

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**THIRTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. 653

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INTRODUCED BY **HON. EDUARDO C. ZIALCITA, Ph.D.**

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**EXPLANATORY NOTE**

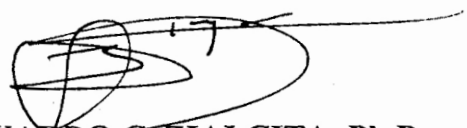
The passage of a law penalizing any person driving a motor vehicle while under the influence of alcohol/prohibited drugs is an exercise of the police power of the state for the purpose of protecting the welfare, health, peace, morals, and safety of its citizens.

It is well settled that alcohol and/or prohibited drugs, when taken internally, impairs a person's judgment and driving performance. As a matter of fact, a high percentage of traffic accidents around the country involve persons driving a motor vehicle under the influence of alcohol and/or prohibited drugs.

These accidents, aside from causing monstrous traffic jams, have also resulted to damage to properties, whether private or public, and loss to lives and limbs.

In view of this, it is imperative for Congress to enact a law penalizing any person driving a motor vehicle while under the influence of alcohol and/or prohibited drugs. Such law will work to minimize, if not totally eradicate, accidents such as those above mentioned.

I therefore call on my colleagues in this August Chamber to support me in the passage of this law.

  
**EDUARDO C. ZIALCITA, Ph.D.**  
1<sup>st</sup> District of Paranaque

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**AN ACT**  
**DEFINING AS A CRIME THE ACT OF DRIVING ANY MOTOR VEHICLE**  
**WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES AND/OR**  
**PROHIBITED DRUGS AND PROVIDING GRADUATED PENALTIES**  
**THEREFOR**

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

**SEC. 1. *Title*** - This Act shall be known as the "Anti-Drunk Driving Act of 2004."

**SEC. 2. *Declaration of Policy*** – It is hereby declared to be the national policy of the State to minimize if not totally eliminate injuries and death due to accidents caused by persons driving or operating any kind of motor vehicle under the influence of any kind of alcoholic beverage and/or prohibited drug.

**SEC. 3. *Prohibited Act*** – It shall be unlawful for any person to drive or operate any motor vehicle while under the influence of alcoholic beverages and/or prohibited drugs. A person shall be considered under the influence of alcoholic beverages if it

shall be established that he /she has a blood alcohol concentration (BAC) level of 0.6% or more.

**SEC. 4. *Implied Consent*** – Any person who drives or operates a motor vehicle on a street, road, highway or quasi-public area shall be deemed to have given consent to a test or tests of such person's blood, breath, urine or other bodily substance for the purpose of determining his/her BAC level or the presence of prohibited drugs.

**SEC. 5. *Screening Tests*** – Screening tests to determine probable cause of violation of this Act may be administered by authorized law enforcement officers on any driver or operator of a motor vehicle:

- (1) exhibiting some indication of alcohol/drug impairment while in motion, such as weaving or coming dangerously close to stationary objects or other vehicles;
- (2) stopped for a traffic violation or any other offense alleged to have been committed while in motion; or
- (3) involved in an accident.

The screening tests may consist of sobriety tests such as the Standardized Field Sobriety Tests (SFST) or chemical tests with the use of passive alcohol

sensors such as breath analyzers and similar equipment duly approved by the Department of Health (DOH).

**SEC. 6. *Confirmatory Tests*** – Upon determination of probable cause of this Act, confirmatory chemical tests shall immediately be administered at the direction of the apprehending law enforcement officer at the laboratory of any authorized hospital, clinic or test center. Such tests shall consist of blood or urine sample analysis or any equivalent test to be conducted by any authorized medical or laboratory authority to determine the suspect's BAC level or the presence of any prohibited drug in his/her system.

**SEC. 7. *Refusal to Submit to BAC Testing*** – The suspect may choose which among the available confirmatory tests shall be administered on him/her: Provided, however, That the failure, inability or refusal of the suspect to obtain said tests shall not preclude the admission of evidence relating to the screening tests administered by the apprehending law enforcement officer.

**SEC. 8. *Penalties*** – Any person found guilty of violating the provisions of this Act shall be sentenced to suffer any of the following penalties:

- (a) **First Offense** – A fine of One thousand pesos (P1,000.00) and the suspension of his/her license to drive for one (1) year or thirty (30) days imprisonment, at the discretion of the court.

(b) **Second Offense** – A fine of Five thousand pesos (P5,000.00), suspension of his/her license to drive for five (5) years and thirty (30) days imprisonment.

(c) **Third and all Subsequent Offenses** – A fine of Ten thousand pesos (P10,000.00), revocation of his/her license to drive and thirty (30) days imprisonment: Provided, That the additional penalty of one (1) year to five (5) years imprisonment shall be imposed upon the offender who shall commit the same offense during the period when his/her license to drive is suspended and/or revoked.

**SEC. 9. *Liability Under Other Laws*** – A prosecution under this Act shall be without prejudice to any liability for violation of any provisions of Act 3185, as amended, or the Revised Penal Code; Republic Act No. 9165, or the Comprehensive Dangerous Drugs Act of 2002; or any other law.

**SEC. 10. *Promulgation of Implementing Rules and Regulation*** – The Department of Transportation and Communication (DOTC), in cooperation with the Traffic Management Group – Philippine National Police (TMG-PNP), the Metro Manila Development Authority (MMDA), the Department of Health (DOH), the Department of Justice (DOJ), and the Department of the Interior and Local Government (DILG), shall promulgate rules and regulations to implement the provisions of this Act and shall draft strategies that would encourage community

participation and cooperation among local government units, the media and the PNP.

**SEC. 11. *Separability Clause*** – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

**SEC. 12. *Repealing Clause*** – Section 53, in relation to Section 56(f) of the Land Transportation and Traffic Code and all other laws, presidential decrees, executive orders, proclamation and/or administrative regulations which are inconsistent with the provisions of this Act, are hereby amended, modified, suspended or repealed accordingly.

**SEC. 13. *Effectivity Clause*** – This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspaper of national circulation.

**APPROVED**