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OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

H. No. 788

Introduced by Representative Aurelio "Dong" D. Gonzales, Jr.

AN ACT REGULATING THE USE OF HAND- HELD CELLULAR PHONES
WHILE DRIVING AND FOR OTHER PURPOSES

EXPLANATORY NOTE

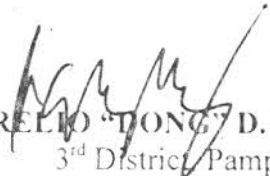
Cellular phones and similar mobile communication devices have become an almost indispensable part of Filipino life. Its use and importance in business, communication, and entertainment cannot be denied.

However, operating the device in some instances and situations pose not only inconvenience to other people but danger as well. One such situation is when people operate these devices while driving their motor vehicles.

A study published in the New England Journal of Medicine found that collision rates for drivers using hand held cell phones were roughly the same as for drivers who were legally drunk.

While some cities have enacted local ordinances prohibiting its use by drivers, there is a need to institute a similar measure on a nationwide scale to protect life, limb and property.

In view of the foregoing and in the interest of public safety, Immediate passage of this measure is therefore requested.


REP. AURELIO "DONG" D. GONZALES, JR.
3rd District Pampanga

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

SECTION 1. *Title.* – This Act shall be known as the “Anti-Mobile Communication Devices Use While Driving Act of 2010”.

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to safeguard its citizenry from the ruinous and extremely injurious effects of vehicular accidents. Towards this end, it shall pursue a more proactive and preventive approach to secure the safety of motorists, their passengers and pedestrians at all times through the banning of the use of hand held cellular phones by motorists on board a moving motor vehicle.

SECTION 3. *Definition of Terms.* – As used in this act, the term:

- (a.) “Mobile Communications Devices” shall refer to electronic communication equipment, such as, but not limited to cellular/smart phones, Personal Digital Assistants (PDAs), cordless telephone, two-way radio transceivers, handsets, walkie-talkie, pager and beepers, capable of transmitting, receiving or both of voice and data communication through wireless, Bluetooth, infrared or other similar electronic means;
- (b.) “Using a mobile communication device” shall refer to the act of making a call, receiving a call or the act of composing, sending or viewing of text and multi-media messages, and photo and video recording, including the act of using the Internet and other similar functions with the use of mobile communication devices as herein defined;
- (c.) “motorist” shall refer to a person driving a motor vehicle;
- (d.) “motor vehicle” shall refer engine-driven vehicles such as, but not limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;
- (e.) “private motor vehicle” shall refer to any of the following:
 - 1.) Any motor vehicle owned by individuals and juridical persons for private use;

- 2.) Any motor vehicle owned by the National Government or any of its agencies, instrumentalities or political subdivisions, including government owned or -controlled corporations or their subsidiaries for official use; and
- 3.) Any diplomatic vehicle.

- (f.) "public motor vehicle" shall refer to public utility vehicle or vehicle for hire.
- (g.) "Implementing Agency" shall refer to the Department of Transportation and Communications (DOTC) - Land Transportation Office (LTO)

SECTION 4. *Ban on the Use of Mobile Communication Devices While Drivings.* - To ensure public safety, it shall be unlawful for any person to use a mobile communication device while driving a private or public motor vehicle.

SECTION 5. *Exemption.* - The ban shall not be imposed if the motorist concerned uses a mobile communication device with the aid of a hands-free device or speaker phone or other similar device which allows a person to make and receive calls without having to hold the mobile communication device. The provisions of this Act shall not apply to persons performing emergency and official functions where such limitations will result to greater injury or impair the performance thereof.

SECTION 6. *Nationwide Public Information Campaign.* - The DOTC and/or LTO, in coordination with the Philippine Information Agency (PIA), Department of Education (DepEd), the Philippine National Police and private agencies and organizations, shall undertake a nationwide Information, Education and Communication (IEC) campaign for a period of six (6) months from the effectivity of this Act.

SECTION 7. *Penalty.* - Any person who shall violate any provision of this Act shall be punishable by: In the enforcement of this Act, the LTO shall impose the corresponding fines and penalties, which shall be based on the following:

1. First offense - a fine of One Thousand Pesos (P 1,000.00);
2. Second offense - a fine of Three Thousand Pesos (P 3,000.00);
3. Third Offense - a fine of Five Thousand Pesos (P 5,000.00) and suspension of driver's license for three (3) months;
4. Fourth and succeeding offenses - a fine of Five Thousand Pesos (P 5,000.00) up to Ten Thousand Pesos (P 10,000.00) and revocation of driver's license.

Provided, that the implementing agency may increase the amount of fine herein imposed once every three (3) years in the amount not exceeding ten percent (10%) of the existing rates sought to be increased.

SECTION 8. *Assistance by Other Agencies.* - The Metro Manila Development Authority (MMDA), PNP and other concerned government

agencies and instrumentalities shall render such assistance as required by the implementing agency in order to effectively implement the provisions of this Act.

SECTION 9. *Miscellaneous Provisions.* – Wheeled agricultural machineries such as tractors and construction equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers, mobile concrete mixers and the likes, other forms of conveyances such as bicycles, pedicabs, habal-habla, trolley, kuliglig, wagos, carriages, carts, sledges, chariots or the likes, whether animal or human-powered, are covered by the provisions of this Act as long as the same are operated or driven in public thoroughfares, highways or streets or under circumstances where public safety is under consideration.

SECTION 10. *Implementing Rules and Regulations.* – The DOTC-LTO shall promulgate the necessary Implementing Rules and Regulations within 60 days from the effectivity of this Act.

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

SECTION 12. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or any part thereof, which are inconsistent herewith are hereby repealed, amended or modified accordingly.

SECTION 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation in the Philippines.

Approved.