

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE OF REPRESENTATIVES
H.B. No. 5939



Introduced by Representative H. Harry L. Roque Jr.

EXPLANATORY NOTE

Traffic accidents involving public utility vehicles must be prevented. Studies show that a person under the influence of prohibited or regulated drug or alcohol suffers from certain psychological and mental defects including paranoia, hallucinations, drowsiness, and loss of consciousness. These defects make the person unfit to drive a public utility vehicle.

In the interest of public welfare and safety, there is a need to test drivers of public utility vehicles for alcohol or drug use.*

H. HARRY L. ROQUE JR.

* This bill was originally filed by Senator Miriam Defensor Santiago during the Sixteenth Congress, First Regular Session.

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1 AN ACT
2 PROVIDING FOR DRUG AND ALCOHOL TESTING FOR DRIVERS
3 OF PUBLIC UTILITY VEHICLES

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Drugs and Alcohol
5 Testing for Drivers Act.”

6 SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote and
7 maintain safety in highways and roads and to prevent accidents involving drivers under the
8 influence of alcohol or prohibited or regulated drug.

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

10 (A) “Drugs” mean any of the prohibited or regulated drugs as defined in Republic
11 Act No. 6425, as amended, also known as the Dangerous Drugs Act.

12 (B) “Alcohol” means ethyl alcohol, ethanol or spirits of wine, including all
13 dilutions, purifications and mixtures thereof, from whatever source by whatever process
14 produced and shall include whisky, brandy, rum, gin, tequila, and vodka, and other similar
15 products or mixtures.

1 (C) "Public utility vehicle" means any vehicle used in the business of carrying or
2 transporting passengers or goods or both, over land.

3 (D) "Secretary" means the Secretary of Transportation and Communication.

4 (E) "Operators of public utility vehicles" mean the owners of vehicles engaged in
5 the business of carrying or transporting passengers or goods or both over land.

6 SECTION 4. *Duty of the Secretary of Transportation and Communication.* – In the
7 interest of safety, the Secretary shall prescribe regulations and issue orders to establish a
8 program requiring—

9 (A) Operators of public utility vehicles to conduct pre-employment, reasonable
10 suspicion, random and post accident testing of all their drivers for the use of alcohol or
11 prohibited or regulated drug; and

12 (B) Suspension or dismissal of any driver found:

13 (1) To have used or been impaired by alcohol when on duty; or

14 (2) To have used a regulated or prohibited drug, whether or not on duty,
15 except as allowed for medical purposes by law or regulation or order.

16 (C) When the Secretary of Transportation considers it appropriate in the interest of
17 safety, the Secretary may prescribe regulations and issue orders requiring operators of public
18 utility vehicles to conduct periodic testing of their drivers for the use of alcohol or prohibited
19 or regulated drug.

20 SECTION 5. *Testing and Laboratory Requirements.* – In carrying out this Act, the
21 Secretary of Transportation shall develop requirements that shall:

22 (A) Promote, to the maximum extent practicable, individual privacy in the
23 collection of specimens.

1 (B) For laboratories and testing procedures for regulated or prohibited drugs, in
2 consultation with the Department of Health:

3 (1) Comprehensive standards for every aspect of laboratory controlled
4 substances testing and laboratory procedures to be applied in carrying
5 out this section, including standards requiring the use of the best
6 available technology to ensure the complete reliability and accuracy of
7 controlled substances tests and strict procedures governing the chain of
8 custody of specimens collected for drug testing;

9 (2) The minimum list of regulated and prohibited drug for which
10 individuals may be tested; and

11 (3) Appropriate standards and procedures for periodic review of
12 laboratories and criteria for certification and revocation of certification
13 of laboratories to perform controlled substances testing in carrying out
14 this Act;

15 (C) Require that a laboratory involved in drug testing under this Act have the
16 capability and facility at the laboratory, of performing screening and confirmation tests;

17 (D) Provide that all tests indicating the use of alcohol or drugs be confirmed by a
18 scientifically recognized method of testing capable of providing quantitative information
19 about alcohol or regulated and prohibited drugs;

20 (E) Provide that each specimen be subdivided, secured, and labeled in the
21 presence of the tested individual and that a part of the specimen be retained in a secure
22 manner to prevent the possibility of tampering.

23 (F) Ensure appropriate safeguards for testing to detect and quantify alcohol in
24 breath and body fluid samples, including urine and blood, through the development of
25 regulations that may be necessary and in consultation with the Secretary of Health.

1 (G) Provide for the confidentiality of test results and medical information, other
2 than information about alcohol or a drug, of employees, except that this clause does not
3 prevent the use of test results for the orderly imposition of appropriate sanctions; and

4 (H) Ensure that employees are selected to undergo tests by nondiscriminatory and
5 impartial methods, so that no employee is harassed by being treated differently from other
6 employees in similar circumstances.

7 SECTION 6. *Penalty for Violation.* — Any operator of a public utility vehicle who
8 violates the provisions of this Act and its implementing rules shall be penalized with
9 suspension of their franchise and Certificate of Public Convenience and Necessity (CPCN)
10 for the first violation. Upon second and subsequent violations, their franchise and CPCN shall
11 be cancelled.

12 SECTION 7. *Separability Clause.* — If any provision or part hereof is held invalid or
13 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
14 valid and subsisting.

15 SECTION 8. *Repealing Clause.* — Any law, presidential decree or issuance,
16 executive order, letter of instruction, administrative order, rule, or regulation contrary to or
17 inconsistent with the provisions of this Act is hereby repealed, modified, or amended
18 accordingly.

19 SECTION 9. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its
20 publication in at least two (2) newspapers of general circulation.

Approved,