

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 666

Submitted by the Committee on Transportation on 21 FEB 2011

Re : House Bill No. 4251

Recommending its approval in substitution of HB No. 382, HB No. 1516, HB No. 1899, HB No. 1998, HB No. 2454 and HB No. 2765

Sponsor/s: Reps. Roger G. Mercado, Gloria Macapagal-Arroyo, Diosdado Macapagal Arroyo, Augusto L. Syjuco, Jr., Ben P. Evardone, Romeo M. Acop, Imelda Calixto-Rubiano and Emmeline Y. Aglipay

Mr. Speaker:

The Committee on Transportation to which were referred House Bill No. 382 introduced by Reps. Gloria Macapagal-Arroyo and Diosdado Macapagal Arroyo entitled:

"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL"

House Bill No. 1516 introduced by Rep. Augusto L. Syjuco, Jr., entitled:

"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL"

House Bill No. 1899 introduced by Rep. Ben P. Evardone, entitled:

"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL"

House Bill No. 1998 introduced by Rep. Romeo M. Acop, entitled:

"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL"

House Bill No. 2454 introduced by Reps. Imelda Calixto-Rubiano and Arnulfo G. Go, entitled:

"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL"

House Bill No. 2765 introduced by Rep. Emmeline Y. Aglipay and Rachel Marguerite B. del Mar, entitled:

"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL"

has considered the same and recommends that the attached House Bill No. 4251 entitled:

"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL, DANGEROUS DRUGS, AND SIMILAR SUBSTANCES AND FOR OTHER PURPOSES"

be approved in substitution of HB No. 382, HB No. 1516, HB No. 1899, HB No. 1998, HB No. 2454 and HB No. 2765 with Representatives Gloria Macapagal-Arroyo, Diosdado Macapagal Arroyo, Augusto L. Syjuco, Jr., Ben P. Evardone, Romeo M. Acop, Imelda Calixto-Rubiano, Arnulfo G. Go, Emmeline Y. Aglipay, Rachel Marguerite B. del Mar and Roger G. Mercado as authors thereof.

Respectfully submitted,



HON. ROGER G. MERCADO
Chairman
Committee on Transportation

THE HONORABLE
The Speaker

**HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION
15th Congress**

1st Regular Session

**MINUTES OF THE MEETING OF THE COMMITTEE ON TRANSPORTATION
HELD ON 09 FEBRUARY 2010 AT ROOM 7&8, RVM BLDG., HOUSE OF
REPRESENTATIVES, QUEZON CITY**

RESOURCE PERSONS PRESENT:

Atty. Diosdado Silva	–	HEA, LRTA
Atty. Jose Belarmino	–	Legal Div., LRTA
Mr. Romeo Macarina	–	PPA
Ms. Esia Hilario	–	PPA
Mr. Martin Valera	–	Dir. DOT
Mr. Rafael Mosura, Jr.	–	Asst. GM, PNR
Dir. Evelyn Cajingal	–	DOT
A/Sec. George Esguerra	–	DOTC
Mr. Alberto Suansing	–	DOTC
Mr. Michael Angelo Cabilao	–	LTFRB
Mr. Danilo Tolentino	–	Project Mgr. LRTA

I. CALL TO ORDER:

The meeting was called to order at around 9.45 a.m. with Rep. Roger G. Mercado, Chairman of the Committee, presiding.

II. ROLL CALL / APPROVAL OF MINUTES OF THE PREVIOUS MEETING:

Rep. JV Ejercito moved to dispense with the roll call and reading of minutes of previous meeting which was subsequently approved. There being no objection, the motion was duly seconded by Rep. Ty and the same was approved.

III. ACKNOWLEDGEMENT OF RESOURCE PERSONS / GUESTS:

Chairman Mercado thanked everyone for honoring the invitation of the Committee. He acknowledged the presence of the Members initially present and instructed the Committee Secretary to acknowledge the resource persons present.

IV. OPENING REMARKS:

Rep. Mercado in his opening speech said that it is important in the development of the country to legislate a comprehensive transportation law which will provide the framework for a seamless land, sea, rail and air transportation system. This will facilitate the efficient movement of goods and people, encourage flow of investments and promote economic and social development. He cited experiences of various countries to highlight his point on the need to improve the intermodal transport system in the Philippines.

V. MEETING PROPER :

INITIAL DELIBERATION ON HB NO. 2222, ENTITLED: "AN ACT SETTING THE DIRECTION OF AND PARAMETERS FOR THE DEVELOPMENT OF AND REGULATION OF THE TRANSPORTATION SYSTEM IN THE PHILIPPINES AND FOR OTHER PURPOSES" by Rep. Gloria Macapagal Arroyo

Rep. Ejercito lauded the intention of the bill which is significant, relevant and timely. As an expression of support, he volunteered to sponsor HB2222 and read, for the record, the explanatory note of the bill. Primarily, the bill intends to legislate an integrated transportation policy which will provide for a viable, efficient, fast, safe and dependable transportation system in the country. The author said in the explanatory note that the system should be comprehensive but must take into consideration important aspects like safety, security and environmental sustainability. The bill when enacted into law will set the direction and parameters for the development and regulation of transportation system in the country. It will harmonize existing laws while replacing obsolete, inadequate and unresponsive transportation laws.

In support of the measure, the Chairman moved that all members of the committee be made co-author of the bill. The motion was duly seconded by Rep. Sarmiento and the same was carried.

Rep. Sarmiento commended Chairman Mercado and the Committee on Transportation for being active in setting up meetings, conducting public hearings and doing ocular inspections. He finds the Committee very responsive and updated on current issues and problems that beset the transportation sector. On the subject matter at hand, he said that for the Philippines to truly develop its transportation system the need to address the three (3) Ds of Development are key elements to be considered: Density, Distance and Division. He said that metro cities must have a well-managed transport system, such that distance must be addressed by ease in travel and frequency of flight schedules. Division however must be removed because development necessitates collaborative efforts from all sectors. HB2222, he said, will adequately answer these three elements for development.

Rep. Henedina Abad likewise expressed support to the measure. She said that any law that sets to solve problems in the transportation sector should be supported. She asked however to be enlightened on the intent of Sections 30 and 45 of HB 2222 which are provisions for liberalization of aviation industry and transparency initiatives, respectively.

At this juncture, the Chairman informed the Body that Assistant Secretary Esguerra prepared a short powerpoint presentation on the subject matter. Thereafter members of the Committee were given time to comment and ask questions.

A/Sec. Esguerra reported on DOTC's policy and institutional reform initiatives on creating a coherent air, sea, rail and air transport system in the country. He said that HB2222 is parallel to the Comprehensive National Integrated Transportation Plan that DOTC submitted to NEDA. The Plan contains the rehabilitation and construction

of national railway network, further development of the Roll-On Roll-Off (RORO) system, and improved urban transport network plan for Metro Manila.

As for the recent initiatives of the DOTC that are in line with the intention of the House Bill under consideration, A/Sec. Esguerra informed the Committee that the DOTC has updated its Website to make information more accessible to the public. This sets for more transparency but the same is still subject to standard security protocols. Securing license and permits have become easy due to updated database and information technology (IT) - enabling of all DOTC documents.

Rep. Abad and Mel Sarmiento requested DOTC to submit to the committee copy of its Comprehensive National Integrated Transportation Plan. Rep. Cesar Sarmiento asked DOTC and NEDA to hasten approval of the Plan because according to him there are private investors that already manifested interest to invest in the country under the PPP scheme. Chairman Mercado and Abad inquired how soon the government can implement the programs and projects presented. In reply, A/Sec. Esguerra said that to execute the proposed projects, 2% of the GDP should be budgeted for infrastructure and at least 1% be apportioned specifically for transportation projects. The government can complete the projects in two (2) years time once funded and priorities set forth by the executive department have not shifted.

On marine transportation, Chairman Mercado requested the DOTC to prioritize completion and improvement of ports. He suggested to include in HB2222 a section that automatically allocate funding for transport projects leading to tourist spots and major agricultural farm areas.

Thereafter, Reps. Apostol, Salimbangon, Gonzales, Montejo and Evardone inquired into various issues concerning their airports and roro/ports. DOTC then committed to submit requested reports within a week.

Rep. Aurelio Gonzales asked for an update on the North Rail project. He said that the government spent billions on the project for informal settlers' relocation and payment for road right of way and yet the project has not proceeded as scheduled. This project when completed will ease traffic in Metro Manila. He requested that plans, contracts and list of contractors for the North and South Rail project be submitted to the committee. Moreover, he suggested that the Committee on Transportation dedicate one meeting on the matter.

All other resource persons present were supportive of the principles embodied in HB2222. However, they requested more time to study its implication on existing laws and its effect on the functions of government agencies.

After extensive deliberations, Rep. Cesar Sarmiento moved for the approval of the measure and the creation of a Technical Working Group (TWG) to further study and refine the measure. There being no objection, the motion was carried. The Chair then asked concerned government agencies to submit their official position papers on the subject. The Chairman reiterated approval in principle of HB2222. He set a TWG meeting on Tuesday, 15 February 2011 with him as the TWG head.

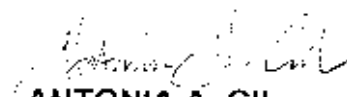
APPROVAL OF COMMITTEE REPORT PENALIZING DRIVING UNDER THE INFLUENCE OF DANGEROUS DRUGS AND ALCOHOL

The Committee considered the final deliberation on the measure penalizing persons driving under the influence of alcohol, dangerous drugs and similar substances. After careful deliberation, Rep. Tiangco moved for the approval of the measure. There being no objection and duly seconded, the Chair and the members of the committee unanimously approved the Committee Report.

VI. ADJOURNMENT :

There being no other matters to be discussed, the meeting was adjourned at around 11:45 in the morning.

I hereby certify to the correctness of the foregoing


ANTONIA A. GIL
Committee Secretary

Attested by :



HON. ROGER G. MERCADO
Chairman, Committee on Transportation

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4251

(in substitution of HB No. 382, HB No. 1516, HB No. 1899, HB No. 1998, HB No. 2454 and HB No. 2785.)

Introduced by Representatives
Gloria Macapagal-Arroyo, Diosdado Macapagal-Arroyo, Augusto L. Syjuco, Jr., Ben P. Evardone,
Romeo M. Acop, Imelda Calixto-Rubiano, Emmeline Y. Aglipay and Roger G. Mercado

AN ACT
PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL,
DANGEROUS DRUGS, AND SIMILAR SUBSTANCES AND FOR OTHER
PURPOSES

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Driving Under the
2 Influence of Alcohol, Dangerous Drugs and Similar Substances Act of 2011”.

3 **Sec. 2. Declaration of Policy.** – Pursuant to the Constitutional principle that
4 recognizes the protection of life and property and the promotion of the general welfare
5 as essential for the enjoyment of the blessing of democracy, it is hereby declared the
6 policy of the State to ensure road safety through the observance of the citizenry of
7 responsible and ethical driving standards. Towards this end, the State shall penalize
8 the acts of driving under the influence of alcohol, and other intoxicating substances,
9 including dangerous and regulated drugs and shall inculcate the standards of safe
10 driving and the benefits that may be derived from it through institutional programs and
11 appropriate public information strategies.

12 **Sec. 3. Definition of Terms.** – For purposes of this Act:

13 (a) *Alcohol* refers to alcoholic beverages classified into beer, wine and spirit, the
14 consumption of which produces intoxication.

15 (b) *Breath analyzer* refers to a kind of equipment which can determine the blood
16 alcohol concentration level of a person through one's breath;

1 (c) *Chemical test* refers to breath, urine or blood test to determine the blood
2 alcohol concentration level and/or positive indication of dangerous drugs and similar
3 substances in a person's body system,

4 (d) *Driving under the influence of alcohol* refers to the act of operating a motor
5 vehicle while intoxicated with alcohol by reason of which the driver's mental and motor
6 skills are impaired and when the driver's blood alcohol concentration level is zero point
7 zero five (0.05) grams per deciliter or more;

8 (e) *Field sobriety tests* refer to standardized tests to assess and determine
9 intoxication, such as, the horizontal gaze nystagmus, the wall-and-turn and the one-leg
10 stand; and

11 (f) *Dangerous drugs and other similar substances* refer to drugs listed in the
12 schedules annexed to the 1961 Single Convention on Narcotics Drugs, as amended by
13 the 1972 Protocol, and in the schedules annexed to the 1971 Single Convention of
14 Psychotropic Substances as enumerated in its attachment which is an integral part of
15 Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act
16 of 2002;

17 (g) *Driving under the influence of dangerous drugs and other similar substances*
18 refers to the act of operating a motor vehicle while intoxicated with dangerous drugs as
19 herein defined by reason of which the driver's mental and motor skills are impaired;

20 (h) *Motor vehicle* refers to any land transportation vehicle propelled by any
21 power other than muscular power;

22 (i) *Public utility vehicles* refer to motor vehicles used to carry or transport
23 passengers or goods for hire; and

24 (j) *Motor vehicles designed to carry hazardous materials* refer to those designed
25 to carry or transport materials which may endanger health and lives of the public.

26 **Sec. 4. *Driver's Education.*** – Every applicant for a motor vehicle driver's license
27 shall complete a course of instruction that provides information on safe driving,
28 including, but not limited to, the effects of the consumption of alcoholic beverages on
29 the ability of a person to operate a motor vehicle, the hazards of driving under the
30 influence of alcohol or dangerous drugs and other similar substances, and the penalties
31 attached for violation thereof.

32 For professional drivers, every applicant for a driver's license or those applying
33 for renewal thereof shall undergo the driver's education herein stated.

1 The driver's license written examination shall include questions concerning the
2 effects of alcohol and drug intoxication on the ability of a person to operate a motor
3 vehicle and the legal and pecuniary consequences resulting from violation of the
4 provisions of this Act.

5 Sec. 5. *Punishable Act.* – It shall be unlawful for any person to drive a motor
6 vehicle while under the influence of alcohol and/or dangerous drugs, and/or other
7 similar substances. A law enforcement officer who has probable cause to believe that a
8 person is driving under the influence of alcohol, dangerous drugs and/or other similar
9 substances by apparent indications and manifestations, including erratic driving, poor
10 coordination or the evident smell of alcohol in a person's breath or signs of use of
11 dangerous drugs and other similar substances, may conduct field sobriety tests. If the
12 driver fails in the sobriety tests, it shall be the duty of the law enforcement officer to
13 implement the mandatory determination of the driver's blood alcohol concentration level
14 through the use of a breath analyzer or similar measuring instrument. If the driver is a
15 suspect of dangerous drug and similar substance use, it shall be the duty of the law
16 enforcement officer to bring the driver to the nearest police station to conduct desktop
17 drug-testing through collection of saliva and/or urine.

18 A law enforcement officer or deputized local traffic enforcement officer shall also
19 conduct field sobriety tests and other relevant chemical tests herein stated upon reports
20 from citizens that a certain person is driving under the influence of alcohol or dangerous
21 drugs and similar substances.

22 Sec. 6. *Mandatory Alcohol And Chemical Testing of Drivers Involved in Motor*
23 *Vehicular Accidents.* – All drivers of motor vehicles involved in vehicular accidents
24 resulting to loss of lives, physical injuries and/or damage to property shall be subjected
25 to chemical tests to determine the presence and/or concentration of alcohol, dangerous
26 drugs and/or similar substances in their blood stream or body system.

27 Sec. 7. *Refusal To Subject Oneself To Mandatory Tests.* – A driver of a motor
28 vehicle suspected to be driving under the influence of alcohol or dangerous drugs or
29 similar substances and who refuses to undergo the mandatory field sobriety and drug
30 tests shall be penalized by the confiscation and automatic revocation of his or her
31 driver's license.

32 Sec. 8. *Acquisition of Equipment.* – Within four (4) months from the effectivity of
33 this Act, the Land Transportation Office (LTO) shall acquire sufficient breath analyzers
34 and desktop drug-testing kits to be utilized by law enforcement officers or deputized

1 local traffic enforcement officers nationwide giving priority to areas highly susceptible to
2 accidents. For purposes of acquiring these equipment and for the training seminars
3 indicated in Section 10 hereof, the LTO shall utilize the Special Road Safety Fund
4 allotted for this purpose as provided under Section 7 of R.A. 8794 entitled "An Act
5 Imposing A Motor Vehicle User's Charge On Owners Of All Types Of Motor Vehicles
6 And For Other Purposes".

7 Sec. 9. *Deputation.* – The LTO may deputize traffic enforcement officers of the
8 Philippine National Police (PNP), Metro Manila Development Authority (MMDA) and
9 cities and municipalities in order to enforce the provisions of this Act.

10 Sec. 10. *Law Enforcement Officer Education.* – The LTO shall conduct training
11 seminars for all its law enforcers and deputies with regard to the proper conduct of field
12 sobriety tests and breath analyzer tests within four (4) months from the effectivity of this
13 Act. Within the same period, the LTO shall also publish guidelines and procedures for
14 the proper conduct of field sobriety tests, which guidelines shall be made available to
15 the public and made available for download through the official LTO website.

16 Sec. 11. *Penalties For Driving Under The Influence Of Alcohol.* – In addition and
17 without prejudice to criminal prosecution for violation of the Revised Penal Code and
18 other special laws and existing local ordinances, whenever applicable, a driver found to
19 have been driving a motor vehicle while under the influence of alcohol and/or similar
20 substance, as provided for under Section 5 of this Act, shall be penalized as follows.

21 (a) For the first offense – a fine of Five Thousand Pesos (Php5,000.00) and one
22 (1) month suspension of driver's license;

23 (b) For the second offense – a fine of Ten Thousand Pesos (PhP10,000.00) and
24 two (2) months suspension of driver's license;

25 (c) For the third offense – a fine of Fifteen Thousand Pesos (PhP15,000.00) and
26 three (3) months suspension of driver's license; and

27 (d) For succeeding offenses – a fine of Twenty Thousand Pesos (PhP20,000.00)
28 and automatic revocation of driver's license.

29 Within the period of suspension, the offender shall be required to render
30 community service for a period of one (1) month. No driver's license shall be returned
31 unless this requirement is complied with.

32 Sec. 12. *Penalties For Driving Under The Influence Of Dangerous Drugs And*
33 *Similar Substances.* – In addition to and without prejudice to criminal prosecution under
34 Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act

1 of 2002, other special laws or existing local ordinances, whenever applicable, a person
2 apprehended and found under the influence of any dangerous drug or similar
3 substances while driving a motor vehicle, after undergoing the mandatory chemical test,
4 shall be penalized by a fine of Ten Thousand Pesos (PhP10,000.00) and by the
5 automatic revocation of his or her driver's license.

6 Sec. 13. *Higher Penalties For Public Utility Vehicles.* – In addition and without
7 prejudice to the foregoing penalties, whenever applicable, a driver of a public utility
8 vehicle or motor vehicle designed to carry hazardous materials found to have been
9 driving a vehicle while under the influence of alcohol, dangerous drugs or similar
10 substances, as determined by the breath analyzer test provided in Section 5 hereof or
11 any of the chemical tests defined under this Act, shall be punished by automatic
12 revocation of driver's license and imprisonment of not less than one (1) month and one
13 (1) day but not more than one (1) year, at the discretion of the court.

14 Sec. 14. *Nationwide Information Campaign.* – Within one (1) month from the
15 promulgation of its implementing rules and regulations as provided under Section 16
16 hereof, the Philippine Information Agency (PIA), in coordination with the LTO, the local
17 government units (LGUs) and other concerned agencies, shall conduct a nationwide
18 Information, Education and Communication (IEC) campaign for the attainment of the
19 objectives of this Act.

20 Sec. 15. *Review of Penalties.* – The LTO shall, after five (5) years from the
21 effectivity of this Act and every five (5) years thereafter, review the applicability and
22 enforcement of all foregoing pecuniary penalties and shall initiate amendment and/or
23 upgrade the same as may be necessary, subject to the approval of the Secretary of the
24 Department of Transportation and Communications. *Provided,* That the increase in the
25 amount of fines shall in no case exceed twenty percent (20%) of the amount sought to
26 be amended.

27 Sec. 16. *Implementing Rules and Regulations.* – The LTO, in coordination with
28 the PNP, the Department of Health (DOH), the Philippine Drug Enforcement Agency
29 (PDEA) and other agencies with related functions, shall, within one (1) month from the
30 effectivity of this Act, promulgate the necessary implementing rules and regulations to
31 carry out its provisions.

32 Sec. 17. *Separability Clause* – If, for any reason, any part or provision of this Act
33 is declared invalid, such declaration shall not affect the other provisions of this Act.

1 Sec. 18. *Repealing Clause.* – Subparagraph (f), Section 56, Article 1 of Republic
2 Act No. 4136 otherwise known as the “Land Transportation and Traffic Code”. as
3 amended; subparagraph (f), Section 5 of Republic Act No. 7924 otherwise known as
4 “An Act Creating the Metropolitan Manila Development Authority, Defining its Powers
5 and Functions, Providing Funds Therefor and For Other Purposes” and all other laws,
6 orders, issuances, circulars, rules and regulations, or parts thereof, which are
7 inconsistent with any provision of this Act are hereby repealed or modified accordingly.

8 Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days following the
9 completion of its publication in the *Official Gazette* or in two (2) national newspapers of
10 general circulation.

11 Approved,