



Republic of the Philippines
House of Representatives
Constitution Hills, Quezon City

Fifteenth Congress

First Regular Session

3302

Introduced by **HON. ROMEO M. ACOP**

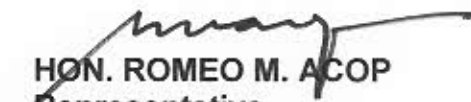
EXPLANATORY NOTE

'Multi-tasking behind the wheel.' – a situation where the driver or operator of a motor vehicle is simultaneously doing another thing or act while in operation of the vehicle. A dangerous predicament not only to the driver and his passengers but to the general public who may be riding in other vehicles or simply walking along the road if the errant driver loses control of the vehicle as a result of the distraction.

Also often called 'distracted driving', using a cell phone or other electronic device while driving, particularly the sending (texting) and reading of messages in the cell phone through SMS (Short Message Service), effectively removes the visual focus of the driver from the road and diminishes his degree of concentration on the safety of his driving. Studies have shown that this distraction caused by the use of a cell phone while driving poses a greater danger of an accident occurring as triggered by it than that of alcohol inducement. In fact, researchers at Harvard University have estimated that drivers using cell phones cause 2,800 fatal crashes a year and another 570,000 accidents which resulted in injuries in the United States alone. Seven states have banned the use of hand held cell phones while driving and another 19 states have banned texting for all drivers¹. Unfortunately, while the Philippines is reputed as the 'texting capital of the world', no studies have been conducted, neither serious attention been given to address the problem. Certainly, no prior study is required to justify the regulation of distracted driving as the potential dangers it poses are too obvious even to a simple mind.

Considering that telecommunications company are presently offering the market more sophisticated gadgetry unimaginable a few years back altering our perceptions of reality and significantly modifying our behaviors such as driving ways and habits, a combination of legislations with penalties and educational campaigns are now needed to reduce the incidence of distracted driving and its terrible consequences to life and property.

For these reasons, the immediate passage of this bill is earnestly sought.



HON. ROMEO M. ACOP
Representative
2nd District, Antipolo City



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AN ACT
PROHIBITING THE ACT OF SENDING OR READING MESSAGES OR TEXTING
THROUGH THE SMS (SHORT MESSAGE SERVICE) USING THE CELLULAR
PHONE OR SIMILAR DEVICES WHILE DRIVING A MOTOR VEHICLE AND
PROVIDING PENALTIES THEREFOR

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

SECTION 1. Declaration of Policy - It is the policy of the State to protect the commuting public, by means of mass and private transportation, the pedestrians, and the general public who utilize the roads and highways, from the risks arising out of certain acts committed by drivers or persons while in operation of motor vehicles which result to accidents and casualties to life and property.

Modern technology has produced portable and wireless equipment and tools which provide greater mobility and convenience in communication, particularly in the sending of written messages electronically. The ease brought by technology in conducting communication activities has encouraged people in engaging in so-called 'multi-tasking behind the wheel', that a person driving a motor vehicle does communicate simultaneously with the use of equipment such as a cellular phone. This manner of distracted driving poses great risks to the safety of the general public.

While the State recognizes the right of the people to communication and to take advantage of the benefits of modern technology, the State also weighs in the balance its duty to

promote the safety of the public from the acts of persons which have become inimical in the exercise and enjoyment of these rights and to regulate such acts.

SECTION 2. *Prohibited Acts* - It shall be unlawful for any person, while in the act of driving or operating a motor vehicle, to send or read a message or 'text' through the Short Message Service (SMS) of a cellular phone or similar devices for the same purpose, and similar use of such devices which effectively remove the visual focus of the driver or operator of the motor vehicle from the road and/or his attention to the safe operation of the vehicle used; *Provided*, that if the commission of the act herein proscribed resulted to the commission of other offenses penalized by law, it shall be considered as a distinct and separate offense.

SECTION 3. *Penalties* - The following penalties shall be imposed upon any person who violates the provision of this Act :

- a) Imprisonment of one (1) year; and,
- b) A fine of Ten (10) Thousand Pesos.

SECTION 4. *Implementing Rules and Regulations* - The Department of Transportation and Communication, in coordination with the Philippine National Police, shall, within sixty (60) days from the effectivity of this Act, issue the pertinent Rules and Regulations for the effective implementation of this Act.

SECTION 5. *Effectivity* - This Act shall take effect after the lapse of fifteen (15) days from the date of its publication in two (2) newspapers of general circulation.

Approved.