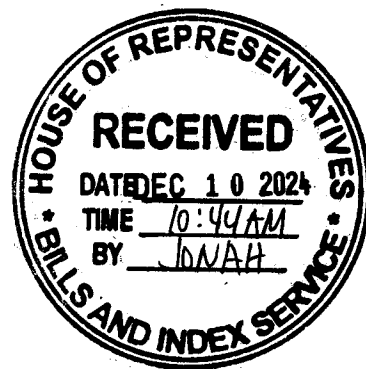


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11187



Introduced by Rep. Ray T. Reyes

EXPLANATORY NOTE

Republic Act No. 10586 was signed into law in 2013, and yet in 2015, a three-car collision occurred along Commonwealth Avenue in Quezon City. The cause of the accident was a driver who “reeked of alcohol”, according to police who responded to the scene. Despite the existence of a law that prohibits and penalizes drunk and drugged driving, the driver at fault was never charged due to the lack of breath analyzers on scene to provide evidence.

The annual global mortality for road traffic injuries (RTI) is over 1.3 million people, making it the 8th leading cause of death for people of all ages. RTI burden and deaths disproportionately affect Low and Middle Income Countries (LMIC), where 90% of global road deaths occur. In the Philippines alone, it is estimated that there are around 12,000 road traffic fatalities annually – contributing to 0.9% of the global estimate.

Death and injury caused by road traffic accidents cost about 2.6% of the country’s GDP. A study by the World Bank has found that reducing road traffic deaths and injuries could raise the per capita GDP by 3.6 percent if road traffic deaths and accidents could be reduced by around 10%. The Department of Transportation (DOTr) has estimated that road traffic accidents cost the Philippine government 105 billion pesos annually – this includes medical expenses, loss of productivity, and damage to property.

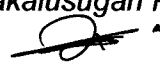
Alcohol consumption is one of the major global behavioral health risks. Globally, around 21% of road traffic fatalities are caused by alcohol intoxication. In the Philippines, the number is much higher at 35% and a report by the Philippine Statistics Authority (PSA) shows that this number has steadily increased over the past few years.

Alcohol as a risk factor for road injuries is a growing concern, particularly in the Philippines. The rapid increase in motor vehicle use, coupled with the cultural beliefs

and historical relationship the country has with alcohol poses an obstacle that must be overcome to limit the casualties.

The financial impact that medical bills, lifelong disability, and death affects not only the families of victims. The greatest share of mortality and disability brought on by road traffic accidents happen amongst people of prime working age. Medium and long-term growth prospects of the country are greatly affected as it removes working age adults from the workforce, reducing productivity due to injuries that could have been prevented.

In view of the foregoing, the passage of this bill is earnestly sought.


RAY REYES
Representative, Anakalusugan Party-List


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HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. 11187

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AN ACT
AMENDING REPUBLIC ACT NO. 10586, OTHERWISE KNOWN AS “AN ACT
PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL,
DANGEROUS DRUGS, AND SIMILAR SUBSTANCES, AND FOR OTHER
PURPOSES”

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

SECTION 1. Section 1 of Republic Act No. 10586 is hereby amended to read as follows:

“Section 1. *Short Title.* – This Act shall be known as the [~~“Anti-Drunk and Drugged Driving Act of 2013”~~] **“ANTI-IMPAIRED DRIVING ACT”**.”

SECTION 2. Section 9 of the same Act is hereby amended to read as follows:

“Section 9. *Acquisition of Equipment.* – Within [~~four (4)~~] **six (6)** months from the effectivity of this Act, the Land Transportation Office (LTO) and the Philippine National Police (PNP) shall acquire **AND MAINTAIN AN ADEQUATE NUMBER OF** [~~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 10 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 o All Types of Motor Vehicles and for Other Purposes”~~]. Additional yearly appropriation for the purchase of breath analyzers and drug-

~~testing kits shall be provided annually under the General Appropriations Act.”]~~

THE NUMBER OF BREATH ANALYZERS AND DRUG-TESTING KITS CONSIDERED “ADEQUATE” SHALL BE DETERMINED BASED ON A NEEDS ASSESSMENT CONDUCTED JOINTLY BY THE LTO AND PNP, IN CONSULTATION WITH RELEVANT TRAFFIC SAFETY EXPERTS AND PUBLIC HEALTH AGENCIES. THE NEEDS ASSESSMENT SHALL CONSIDER, AMONG OTHERS, THE NUMBER OF TRAFFIC ENFORCEMENT PERSONNEL, HISTORICAL DATA ON ROAD ACCIDENTS INVOLVING INTOXICATION, AND GEOGRAPHIC AND POPULATION NEEDS PER REGION.

THE ACQUISITION AND MAINTENANCE OF THESE DEVICES SHALL BE A CONTINUOUS PROCESS SUBJECT TO PERIODIC REVIEW OF LTO AND PNP EVERY TWO (2) YEARS TO ENSURE THE SUFFICIENCY AND FUNCTIONALITY OF THE EQUIPMENT.

FUNDING FOR THE ACQUISITION, MAINTENANCE, AND PERIODIC UPGRADE OF THESE DEVICES SHALL BE SOURCED FROM THE ANNUAL BUDGET APPROPRIATIONS OF THE LTO AND PNP, SUPPLEMENTED, IF NECESSARY, BY GRANTS, DONATIONS, OR SPECIAL APPROPRIATIONS AUTHORIZED BY CONGRESS.

THE LTO AND PNP SHALL DIVIDE COSTS PROPORTIONALLY BASED ON THE NUMBER OF PERSONNEL EACH AGENCY DEPLOYS FOR ROAD SAFETY ENFORCEMENT DUTIES AND THE VOLUME OF TRAFFIC INCIDENTS MANAGED IN THEIR RESPECTIVE JURISDICTIONS.

THE LTO AND PNP SHALL PROVIDE AN ANNUAL REPORT TO CONGRESS DETAILING THE NUMBER OF BREATH ANALYZERS AND DRUG-TESTING KITS ACQUIRED, THE DISTRIBUTION ACROSS REGIONS, AND ANY CHALLENGES ENCOUNTERED IN EQUIPMENT DEPLOYMENT AND MAINTENANCE.”

SECTION 3. Section 10 of the same Act is hereby amended to read as follows:

“SECTION 10. *Deputation.* – The LTO {may} SHALL deputize traffic enforcement officers of the PNP, the Metropolitan Manila Development Authority (MMDA), TOLL OPERATORS, and THE LOCAL TRAFFIC ENFORCEMENT OFFICERS OF cities and municipalities in order to enforce the provisions of this Act.

FOR THIS PURPOSE, THE AFOREMENTIONED GOVERNMENT AGENCIES AND INSTITUTIONS MAY ESTABLISH OR DESIGNATE A BUREAU OR UNIT FOR THE DEPUTIZED TRAFFIC ENFORCERS WHO ARE CHARGED TO ENFORCE THE PROVISIONS OF THIS ACT.”

SECTION 4. Section 12 of the same act is hereby amended to read as follows:

“SECTION 12. *Penalties.* – A driver found to have been driving a motor vehicle under the influence of alcohol, dangerous drugs and/or other similar substances, as provided for under Section 5 of this Act shall be penalized as follows:

- (a) If the violation of Section 5 did not result in **SERIOUS** physical injuries or homicide, **OR RESULTED IN LESS SERIOUS PHYSICAL INJURIES AS DEFINED IN ARTICLE 265 OF THE REVISED PENAL CODE, OR SLIGHT PHYSICAL INJURIES AS DEFINED IN ARTICLE 266 OF THE REVISED PENAL CODE**, the penalty of ~~{three (3)}~~ **TWELVE (12)** months imprisonment, and a fine ranging from ~~{Twenty}~~ **FIFTY** thousand pesos ~~{{(Php20,000.00)}}~~ **(PHP 50,000.00)** to ~~{Eighty}~~ **ONE HUNDRED** thousand pesos ~~{{(Php80,000.00)}}~~ **(PHP 100,000.00)** shall be imposed;
- (b) If the violation of Section 5 resulted in **SERIOUS** physical injuries, the penalty provided **IN THE APPLICABLE PARAGRAPH OF** Article 263 of the Revised Penal Code, **IN ITS MAXIMUM PERIOD**, or the penalty provided in the ~~{next}~~ **IMMEDIATELY** preceding subparagraph, whichever is higher, and a fine ranging from One hundred **FIFTY** thousand pesos ~~{{(Php100,000.00)}}~~ **(PHP 150,000.00)** to ~~{Two}~~ **THREE** hundred thousand pesos ~~{{(Php200,000.00)}}~~ **(PHP 300,000.00)** shall be imposed;
- (c) If the violation of Section 5 resulted in homicide, the penalty of **RECLUSION TEMPORAL** provided in Article 249 of the Revised Penal Code, **IN ITS MAXIMUM PERIOD**, and a fine ranging from ~~{Three}~~ **FIVE** hundred thousand pesos ~~{{(Php300,000.00)}}~~ **(PHP 500,000.00)** to ~~{Five hundred thousand pesos (Php500,000.00)}~~ **ONE MILLION PESOS (PHP 1,000,000.00)** shall be imposed; and
- (d) The nonprofessional driver's license of any person found to have violated Section 5 of this Act shall also be confiscated and suspended for a period of ~~{twelve (12)}~~ **TWENTY-FOUR (24)** 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 5 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. **PROVIDED, THAT DURING THE PENDENCY OF THE CASE, THE DRIVER'S LICENSE SHALL BE CONFISCATED AND SHALL BE TURNED OVER TO LTO. PROVIDED, FURTHER, THAT CONFISCATED DRIVER'S LICENSES SHALL BE RELEASED BY LTO ONLY AFTER FINAL DISPOSITION OR LAWFUL ORDER OF THE COURTS.**

X x x”

SECTION 5. Section 14 of the same Act is hereby amended to read as follows:

“Section 14. *Nationwide Information Campaign.* – Within ~~{one (1) month}~~ **SIX (6) MONTHS** from the promulgation of the implementing rules and regulations as provided under Section 17 hereof, 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. **LIKewise, THE MONTH OF NOVEMBER SHALL BE DECLARED AS THE NATIONAL ANTI-IMPAIRED DRIVING AWARENESS MONTH TO PROMOTE RESPONSIBLE DRIVING AND ROAD SAFETY.**”

SECTION 6. Section 15 of the Same Act is hereby amended to read as follows:

“Section 15. *National Random Terminal Inspection, {and} Quick Random Drug Tests, AND ALCOHOL BREATH TESTS* – The LTO shall **REGULARLY** conduct random terminal inspections and quick random drug, **AND ALCOHOL BREATH** tests of public utility drivers. **IN CASE A DRIVER WAS FOUND POSITIVE FOR DRUG USE, OR WAS FOUND INTOXICATED, APPROPRIATE ACTION SHALL BE UNDERTAKEN AND THE OPERATOR SHALL LIKEWISE BE MADE LIABLE IF FOUND TO BE NON-COMPLIANT WITH THE GUIDELINES OF THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) ON DRUG-FREE WORKPLACES AND OTHER RELATED GUIDELINES AND REGULATIONS.** The cost of such tests shall be defrayed by the LTO.”

SECTION 7. A new section denominated as Section 17 of the same Act is added to read as follows:

“**SECTION 17. APPROPRIATIONS.** – **THE INITIAL AMOUNT OF ONE BILLION AND SIX HUNDRED MILLION PESOS (PHP 1,600,000,000.00) IS HEREBY APPROPRIATED UNDER THE DEPARTMENT OF TRANSPORTATION (DOTr) THROUGH THE LAND TRANSPORTATION OFFICE (LTO) FOR THE FIRST YEAR OF IMPLEMENTATION OF THIS ACT. THEREAFTER, SUCH AMOUNT NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT SHALL BE APPROPRIATED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.**”

SECTION 8. Sections 17, 18, 19, and 20 of the same Act are hereby renumbered as 18, 19, 20, and 21 respectively.

SECTION 9. *Separability Clause.* – If, for any reason, any provisions of this Act are declared to be unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 10. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,