), National Commission of Senior Citizens (NCSC), NCDCA, OSCA, and PDAO shall jointly coordinate in monitoring the compliance of the business establishments. Provided that the OSCA and PDAO shall be limited only to businesses within their territorial jurisdiction.

The business establishments shall have the right to act on any abuse, misrepresentations, falsification, or any other acts contrary to law on the availment of the Senior Citizen or Person with Disability discount by blocking or suspending the account or name of the erring person. The business establishment may additionally file the appropriate administrative or court case, as they may seem fit. Provided that the business establishment shall exercise this right in accordance with the existing and applicable laws.

Section 7. System Reconfiguration. Businesses covered by this JMC may reconfigure their business and delivery system/websites/applications to have a provision whereby the Senior Citizen or Person with Disability will be able to avail his/her statutory discount, such as but not limited to the following:

- a. Senior Citizen and the Person with Disability can send a copy of their Senior Citizen or Person with Disability ID; or
- b. Discount Vouchers/Codes: The applicable discounts may be granted upon the use of discount vouchers or codes, whether physical or electronic, issued by the covered seller, merchant, business establishment and/or utility provider reflecting the applicable discount. Provided that, the discount voucher shall not be lower than what is prescribed under this JMC, or any other applicable laws.

In case the online system devised by the business establishment is unavailable, it shall provide an alternative manual process to properly recognize and honor the privileges granted to Senior Citizens and Persons with Disabilities.

In any event, the DTI, DILG, BIR, NCSC, NCDCA, OSCA and PDAO recognize the need for changes to online systems and shall render reasonable assistance in coming up with arrangements that are mutually beneficial to the concerned parties.

Section 8. Complaints Handling.

Any individual or business establishment (hereafter referred to as "respondent") who fails or refuses to observe the statutory discount afforded to Senior Citizens and Person with Disability may be held liable for the penalties provided by law. The following procedures shall be observed.

8.1 **Assistance in complaint handling.** All complaints for failure or refusal to observe the statutory privilege shall be subjected to a mediation procedure with the OSCA or PDAO, as the case may be. In the absence of OSCA/PDAO, the complaints shall be handled directly by the Local Social Welfare and Development Office (LSWDO). In addition, the OSCA, PDAO, or LSWDO shall be obliged to assist the complainant in the case (i.e., preparing, filing, and monitoring), until its final resolution. Provided that, this assistance shall also be observed should the case be escalated to the Office of the Prosecutor or the courts.

8.2 **Venue.** The complainant may choose to file the complaint with the OSCA/PDAO or the LSWDO (collectively herein referred to as the "receiving office") of the place where the complainant resides, or where the business establishment is located.

Upon receipt of the complaint, the receiving office shall review the complaint and invite the representative of the business establishment or serving branch, if known, for a mediation. In cases, where the serving branch is unknown, the receiving office shall invite any representatives from the principal office of the business establishment for mediation.

8.3 **Mediation.** The receiving office shall exhaust all possible means to amicably settle the issue, and to ensure the observance of the respondent to observe the privileges granted to Senior Citizens or Person with Disabilities.

In case the respondent refuses to observe the privileges granted to Senior Citizens or Person with Disabilities, the receiving office shall terminate the mediation proceeding and file the necessary complaint, or assist the Senior Citizen or Person with Disability in filing a complaint, before the Office of the Prosecutor, without prejudice to the right of the LGU to revoke the license or permit granted to them and to impose any penalties or fines as provided by local ordinances, if any.

Further, in cases where the respondent has been a subject of a third complaint, the matter shall be automatically escalated for filing of case before the Office of the Prosecutor, without the need of mediation, without prejudice to the right of the LGU to revoke the license or permit granted to them and to impose any penalties or fines as provided by local ordinances, if any.

8.4 **Inter-LGU sanction.** In cases where the servicing branch is not within the jurisdiction of the receiving office, the latter shall submit its finding and recommendation to the appropriate LGU for administrative action or imposition of penalty or fine.

8.5 **National Agency Information.** The receiving office shall be responsible in ensuring that the NCSC or NCDA, as the case may be, are copy furnished of all complaints forwarded to any other government national agency.

8.6 **Complaint received at the National Level.** Any complaint for non-observance of the privileges provided by law received by any national government agency (e.g. DTI, DSWD, DILG, DOH, NCDA, or NCSC) shall be referred to the concerned OSCA, PDAO or LSWDO, whichever is applicable, and shall be processed in accordance with Section 8 of this JMC.

8.7 **Filing before the Department of Justice.** As a general rule, all complaints that failed in mediation shall warrant the filing of the appropriate complaint with the Prosecutor's

Office. Provided that the respondent is within the territorial jurisdiction of the OSCA, PDAO, or LSWDO. In cases where the respondent is outside the jurisdiction of the OSCA, PDAO, or LSWDO, or the appropriate venue cannot be determined, the complaint will be filed before the Department of Justice as provided by Section 6 of R.A. No. 7432, as amended, and Section 44 of R.A. No. 7277, as amended.

8.8 **Training and uniformity of procedure.** The DILG, in coordination with other government agencies, shall conduct the necessary training of the OSCA, PDAO, or LSWDO personnel assigned to handle complaints for the proper knowledge transfer of complaint handling and informing them of the complaint handling procedures observed by the National Government.

8.9 **Other matters.**

The OSCA, PDAO, and LSWDO can adapt any means or modes to conduct the mediation or hearing, provided that the same was duly approved by its Local Chief executive; provided, finally, both parties are properly informed of the proceedings and are given the opportunity to raise their defense or position on the allegation, in writing or verbally.

Any queries involving the interpretation of this JMC or the law may be submitted to DSWD/NCSC or NCDA at psb@dswd.gov.ph ph.ncsc@gmail.com / pmd.ncda@gmail.com. All other concerns regarding consumer protection, must be submitted to the DTI at ask@dti.gov.ph, or DOH/FDA in cases of the drugs and cosmetics at dpcb@doh.gov.ph / info@fda.gov.ph.

For queries regarding tax matters, the individual or business establishment may send an email to Customer Assistance Division at contact_us@bir.gov.ph, call the BIR hotline 85383200, or chat with REVIE (chatbot) at the BIR website.

Section 9. Penalties. Any covered person or business which refuses to grant the discount on the online/telephone/mobile purchase of eligible Senior Citizens and Person with Disabilities covered under this JMC or violates any provision of this JMC shall be liable in accordance with R.A. Nos. 9994 and 7277, as amended, including its IRR.

It shall also be unlawful for persons to misrepresent himself/herself as Senior Citizen or Person with Disability. To this end, the person who misrepresents himself/herself as Senior Citizen or Person with Disability may be penalized under the Revised Penal Code, applicable Special Penal Laws, or any other applicable laws.

All other prohibited acts or penalties provided by applicable laws and regulations shall be deemed incorporated in this JMC.

Section 10. Data Privacy Compliance. The confidentiality and integrity of personal data shall be ensured in strict compliance with the provisions of R.A. No. 10173, or Data Privacy Act of 2012, and its Implementing Rules and Regulations (IRR).


Section 11. Transitory Provision. A ninety (90)-day transition period from the effectivity of this JMC shall be granted to persons and businesses covered by this JMC.


Section 12. Separability Clause. In the event that any provision of this JMC is declared unconstitutional or invalid, the validity of the other provisions shall not be affected by such declaration.


Section 13. Repealing Clause. All rules and regulations not consistent with this JMC are hereby repealed or amended accordingly.


Section 14. Effectivity. This JMC shall take effect thirty (30)-days from publication thereof and submission of a copy thereof to the Office of the National Administrative Register (ONAR) of the University of the Philippines.

Issued this 06 MAY 2022 in Quezon City, Philippines.

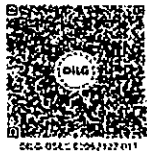

ROLANDO JOSELITO D. BAUTISTA
Secretary
Department of Social Welfare
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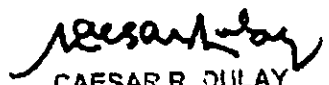

RAMON M. LOPEZ
Secretary
Department of Trade and Industry




EDUARDO M. AÑO
Secretary
Department of the Interior
and Local Government


ATTY. FRANKLIN M. QUIJANO
Chairperson
National Commission of Senior Citizen




CAESAR R. DULAY
Commissioner
Bureau of Internal Revenue


ENGR. EMERITO L. ROJAS
Executive Director
National Council for Disability Affairs

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FRANCISCO T. DUQUE, III
Secretary
Department of Health