

HOUSE OF REPRESENTATIVES

H. B. No. 2454

INTRODUCED BY REPRESENTATIVE IMELDA CALIXTO-RUBIANO

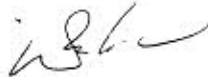
EXPLANATORY NOTE

Every year thousands of lives are lost because of motorists driving under the influence of alcohol, and illegal and dangerous drugs. The safeguard and protection of individuals who are in danger and peril brought about by accidents as a consequence of drivers under the influence of alcohol and other similar intoxicating substances cannot be subject to dispute.

It is of paramount duty of the State that said offenders be penalized and accosted before they endanger the public with their behaviour.

This bill seeks to penalize persons or operators of motorized vehicles driving under the influence of alcohol, illegal drugs, and such other controlled substances that alter drivers' ability to operate motor vehicles. The proposed measure establishes the manner and procedure for the conduct of sobriety tests upon determination of probable cause by the law enforcement officer. It also prescribes the penalties involved in case of violation thereof.

In view of the foregoing, the passage of this measure is earnestly requested.


IMELDA CALIXTO-RUBIANO
Representative
Lone District of Pasay City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2454

Introduced by Representative Imelda Calixto-Rubiano

**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, Illegal Drugs, and Controlled Substances (DUI) Act of 2010”.

SEC. 2. *State Policy.* – It is hereby declared the policy of the State to protect and safeguard its people from danger and peril brought about by accidents and mishaps as a consequence of a person driving under the influence of alcohol and other 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 that produces impairment of mental and motor skills resulting to intoxication;

(b) *Dangerous Drugs* Include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention of Psychotropic Substances as enumerated in the attached annex which is an integral part of Republic Act # 9165 otherwise known as the “Comprehensive Dangerous Drugs Act of 2002”.

(c) *Breathalyzer* refers to a kind of equipment that determines blood alcohol concentration level of a person through his or her breath;

(d) *Chemical tests* refer to breath, urine and/or blood test that determine the blood alcohol concentration level and/or positive indication of dangerous or prohibited drugs;

(e) *Driving under the influence (DUI)* refers to the act of operating a motorized vehicle while intoxicated with alcohol, illegal drugs, and other mind altering substances such that the mental and motor skills of said operator or driver are weakened or impaired, and/or when the blood alcohol concentration level of said operator or driver is zero point zero six (0.06) or more;

(f) *Field sobriety tests* refer to standardized tests in order to assess and determine intoxication level, including the horizontal gaze nystagmus, the wall-and-turn and the one-leg stand;

(g) *Motorized vehicle* refers to means of transport of persons or goods powered by a motor or an engine.

SEC. 4. Education of Driver. – It is hereby mandated that every applicant for a license to drive or operate a motorized vehicle shall complete a driver's training course that notifies and informs him or her of safety matters, including but not limited to the effects of consumption of alcoholic beverages, illegal and dangerous drugs and other similar substances on the ability of a person to operate a motorized vehicle; the hazards and risks of such behavior; including the penalties attached for its violation.

The license test shall include written questions on the effects of consumption of alcoholic beverages, illegal and dangerous drugs, and other similar substances, and its accompanying legal consequences resulting from the violation of this Act.

SEC. 5. Punishable Act. – It shall be unlawful for any individual or person to drive a motorized vehicle under the influence of alcohol, illegal and dangerous drugs, and other similar substances. A law enforcement officer who has determined probable cause that said driver or operator of motorized vehicle is driving under the influence by clear and evident

indications and manifestations, including erratic or irregular driving, poor coordination or the presence of the smell of alcohol or illegal drugs, may conduct field sobriety tests.

In case the driver or operator of motorized vehicle fails in the sobriety tests conducted by the law enforcement officer, the officer is hereby tasked and mandated to determine the blood alcohol concentration level of the driver 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 or operator of motorized vehicle found to have been driving under the influence of alcohol, and/or illegal and dangerous drugs as provided for in the immediately preceding section, shall be penalized as follows:

(a) For the first offense – a fine of Fifteen Thousand pesos (PhP15,000.00) including one (1) month suspension of driver's license;

(b) For the second offense – a fine of Twenty Five Thousand Pesos (PhP 25,000.00) including two (2) months suspension of driver's license;

(c) For the third offense – a fine of Fifty Thousand Pesos (PhP50,000.00) and an 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 and/or issued unless this requirement of rendering community service is hereby complied with.

SEC. 7. *Mandatory Alcohol Test for Drivers Involved in Fatal Motorized Vehicular Accidents.* – All drivers and operators of motorized vehicles that were involved in vehicular accidents and/or mishaps that resulted in a loss of life or serious physical injuries, as defined in the Revised Penal Code shall be subjected to chemical tests to determine the presence and/or concentration of alcohol, illegal drugs, and other similar substances. The pertinent implementing guidelines for the conduct of said chemical tests shall be undertaken by the Land Transportation Office (LTO), the Philippine National Police (PNP), and the Philippine Drug Enforcement Agency (PDEA).

SEC. 8. *Repealing Clause.* – All laws, presidential decrees, executive orders, proclamations, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 9. *Separability Clause.* – If, for any reason, any section or provision of this Act shall be held unconstitutional or invalid, the other section or provision not otherwise affected shall remain valid.

SEC. 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,