

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 2136

Introduced by HON. IRWIN C. TIENG
and HON. MARIANO MICHAEL M. VELARDE

EXPLANATORY NOTE

The 1987 Constitution of the Philippines, Article II, Section 5 provides that "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by the people of the blessings of democracy". Further, the Civil Code of the Philippines states that "Every person who, contrary to law, willfully or negligently, causes damage to another, shall indemnify the latter for the same".

Life is so sacred that every individual should value. However, due to accidents or negligence, many lives are sacrificed or destroyed. For instance, road accidents happen almost everyday which result to the death or serious injuries of the victims.

Records from the Metro Manila Development Authority (MMDA) Metropolitan Road Safety Unit show, for the first half of 2007, 30,001 vehicular accidents occurred in Metro Manila streets. These accidents claimed the lives of 172 people and injured 5,412 others. This means that around 166 road accidents take place in the metropolis every day. A car, bus, truck or jeep kills one person almost every day and maims around 30. In 2006, it recorded more than 60,000 road accidents.

This 2010, there were 20,151 road accidents recorded for the period January to May, showing an 18 percent decrease from the 24,417 road accidents in the same period last year. According to Metro Manila Accident Reporting and Analysis System (MMARAS), the most common cause of vehicular accidents is human error which involves overspeeding, inattentiveness, overtaking, and disregard for traffic signs and rules.

Studies, mostly foreign, have suggested that cellphones cause accident that kill thousands of people every year and create traffic jams. A related study revealed that cellphone owners admit to sometimes not driving as safely as they should while using those communication gadgets.

Increased reliance on mobile phones has led to rise in the number of people who use the devices while driving. There are two dangers associated with driving and cellphone use. One, drivers must take their eyes off the road while composing, sending and receiving text messages. Two, people can become so absorbed in their texting that their ability to concentrate on the act of driving is severely impaired, jeopardizing the safety of vehicle occupants and pedestrians.

Motorists who use cellphones while driving are four times as likely to get into crashes serious enough to injure themselves, the passengers and the pedestrians as well. Using cellphone while driving is analogous to driving when drunk.

Countries reported to have laws related to cellphone use Australia, Austria, Belgium, Brazil, Botswana, Chile, the Czech Republic, Denmark, Egypt, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Kenya, Malaysia, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Singapore, the Slovak Republic, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Turkey, Turkmenistan, the United Kingdom and Zimbabwe. Most countries prohibit the use of hand-held phones while driving.

In the Philippines, except for few cities, like Quezon City and Makati, which have ordinances banning cellphone use while driving, there is no law yet to this effect.

Thus, in view of the urgency of this measure, passage of this Bill, which aims to penalize the use of cellphones, particularly texting while driving, is earnestly sought.



IRWIN C. TIENG



MARIANO MICHAEL M. VELARDE

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AN ACT
TO PROHIBIT AND PENALIZE READING, COMPOSING AND SENDING
ELECTRONIC MESSAGES WHILE DRIVING, AND FOR OTHER PURPOSES

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 "Anti-Texting
While Driving Act of 2010".

SECTION 2. It shall be unlawful for any person to use cell phones,
particularly for text messaging, while driving.

By text messaging, it shall mean "reading, composing, and sending
electronic messages".

SECTION 3. Any person who shall violate any provision of this Act shall
suffer the following penalties, to wit:

- a. FIRST OFFENSE: suspension of driver's license for thirty (30) days
and a fine of three thousand pesos (P 3,000.00);
- b. SECOND OFFENSE: suspension of driver's license for sixty (60)
days and a fine of five thousand pesos (P 5,000.00)
- c. THIRD OFFENSE: suspension of driver's license for ninety (90)
days and a fine of ten thousand pesos (P10,000.00); and
- d. FOURTH OFFENSE: revocation of driver's license and a fine of
twenty thousand pesos (P20,000.00)

The foregoing penalties shall be without prejudice to the other liabilities
under the Revised Penal Code or any Special Laws the offending driver commits.

SECTION 4. *Implementing Rules and Regulations.* – The Philippine
National Police (PNP), in coordination with other concerned government agencies
and instrumentalities it may deem essential, within sixty (60) days from the
effectivity of this Act, formulate and develop the implementing rules and
regulations for the proper execution of the provisions of the law.

SECTION 5. Any laws, decrees, ordinances or rules and regulations which are inconsistent with or contrary to the provisions of this Act is hereby amended or repealed.

SECTION 6. This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,