

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

**FIFTEENTH CONGRESS
First Regular Session**

House Bill No. 1586

**Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO**

**AN ACT
REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION
DEVICE WHILE DRIVING AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Mobile communication devices have now become a necessity for everybody. These include a wide array of devices from cellular phones, i-phones, wireless telephones, two-way radio transceivers, walkie-talkie, pagers and beepers, and others capable of transmitting, receiving or both encrypted data and/or signals through wireless, electronic or any other similar means. In the Philippines, one dominant mobile communication device used by all ages and economic classes is the cellular phone. These phones are considered a necessity given the limitless advantages it gives its owners. Voice calls and the use of text messaging, or the short message service (SMS), which is a common feature of modern mobile phones, are only among the leading reasons why people in the country coming from all walks of life have their own mobile phones. Time and again, we have been cited in various international and local high-tech gadgets magazines as the texting capital of the world given our fascination with this kind of mobile technology.

But the use of such technology, despite the many conveniences and advantages it gives us, does not supersede the more important need of ensuring road safety. Reports have proven that the irresponsible use of mobile communication devices while driving causes distraction among drivers and have led to accidents and the unnecessary loss of lives.

This proposed measure seeks to address such a pressing concern by regulating the use of such devices while driving by promoting hands-free devices to avoid distracting drivers while on the road.

In view of the following reasons, the immediate passage of this bill is earnestly requested.


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

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*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 “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 by banning the use of mobile communication devices by
motorists while driving or operating a moving motor vehicle.

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

- a) **Mobile communication devices** shall refer to electronic
communication equipment such as, but not limited to, cellular
phones, i-phones, wireless telephones, two-way radio transceivers,
walkie-talkie, pagers and beepers, capable of transmitting,
receiving or both encrypted data and/or signals through wireless,
electronic or any other similar 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, including the act of doing internet and other similar functions;
- c) **Motorist** shall refer to a person driving a motor vehicle;
- d) **Motor vehicle** shall refer to 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 motor vehicle owned by individuals and juridical persons for private use;
- f) **Government motor vehicle** shall refer to 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;
- g) **Diplomatic motor vehicle** shall refer to any motor vehicle used by a diplomat working in an embassy;
- h) **Public motor vehicle** shall refer to a motor vehicle issued by the Land Transportation Franchising and Regulatory Board (LTFRB) to operate as a public utility vehicle or any vehicle for hire; and
- i) **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 Driving.* – To ensure public safety, it shall be unlawful for any person to use hand-held mobile communication device while driving a private or public motor vehicle.

SECTION 5. *Exemptions.* – 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 urgent, 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-LTO, in coordination with the Philippine Information Agency (PIA), the Department of

Education (DepED), the Department of Interior and Local Government (DILG)-Philippine National Police (PNP) 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. *Penalties.* – Any person who shall violate any provision of this Act shall be punishable by:

- (a) First Offense – a fine of One Thousand Pesos (P1,000.00)
- (b) Second Offense – a fine of Three Thousand Pesos (P3,000.00)
- (c) Third Offense – a fine of Five Thousand Pesos (P5,000.00) and suspension of driver's license for three (3) months; and
- (d) Fourth and succeeding Offenses – a fine of Five Thousand Pesos (P5,000.00) but not more than Ten Thousand Pesos (P10,000.00) 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), the Philippine National Police (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 like, and other forms of conveyances such as bicycles, pedicabs, *habal-habal*, trolleys, *kuliglig*, wagons, carriages, carts, sledges, chariots or the like, 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 sixty (60) days from the effectivity of this Act.

SECTION 11. *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 6. *Repealing Clause.* – All laws, executive orders, issuances, rules or regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 7. *Effectivity.* – This Act shall take effect (15) days after its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,