

Republic of the Philippines
House of Representatives
Quezon City

Fifteenth Congress

First Regular Session

House Bill No. 1998

Introduced by Honorable **ROMEO M. ACOP**

EXPLANATORY NOTE

A motor vehicle driven by a person under the influence of alcohol becomes a danger to life, limb and property. Driving under the influence (DUI) of alcohol remains the number one cause of fatalities worldwide in motor vehicle accidents. And while other countries have adequate provisions in the law on the matter, as well as a system in place for its prevention and punishment, Republic Act 4136, as amended, or the Land Transportation and Traffic Code, merely prohibits driving under the influence of liquor or narcotic drug with a corresponding miniscule penalty for the violation.

Article II, Section 5 of the 1987 Constitution mandates that :

‘The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.’

Existing laws do adequately address the seriousness of this problem. There is no effective deterrent in place. Stricter penalties and methodical laws are needed in order to curb this underrated public hazard. Each driver must realize that he has full personal and social responsibility in the event he drives under the influence of alcohol. This bill also seeks to tackle this problem through a systematic manner which includes drivers’ education and mandatory alcohol and drug testing of drivers involved in fatal motor vehicle accidents.

Thus, for the safety of the driving and commuting public and the innocent bystanders in the streets, the immediate passage 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 the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. This Act shall be known as the "Driving Under Influence Act of 2010."

SECTION 2. Policy. It is the policy of the State to protect its people from the hazards brought about by the driving of motor vehicles by persons under the influence of alcohol and/or dangerous drugs and similar intoxicating substances. In furtherance of this policy, local government units are enjoined to enact ordinances and implement other local measures consistent with the provisions of this Act.

SECTION 3. Definition of Terms. For purposes of this Act,

- (1) "Motor vehicle" refers to anything that carries people or goods powered by a motor or engine;
- (2) "Driving under the influence" 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 0.06 or more;
- (3) "Alcohol" refers to alcoholic beverages classified as either beer, wine or spirit consumption of which produces intoxication;
- (4) "Field sobriety tests" shall refer to standardized tests to assess and determine intoxication, including the horizontal gaze nystagmus, the walk-and-turn, and the one-leg stand;
- (5) "Chemical tests" shall refer to breath, urine or blood test to determine the blood alcohol concentration level;
- (6) "Breath analyzer" refers to a kind of equipment which can determine the blood alcohol concentration level of a person through one's breath.

SECTION 4. *Driver's Education.* – Every applicant for a driver's license shall complete a course of instruction that provides information on safety driving of motor vehicles, 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 intoxicating substances; and the penalties imposable for violations 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 violations of this Act.

SECTION 5. *Punishable Act.* – It shall be unlawful for any person to drive a motor vehicle under the influence of alcohol. When a law enforcement officer 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, he may conduct field sobriety tests on such driver. If the driver failed 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 breath analyzer. If the blood alcohol concentration level of the driver subjected to the breath analyzer exceeds 0.06, a violation of the provisions of this Act is deemed committed.

SECTION 6. *Penalties.* - Without prejudice to criminal prosecution for violation of the Revised Penal Code and other special laws, whenever applicable, a driver found to have been driving a motor vehicle while intoxicated, as provided for in the preceding section, shall be penalized according to the city or municipal ordinance where applicable.

In addition to the penalties provided for in the preceding paragraph, a one-month suspension of the driver's license of the offender shall be imposed for the first violation, a three-month suspension for the second violation and the revocation of the same and perpetual disqualification to hold a driver's license for the third violation.

SECTION 7. *Mandatory Chemical Testing of Drivers Involved in Fatal Motor Vehicular Accidents.* – All drivers of motor vehicles involved in vehicular accidents resulting to the loss of lives or physical injuries of serious nature to the victims 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, Philippine National Police, and other agencies with related functions.

SECTION 8. *Implementing Rules and Regulations* – The Land Transportation Office shall formulate and promulgate the implementing rules and regulations for the effective implementation this Act

SECTION 9. *Repealing Clause* – The provisions of laws, decrees, executive orders, 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,