

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

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1015

Introduced by Honorable Solomon R. Chungalao

EXPLANATORY NOTE

Truly, driving a motor vehicle while under the influence of alcohol or prohibited drugs has been likened to a person carrying an unlicensed firearm. In both circumstances, imminent danger to life and limb is posed to persons who may encounter them.

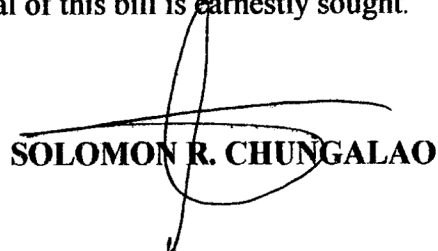
Existing traffic laws prohibit any person from driving a motor vehicle while under the influence of liquor or drugs and impose a minimal penalty often not commensurate to the damage and injury done by the violator. Even the Revised Penal Code classifies the offenses involving driving under the influence of liquor and/or drugs as cases of Reckless Imprudence resulting to Death, Physical Injuries as the case maybe and imposes a penalty often disregarded by would be violators.

This bill seeks to put into place a piece of legislation that will provide stiffer penalties to a person caught driving a motor vehicle under the influence of liquor or prohibited drugs. The intention of this proposal is to cast the iron hand of the law towards would be potential murderers, who while under the spell of their vices loiter along the busy thoroughfares of the metropolis and highways and thus, endanger countless innocent lives.

Driving while under the influence of alcohol and prohibited drugs is a deliberate wrong because law prohibits it. Death or injuries committed in violation thereof cannot be considered reckless imprudence or negligence because the act from which it occurred is a deliberate act. It is the cause of the evil cause.

The stiff penalties sought to be imposed would not only serve as commensurate penalties but as deterrent to the commission of these vicious acts.

In view of the foregoing, the approval of this bill is earnestly sought.


SOLOMON R. CHUNGALAO

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Quezon City, Metro Manila

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AN ACT
IMPOSING STIFFER PENALTIES TO PERSONS CAUGHT DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL/ LIQUOR AND/OR PROHIBITED DRUGS

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

SECTION 1. Short title. This Act shall be known as the "DEADLY DRIVER REDUCTION ACT 2004".

SECTION 2. Declaration of Policy. It is hereby declared a recognized policy of the State that maintenance of peace and order; protection of life and property and the promotion of the general welfare are essential for the enjoyment of all the people for the improvement of a quality of life. Towards this end, the State shall undertake to assure its people their safety and protection from the recklessness and negligence of persons under the influence of alcohol/liquor and prohibited drugs while in the busy thoroughfares of the country.

SECTION 3. Definition of Terms.

1. Motor Vehicle. The term "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways and other thoroughfares and shall include tricycles and similar vehicles thereto;

2. Highways. The term "highways" shall mean every major thoroughfares, boulevard, driveway, avenue, park, alley or callejon and any road or alley in which a motor vehicle is allowed to use, pass or negotiate;

3. Driving While under the Influence. The term "driving while under the influence" means driving or being in actual physical control of a motor vehicle while having blood alcohol/liquor or prohibited drug concentration above the limit established by the implementing rules and regulations;

4. Prohibited Drugs. The term "prohibited drugs" shall mean the drugs listed under the Dangerous Drug Act as amended.

5. Alcohol/Liquor. The term "alcohol/liquor" shall include but not limited to distilled spirits, wine and malt beverages.

SECTION 4. Driving Motor Vehicle Under the Influence of Alcohol/Liquor and/or Prohibited Drugs. It is hereby declared unlawful for any person to drive any motor vehicle while under the influence of alcohol/liquor or prohibited drugs.

SECTION 5. Penalties. Any person apprehended and found to have violated the provisions of this Acts shall:

A. 1) For the first offense - be liable to suffer the penalty of prision correccional in its minimum period [6 mos. And 1 day to 2 years] and a fine of P20,000.00 at the discretion of the court with the suspension of license for 6 months after service of sentence.

2) For the second offense - be liable to suffer the penalty of prision correccional in its medium period [2 years and 1 day to 4 years] and a fine of P40,000.00 with the suspension of license for one [1] year after service of sentence.

3) For the third offense - be liable to suffer the penalty of prision correccional in its maximum period [4 years and 1 day to 6 years] and a fine of P80,000.00 with the permanent suspension of his license after service of sentence.

B. In the event of physical injuries and/death:

1) Physical Injuries. - Any person who while driving a motor vehicle under the influence of alcohol/liquor or prohibited drugs in violation of this Act resulting to physical injuries shall be liable to suffer the penalty of Prision mayor [6 years and 1 day to 12 years] depending n the degree of physical injuries suffered by the victim and a fine ranging from P100,000.00 to P200,000.00 at the discretion of the court with suspension of license for 5 years after service of sentence.

2) Death. Death cause by any person operating a motor vehicle while under the influence of alcohol/liquor or prohibited drugs and/or in violation of this Act shall constitute a capital offense and shall be non-bailable.

Should there be several death caused, the penalty of capital offense for each death caused shall be imposed and a fine of P1,000,000.00.

SECTION 6. Alcohol/Liquor and Drug Test. Any person apprehended during any routine checkpoint or any other similar circumstances shall be submitted to a breather test, chemical or other test of the blood, breath or urine for the purpose of determining the presence or concentration of alcohol or drug in the body. Failure of any law enforcer to submit any person apprehended to a breather test, chemical or other test of the blood, breath or urine shall be considered negligence on his duty and a cause of dismissal in the service.

SECTION 7. Appropriations. Such sums as may be necessary to carry out the provisions of this Act shall be included in the General Appropriation Act of the year following its enactment and thereafter.

SECTION 8. Rules and Regulations. Rules and regulations shall be promulgated as may be necessary to carry out the provisions of this Act.

SECTION 9. Separability Clause. If any part of this Act is declared unconstitutional, the remaining parts not affected thereby shall continue to be valid and operational.

SECTION 10. Repealing Clause. All other laws, decrees, orders, circulars, issuances, rules and regulations and parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 11. Effectivity. This Act takes effect fifteen [15] days after its publication in any newspaper of general circulation in the Philippines.

Approved.