

FIFTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 318



Introduced by Representative Susan A. Yap

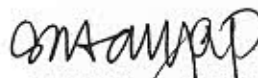
EXPLANATORY NOTE

A road incidental report prepared by the Philippines Global Road Safety Partnership (PGRSP) and the Philippine National Police (PNP) showed that cell phone-related accidents significantly jumped from 70 cases in 2008 to 491 in 2009. This translates to an increase of 601 percent in road accidents involving motorists using cellular phones while driving. The PGRSP-PNP report showed that the total number of road-related deaths reached 624 last year, including accidents involving motorists using cellular phones while driving.

While cellular phones have become an integral part of both our business and personal lives, the alarming figures on cell phone-related accidents transform this technological gadget into a dangerous device. The danger is not only to the lives and limbs of the general driving public but also to the innocent pedestrians.

Since the necessity of using mobile phones does not prevail over the need to ensure road safety this bill proposes to regulate the use of mobile phones while driving through promoting hands free devices so that drivers may not be distracted while driving. It promotes the responsible use of cellular phones while driving and promotes driver awareness of the dangers of road traffic.

In view of the foregoing, passage of this bill is urgently requested.


SUSAN A. YAP

Representative, 2nd District of Tarlac

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AN ACT
REGULATING THE USE OF MOBILE PHONE WHILE DRIVING,
PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR
OTHER PURPOSES

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

Section 1. Declaration of Policy. - It is the policy of the State to maintain peace and order, protect life, liberty and property, and promote the general welfare of the people.

While the State recognizes the vital role of communication and information in nation-building, the State puts premium on the life and safety of its citizens by regulating the use of communication gadgets.

Sec. 2. Definition of Terms. - As used in this Act, the following terms shall mean:

a) **Cellular Phone** - is a portable electronic device used for mobile voice or data communication over a network of specialized base stations known as cell sites. In addition to the standard voice function of a cellular phone, current mobile phones may support many additional services and accessories, such as SMS for text messaging, email, packet switching for access to the internet, gaming, bluetooths, infrared, camera with video recorder and MMS for sending and receiving photos and videos.

b) **Text Messages** - Means the use of message sending by pressing the keypad of the cellular phone in composing a message and sending it through the phone;

c) **Accessories** - means the device or apparatus that can be connected to the cellular phone such as, but not limited to earphones, microphones, jacks, which are capable of sending, receiving, storing or otherwise processing messages from other modes of communication.

Sec. 3. Use of Cellular Phone While Driving. -To carry out the above-mentioned policy, the use of mobile phones for text messaging and/or for dial-up communication shall be allowed while driving all types of vehicles: *Provided, That,* different hands-free accessories shall be connected therein.

1 This section does not apply to a person using a wireless telephone for emergency
2 purposes, including but not limited to, an emergency call to a law
3 enforcement agency, health care provider, fire department, or other emergency services
4 agency or entity.
5

6 This section does not also apply to emergency services professional using a
7 wireless telephone while operating an authorized emergency vehicle, in the course and
8 scope of higher duties.
9

10 **Sec. 4. Penal Provision** - Violation of this Act shall be punishable by:
11

- 12 (a) First Offence - fine of Three Thousand Pesos (P 3,000.00);
13 (b) Second Offense - fine of Five Thousand Pesos (P 5,000.00);
14 (c) Third and succeeding Offenses - a fine of not less than Five Thousand Pesos
15 (P 5,000.00) but not more than Ten Thousand Pesos (P 10,000.00) and/or imprisonment
16 of not more than one (1) year at the discretion of the Court.
17

18 **Sec. 5. Separability Clause.** - If any part, section, or provision of this Act shall be
19 held invalid or unconstitutional, the other provisions shall not be affected thereby.
20

21 **Sec. 6. Repealing Clause.** - All laws, decrees, orders, issuances, rules and
22 regulations or parts thereof inconsistent with the provisions of this Act are hereby
23 repealed, amended, or modified accordingly.
24

25 **Sec. 7. Effectivity.** This Act shall take effect fifteen (15) days after its publication
26 in at least two (2) national newspapers of general circulation,
27

28 Approved,