

SIXTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 400



Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

Based on reports gathered by the Philippine National Police-Highway Patrol Group (PNP-HPG), 80 road accidents caused by the use of mobile phones were documented in 2007, it ballooned to 491 in 2009 and rose to 608 in 2010.

While cellular phones have become an integral part of both business and personal lives, the alarming figures on cell phone-related accidents transform this technological gadget into a dangerous device. Distracted driving, or using a cell phone or other electronic device while driving, particularly texting and reading messages, effectively removes the visual focus of the driver from the road and diminishes his degree of concentration on the safety of his driving. The danger is not only to the lives and limbs of the general driving public but also to the innocent pedestrians. The necessity of using mobile phones does not prevail over the need to ensure road safety.

Under this measure, the use of mobile communications devices while driving a motor vehicle is regulated and penalties are imposed for violation thereof in order to promote road safety. It promotes the responsible use of cellular phones while driving and promotes driver awareness of the dangers of road traffic. Violators will be slapped with a P10,000 fine and revocation of their driver's license.

Motor vehicles include wheeled agricultural machineries, construction equipment and other forms of conveyances, regardless of whether machine, animal or human-powered as long as operated or driven in public thoroughfares under circumstances where public safety is under consideration. Exempted from the ban are drivers of motor vehicles who use cellphones with the aid of hands-free devices and those that perform urgent, emergency and official functions where such limitations will result in greater injury or impair their performance.

Although 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.


SUSAN A. YAP

Representative, 2nd District of Tarlac

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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 SEC. 1. *Short Title.* - This Act shall be known as the "Anti-Mobile Communication
2 Devices Use While Driving Act of 2013".
3

4 SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to safeguard its
5 citizenry from the ruinous and extremely injurious effects of vehicular accidents.
6

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

11 Towards this end, it shall pursue a more proactive and preventive approach to secure the
12 safety of motorists, their passengers and pedestrians at all times by banning the use of mobile
13 communication devices by motorists while driving or operating a moving motor vehicle.
14

15 SEC. 3. *Definition of Terms.* - As used in this Act, the term:

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

18 (b) *Government motor vehicle* refers to any motor vehicle owned by the national government or any
19 of its agencies, instrumentalities or political subdivisions, including government-owned or -
20 controlled corporations or their subsidiaries for official use.

21 (c) *Implementing agency* refers to the Department of Transportation and Communications
22 (DOTC)-Land Transportation Office (LTO).

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

27 (e) *Motor vehicle* refers to engine-driven vehicles such as, but not limited to, automobiles, trucks,
28 vans, buses, jeeps, motorcycles and tricycles.

29 (f) *Motorist* refers to a person driving a motor vehicle.

30 (g) *Private motor vehicle* refers to any motor vehicle owned by individuals and juridical persons for
31 private use.

32 (h) *Public motor vehicle* refers to a motor vehicle issued by the Land Transportation Franchising
33 and Regulatory Board (LTFRB) to operate as a public utility vehicle or any vehicle for hire.

34 (i) *Using a mobile communication device* refers to the act of making a call, receiving a call or the act

1 of composing, sending or viewing of text and multi-media messages, including the act of doing
2 internet and other similar functions.

3
4 SEC. 4. *Ban on the Use of Mobile Communication Devices While Driving.* - To ensure public safety, it
5 shall be unlawful for any person to use hand-held mobile communication device while driving a
6 private or public motor vehicle.

7
8 SEC. 5. *Extent of Coverage.* - Wheeled agricultural machineries such as tractors and
9 construction equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers,
10 mobile concrete mixers and the like, and other forms of conveyances such as bicycles,
11 pedicabs, habal-habal, trolleys, kuliglig, wagons, carriages, carts, sledges, chariots or the like,
12 whether animal or human-powered, are covered by the provisions of this Act as long as the
13 same are operated or driven in public thoroughfares, highways or streets or under
14 circumstances where public safety is under consideration.

15
16 SEC. 6. *Exemptions.* - The ban shall not be imposed if the motorist concerned uses a mobile
17 communication device with the aid of a hands-free device such as, but not limited to, a speaker
18 phone, earphones and microphones or other similar device which allows a person to make and
19 receive calls without having to hold the mobile communication device. The provisions of this Act
20 shall not apply to persons performing urgent, emergency and official functions where such
21 limitations will result to greater injury or impair the performance thereof.

22
23 SEC. 7. *Nationwide Public Information Campaign.* - The DOTC-LTO, in coordination with
24 the Philippine Information Agency (PIA), the Department of Education (DepED), the
25 Department of the Interior and Local Government (DILG)-Philippine National Police (PNP)
26 and private agencies and organizations, shall undertake a nationwide information, education
27 and communication (IEC) campaign for a period of six (6) months from the effectivity of this
28 Act.

29
30 SEC. 8. *Penalties.* - Any person who shall violate any provision of this Act shall be
31 punishable by:

- 32 (a) First offense – a fine of One thousand pesos (P1,000.00);
33 (b) Second offense – a fine of Three thousand pesos (P3,000.00);
34 (c) Third offense – a fine of Five thousand pesos (P5,000.00) and suspension of driver's
35 license for three (3) months; and
36 (d) Fourth and succeeding offenses – a fine of Five thousand pesos (P5,000.00) but not
37 more than Ten thousand pesos (P10,000.00) and revocation of driver's license:

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

41 The foregoing penalties shall be without prejudice to the other liabilities under the
42 Revised Penal Code, as amended, or any special law, arising out or on occasion of the herein
43 prohibited acts.

44
45 SEC. 9. *Assistance by Other Agencies.* - The Metropolitan Manila Development Authority
46 (MMDA), the PNP and other concerned government agencies and instrumentalities shall
47 render such assistance as required by the implementing agency in order to effectively
48 implement the provisions of this Act.

49
50 SEC. 10. *Implementing Rules and Regulations.* - The DOTC-LTO shall promulgate the
51 necessary implementing rules and regulations within sixty (60) days from the effectivity of this
52 Act.

53
54 SEC. 11. *Separability Clause.* - If, for any reason, any part or provision of this Act is

1 declared invalid, such declaration shall not affect the other provisions of this Act.

2
3 SEC. 12 *Repealing Clause.* - All laws, executive orders, issuances, rules and regulations or
4 parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or
5 modified accordingly.

6
7 SEC. 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete
8 publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,