



Republic of the Philippines

NATIONAL COUNCIL ON DISABILITY AFFAIRS

NCDA ADVISORY ON THE AVAILMENT OF 20% DISCOUNT DURING THE COVID 19 PANDEMIC

BACKGROUND:

The National Council on Disability Affairs (NCDA) has received numerous complaints on the requirement of the establishments for personal appearance of persons with disabilities before availing the twenty percent (20%) discount provided under Republic Act No. 9442 as amended by Republic Act No. 10754, "An Act Expanding the Benefits and Privileges of Persons with Disability". This requirement has become discriminatory to many persons with disabilities especially children with disabilities represented by their parents. Proclamation no. 922 declared the entire Luzon under the Enhanced Community Quarantine which requires all citizens to stay home to combat the spread of COVID 19. In view of the said policy, persons with disabilities are one of the sectors that are restricted from going out from their homes. And therefore, representative, head of family, relatives who are authorized by their respective barangays to purchase medicines or other essential needs of persons with disabilities are not recognized by the establishment to avail of 20% discount for persons with disabilities, whether children, women or seniors with disabilities. This requirement results to persons with disabilities themselves going out to purchase essential goods and services just to avail of the 20% discount which put them at high risk of exposure to COVID 19 due to their vulnerability.

PURPOSE:

This advisory is issued to call the attention of all establishments to refrain from requiring children, women and seniors with disabilities for personal appearance to avail of the 20% discount during public health emergency particularly in areas under General Community Quarantine, Enhanced Community Quarantine and Modified Enhanced Community Quarantine.

COVERAGE:

This covers all drugstores, restaurants and other food vending related establishments whether engaged in take-out or food service delivery.

LEGAL BASIS:

Rule IV, **Section 6. Twenty Percent (20%) Discount and Value Added Tax (VAT) Exemption** – *Persons with disability shall be entitled to the grant of 20% discount and VAT-exemption on the purchase of certain goods and services from all establishments for their exclusive use, enjoyment or availment; For this purpose, subsequent purchases by persons with disability on the same day from the same establishments shall still be subjected to 20% discount and VAT-exemption. Further on sub-section 6.2 provides that, "This shall apply to the purchase of food, drinks, beverages, dessert and other consumable items served by the establishments including value meals and other similar food counters, fast food, cooked food and short orders including take outs. To safeguard the establishments from abuse of this privilege, the orders should be limited only to the consumption of the concerned person with*

NCDA Building, Isidora Street, Brgy. Holy Spirit, Quezon City 1127, Philippines

Telephone Numbers: (632) 9324342; (632) 9515013; (632) 9326422; (632) 9522809; (632) 9516033; (632) 9515925

Website: <http://www.ncda.gov.ph> *e-mail: council@ncda.gov.ph



Republic of the Philippines

NATIONAL COUNCIL ON DISABILITY AFFAIRS

disability". Sub-section 6.2 expressly protects food establishments from abuse by ensuring that the purchased food or drinks is limited only to the personal consumption of persons with disabilities entitled to the discount and is not clear on the personal or physical appearance of the person with disability. The determination of exclusive enjoyment defined by the rule is described in the following phrase, "*To safeguard the establishments from abuse of this privilege, the orders should be limited only to the consumption of the concerned person with disability*".

This is in line with the policy of Proclamation no. 922 requiring all citizens to stay home. Personal appearance to avail of the 20% discount imposed by establishments is discriminatory and a violation of RA 9442, RA 10754 and RA 11469 this is because the 20% discount is based on the exclusive enjoyment of persons with disabilities as determined by the consumption of concerned person with disability. In other words, representative of person with disability such as parents of children with disabilities or relatives should be given 20% discount on the actual consumption of person with disability as long as the representative can show the establishment the ID of the claimholder. The establishment can apply the determination of individual consumption based on standard usual course of business of the industry to ensure reasonableness and integrity of the purchase.

For compliance by concerned establishments.

MATEO A. LEE JR., CESO III
Officer-in-Charge