

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5530**



Introduced by REP. Michael L. Romero and Enrico A. Pineda

EXPLANATORY NOTE

The Republic of the Philippines has laws regulating speed limit, mandating the use of motorcycle helmets and seatbelts, and most specially prohibiting drunk and drugged driving, these laws have not been sufficiently implemented.

The Philippines got a 5 out of 10 rating in the implementation of the speed limit law and seatbelt law, according to the World Health Organization (**WHO**) report.

It got a 6 out of 10 rating in the implementation of the motorcycle helmet law, but the WHO noted that the law does not require the helmet to be fastened correctly.

This poses a risk to motorcyclists, who are vulnerable to sustaining head and neck injuries because of their lack of physical protection while weaving in and out of traffic with fast-moving cars and buses.

Aside from being the main cause of death or severe disability to motorcyclists, the WHO also said that the social costs of these injuries for survivors are high because of the need to have specialized or long-term care.

In July, a new law was signed banning small children from riding motorcycles unless they can comfortably reach the foot peg, wrap their arms around the driver, and wear a protective helmet.

In the enforcement of the drunk-drugged driving law, the Philippines got a dismal 1 out of 10 rating. **Republic Act 10586**, or the Anti-Drunk and Drugged Driving Act of 2013, seeks to penalize drivers whose blood alcohol content exceeds the allowable legal limit.

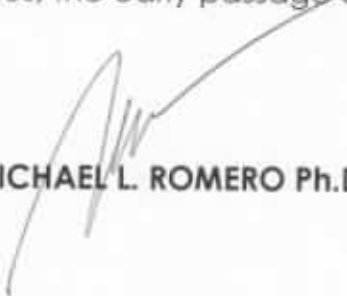
Drivers found guilty of violating the law face fines, imprisonment, and a revocation of their licenses.

In March, the Land Transportation Office (LTO) procured **breath analyzers** to conduct spot checks on motorists suspected to be driving under the influence of alcohol.

The WHO report also showed that the Philippines still lacks laws mandating restraints for children passengers and banning the use of mobile phones while driving.

This House Bill seeks to rationalize and broaden the implementation of all anti-drunk and drugged driving measures to further foster our law enforcement guidelines and policies. To increase its corresponding penal provisions for all violations herewith.

Thus, the early passage of this bill is earnestly requested.



MICHAEL L. ROMERO Ph.D



ENRICO A. PINEDA

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AN ACT
TO ACCELERATE THE IMPOSITION OF ANTI-DRUNK AND DRUGGED
DRIVING POLICIES, PROVIDING STIFFER PENALTIES AND SANCTIONS, TO
PROMOTE AN EFFECTIVE AWARENESS PROGRAM, TO IMPROVE
EXISTING SECURITY AND SAFETY FUNCTIONS, AND FOR OTHER
PURPOSES

*Be it enacted by the Senate and House of Representative of the
Philippines in congress assembled:*

SECTION 1. Short Title - This Act shall be known as the "***Anti-Drunk and
Drugged Driving Act of 2017.***"

SECTION 2. Declaration of Policy - It is hereby declared that the state shall recognize and prioritize the protection of life and property and the promotion of the general welfare as essential for the enjoyment of the blessing of democracy, it is hereby declared the policy of the State to ensure road safety through the observance of the citizenry of responsible and ethical driving standards.

The State shall penalize all acts of driving under the influence of alcohol, dangerous drugs and other intoxicating substances and shall inculcate the standards of safe driving and the benefits that may be derived from it through institutional programs and appropriate public information strategies.

SECTION 3. Awareness Program – Every applicant for a motor vehicle driver's license shall complete a course of instruction that provides information on safe driving including, but not limited to:

- the effects of the consumption of alcoholic beverages on the ability of a person to operate a motor vehicle;
- the hazards of driving under the influence of alcohol, dangerous drugs; and
- other similar substances, and the penalties attached for violation thereof.

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

The driver's license written examination shall include:

- questions concerning the effects of alcohol and drug intoxication on the ability of a person to operate a motor vehicle; and
- the legal and pecuniary consequences resulting from violation of the provisions of this Act.

SECTION 4. Punishable Act. – It shall be unlawful for any person to drive a motor vehicle while under the influence of alcohol, dangerous drugs and/or other similar substances.

SECTION 5. Acquisition of Equipment – Within three **(3)** months from the effectivity of this Act, the Land Transportation Office (LTO) and the Philippine National Police (PNP) shall acquire sufficient breath analyzers and drug-testing kits to be utilized by law enforcement officers and deputized local traffic enforcement officers nationwide giving priority to areas with high reported occurrences of accidents.

For purposes of acquiring these equipment and for the training seminars indicated in Section 6 hereof, the LTO shall utilize the Special Road Safety Fund allotted for this purpose as provided under Section 7 of **Republic Act No. 8794**, entitled: "*An Act Imposing a Motor Vehicle User's Charge on Owners of All Types of Motor Vehicles and for Other Purposes*".

Additional yearly appropriations for the purchase of breath analyzers and drug-testing kits shall be provided annually under the General Appropriations Act (GAA).

SECTION 6. Deputation – The LTO may deputize traffic enforcement officers of the PNP, the Metropolitan Manila Development Authority (MMDA) and cities and municipalities in order to enforce the provisions of this Act.

SECTION 7. Education of a Law Enforcement Officer – The LTO and the PNP shall conduct training seminars for their law enforcers and deputies with regard to the proper conduct of field sobriety tests and breath analyzer tests every year. Within three **(3)** months from the effectivity of this Act, the LTO shall publish the guidelines and procedures for the proper conduct of field sobriety tests, which guidelines shall be made available to the public and made available for download through the official LTO website.

SECTION 8. Penalties – A driver found to have been driving a motor vehicle while under the influence of alcohol, dangerous drugs and/or other

similar substances, as provided for under Section 4 of this Act, shall be penalized as follows:

(1) If the violation of Section 4 did not result in physical injuries or homicide, the penalty of six **(6)** months imprisonment, and a fine ranging from Fifty thousand pesos **(Php50,000.00)** to One hundred thousand pesos **(Php100,000.00)** shall be imposed;

(2) If the violation of Section 4 resulted in physical injuries, the penalty provided in Article 263 of the Revised Penal Code or the penalty provided in the next preceding subparagraph, whichever is higher, and a fine ranging from One hundred fifty thousand pesos **(Php150,000.00)** to Two hundred fifty thousand pesos **(Php250,000.00)** shall be imposed;

(3) If the violation of Section 4 resulted in homicide, the penalty provided in Article 249 of the Revised Penal Code and a fine ranging from Three hundred fifty thousand pesos **(Php350,000.00)** to Five hundred thousand pesos **(Php500,000.00)** shall be imposed; and

(4) The nonprofessional driver's license of any person found to have violated Section 4 of this Act shall also be confiscated and suspended for a period of eighteen **(18)** months for the first conviction and perpetually revoked for the second conviction.

The professional driver's license of any person found to have violated Section 4 of this Act shall also be confiscated and perpetually revoked for the first conviction.

The perpetual revocation of a driver's license shall disqualify the person from being granted any kind of driver's license thereafter.

The prosecution for any violation of this Act shall be without prejudice to criminal prosecution for violation of the Revised Penal Code, **Republic Act No. 9165** and other special laws and existing local ordinances, whenever applicable.

SECTION 9. Direct Liability of Operator and/or Owner of the Offending Vehicle – The owner and/or operator of the vehicle driven by the offender shall be directly and principally held liable together with the offender for the fine and the award against the offender for civil damages unless he or she is able to convincingly prove that he or she has exercised extraordinary diligence in the selection and supervision of his or her drivers in general and the offending driver in particular.

This section shall principally apply to the *owners and/or operators of public utility vehicles and commercial vehicles* such as delivery vans, cargo trucks, container trucks, school and company buses, hotel transports, cars or vans for rent, taxi cabs, and the like.

SECTION 10. Nationwide Information Campaign – Within one (1) month from the promulgation of the implementing rules and regulations, the Philippine Information Agency (PIA), in coordination with the LTO, the local government units (LGUs) and other concerned agencies, shall conduct Information, Education and Communication (IEC) campaign for the attainment of the objectives of this Act.

SECTION 11. Nationwide Random Terminal Inspection and Quick Random Drug Tests. – The LTO shall conduct random terminal inspections and quick random drug tests of public utility drivers. The cost of such tests shall be defrayed by the LTO.

SECTION 12. Review of Penalties – The LTO shall, after three **(3)** years from the effectivity of this Act and every three **(3)** years thereafter, shall review the

applicability and enforcement of all foregoing pecuniary penalties and shall initiate amendment and/or upgrade the same as may be necessary, subject to the approval of the **President of the Republic of the Philippines** upon recommendation of the *Secretary of the DOTC*.

SECTION 13. Implementing Rules and Regulations – The DOTC, the DOH and the NAPOLCOM shall, within three **(3)** months from the effectivity of this Act, shall jointly promulgate the necessary implementing rules and regulations to carry out the provisions of this Act.

SECTION 14. Appropriation - There is hereby authorized to appropriate the necessary funds to carry-out into effect the provisions of this act. Therefore the budget shall be included in the General Appropriations Act (GAA).

SECTION 15. 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 16. Repealing Clause – All laws, executive orders, issuances, rules and regulations inconsistent with this Act are hereby amended, repealed or modified accordingly.

SECTION 17. Effectivity – This Act shall take effect after fifteen (15) days from its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,