

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. **1516**

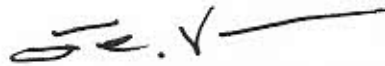
Introduced by REP. AUGUSTO BOBOY SYJUCO, Ph. D.

EXPLANATORY NOTE

Alcohol intoxication is considered one of the most common causes of road fatalities and/or vehicular accident not only in the country but worldwide as well. Irresponsible drivers who drive under the influence of alcohol endangered both their lives and the lives of his passenger/s and the innocent bystanders. A driver is considered to be under the influence of alcohol if his blood alcohol concentration level reaches 0.06 or more. At this level, mental and motor skills are already impaired.

This bill therefore seeks to protect the public from accidents caused by motorist driving under the influence of alcohol by providing stiffer penalties for the offenders. This bill penalizes a violator of a fine of not less than Five Thousand Pesos (P5,000) but not more than Seven Thousand Pesos (P7,000) including suspension and revocation of driver's license as well as one (1) month community service. The bill also proposes that every applicant for driver's license must complete a course of instruction which will educate him on 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 corresponding penalties.

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



AUGUSTO BOBOY SYJUCO, Ph. D.
2nd District, Province of Iloilo

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 1516

Introduced by REP. AUGUSTO BOBOY SYJUCO, Ph. D.

**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”.

SEC. 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.

SEC. 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 and/or positive indication of dangerous drugs;
- (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.

SEC. 4. *Driver’s Education.* – Every applicant for a driver’s license shall complete a course of instruction that provides information on driver 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.

SEC. 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.

SEC. 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.

SEC. 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), the Philippine Drug Enforcement Agency (PDEA) and other agencies with related functions.

SEC. 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.

SEC. 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.

SEC. 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,