



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Sixteenth Congress

First Regular Session

House Bill No. 2026

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

EXPLANATORY NOTE

'Multi-tasking behind the wheel.' It is a situation where the driver or operator of a motor vehicle is simultaneously doing another thing or act while in operation of the motor vehicle. Also called 'distracted driving', such as when using a cellular phone or other mobile electronic communication device while driving, it compromises the motor vehicle operator's concentration on the safety of his driving activity. 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.

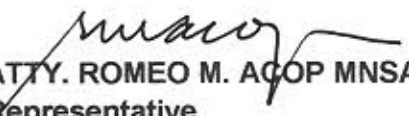
This bill aims to regulate the use of mobile communication devices while driving a motor vehicle and to provide penalties for violation thereof in order to promote road safety. It covers motor vehicles including wheeled agricultural machines, construction equipment and other forms of conveyances, whether machine, animal or human-powered, as long as operated in public thoroughfares and under circumstances where public safety may be compromised.

On the other hand, the proposed measure exempts a driver of a motor vehicle who uses the mobile communication device with the aid of hands-free devices which allow him to communicate without having to hold the same, as well as when performing

urgent, emergency and official functions where such limitations will result to greater injury or impair the performance thereof.

This bill was filed by this representation during the 15th Congress and was passed by the House of Representatives on Third Reading. It was transmitted to the Senate for its concurrence. However, it was never enacted into law due to lack of material time.

For the foregoing reasons, it is therefore earnestly requested that the proposed measure be immediately approved.


ATTY. ROMEO M. ACOP MNSA
Representative
2nd District, Antipolo City



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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 the House of Representatives of the Republic 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 2013'.

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.

While the State recognizes the vital role of information and communications technology in nation-building, the State also promotes 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.

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) *Government motor vehicle* - refers 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.
- b) *Implementing agency* - refers to the Department of Transportation and Communication (DOTC)-Land Transportation Office (LTO) .
- c) *Mobile communication devices* - 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, of encrypted data and/or signals through wireless, electronic or other similar means.
- d) *Motor vehicle* - refers to engine-driven vehicles such as, but not limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles.
- e) *Motorist* - refers to a person driving a motor vehicle.
- f) *Private motor vehicle* - refers to any motor vehicle owned by individuals and juridical persons for private use.
- g) *Public motor vehicle* - refers 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.
- h) *Using a mobile communication device* - refers 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.

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 devices while driving a private, government, or public motor vehicle.

SECTION 5. *Extent of Coverage* - 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 6. Exemptions - The ban shall not be imposed if the motorist concerned uses a mobile communication device with the aid of a hands-free device such as, but not limited to, a speaker phone, earphones and microphones 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 7. Nationwide Public Information Campaign - The DOTC-LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd), the Department of the 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 8. Penalties - Any person who shall violate any provision of this Act shall be punished by :

- a) First offense – a fine of One thousand pesos (P 1,000.00);
- b) Second offense – a fine of Three thousand pesos (P 3,000.00);
- c) Third offense – a fine of Five thousand pesos (P 5,000.00) and suspension of driver's license for three (3) months; and,
- d) Fourth and succeeding offenses – a fine of Five thousand pesos (P 5,000.00) and revocation of driver's license;

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

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

SECTION 9. *Assistance by Other Agencies* - The Metropolitan Manila Development Authority (MMDA), the 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 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 of the provisions of this Act shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. *Repealing Clause* - All laws, presidential decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SECTION 13. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved.