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RESOLUTION CLARIFYING THE 20% SENIOR CITIZENS' DISCOUNT ON DRUG AND MEDICINE PURCHASES

DSWD RESOLUTION NO. 2-2009, S. OF 2009, March 26, 2009

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WHEREAS, Republic Act. No. 9257, otherwise known as the "Expanded Senior Citizens Act of 2003" provides for the availment of medical and health benefits as part of the Filipino elderly's privileges;

WHEREAS, Section 4 thereof specifically provides that senior citizens shall be entitled to a 20% discount on, among others, the purchase of medicines in all establishments;

WHEREAS, Section 4 (a) Article 7, Rule V of the Implementing Rules and Regulations providing for 20% discount to senior citizens from establishments like drugstores, hospital pharmacies, medical and optical clinics and similar establishments dispensing medicines, states that the discount for purchase of drugs/medicines shall be subject to the guidelines to be issued by the Bureau of Food and Drugs, the Department of Health, in coordination with the Phlippine Health Insurance Corporation (PHILHEALTH)

WHEREAS, the Department of Health (DOH) as a member of the NCMB has reiterated its commitment to strengthen the implementation of the guidelines on RA No. 9257, and has issued DOH Administrative Order (AO) Nos. 177, Series of 2004;

WHEREAS, as early as 5 February 2007, the Department of Trade and Industry (DTI) already pronounced that RA 9257 did not distinguish the mode of payment by which senior citizens may avail of the discount, and therefore, they may avail of the 20% senior citizens discount for purchases paid in cash or via credit card;

WHEREAS, in the DTI's revised Frequently Asked Questions (FAQs) dated September 2007, it was explicitly provided that a "credit card may be used in purchasing medicines and prescription drugs";

WHEREAS, the Department of Justice stated in its Opinion No. 55, Series of 2007 dated 1 October 2007, opined that the DSWD is the government agency primarily responsible for the implementation, administration, and enforcement of RA 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, it would be in the best interest of Filipino senior citizens as well as drugstores and pharmacies to be clarified further on how the 20% discount on drug and medicine purchases may be availed of;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to declare the following as acts violative of the provisions of RA 9257 and DOH AO 177:

- refusal to grant the full 20% senior citizens discount on drug and medicine purchases paid via credit card;
- posting of notices and signages telling customers that availment of the 20% discount is limited to cash purchases only;
- supposed "limiting" of discountable drug and medicine purchases to certain weekdays only, such that senior citizens cannot avail of the 20% discount on other days; and
- restricting the purchase time or period for senior citizens to a particular hour each day only, i.e. refusing to

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grant senior citizens discounts after a certain hour.

RESOLVED FURTHER, that copies of this Resolution be furnished to the DOH, DILG, Mercury Drug Corporation, the Drug Stores Association of the Philippines, FSCAP, and respective OSCAs.

Adopted: 26 March 2009

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