

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

HOUSE OF REPRESENTATIVES

1899
House Bill No. _____

Introduced by Representative Ben P. Evardone

EXPLANATORY NOTE

According to the World Health Organization (WHO), over 1,000 people under the age of 25 are killed in road crashes everyday. Victims of which are predominantly male ages 18-24 and are part of alcohol-related road incidents.

Though there are some municipalities and cities in the country that have placed measures penalizing drunk driving, a national legislation on this conduct is still absent. This bill seeks to provide for that insufficiency.

This bill, if enacted, will be known as the "Driving Under the Influence of Alcohol (DUIA) Act of 2010" which aims to protect people from the hazards brought about by accidents resulting from driving under the influence of alcohol and similar intoxicating substances. It is proposed that a law enforcer shall conduct field sobriety tests on drivers believed to be driving under the influence of alcohols based on apparent indications and manifestations. If the driver fails these tests, the law enforcement officer shall determine his blood alcohol concentration level through the use of a breathalyzer, an equipment which can trace the level of alcohol concentration in one's blood through his/her breath.

Moreover, here, it is proposed that be it included in the application for a driver's license that a person should complete a course on instruction that provides information on safety matters, including the effects of intake of alcoholic beverages on the ability of a person to operate a motor vehicle and its hazards

When someone drives under the influence of alcohol, that person does not only put his/her own life on the line, but also the lives of many innocent people.

Hence, immediate approval of this bill is earnestly sought.



BEN P. EVARDONE
Representative, Lone District of Eastern Samar

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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:*

1 SECTION 1. *Short Title.* - This Act shall be known as the "Driving Under the
2 Influence of Alcohol (DUIA) Act of 2010".
3

4 SEC. 2. *Policy.* - It is hereby declared the policy of the State to protect its people
5 from hazards brought about by accidents resulting from driving under the influence of
6 alcohol and similar intoxicating substances.
7

8 SEC. 3. *Definition of Terms.* - For purposes of this Act:

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

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

13 (c) *Chemical tests* refer to breath, Urine or blood test to determine the
14 blood alcohol concentration level and/or positive indication of dangerous drugs;

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

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

22 (f) *Motor vehicle* refers to anything that carries people or goods powered
23 by a motor or engine.
24

25 SEC. 4. *Driver's Education.* - Every applicant for a driver's license shall complete
26 a course of instruction that provides information on driver and safety matters, including

1 the effects of consumption of alcoholic beverages on the ability of a person to operate a
2 motor vehicle; the hazards of driving under the influence of alcohol; and the penalties
3 attached for violation thereof.

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

7
8 SEC. 5. *Punishable Act.* - It shall be unlawful for any person to drive a motor
9 vehicle under the influence of alcohol. A law enforcement officer who has probable cause
10 to believe that a driver is driving under the influence of alcohol by apparent indications
11 and manifestations, including erratic driving, poor coordination or the presence of the
12 smell of alcohol, may conduct field sobriety tests. If the driver fails in the sobriety tests, it
13 shall be the duty of the law enforcement officer to determine his blood alcohol
14 concentration level through the use of a breathalyzer.

15
16 SEC. 6. *Penalties.* - Without prejudice to criminal prosecution for violation of the
17 Revised Penal Code, whenever applicable, a driver found to have been driving a motor
18 vehicle while intoxicated, as provided for in the immediately preceding section, shall be
19 penalized as follows:

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

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

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

26 (d) For the succeeding offenses - a fine of seven thousand pesos
27 (Php7,000.00) and automatic revocation of driver's license. Within the period of
28 suspension, the offender shall be required to render community service for a
29 period of one (1) month. No driver's license shall be returned unless this
30 requirement is complied with.

31
32 SEC. 7. *Mandatory Alcohol Testing of Drivers Involved in Fatal Motor Vehicular*
33 *Accidents.* - All drivers of motor vehicles involved in vehicular accidents resulting to loss
34 of lives or physical injuries of serious nature shall be subjected to chemical tests to
35 determine the presence and/or concentration of alcohol. Implementing guidelines for said
36 tests shall be undertaken by the Land Transportation Office (LTO), the Philippine
37 National Police (PNP), the Philippine Drug Enforcement Agency (PDEA) and other
38 agencies with related functions.

39
40 SEC. 8. *Separability Clause.* - If, for any reason, any part or provision of this Act
41 is declared invalid, such declaration shall not affect the other provisions of this Act.

42
43 SEC. 9. *Repealing Clause.* The provisions of laws, decrees, executive orders,
44 ordinances, rules and regulations inconsistent with this Act are hereby repealed, amended
45 or modified accordingly.
46

1 SEC. 10. *Effectivity.* - This Act shall take effect fifteen (15) days following the
2 completion of its publication in the *Official Gazette* or in two (2) national newspapers of
3 general circulation.
4

5 Approved