

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES
House Bill No. 382

Introduced by Representatives
GLORIA MACAPAGAL ARROYO and DIOSDADO MACAPAGAL ARROYO

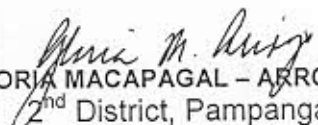
EXPLANATORY NOTE

Research indicates that drivers under the influence of alcohol have a significantly higher risk of being involved in a road accident than those who have not consumed alcohol. As exemplified by the World Health Organization and in various studies, alcohol intake, depending on the level of intoxication, results in "impairment which increases the likelihood of a crash since it produces poor judgment, decreased reaction time, lower vigilance and decreased visual acuity".

Meanwhile, news reports on tragic road accidents have been filling the newspapers, television, and radio. These vehicular accidents, which have consistently remained one of the leading causes of mortality in the country, are attributed to several factors and a significant percentage of which include driving under the influence of alcohol. Philippine statistics show that there has been an increase of 6.2 percent in 2009 in alcohol-related accidents nationwide resulting to death, physical injuries, and damage of properties.

While other countries have institutionalized their policy regarding driving under the influence of alcohol (DUIA), the Philippines has seemingly remained reserved and lenient in punishing *drunk drivers*. Road accidents are often treated as a result of reckless imprudence and not viewed as irresponsible and deliberate acts - giving particular emphasis to drunk driving. Moreover, the authors are in cognizance of the insufficiency of the existing laws, particularly of the provision on "driving under the influence of liquor" as stated in Article V Section 53 of Republic Act No. 4136, otherwise known as the "Land Transportation and Traffic Code" in defining what constitutes drunk driving. This bill, therefore, seeks to address the long-overdue call for a law defining and penalizing as a crime the act of driving while under the influence of alcohol or liquor.

For these reasons, the approval of this Bill is earnestly sought.


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AN ACT
PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF
ALCOHOL

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

SECTION 1. *Short Title.* – This Act shall be known as the “**Driving Under the Influence of Alcohol (DUIA) Act of 2010**”.

SECTION 2. *Policy.* – It is hereby declared the policy of the State to protect its people from hazards brought about by accidents resulting from driving under the influence of alcohol and similar intoxicating substances.

SECTION 3. *Definition of Terms.* – For purposes of this Act:

(a) *Alcohol* refers to alcoholic beverages classified into beer, wine and spirit consumption of which produces intoxication;

(b) *Breathalyzer* refers to a kind of equipment which can determine the blood alcohol concentration level of a person through one's breath;

(c) *Chemical tests* refer to breath, urine or blood test to determine the blood alcohol concentration level;

(d) *Driving under the influence of alcohol* refers to the act of operating a motor vehicle while intoxicated with alcohol by reason of which the driver's mental and motor skills are impaired, or when the driver's blood alcohol concentration level is zero point zero six (0.06) or more;

(e) *Field sobriety tests* refer to standardized tests to assess and determine intoxication, including the horizontal gaze nystagmus, the wall-and-turn and the one-leg stand; and

(f) *Motor vehicle* refers to anything that carries people or goods powered by a motor or engine.

SECTION 4. *Driver's Education.* – Every applicant for a driver's license shall complete a course of instruction that provides information on driving and safety matters, including the effects of consumption of alcoholic beverages on the ability of a person to operate a motor vehicle; the hazards of driving under the influence of alcohol; and the penalties attached for violation thereof.

The driver's license test shall include written questions concerning the effects of consumption of alcoholic beverages, the ability of a person to operate a motor vehicle and the legal and pecuniary consequences resulting from violation of this Act.

SECTION 5. *Punishable Act.* – It shall be unlawful for any person to drive a motor vehicle under the influence of alcohol. A law enforcement officer who has probable cause to believe that a driver is driving under the influence of alcohol by apparent indications and manifestations, including erratic driving, poor coordination or the presence of the smell of alcohol, may conduct field sobriety tests. If the driver fails in the sobriety tests, it shall be the duty of the law enforcement officer to determine his blood alcohol concentration level through the use of a breathalyzer.

SECTION 6. *Penalties.* – Without prejudice to criminal prosecution for violation of the Revised Penal Code, whenever applicable, a driver found to have been driving a motor vehicle while intoxicated, as provided for in the immediately preceding section, shall be penalized as follows:

(a) For the first offense – a fine of Five thousand pesos (Php5,000.00) and two (2) months suspension of driver's license;

(b) For the second offense – a fine of Six thousand pesos (Php6,000.00) and three (3) months suspension of driver's license;

(c) For the third offense – a fine of Seven thousand pesos (Php7,000.00) and six (6) months suspension of driver's license; and

(d) For the succeeding offenses – a fine of Seven thousand pesos (Php7,000.00) and automatic revocation of driver's license.

Within the period of suspension, the offender shall be required to render community service for a period of one (1) month. No driver's license shall be returned unless this requirement is complied with.

SECTION 7. *Mandatory Alcohol Testing of Drivers Involved in Fatal Motor Vehicular Accidents.* – All drivers of motor vehicles involved in vehicular accidents resulting to loss of lives or physical injuries of serious nature shall be subjected to chemical tests to determine the presence and/or concentration of alcohol. Implementing guidelines for said tests shall be undertaken by the Land Transportation Office (LTO), the Philippine National Police (PNP), Department of Health (DOH), and other agencies with related functions.

SECTION 8. *Separability Clause.* – If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect the other provisions of this Act.

SECTION 9. *Repealing Clause.* – The provisions of laws, decrees, executive orders, ordinances, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days following the completion of its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,