

RESOLUTION CLARIFYING THE AVAILMENT OF THE 20% SENIOR CITIZENS DISCOUNT IN RESTAURANTS AND OTHER FOOD ESTABLISHMENTS

DSWD RESOLUTION NO. 3-2009, 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” and its Implementing Rules and Regulations, provides for a twenty percent (20%) Senior Citizens’ Discount on the purchase of food, drinks (including coffee and other beverages), desserts, and other consumable items served by establishments;

WHEREAS, the law also provides that Senior Citizens shall be entitled to the grant of a 20% discount from all establishments relative to the purchase of food in restaurants, as long as it is for the exclusive use and enjoyment of senior citizens;

WHEREAS, the Implementing Rules and Regulations thereof states that the discount shall be for the purchase of food, drinks, dessert and other consumable items served by the establishments, including value meals and promotional meals offered for the consumption of the general public;

WHEREAS, Section 4, Article 7, Rule V of the IRR, states that the 20% discount shall apply, regardless of the amount, to all prices of goods and services offered to the general public of the amount purchased from all establishments covered by the law regardless of their classification (including dine-in, take-out, drive-thru, and delivery);

WHEREAS, the exclusive use and enjoyment of the senior citizens is the primary criteria/determining factor/sole criterion intended by the framers of the Implementing Rules and Regulations of RA 9257 on the availment of the 20% discount on restaurants and similar eating establishments;

WHEREAS, the Department of Trade and Industry’s Office of Legal Affairs issued a legal opinion dated 16 August 2007 confirming the above position of the framers of the IRR of RA 9257;

WHEREAS, the DTI-OLA went further by enumerating the following acts which may be considered violative of RA 9257 : a) notice saying that the 20% discount is applicable only to a maximum amount of food purchase, b) refusal to grant the 20% discount on value and promotional meals, c) refusal to grant the 20% discount on take-out/take-home orders, d) refusal to grant a discount for credit card payments, and e) refusal to grant a 20% discount on delivery orders;

WHEREAS, 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 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);

WHEREFORE, foregoing premises considered, the Board RESOLVES, AS IT IS HEREBY RESOLVED, to

declare the following acts violative of Republic Act No. 9257 :

1. Pegging a maximum amount of food purchase subject to 20% discount and/or posting of notice to that effect;
2. Refusal to grant the 20% discount on value, budget and promotional meals;
3. Refusal to grant the 20% discount on take-out/take-home/drive-thru orders it appearing that the purchase is for the exclusive use and enjoyment of senior citizens;
4. Refusal to grant a discount on credit card payments;
5. Refusal to grant 20% discount on delivery orders it appearing that the purchase is for the exclusive use and enjoyment of senior citizens.

RESOLVED, also, that the phrase “exclusive use and enjoyment” of the senior citizen shall mean “for the senior citizen’s personal consumption” only;

RESOLVED, also, that the following are the guidelines in the availment of the 20% senior citizens discount :

- If ordering/eating in the company of others, the total bill shall be divided according to the number of people to determine actual consumption of the individual senior citizen entitled to the 20% discount;

Total Billing Amount

_____ = Individual Consumption x 20% of a Senior Citizen w/ ID

No. of Customers

- If the group is composed of elderly people with valid senior citizens ID’s, each shall be entitled to a 20% discount;
- However, if order is a “package promo” as in the case of pizzas or chicken bucket meals, i.e good for “4 to 5 people”, divide total bill by the lesser number of “4” so the basis for the 20% discount shall be a bigger amount;
- The 20% discount shall apply to Take-Out/Take-Home/Drive-Thru orders as long as it is the senior citizen himself/herself who is present and personally ordering, and he/she can show a valid senior citizens ID card; and
- For Delivery Orders, the 20% discount shall likewise apply subject to certain conditions; i.e. senior citizens ID card NUMBER must be given while making the order over the phone; senior citizens ID card must be presented upon delivery to verify the identity of the senior citizen entitled to the 20% discount;

RESOLVED, also, that in cases of take-out, take home, and drive-thru orders where it is difficult to ascertain whether it is a senior citizen who will actually consume the food purchase, the basis of the 20% discount shall be a) the actual total price of the food purchase, if such is less than the Most Expensive Meal Combination (MEMC), or b) the MEMC, if the actual total price is equal to or greater than the MEMC;

RESOLVED, also that the full 20% senior citizen discount shall be granted on all Dine-In food purchases, provided that they are purchased for the exclusive consumption of such senior citizen at the time of purchase and upon presentation of necessary senior citizen identification requirements;

RESOLVED, FURTHER, that the 20% senior citizen discount shall not apply to “kiddie” meals which are primarily prepared and intentionally marketed for children and to “pre-contracted” party packages or bulk orders;

RESOLVED, FURTHERMORE, that the discount privileges of senior citizens from restaurants and food establishments as presented in the attached simplified notice, be disseminated and posted; and

RESOLVED, FINALLY, that copies of this Resolution be furnished to DTI, DILG, FSCAP, and OSCA.

Adopted: 26 March 2009

(SGD) ALICIA R. BALA

Alternate Chairperson

Undersecretary

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Coalition of the Service for the Elderly (COSE)

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