

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
1st Regular Session

House Bill No. **8254**



**Introduced by Representatives OMAR VINCENT S. DUTERTE and
PAOLO Z. DUTERTE**

EXPLANATORY NOTE

The right to life is the most fundamental of all human rights as manifested in Section 5, Article II of the 1987 Philippine Constitution which explicitly mandates that "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy." Furthermore, the State's Police Power authorizes the legislature to enact laws that restrain individual liberty for the common good and public safety.

The World Health Organization (WHO) reports that road traffic injuries are the leading cause of death for children and young adults globally. In the Philippines, the Department of Health (DOH) and the Metro Manila Development Authority (MMDA) have consistently identified alcohol as a top contributing factor to "human error" in road crashes, which amounts to approximately 25% to 30% of fatal road accidents in the Philippines involve drivers under the influence of alcohol.

Road safety remains a critical public health issue. Under the current Republic Act No. 10586, or the *Anti-Drunk and Drugged Driving Act of 2013*, law enforcement is largely restricted to a reactive stance where officers generally only intervene when a driver displays manifestations of intoxication. The probable cause requirement often comes untimely, which only becomes apparent frequently only after a near-miss or a fatal collision.

The proposed measure introduces Random Breath Analyzer Testing (RBAT). By institutionalizing random checkpoints, the wait-and-see approach is overturned. Furthermore, the proposed Bill's amendment also increases the penalties for those who fail the test or refuse to cooperate, ensuring that the cost of driving under the influence (DUI) far outweighs the perceived convenience, thereby drastically reducing vehicular fatalities and fostering a culture of responsible driving.

In view of the foregoing, the approval of this Bill is earnestly sought.


HON. OMAR VINCENT S. DUTERTE


HON. PAOLO Z. DUTERTE

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Introduced by Representatives **OMAR VINCENT S. DUTERTE** and
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AN ACT
INSTITUTIONALIZING RANDOM BREATH ANALYZER TESTING FOR
MOTORISTS AND INCREASING PENALTIES THEREFOR, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 10586 ALSO KNOWN AS 'AN ACT
PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL,
DANGEROUS DRUGS, AND SIMILAR SUBSTANCES'

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

SECTION 1. *Short Title.* – This Act shall be known as the "***Proactive Anti-Drunk Driving Act of 2026.***"

SEC 2. *Declaration of Policy.* – The State shall protect the life and property of its citizens by adopting proactive, non-discriminatory measures to eliminate drunk driving.

SEC 3. Section 6 of Republic Act No. 10586, or "An Act Penalizing Persons Driving Under The Influence Of Alcohol, Dangerous Drugs, And Similar Substances" is hereby amended to read as follows:

~~"Section 6. Conduct of Field Sobriety, Chemical and Confirmatory Tests. –~~
~~A law enforcement officer who has probable cause to believe that a person is driving~~
~~under the influence of alcohol, dangerous drugs and/or other similar substances by~~
~~apparent indications and manifestations, including overspeeding, weaving, lane~~
~~straddling, sudden stops, swerving, poor coordination or the evident smell of alcohol in a~~
~~person's breath or signs of use of dangerous drugs and other similar substances, shall~~
~~conduct field sobriety tests.~~

~~If the driver fails in the sobriety tests, it shall be the duty of the law enforcement~~
~~officer to implement the mandatory determination of the driver's blood alcohol~~
~~concentration level through the use of a breath analyzer or similar measuring instrument.~~

~~If the law enforcement officer has probable cause to believe that a person is~~
~~driving under the influence of dangerous drugs and/or other similar substances, it shall~~
~~be the duty of the law enforcement officer to bring the driver to the nearest police~~
~~station to be subjected to a drug screening test and, if necessary, a drug confirmatory test~~
~~as mandated under Republic Act No. 9165.~~

SEC. 6. RANDOM CONDUCT OF BREATH ANALYZER TESTS. – LAW ENFORCEMENT OFFICERS (LEOS) OF THE LAND TRANSPORTATION OFFICE (LTO) AND DEPUTIZED AGENTS OF THE PHILIPPINE NATIONAL POLICE (PNP) ARE HEREBY AUTHORIZED TO CONDUCT RANDOM BREATHALYZER TESTS ON ANY DRIVER OF A MOTOR VEHICLE AT DESIGNATED, WELL-LIT CHECKPOINTS. THE REQUIREMENT OF PROBABLE CAUSE OR PHYSICAL MANIFESTATIONS OF INTOXICATION IS HEREBY WAIVED FOR THE PURPOSE OF RANDOM SCREENING. ALL DRIVERS FLAGGED AT THESE CHECKPOINTS MUST SUBMIT TO A BREATH TEST USING AN ALCOHOL BREATH ANALYZER (ABA).

Law enforcement officers and deputized local traffic enforcement officers shall be responsible in implementing this section.

SEC. 4. Section 8 of Republic Act No. 10586 is hereby amended to read as follows:

"SEC. 8. *Refusal to Subject Oneself to ~~Mandatory~~ RANDOM Tests.* – A driver of a motor vehicle who ~~refuses to undergo the mandatory field sobriety and drug tests under Sections 6, 7 and 15 of this Act shall be penalized by the confiscation and automatic revocation of his or her driver's license, in addition to other penalties provided herein and/or other pertinent laws.~~ REFUSES TO UNDERGO THE RANDOM BREATHALYZER TEST SHALL BE DEEMED TO HAVE A POSITIVE RESULT FOR ALCOHOL. THE LAW ENFORCEMENT OFFICERS SHALL PROCEED TO:

- (a) CONFISCATE AND AUTOMATICALLY SUSPEND THE DRIVER'S LICENSE FOR A PERIOD OF TWELVE (12) MONTHS FOR THE FIRST OFFENSE;**
- (b) PERMANENTLY REVOKE THE LICENSE FOR THE SECOND OFFENSE; AND**
- (c) IMMEDIATELY IMPOUND THE VEHICLE FOR A PERIOD OF FORTY-EIGHT (48) HOURS AT THE OWNER'S EXPENSE."**

SEC 5. Section 12 of Republic Act No. 10586 is hereby amended to read as follows:

"Section 12. *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 5 of this Act, shall be penalized as follows:

- (a) If the violation of Section 5 did not result in physical injuries or homicide, the penalty of ~~three (3)~~ SIX (6) months imprisonment, and a fine ranging from ~~Twenty thousand pesos (Php20,000.00)~~ FIFTY THOUSAND PESOS (PHP50,000.00) to ~~Eighty thousand pesos (Php80,000.00)~~ ONE HUNDRED THOUSAND PESOS (PHP100,000.00) shall be imposed;**

(b) If the violation of Section 5 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 thousand pesos (Php100,000.00)~~ **ONE HUNDRED FIFTY THOUSAND PESOS (PHP150,000.00)** to ~~Two hundred thousand pesos (Php200,000.00)~~ **THREE HUNDRED THOUSAND PESOS (PHP300,000.00)** shall be imposed;

(c) If the violation of Section 5 resulted in homicide, the penalty provided in Article 249 of the Revised Penal Code and a fine ranging from ~~Three hundred thousand pesos (Php300,000.00)~~ **FIVE HUNDRED THOUSAND PESOS (PHP500,000.00)** to ~~Five hundred thousand pesos (Php500,000.00)~~ **ONE MILLION PESOS (PHP1,000,000.00)** 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) 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.~~

(D) THE NONPROFESSIONAL DRIVER'S LICENSE OF ANY PERSON FOUND TO HAVE VIOLATED PARAGRAPHS (A) AND (B) OF SECTION 12 OF THIS ACT SHALL ALSO BE CONFISCATED AND SUSPENDED FOR A PERIOD OF TWELVE (12) MONTHS FOR THE FIRST CONVICTION AND PERPETUALLY REVOKED FOR THE SECOND CONVICTION, WHILE THE NONPROFESSIONAL DRIVER'S LICENSE OF ANY PERSON WHO VIOLATED PARAGRAPH (C) OF SECTION 12 OF THIS ACT SHALL ALSO BE CONFISCATED AND PERPETUALLY REVOKED FOR THE FIRST 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."

SEC 6. *Regularity in the Performance of Law Enforcement Officers (LEOs).* – All Random Breath Analyzer Test (RBAT) operations must be recorded via body-worn cameras by the Law Enforcement Officers. The Land Transportation Office shall maintain a centralized digital database of all breathalyzer results and checkpoint logs to ensure transparency and prevent extortion practices.

SEC. 7. *Mandatory Procurement and Calibration.* – The Department of Transportation (DOTr) shall allocate an annual budget for the procurement of high-precision Alcohol Breath Analyzers. The units must undergo calibration every six (6) months by the Department of Science and Technology (DOST).

SEC. 8. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder thereof not otherwise affected shall remain in full force and effect.

SEC. 9. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,