

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 2914

Introduced by REP. MARK A. VILLAR

EXPLANATORY NOTE

It is frequent that we hear freak accidents involving public utility vehicles which had taken lives of many. More often than not, said accidents were not mere result of *force majeure* or acts of God. Rather, they were caused by the gross negligence of drivers and operators of public utility vehicles. Worse, it has been reported that said accidents were caused by drivers who use prohibited drugs to be able to cope with the demands of their jobs. Sadly, drugged drivers are like human time-bombs ready to explode any time without regard to the damage, injury or death that they could cause.

It is noteworthy that, to date, drivers who caused damage, injury or death to another are usually charged under the Revised Penal Code for reckless imprudence resulting to damage to property or homicide, as the case may be. This, however, is not preventive as it is filed only after injury, death or damage to property had been committed. A preventive measure could be in the form of mandatory random drug testing which is can be an effective deterrent to vehicular accidents caused by drivers under the influence of prohibited drugs.

In this connection, it is apt to cite the statement of the Supreme Court in the case of *Lacerna v. Dangerous Drugs Board and Philippine Drug Enforcement Agency*, ¹viz:

¹ G.R. No. 158633, 3 November 2008.

"The state can no longer assume a laid back stance with respect to this modern - day scourge. Drug enforcement agencies perceive a mandatory random drug test to be an effective way of preventing and deterring drug use among employees in private offices, the threat of detection by random testing being higher than other modes."

Hence, by enacting this Bill, which mandates a random drug testing of drivers of public utility vehicles and thereby amending Republic Act 9165, it is the hope of this representation that accidents that could have been caused by drugged drivers of public utility vehicles would be averted.



MARK A. VILLAR

Representative, Lone District of Las Piñas City

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**AN ACT AMENDING REPUBLIC ACT 9165, OTHERWISE KNOWN AS THE
COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, FOR THE
PURPOSE OF MANDATING A RANDOM DRUG TESTING OF DRIVERS OF
PUBLIC UTILITY VEHICLES**

Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:

SECTION 1. There shall be incorporated after Section 36 (g) of Republic Act
9165 a new Section which shall read as follows:

“Section 36 (h). Drivers of public utility vehicles- The
Dangerous Drugs Board in coordination with the Department of
Health and Land Transportation Office shall, from time to time,
conduct a random drug-testing of drivers of public utility vehicles for
the purpose of ensuring the safety of the commuters, pedestrians
and public in general in accordance with the procedure provided for
in this Act.

In addition to the penalties provided for in this Act, the
drivers' license of any driver of public utility vehicles found to be
positive for dangerous drugs during the random drug testing shall
be suspended until said driver has submitted to the Land
Transportation Office a certification of completion of voluntary

rehabilitation program from the Department of Social Welfare and Development subject to the pertinent sections of Article VIII of this Act.

SECTION 2. There shall be incorporated after Article V, Section 48 of Republic Act 9165 a new Section which shall read as follows:

"Section 48-A. The Board in coordination with the Land Transportation Office shall formulate the necessary guidelines and/or implementing rules and regulations for the conduct of the random drug testing for the drivers of public utilities. The amount necessary for the implementation of which shall be included in the annual General Appropriations Act."

SECTION 3. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,