

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 900

05 MAY 2011

Submitted by the Committee on Transportation on _____

Re : House Bill No. 4571

Recommending its approval in substitution of HB No. 318, HB No. 788, HB No. 986, HB No. 1277, HB No. 1586, HB No. 2136, HB No. 3302 and HB No. 3445

Sponsor/s: Reps. Roger G. Mercado, Susan Yap, Aurelio D. Gonzales, Jr., Rep. Romeo Acop

Mr. Speaker:

The Committee on Transportation to which were referred House Bill No. 318 introduced by Rep. Susan A. Yap, entitled:

“AN ACT REGULATING THE USE OF MOBILE PHONE WHILE DRIVING, PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR OTHER PURPOSES”

House Bill No. 788 introduced by Rep. Aurelio D. Gonzales, Jr., entitled:

“AN ACT REGULATING THE USE OF HAND-HELD CELLULAR PHONES WHILE DRIVING AND FOR OTHER PURPOSES”

House Bill No. 986/1277 introduced by Rep. Augusto L. Syjuco, Jr., entitled:

“AN ACT REGULATING THE USE OF HANDHELD CELLULAR PHONES BY MOTORISTS”

House Bill No. 1586 introduced by Diosdado Macapagal Arroyo and Gloria Macapagal-Arroyo, entitled:

“AN ACT AN ACT REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION DEVICE WHILE DRIVING AND FOR OTHER PURPOSES”

House Bill No. 2136 introduced by Rep. Irwin C. Tieng, entitled:

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

House Bill No. 3302 introduced by Rep. Romeo M. Acop, entitled:

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

House Bill No. 3445 introduced by Rep. Ma. Theresa B. Bonoan-David, entitled:

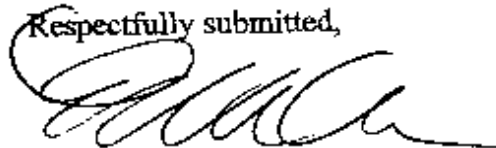
"AN ACT REGULATING THE USE OF CELLULAR PHONE WHILE DRIVING AND PROVIDING PENALTIES IN VIOLATION THEREOF"

has considered the same and recommends that the attached House Bill No. ~~4571~~ entitled:

"AN ACT REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION DEVICES WHILE DRIVING AND FOR OTHER PURPOSES"

be approved in substitution of HB No. 318, HB No. 788, HB No. 986/1277, HB No. 1586, HB No. 2136, HB No. 3302 and HB No. 3445 with Representatives Susan A. Yap, Aurelio D. Gonzales, Jr., Augusto L. Syjuco, Jr., Diosdado Macapagal Arroyo, Gloria Macapagal Arroyo, Irwin C. Tieng, Michael Velarde, Romeo M. Acop, Ma. Theresa B. Bonoan-David, Roger G. Mercado, Eric G. Singson, Jr., Francisco T. Matugas and Andres D. Salvacion, Jr. as authors thereof.

Respectfully submitted,



HON. ROGER G. MERCADO

Chairman

Committee on Transportation

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**FIFTEENTH CONGRESS
First Regular Session**

House Bill No. 4571

(In substitution of HB No. 318, HB No. 788, HB No. 986, HB No. 1277, HB No. 1586, HB No. 2136, HB No. 3302 and
HB No. 3445)

Introduced by Reps. Susan A. Yap, Aurelio D. Gonzalez, Jr., Augusto Syjuco, Jr.,
Diosdado Macapagal Arroyo, Gloria Macapagal Arroyo, Irwin Tieng, Michael Velarde,
Romeo M. Acop, Ma. Theresa B. Bonoan-David and Roger G. Mercado

**AN ACT
REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION
DEVICES WHILE DRIVING 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 “Anti-Mobile
2 Communication Devices Use While Driving Act of 2011.”

3 **Sec. 2. Declaration of Policy.** – It is hereby declared the policy of the State
4 to safeguard its citizenry from the ruinous and extremely injurious effects of
5 vehicular accidents.

6 While the State recognizes the vital role of information and
7 communications technology in nation-building, the State also promotes the safety
8 of the public from the acts of persons which have become inimical in the exercise
9 and enjoyment of these rights and to regulate such acts.

10 Towards this end, it shall pursue a more proactive and preventive
11 approach to secure the safety of motorists, their passengers and pedestrians at
12 all times by banning the use of mobile communication devices by motorists while
13 driving or operating a moving motor vehicle.

14 **Sec. 3. Definition of Terms.** – As used in this Act, the term:

15 a) *Diplomatic motor vehicle* refers to any motor vehicle leased or owned by a
16 foreign mission and its staff for their official use;

- 1 b) *Government motor vehicle* refers to any motor vehicle owned by the national
2 government or any of its agencies, instrumentalities or political subdivisions,
3 including government-owned or -controlled corporations or their subsidiaries
4 for official use;
- 5 c) *Implementing agency* refers to the Department of Transportation and
6 Communications (DOTC) – Land Transportation Office (LTO);
- 7 d) *Mobile communication devices* refer to electronic communication equipment
8 such as, but not limited to, cellular phones, i-phones, wireless telephones,
9 two-way radio transceivers, walkie-talkie, pagers and beepers capable of
10 transmitting, receiving, or both, of encrypted data and/or signals through
11 wireless, electronic or any other similar means;
- 12 e) *Motor vehicle* refers to engine-driven vehicles such as, but not limited to,
13 automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;
- 14 f) *Motorist* refers to a person driving a motor vehicle;
- 15 g) *Private motor vehicle* refers to any motor vehicle owned by individuals and
16 juridical persons for private use;
- 17 h) *Public motor vehicle* refers to a motor vehicle issued by the Land
18 Transportation Franchising and Regulatory Board (LTFRB) to operate as a
19 public utility vehicle or any vehicle for hire; and
- 20 i) *Using a mobile communication device* refers to the act of making a call,
21 receiving a call or the act of composing, sending or viewing of text and multi-
22 media messages, including the act of doing internet and other similar
23 functions;

24 **Sec. 4. *Ban on the Use of Mobile Communication Devices while Driving.* –**
25 **To ensure public safety, it shall be unlawful for any person to use hand-held**
26 **mobile communication device while driving a private or public motor vehicle.**

27 **Sec. 5. *Extent of Coverage.* –** Wheeled agricultural machineries such as
28 tractors and construction equipment such as graders, rollers, backhoes,
29 payloaders, cranes, bulldozers, mobile concrete mixers and the like, and other
30 forms of conveyances such as bicycles, pedicabs, *habal-habal*, trolleys, *kutiglig*,
31 wagons, carriages, carts, sledges, chariots or the like, whether animal or human-

1 powered, are covered by the provisions of this Act as long as the same are
2 operated or driven in public thoroughfares, highways or streets or under
3 circumstances where public safety is under consideration.

4 Sec. 6. *Exemptions.* – The ban shall not be imposed if the motorist
5 concerned uses a mobile communication device with the aid of a hands-free
6 device such as but not limited to a speaker phone, earphones and microphones
7 or other similar device which allows a person to make and receive calls without
8 having to hold the mobile communication device. The provisions of this Act shall
9 not apply to persons performing urgent, emergency and official functions where
10 such limitations will result to greater injury or impair the performance thereof.

11 Sec. 7. *Nationwide Public Information Campaign.* – The DOTC-LTO, in
12 coordination with the Philippine Information Agency (PIA), the Department of
13 Education (DepEd) the Department of Interior and Local Government (DILG)-
14 Philippine National Police (PNP) and private agencies and organizations, shall
15 undertake a nationwide information, education and communication (IEC)
16 campaign for a period of six (6) months from the effectivity of this Act.

17 Sec. 8. *Penalties.* – Any person who shall violate any provision of this Act
18 shall be punishable by:

19 (a) First Offense – a fine of One Thousand Pesos (P1,000.00)

20 (b) Second Offense – a fine of Three Thousand Pesos (P3,000.00)

21 (c) Third Offense – a fine of Five Thousand Pesos (P5,000.00) and
22 suspension of driver's license for three (3) months; and

23 (d) Fourth and succeeding Offenses – a fine of Five Thousand Pesos
24 (P5,000.00) but not more than Ten Thousand Pesos (P10,000.00) and
25 revocation of driver's license.

26 *Provided,* That the implementing agency may increase the amount of fine
27 herein imposed once every three (3) years in the amount not exceeding ten
28 percent (10%) of the existing rates sought to be increased.

29 The foregoing penalties shall be without prejudice to the other liabilities
30 under the Revised Penal Code or any Special Law, arising out or on occasion of
31 the herein prohibited acts.

1 Sec. 9. *Assistance by Other Agencies.* – The Metro Manila Development
2 Authority (MMDA), the Philippine National Police (PNP) and other concerned
3 government agencies and instrumentalities shall render such assistance as
4 required by the implementing agency in order to effectively implement the
5 provisions of this Act.

6 Sec. 10. *Implementing Rules and Regulations.* – The DOTC-LTO shall
7 promulgate the necessary implementing rules and regulations within sixty (60)
8 days from the effectivity of this Act.

9 Sec. 11. *Separability Clause.* – If, for any reason, any part or provision of
10 this Act is declared invalid, such declaration shall not affect the other provisions
11 of this Act.

12 Sec. 12. *Repealing Clause.* – All laws, executive orders, issuances, rules
13 or regulations or parts thereof inconsistent with the provisions of this Act are
14 hereby repealed, amended, or modified accordingly.

15 Sec. 13. *Effectivity.* – This Act shall take effect (15) days after its complete
16 publication in the *Official Gazette* or in at least two (2) newspapers of general
17 circulation.

18 *Approved,*

FACT SHEET

House Bill No. 4571

(In Substitution of HB No. 318, HB No. 788, HB No. 986, HB No. 1277,
HB No. 1586, HB No. 2136, HB No. 3302 and HB No. 3445)
As Approved on September 29, 2010

AN ACT REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION DEVICE WHILE DRIVING AND FOR OTHER PURPOSES

*Introduced by: REPS. SUSAN A. YAP, AURELIO D. GONZALES, JR., AUGUSTO
SYJUCO, JR., DIOSDADO M. ARROYO, GLORIA MACAPAGAL-ARROYO, IRWIN
TIENG, MICHAEL VELARDE, ROMEO M. ACOP, MA. THERESA B. BONOAN-DAVID
AND ROGER G. MERCADO*

Committee Referral: TRANSPORTATION

Committee Chairperson: HON. ROGER G. MERCADO

OBJECTIVE:

- To regulate the use of mobile communications devices while driving a motor vehicle and to provide penalties for violation thereof in order to promote road safety.

KEY PROVISIONS:

- Defines the term mobile communications device and what constitutes the act of using the same;
- Prohibits the drivers the use of mobile communications equipment while driving a motor vehicle;
- Exempts a driver of a motor vehicle who uses the mobile communications device with the aid of hands-free devices allowing him to communicate without having to hold the same as well a persons performing urgent, emergency and official functions where such limitations will result to greater injury or impair the performance thereof;
- Requires the implementing agency, the Department of Transportation and Communications (DOTC) - Land Transportation Office (LTO), in coordination with the government agencies with related functions as well as the private sectors, to undertake a nationwide information, education

and communication campaign for a period of six (6) months from its effectivity;

- Provides pecuniary fines and penalties which include the suspension and revocation of driver's license for violation of its provisions;
- Allows the implementing agency to increase the fines in the amount not exceeding 10% of the rates that it seeks to increase;
- Mandates the Metropolitan Manila Development Authority (MMDA), the Philippine National Police (PNP) and other government agencies and instrumentalities to render assistance to the implementing agency to carry out its effective implementation;
- Puts under its coverage wheeled agricultural machineries, construction equipment and other forms of conveyances, regardless whether machine, animal or human-powered as long as operated or driven in public thoroughfares under circumstances where public safety is under consideration; and
- Requires the implementing agency to promulgate the necessary implementing rules and regulations within 60 days from its effectivity.

FIFTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 318



Introduced by Representative Susan A. Yap

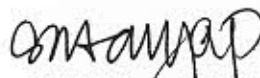
EXPLANATORY NOTE

A road incidental report prepared by the Philippines Global Road Safety Partnership (PGRSP) and the Philippine National Police (PNP) showed that cell phone-related accidents significantly jumped from 70 cases in 2008 to 491 in 2009. This translates to an increase of 601 percent in road accidents involving motorists using cellular phones while driving. The PGRSP-PNP report showed that the total number of road-related deaths reached 624 last year, including accidents involving motorists using cellular phones while driving.

While cellular phones have become an integral part of both our business and personal lives, the alarming figures on cell phone-related accidents transform this technological gadget into a dangerous device. The danger is not only to the lives and limbs of the general driving public but also to the innocent pedestrians.

Since the necessity of using mobile phones does not prevail over the need to ensure road safety this bill proposes to regulate the use of mobile phones while driving through promoting hands free devices so that drivers may not be distracted while driving. It promotes the responsible use of cellular phones while driving and promotes driver awareness of the dangers of road traffic.

In view of the foregoing, passage of this bill is urgently requested.


SUSAN A. YAP

Representative, 2nd District of Tarlac

FIFTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 318

Introduced by Representative Susan A. Yap

AN ACT
REGULATING THE USE OF MOBILE PHONE WHILE DRIVING,
PROVIDING PENALTIES IN VIOLATION THEREOF AND FOR
OTHER PURPOSES

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

Section 1. Declaration of Policy. - It is the policy of the State to maintain peace and order, protect life, liberty and property, and promote the general welfare of the people.

While the State recognizes the vital role of communication and information in nation-building, the State puts premium on the life and safety of its citizens by regulating the use of communication gadgets.

Sec. 2. Definition of Terms. - As used in this Act, the following terms shall mean:

a) **Cellular Phone** - is a portable electronic device used for mobile voice or data communication over a network of specialized base stations known as cell sites. In addition to the standard voice function of a cellular phone, current mobile phones may support many additional services and accessories, such as SMS for text messaging, email, packet switching for access to the internet, gaming, bluetooths, infrared, camera with video recorder and MMS for sending and receiving photos and videos.

b) **Text Messages** - Means the use of message sending by pressing the keypad of the cellular phone in composing a message and sending it through the phone;

c) **Accessories** - means the device or apparatus that can be connected to the cellular phone such as, but not limited to earphones, microphones, jacks, which are capable of sending, receiving, storing or otherwise processing messages from other modes of communication.

Sec. 3. Use of Cellular Phone While Driving. -To carry out the above-mentioned policy, the use of mobile phones for text messaging and/or for dial-up communication shall be allowed while driving all types of vehicles: *Provided, That,* different hands-free accessories shall be connected therein.

1 This section does not apply to a person using a wireless telephone for emergency
2 purposes, including but not limited to, an emergency call to a law
3 enforcement agency, health care provider, fire department, or other emergency services
4 agency or entity.
5

6 This section does not also apply to emergency services professional using a
7 wireless telephone while operating an authorized emergency vehicle, in the course and
8 scope of higher duties.
9

10 **Sec. 4. *Penal Provision*** - Violation of this Act shall be punishable by:
11

- 12 (a) First Offence - fine of Three Thousand Pesos (P 3,000.00);
13 (b) Second Offense - fine of Five Thousand Pesos (P 5,000.00);
14 (c) Third and succeeding Offenses - a fine of not less than Five Thousand Pesos
15 (P 5,000.00) but not more than Ten Thousand Pesos (P 10,000.00) and/or imprisonment
16 of not more than one (1) year at the discretion of the Court.
17

18 **Sec. 5. *Separability Clause*** - If any part, section, or provision of this Act shall be
19 held invalid or unconstitutional, the other provisions shall not be affected thereby.
20

21 **Sec. 6. *Repealing Clause*** - All laws, decrees, orders, issuances, rules and
22 regulations or parts thereof inconsistent with the provisions of this Act are hereby
23 repealed, amended, or modified accordingly.
24

25 **Sec. 7. *Effectivity*** This Act shall take effect fifteen (15) days after its publication
26 in at least two (2) national newspapers of general circulation,
27

28 Approved,

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

H. No. 788

Introduced by Representative Aurelio "Dong" D. Gonzales, Jr.

AN ACT REGULATING THE USE OF HAND- HELD CELLULAR PHONES
WHILE DRIVING AND FOR OTHER PURPOSES

EXPLANATORY NOTE

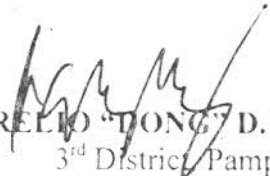
Cellular phones and similar mobile communication devices have become an almost indispensable part of Filipino life. Its use and importance in business, communication, and entertainment cannot be denied.

However, operating the device in some instances and situations pose not only inconvenience to other people but danger as well. One such situation is when people operate these devices while driving their motor vehicles.

A study published in the New England Journal of Medicine found that collision rates for drivers using hand held cell phones were roughly the same as for drivers who were legally drunk.

While some cities have enacted local ordinances prohibiting its use by drivers, there is a need to institute a similar measure on a nationwide scale to protect life, limb and property.

In view of the foregoing and in the interest of public safety, Immediate passage of this measure is therefore requested.


REP. AURELIO "DONG" D. GONZALES, JR.
3rd District Pampanga

HOUSE OF REPRESENTATIVES

Filed _____ 788

Introduced by Representative Aurelio "Dong" D. Gonzales, Jr.

AN ACT REGULATING THE USE OF HAND- HELD CELLULAR PHONES
WHILE DRIVING AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* – This Act shall be known as the “Anti-Mobile Communication Devices Use While Driving Act of 2010”.

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to safeguard its citizenry from the ruinous and extremely injurious effects of vehicular accidents. Towards this end, it shall pursue a more proactive and preventive approach to secure the safety of motorists, their passengers and pedestrians at all times through the banning of the use of hand held cellular phones by motorists on board a moving motor vehicle.

SECTION 3. *Definition of Terms.* – As used in this act, the term:

- (a.) “Mobile Communications Devices” shall refer to electronic communication equipment, such as, but not limited to cellular/smart phones, Personal Digital Assistants (PDAs), cordless telephone, two-way radio transceivers, handsets, walkie-talkie, pager and beepers, capable of transmitting, receiving or both of voice and data communication through wireless, Bluetooth, infrared or other similar electronic means;
- (b.) “Using a mobile communication device” shall refer to the act of making a call, receiving a call or the act of composing, sending or viewing of text and multi-media messages, and photo and video recording, including the act of using the Internet and other similar functions with the use of mobile communication devices as herein defined;
- (c.) “motorist” shall refer to a person driving a motor vehicle;
- (d.) “motor vehicle” shall refer engine-driven vehicles such as, but not limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;
- (e.) “private motor vehicle” shall refer to any of the following:
 - 1.) Any motor vehicle owned by individuals and juridical persons for private use;

- 2.) Any motor vehicle owned by the National Government or any of its agencies, instrumentalities or political subdivisions, including government owned or -controlled corporations or their subsidiaries for official use; and
- 3.) Any diplomatic vehicle.

- (f.) "public motor vehicle" shall refer to public utility vehicle or vehicle for hire.
- (g.) "Implementing Agency" shall refer to the Department of Transportation and Communications (DOTC) - Land Transportation Office (LTO)

SECTION 4. *Ban on the Use of Mobile Communication Devices While Drivings.* - To ensure public safety, it shall be unlawful for any person to use a mobile communication device while driving a private or public motor vehicle.

SECTION 5. *Exemption.* - The ban shall not be imposed if the motorist concerned uses a mobile communication device with the aid of a hands-free device or speaker phone or other similar device which allows a person to make and receive calls without having to hold the mobile communication device. The provisions of this Act shall not apply to persons performing emergency and official functions where such limitations will result to greater injury or impair the performance thereof.

SECTION 6. *Nationwide Public Information Campaign.* - The DOTC and/or LTO, in coordination with the Philippine Information Agency (PIA), Department of Education (DepEd), the Philippine National Police and private agencies and organizations, shall undertake a nationwide Information, Education and Communication (IEC) campaign for a period of six (6) months from the effectivity of this Act.

SECTION 7. *Penalty.* - Any person who shall violate any provision of this Act shall be punishable by: In the enforcement of this Act, the LTO shall impose the corresponding fines and penalties, which shall be based on the following:

1. First offense - a fine of One Thousand Pesos (P 1,000.00);
2. Second offense - a fine of Three Thousand Pesos (P 3,000.00);
3. Third Offense - a fine of Five Thousand Pesos (P 5,000.00) and suspension of driver's license for three (3) months;
4. Fourth and succeeding offenses - a fine of Five Thousand Pesos (P 5,000.00) up to Ten Thousand Pesos (P 10,000.00) and revocation of driver's license.

Provided, that the implementing agency may increase the amount of fine herein imposed once every three (3) years in the amount not exceeding ten percent (10%) of the existing rates sought to be increased.

SECTION 8. *Assistance by Other Agencies.* - The Metro Manila Development Authority (MMDA), PNP and other concerned government

agencies and instrumentalities shall render such assistance as required by the implementing agency in order to effectively implement the provisions of this Act.

SECTION 9. *Miscellaneous Provisions.* – Wheeled agricultural machineries such as tractors and construction equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers, mobile concrete mixers and the likes, other forms of conveyances such as bicycles, pedicabs, habal-habla, trolley, kuliglig, wagos, carriages, carts, sledges, chariots or the likes, whether animal or human-powered, are covered by the provisions of this Act as long as the same are operated or driven in public thoroughfares, highways or streets or under circumstances where public safety is under consideration.

SECTION 10. *Implementing Rules and Regulations.* – The DOTC-LTO shall promulgate the necessary Implementing Rules and Regulations within 60 days from the effectivity of this Act.

SECTION 11. *Separability Clause.* – If any provision, or part of hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 12. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or any part thereof, which are inconsistent herewith are hereby repealed, amended or modified accordingly.

SECTION 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation in the Philippines.

Approved.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 986

Introduced by REP. AUGUSTO BOBOY SYJUCO

EXPLANATORY NOTE

The cellular phone has become an indispensable part of our lives. Though it continues to be a symbol of one's position in society, its importance has spread in the lower strata of our social structure. That it has gained prominence in the Filipinos' lives is mirrored in our being dubbed as the "Text Capital of the World".

With the beneficial effects of cellular phones though come the concomitant problems associated with its use, particularly with regard to safety concerns connected with its use by motorists while on board moving motor vehicles. Not a few have voiced their concern about the accidents that they may befall one using this gadget while driving a vehicle. This concern resulted in the enactment by some cities of ordinances prohibiting the said practice.

The concern is well placed. This practice poses risks to the life and limb not only of the motorists but also of pedestrians or innocent by – standers who happen to be at wrong place at the wrong time. Hence, there is a need for a nationwide effort to ban this altogether.

In view of the above, approval of this proposed measure is earnestly sought.


AUGUSTO BOBOY SYJUCO
2nd District, Province of Iloilo

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 986

Introduced by REP. AUGUSTO BOBOY SYJUCO

AN ACT
REGULATING THE USE OF HANDHELD CELLULAR PHONES BY
MOTORISTS

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

SECTION 1. Title. – This Act shall be known and cited as the “The Cellular Safety Act”.

SEC. 2. Declaration of Policy. – It is declared the policy of the State to promote the safety of its citizens from the injurious effects of vehicular accidents caused by the use of handheld cellular phones by motorists while on board a moving motor vehicle.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- a) *Handheld cellular phone* – refers to a cellular phone without the aid of a hands – free device or a contraption of similar nature;
- b) *Use of handheld cellular phone* – refers to the act of calling, receiving a call or the sending and receiving of text and/or picture messages;
- c) *Motorist* – refers to the driver of the motor vehicle;
- d) *Moving motor vehicle* – refers to both private and public motor vehicle with the engine running and operating on any road, thoroughfare or street;
- e) *Private motor vehicle* – refers to the following;
 - 1. Any motor vehicle owned by individuals and juridical persons for private and official use;
 - 2. Any motor vehicle owned by the National Government or any of its agencies, instrumentalities or political subdivisions, including government – owned – or controlled corporations or their subsidiaries; and,
 - 3. Any diplomatic vehicle.

f) *Public motor vehicle* – refers to public utility vehicle or vehicle for hire.

SECTION 4. *Ban on the Use of Handheld Cellular Phones.* – No motorist on board a moving motor vehicle may use a handheld cellular phone.

SECTION 5. *Exemption.* – A motorist who uses a hands-free or speaker phone device or other similar contraptions which allow a person to make and/or receive calls without having to hold the cellular phone shall not be covered by this ban.

SECTION 6. *Implementation.* – The Land Transportation Office (LTO) is the lead agency in the implementation of this Act. It shall, with the assistance of the National Telecommunications Commission and other concerned agencies, promulgate the necessary implementing Rules and Regulations of this Act.

SECTION 7. *Fines and Penalties.* – In the enforcement of this Act, the following fines and penalties shall be imposed:

- a) First Violation – a minimum fine of One Hundred Pesos (P100.00) but no to exceed One Thousand Pesos (P1,000.00);
- b) Second Violation – a minimum fine of Two Hundred Pesos (P200.00) but not to exceed Two Thousand Pesos (P2,000.00); and,
- c) Third and succeeding violations – a minimum fine of Five Hundred Pesos (P500.00) but not to exceed Five Thousand Pesos (P5,000.00) and suspension of driver's license for three (3) months.

SECTION 8. *Nationwide Public Information Campaign.* – The LTO, in coordination with the Philippine Information Agency (PIA), Department of Education, Culture and Sports (DECS) and private agencies and organizations shall undertake a regular nationwide information campaign for the attainment of the objectives of this Act.

SECTION 9. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remainder shall remain valid and subsisting.

SECTION 10. *Repealing Clause.* – All laws, decrees, orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 11. *Effectivity.* - This Act shall take effect upon its approval.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 1277

Introduced by REP. AUGUSTO BOBOY SYJUCO

EXPLANATORY NOTE

The cellular phone has become an indispensable part of our lives. Though it continues to be a symbol of one's position in society, its importance has spread in the lower strata of our social structure. That it has gained prominence in the Filipinos' lives is mirrored in our being dubbed as the "Text Capital of the World".

With the beneficial effects of cellular phones though come the concomitant problems associated with its use, particularly with regard to safety concerns connected with its use by motorists while on board moving motor vehicles. Not a few have voiced their concern about the accidents that they may befall one using this gadget while driving a vehicle. This concern resulted in the enactment by some cities of ordinances prohibiting the said practice.

The concern is well placed. This practice poses risks to the life and limb not only of the motorists but also of pedestrians or innocent by – standers who happen to be at wrong place at the wrong time. Hence, there is a need for a nationwide effort to ban this altogether.

In view of the above, approval of this proposed measure is earnestly sought.


AUGUSTO BOBOY SYJUCO
2nd District, Province of Iloilo

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 1277

Introduced by REP. AUGUSTO BOBOY SYJUCO

**AN ACT
REGULATING THE USE OF HANDHELD CELLULAR PHONES BY
MOTORISTS**

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

SECTION 1. Title. – This Act shall be known and cited as the “The Cellular Safety Act”.

SEC. 2. Declaration of Policy. – It is declared the policy of the State to promote the safety of its citizens from the injurious effects of vehicular accidents caused by the use of handheld cellular phones by motorists while on board a moving motor vehicle.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- a) *Handheld cellular phone* – refers to a cellular phone without the aid of a hands – free device or a contraption of similar nature;
- b) *Use of handheld cellular phone* – refers to the act of calling, receiving a call or the sending and receiving of text and/or picture messages;
- c) *Motorist* – refers to the driver of the motor vehicle;
- d) *Moving motor vehicle* – refers to both private and public motor vehicle with the engine running and operating on any road, thoroughfare or street;
- e) *Private motor vehicle* – refers to the following;
 - 1. Any motor vehicle owned by individuals and juridical persons for private and official use;
 - 2. Any motor vehicle owned by the National Government or any of its agencies, instrumentalities or political subdivisions, including government – owned – or controlled corporations or their subsidiaries; and,
 - 3. Any diplomatic vehicle.

f) *Public motor vehicle* – refers to public utility vehicle or vehicle for hire.

SECTION 4. *Ban on the Use of Handheld Cellular Phones.* – No motorist on board a moving motor vehicle may use a handheld cellular phone.

SECTION 5. *Exemption.* – A motorist who uses a hands-free or speaker phone device or other similar contraptions which allow a person to make and/or receive calls without having to hold the cellular phone shall not be covered by this ban.

SECTION 6. *Implementation.* – The Land Transportation Office (LTO) is the lead agency in the implementation of this Act. It shall, with the assistance of the National Telecommunications Commission and other concerned agencies, promulgate the necessary implementing Rules and Regulations of this Act.

SECTION 7. *Fines and Penalties.* – In the enforcement of this Act, the following fines and penalties shall be imposed:

- a) First Violation – a minimum fine of One Hundred Pesos (P100.00) but no to exceed One Thousand Pesos (P1,000.00);
- b) Second Violation – a minimum fine of Two Hundred Pesos (P200.00) but not to exceed Two Thousand Pesos (P2,000.00); and,
- c) Third and succeeding violations – a minimum fine of Five Hundred Pesos (P500.00) but not to exceed Five Thousand Pesos (P5,000.00) and suspension of driver's license for three (3) months.

SECTION 8. *Nationwide Public Information Campaign.* – The LTO, in coordination with the Philippine Information Agency (PIA), Department of Education, Culture and Sports (DECS) and private agencies and organizations shall undertake a regular nationwide information campaign for the attainment of the objectives of this Act.

SECTION 9. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remainder shall remain valid and subsisting.

SECTION 10. *Repealing Clause.* – All laws, decrees, orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 11. *Effectivity.* - This Act shall take effect upon its approval.

Approved,

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**FIFTEENTH CONGRESS
First Regular Session**

House Bill No. 1586

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

**AN ACT
REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION
DEVICE WHILE DRIVING AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Mobile communication devices have now become a necessity for everybody. These include a wide array of devices from cellular phones, i-phones, wireless telephones, two-way radio transceivers, walkie-talkie, pagers and beepers, and others capable of transmitting, receiving or both encrypted data and/or signals through wireless, electronic or any other similar means. In the Philippines, one dominant mobile communication device used by all ages and economic classes is the cellular phone. These phones are considered a necessity given the limitless advantages it gives its owners. Voice calls and the use of text messaging, or the short message service (SMS), which is a common feature of modern mobile phones, are only among the leading reasons why people in the country coming from all walks of life have their own mobile phones. Time and again, we have been cited in various international and local high-tech gadgets magazines as the texting capital of the world given our fascination with this kind of mobile technology.

But the use of such technology, despite the many conveniences and advantages it gives us, does not supersede the more important need of ensuring road safety. Reports have proven that the irresponsible use of mobile communication devices while driving causes distraction among drivers and have led to accidents and the unnecessary loss of lives.

This proposed measure seeks to address such a pressing concern by regulating the use of such devices while driving by promoting hands-free devices to avoid distracting drivers while on the road.

In view of the following reasons, the immediate passage of this bill is earnestly requested.


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur


GLORIA MACAPAGAL ARROYO
Second District, Pampanga

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1586

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION
DEVICE WHILE DRIVING AND FOR OTHER PURPOSES

*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 “Anti-Mobile
Communication Devices Use While Driving Act of 2010.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the
State to safeguard its citizenry from the ruinous and extremely injurious effects of
vehicular accidents. Towards this end, it shall pursue a more proactive and
preventive approach to secure the safety of motorists, their passengers and
pedestrians at all times by banning the use of mobile communication devices by
motorists while driving or operating a moving motor vehicle.

SECTION 3. *Definition of Terms.* – As used in this Act, the term:

- a) **Mobile communication devices** shall refer to electronic
communication equipment such as, but not limited to, cellular
phones, i-phones, wireless telephones, two-way radio transceivers,
walkie-talkie, pagers and beepers, capable of transmitting,
receiving or both encrypted data and/or signals through wireless,
electronic or any other similar means;

- b) **Using a mobile communication device** shall refer to the act of making a call, receiving a call or the act of composing, sending or viewing of text and multi-media messages, including the act of doing internet and other similar functions;
- c) **Motorist** shall refer to a person driving a motor vehicle;
- d) **Motor vehicle** shall refer to engine-driven vehicles such as, but not limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;
- e) **Private motor vehicle** shall refer to any motor vehicle owned by individuals and juridical persons for private use;
- f) **Government motor vehicle** shall refer to any motor vehicle owned by the national government or any of its agencies, instrumentalities or political subdivisions, including government-owned or -controlled corporations or their subsidiaries for official use;
- g) **Diplomatic motor vehicle** shall refer to any motor vehicle used by a diplomat working in an embassy;
- h) **Public motor vehicle** shall refer to a motor vehicle issued by the Land Transportation Franchising and Regulatory Board (LTFRB) to operate as a public utility vehicle or any vehicle for hire; and
- i) **Implementing agency** shall refer to the Department of Transportation and Communications (DOTC) – Land Transportation Office (LTO).

SECTION 4. *Ban on the Use of Mobile Communication Devices while Driving.* – To ensure public safety, it shall be unlawful for any person to use hand-held mobile communication device while driving a private or public motor vehicle.

SECTION 5. *Exemptions.* – The ban shall not be imposed if the motorist concerned uses a mobile communication device with the aid of a hands-free device or speaker phone or other similar device which allows a person to make and receive calls without having to hold the mobile communication device. The provisions of this Act shall not apply to persons performing urgent, emergency and official functions where such limitations will result to greater injury or impair the performance thereof.

SECTION 6. *Nationwide Public Information Campaign.* – The DOTC-LTO, in coordination with the Philippine Information Agency (PIA), the Department of

Education (DepED), the Department of Interior and Local Government (DILG)-Philippine National Police (PNP) and private agencies and organizations, shall undertake a nationwide information, education and communication (IEC) campaign for a period of six (6) months from the effectivity of this Act.

SECTION 7. *Penalties.* – Any person who shall violate any provision of this Act shall be punishable by:

- (a) First Offense – a fine of One Thousand Pesos (P1,000.00)
- (b) Second Offense – a fine of Three Thousand Pesos (P3,000.00)
- (c) Third Offense – a fine of Five Thousand Pesos (P5,000.00) and suspension of driver's license for three (3) months; and
- (d) Fourth and succeeding Offenses – a fine of Five Thousand Pesos (P5,000.00) but not more than Ten Thousand Pesos (P10,000.00) and revocation of driver's license.

Provided, That the implementing agency may increase the amount of fine herein imposed once every three (3) years in the amount not exceeding ten percent (10%) of the existing rates sought to be increased.

SECTION 8. *Assistance by Other Agencies.* – The Metro Manila Development Authority (MMDA), the Philippine National Police (PNP) and other concerned government agencies and instrumentalities shall render such assistance as required by the implementing agency in order to effectively implement the provisions of this Act.

SECTION 9. *Miscellaneous Provisions.* – Wheeled agricultural machineries such as tractors and construction equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers, mobile concrete mixers and the like, and other forms of conveyances such as bicycles, pedicabs, *habal-habal*, trolleys, *kuliglig*, wagons, carriages, carts, sledges, chariots or the like, whether animal or human-powered, are covered by the provisions of this Act as long as the same are operated or driven in public thoroughfares, highways or streets or under circumstances where public safety is under consideration.

SECTION 10. *Implementing Rules and Regulations.* – The DOTC-LTO shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SECTION 11. *Separability Clause.* – If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect the other provisions of this Act.

SECTION 6. *Repealing Clause.* – All laws, executive orders, issuances, rules or regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 7. *Effectivity.* – This Act shall take effect (15) days after its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

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

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

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,



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

Fifteenth Congress

First Regular Session

3302

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

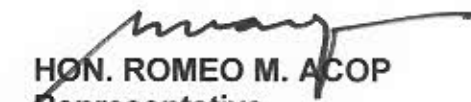
EXPLANATORY NOTE

'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



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

Fifteenth Congress

First Regular Session

House Bill No. 3302

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

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.

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE of REPRESENTATIVES
House Bill No. **3445**

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

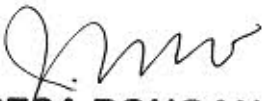
EXPLANATORY NOTE

This bill seeks to regulate the use of cellular phones while driving. As we know, cellular phones have now become a necessity for everybody. All sectors of society, of all ages and classes, have their own mobile phones. This has also resulted to the prevalence of the use of text messaging, or the short message service (SMS), a common feature of modem mobile phones. In addition, the Philippines has been known to be the texting capital of the world.

Then again, the necessity of using mobile phones does not prevail over the need to ensure road safety. There have been reports that using mobile phones while driving causes distraction among drivers resulting to road accidents which destroys property, and in some instance, loss of life. This bill seeks to address such concern. It proposes to regulate the use of mobile phones while driving through promoting hands free devices so that drivers may not be distracted while driving.

Road safety is of prime importance. Thus, passage of this bill is earnestly requested.

This is a House of Representative counterpart bill to one filed in the Senate by Senator Ramon Bong Revilla, Jr.


MA. THERESA BONOAN-DAVID
4th District, City of Manila

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE of REPRESENTATIVES
House Bill No. ~~3445~~

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

**AN ACT REGULATING THE USE OF CELLULAR PHONE WHILE
DRIVING AND PROVIDING PENALTIES IN VIOLATION THEREOF**

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

Section 1. Declaration of Policy. - It is the policy of the State to maintain peace and order, protect life, liberty and property, and promote the general welfare of the people.

While the State recognizes the vital role of communication and information in nation-building, the State puts premium on the life and safety of its citizens by regulating the use of communication gadgets.

Sec. 2. Definition of Terms. -As used in this Act, the following terms shall mean:

- a) Cellular Phone is a portable electronic device used for mobile voice or data communication over a network of specialized base stations known as cell sites;
- b) Short Message Service (SMS) is a communications protocol allowing the interchange of short text messages between phone devices;
- c) Accessories means the devise or apparatus that can be connected to the cellular phone such as, but not limited to earphones, microphones, jacks, which are capable of sending, receiving, storing or otherwise processing messages from other gadgets of communication.

Sec. 3. Use of Cellular Phone While Driving. - To carry out the abovementioned policy, the use of mobile phones for text messaging and/or for dial-up communication while driving all types of vehicles shall be allowed provided, that appropriate hands-free accessories shall be installed therein.

Sec. 4. Penal Provision - Violation of this Act shall be punishable by:

(a) First Offense - fine of Three Thousand Pesos (P 3,000.00);

(b) Second Offense - fine of Five Thousand Pesos (P 5,000.00);

(c) Third and succeeding Offenses - a fine of not less than Five Thousand Pesos (P 5,000.00) but not more than Ten Thousand Pesos (P10,000.00) and/or imprisonment of not more than one (1) year at the discretion of the Court.

Sec. 5. Separability Clause. - If any part, section, or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

Sec. 6. Repealing Clause. - All laws, decrees, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 7. Effectivity. - This Act shall take effect (15) days after its complete publication in at least two (2) newspapers of national circulation.

Approved.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
 Quezon City

COMMITTEE ON TRANSPORTATION

**MINUTES OF THE MEETING OF THE COMMITTEE ON TRANSPORTATION HELD
 ON JANUARY 26, 2011, AT CONFERENCE ROOMS 7 & 8, MITRA BUILDING,
 HOUSE OF REPRESENTATIVES, QUEZON CITY**

RESOURCE PERSONS PRESENT:

P/Supt. Jeronimo Cabra	–	Dep. Opns. Officer, Highway Patrol Group
PS/Supt. Anselmo Pinili	–	Philippine National Police
PS/Insp. Amado Gazmin	–	Legal Service, PNP
Engr. Froilan Jamias	–	National Telecommunications Commission
Mr. Eliseo Salvador	–	Philippine Information Agency
Dir. Dennis Singzon	–	Land Transportation Office
Atty. Rosario Elena Cuevas	–	Senior State Counsel, Department of Justice
Asst. Dir. Mariano Gambito	–	Department of Interior and Local Government
Ms. Ma. Corazon Japson	–	Development Officer, DOTC
Mr. Alberto Suansing	–	Consultant, DOTC
Mr. Emerson Carlos	–	Asst. Gen. Mngr., MMDA
Ms. Grace Clavecilla	–	Smart
Mr. Anthony Fernandez	–	Smart
Mr. Derek Lim	–	Globe

I. CALL TO ORDER

The meeting of the Committee on Transportation was called to order at around 9:45 am, with Chairman Roger G. Mercado, presiding.

II. ROLL CALL/ APPROVAL OF MINUTES OF PREVIOUS MEETING

On the motion of the Rep. Matugas, the calling of the roll was dispensed with. On his subsequent motion, the reading of the minutes of the previous meeting as well as its approval was carried.

III. ACKNOWLEDGEMENT OF GUESTS/RESOURCE PERSONS:

Before proceeding into the subject matter of the meeting, the Chair acknowledged the presence of the honorable members. Thereafter, the Chair directed the Committee Secretary to acknowledge the resource persons present.

IV. MEETING PROPER

A. MEASURES REGULATING THE USE OF CELLULAR/MOBILE PHONES WHILE DRIVING

The eight (8) measures before the Committee, HB No. 318; HB No. 788; HB No. 986; HB No. 1277; HB No. 1586; HB No. 2136; HB No. 3302; and HB No. 3445, call for the regulation of the use of mobile or cellular phones while driving a motor vehicle. In his preliminary remark, the Chair told the body the urgent need of having a measure that will regulate the use of mobile phones while driving a motor vehicle in order to reduce the alarming number of traffic accidents.

SPONSORSHIP SPEECHES OF THE AUTHORS

All the authors share a common stand as to the danger that a person poses when texting while driving a motor vehicle.

Hon. Gloria Macapagal-Arroyo, author of HB No. 1586, when recognized, told the body that the same measure was approved on third reading during the previous Congress. She added that the measure, if enacted into law, will help address destructive driving which, she said, is considered the next biggest cause of road accidents. Before terminating her manifestation, she elaborated and emphasized the other provisions of her bill particularly the public information campaign provision and the penal clause.

The author of HB No. 788, Hon. Aurelio Gonzales, stressed the need of passing the measure citing that many countries have banned the use of cellular phone while driving while in some countries, the same may be allowed provided that the driver makes use of hands-free devices.

When given the floor, Hon. Acop, author of HB No. 3302, informed the body that according to study, persons who use a mobile phone while driving are four times more likely to crash compare to those who are not using the device while driving. Before that, he told the body to consider his explanatory note in his bill as his sponsorship speech.

Hon. Tieng, author of HB No. 2136, reiterated that the same measure was already approved during the previous Congress. He said that he is amenable to the consolidation of the measures.

POSITION OF THE RESOURCES PERSONS

The measure received unanimous support of the resources persons present, from both the government and the private sectors.

The representatives of Globe and Smart expressed their support for the passage of the measure saying that the same will help the prevention of traffic accidents.

The representatives of the Philippine National Police (PNP), Land Transportation Office (LTO), Department of Transportation and Communications (DOTC), Department of Interior and Local Government (DILG) and Metropolitan Manila Development Authority (MMDA), when recognized, also expressed their full support of the passage of the measure.

On the part of the representative from the Philippine Information Agency (PIA) who also welcomed the proposal, the agency will help in implementing the provision of the measure relating to public information campaign. The DOJ representative, meanwhile, told the body that she finds the bill in order and without Constitutional infirmity.

ACTION OF THE COMMITTEE

On the recommendation of the Chair, Hon. Tieng moved for the adoption of HB No. 1586 as the reference bill for the Committee to come up with a substitute bill through the technical working group (TWG) and upon the assurance that the provisions in the other bills which are not found in the reference bill be incorporated in the substitute bill. The motion was approved after being duly seconded by Hon. Matugas.

B. OTHER MATTERS

Driving Under the Influence Act (DUIA) bill

In another development, Hon. Gloria Macapagal-Arroyo moved that the provision in the substitute DUIA bill allowing the LTO to retain the fines collected be deleted in order that the same may be reported out immediately by the Committee on Transportation without the need of soliciting the approval and comments of the Committee on Appropriations.

There being no objections, the motion was approved and the Chairman instructed the Secretariat to retrieve the DUIA bill from the Committee on Appropriations and take the necessary actions.

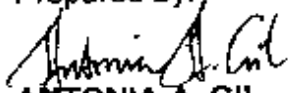
Rep. Salvacion's Concern

Rep. Salvacion made a follow up of his request for the documents pertaining to the records of the number registered motor vehicles in Region 8 which he requested during the consultative meeting in Ormoc, Leyte. He said that he needs the documents as reference particularly on the problem of *colurum* operations in the region. Responding to the request, Dir. Singzon of the LTO and former Assistant Secretary Alberto Suansing assured him to provide the requested documents.

V. ADJOURNMENT

There being no other matters to be discussed, the meeting was adjourned by at
Thurs. 10:30 a.m.

Prepared by:



ANTONIA A. GIL
Committee Secretary

Attested by:



HON. ROGER G. MERCADO
Chairman, Committee on Transportation