

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

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 8842

**Introduced by AKBAYAN Representatives PERCIVAL V. CENDAÑA,
JOSE MANUEL TADEO "CHEL" I. DIOKNO, and DADAH KIRAM ISMULA and
Dinagat Islands Representative KAKA BAG-AO**

**AN ACT
AMENDING REPUBLIC ACT NO. 10586, OTHERWISE KNOWN AS
THE "ANTI-DRUNK AND DRUGGED DRIVING ACT OF 2013"**

EXPLANATORY NOTE

Globally, the World Health Organization (WHO) cites road traffic crashes as the leading cause of death among people aged 15-29 years. In the Philippines, in the years 2015-2019, out of 18, 735 deaths due to road crashes, 5,213 are attributable to alcohol use.¹ An average of three out of ten deaths from vehicular crashes involved an alcohol-impaired driver.

While Republic Act No. (RA) 10586, also known as the "Anti-Drunk and Drugged Driving Act of 2013," is a laudable legislation promoting safe transportation, the Global Status Report on Road Safety 2015, gave a rating of 1 out of a maximum score of 10 in its enforcement and implementation.

This proposed legislation aims to strengthen existing rules and regulations on road safety by instituting the following measures:

- Providing funds in order to procure breathalyzers to fully implement the "Anti-Drunk and Drugged Driving Act of 2013";
- Sobriety checkpoints and random breath-testing;
- Administrative suspension of licenses
- Other proactive measures such as alternative transportation, designated drivers, and mass media campaigns.

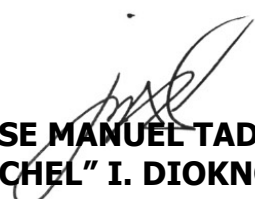
Deaths caused by vehicular crashes are completely preventable. Road safety measures should be implemented proactively to reduce the risk of alcohol-related harms. Safe transportation should be an important component of any country's roadmap towards development and progress.

In light of the foregoing, the immediate passage of this measure is earnestly sought.

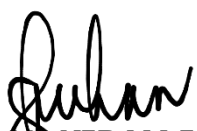
¹ Institute for Health Metrics and Evaluation, University of Washington, 2020.



PERCIVAL V. CENDAÑA
Akabayon Representative



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

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

"Section 1. Short Title. - This Act shall be known as the "ANTI-IMPAIRED DRIVING ACT".

SECTION 2. Section 9 of Republic Act No. 10586 is hereby further amended to read as follows:

"SECTION 9. ACQUISITION OF EQUIPMENT AND TRAINING. - WITHIN 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 BREATH ANALYZERS TO BE UTILIZED BY LAW ENFORCEMENT OFFICERS AND DEPUTIZED LOCAL TRAFFIC ENFORCEMENT OFFICERS NATIONWIDE.

THE NUMBER OF BREATH ANALYZERS 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 CRASHES INVOLVING INTOXICATION, GENERAL DETERRENCE PRINCIPLES IN ROAD POLICING, AND GEOGRAPHIC AND POPULATION NEEDS PER REGION.

A BROADER USE OF BREATH ANALYZERS IN THE FIELD SHALL BE CONDUCTED THROUGH RANDOM BREATH TESTING IN PUBLIC TRANSPORT TERMINALS, RANDOM SOBRIETY CHECKPOINTS, AND TARGETED ENFORCEMENT DURING HIGH-RISK EVENTS.

1 THE ACQUISITION AND MAINTENANCE OF THESE DEVICES SHALL BE A
2 CONTINUOUS PROCESS, SUBJECT TO PERIODIC REVIEW OF LTO AND
3 PNP EVERY TWO (2) YEARS TO ENSURE THE SUFFICIENCY AND
4 FUNCTIONALITY OF THE EQUIPMENT.
5

6 LAW ENFORCEMENT PERSONNEL AND DEPUTIZED LOCAL TRAFFIC
7 ENFORCEMENT OFFICERS EQUIPPED WITH BREATH ANALYZERS SHALL
8 UNDERGO REGULAR TRAINING ON THE PROPER CONDUCT OF FIELD
9 SOBRIETY TESTS AND THE USE OF BREATH ANALYZERS.
10

11 FUNDING FOR THE ACQUISITION, MAINTENANCE, PERIODIC UPGRADE,
12 AND TRAINING FOR THE USE OF THESE DEVICES SHALL BE SOURCED
13 FROM THE ANNUAL BUDGET APPROPRIATIONS OF THE LTO AND PNP,
14 SUPPLEMENTED, IF NECESSARY, BY GRANTS, DONATIONS, OR SPECIAL
15 APPROPRIATIONS AUTHORIZED BY CONGRESS.
16

17 THE LTO AND PNP SHALL DIVIDE COSTS PROPORTIONALLY BASED ON
18 THE NUMBER OF PERSONNEL EACH AGENCY DEPLOYS FOR ROAD
19 SAFETY ENFORCEMENT DUTIES AND THE VOLUME OF TRAFFIC
20 INCIDENTS MANAGED IN THEIR RESPECTIVE JURISDICTIONS.
21

22 THE LTO AND PNP SHALL PROVIDE AN ANNUAL REPORT TO CONGRESS
23 DETAILING THE NUMBER OF BREATH ANALYZERS ACQUIRED, THE
24 DISTRIBUTION ACROSS REGIONS, AND ANY CHALLENGES
25 ENCOUNTERED IN EQUIPMENT DEPLOYMENT AND MAINTENANCE."
26

27 [~~Within four (4) months from the effectivity of this Act, the Land Transportation~~
28 ~~Office (LTO) and the Philippine National Police (PNP) shall acquire sufficient breath~~
29 ~~analyzers and drug testing kits to be utilized by law enforcement officers and~~
30 ~~deputized local traffic enforcement officers nationwide giving priority to areas with~~
31 ~~high reported occurrences of accidents. For purposes of acquiring these equipment~~
32 ~~and for the training seminars indicated in Section 10 hereof, the LTO shall utilize~~
33 ~~the Special Road Safety Fund allotted for this purpose as provided under Section~~
34 ~~7 of Republic Act No. 8794, entitled: "An Act Imposing a Motor Vehicle User's~~
35 ~~Charge on Owners of All Types of Motor Vehicles and for Other Purposes".~~
36 ~~Additional yearly appropriations for the purchase of breath analyzers and drug~~
37 ~~testing kits shall be provided annually under the General Appropriations Act.]"~~
38
39

40 **SECTION 3.** Section 10 of Republic Act No. 10586 is hereby further amended to read as
41 follows:
42

43 "Section 10. Deputation. The LTO [~~may~~] **SHALL** deputize traffic enforcement
44 officers of the PNP, the Metropolitan Manila Development Authority (MMDA), **TOLL**
45 **OPERATORS**, and **THE LOCAL TRAFFIC ENFORCEMENT OFFICERS OF** cities
46 and municipalities in order to enforce the provisions of this Act.
47

48 **FOR THIS PURPOSE, THE AFOREMENTIONED GOVERNMENT AGENCIES**
49 **AND INSTITUTIONS MAY ESTABLISH OR DESIGNATE A BUREAU OR**
50 **UNIT FOR THE DEPUTIZED TRAFFIC ENFORCERS WHO ARE CHARGED TO**
51 **ENFORCE THE PROVISIONS OF THIS ACT.**
52

53 **SECTION 4.** Section 12 of Republic Act No. 10586 is hereby further amended to read as
54 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 **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) months~~] **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 **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 **THREE** [~~Two~~] 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.**

XXX"

SECTION 5. Section 14 of Republic Act No. 10586 is hereby further 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

1 agencies, shall conduct information, education, and communication (IEC)
2 campaign for the attainment of the objectives of this Act. **LIKewise, THE**
3 **MONTH OF NOVEMBER SHALL BE DECLARED AS THE NATIONAL ANTI-**
4 **IMPAIRED DRIVING AWARENESS MONTH TO PROMOTE RESPONSIBLE**
5 **DRIVING AND ROAD SAFETY."**

6
7 **SECTION 6.** Section 15 of Republic Act No. 10586 is hereby further amended to read as
8 follows:

9
10 "Section 15. Nationwide Random Terminal and Toll Inspection. - The LTO, together
11 with deputized toll operators shall **REGULARLY** conduct random terminal and toll
12 inspections of private and public utility drivers. **IN CASE A DRIVER OR**
13 **CONDUCTOR WAS FOUND IMPAIRED BY ALCOHOL, APPROPRIATE**
14 **ACTION SHALL BE UNDERTAKEN UNDER THIS ACT AND THE OPERATOR**
15 **IN CASE OF PUBLIC UTILITY VEHICLES SHALL LIKEWISE BE MADE**
16 **LIABLE IF FOUND TO BE NON-COMPLIANT WITH RELEVANT**
17 **ADMINISTRATIVE GUIDELINES AND REGULATIONS.** The cost of such tests
18 shall be defrayed by the LTO."

19
20 **SECTION 7.** A new section designated as Section 18 of Republic Act No.10586 is hereby
21 inserted to read as follows:

22
23 **"SECTION 18. PROACTIVE MEASURES TO PREVENT IMPAIRED DRIVING.**
24 **– PRIVATE AND PUBLIC ESTABLISHMENTS, SUCH AS BARS, CLUBS, AND**
25 **OTHER ESTABLISHMENTS SERVING ALOCOHOL SHALL INSTITUTE**
26 **PROACTIVE MEASURES TO PREVENT IMPAIRED DRIVING SUCH AS**
27 **ENGAGING DESIGNATED DRIVERS, ALTERNATIVE MODES OF**
28 **TRANSPORTATION FOR IMPAIRED DRIVERS, AND OTHER INNOVATIVE**
29 **MEASURES TO PREVENT IMPAIRED DRIVING AND PROMOTE SAFE**
30 **TRANSPORTATION.**

31
32 **LOCAL GOVERNMENTUNITS SHALL REQUIRE AND PROVIDE SUPPORT**
33 **TO ESTABLISHMENTS THAT SERVE ALCOHOL TO ADOPT PROGRAMS**
34 **THAT TRAIN STAFF TO RECOGNIZE INTOXICATION AND SUPPORT**
35 **DESIGNATED DRIVER PRACTICES, REFUSAL OF SERVICE TO**
36 **INTOXICATED INDIVIDUALS, AND PROVIDING INFORMATION ON THE**
37 **RISKS OF DRUNK-DRIVING. FAILURE TO COMPLY WITH THESE**
38 **PROACTIVE MEASURES WILL RESULT TO NON-ISSUANCE OR NON-**
39 **RENEWAL OF BUSINESS PERMIT."**

40
41 **SECTION 8.** A new section designated as Section 19 of Republic Act No. 10586 is hereby
42 inserted to read as follows:

43
44 **"SECTION 19. APPROPRIATIONS. - THE INITIAL AMOUNT OF ONE**
45 **BILLION AND SIX HUNDRED MILLION PESOS (PHP 1,600,000,000.00)**
46 **IS HEREBY APPROPRIATED UNDER THE DEPARTMENT OF**
47 **TRANSPORTATION (DOTR) THROUGH THE LAND TRANSPORTATION**
48 **OFFICE (LTO) FOR THE FIRST YEAR OF IMPLEMENTATION OF THIS ACT.**
49 **THEREAFTER, SUCH AMOUNT NECESSARY TO CARRY OUT THE**
50 **PROVISIONS OF THIS ACT SHALL BE APPROPRIATED IN THE ANNUAL**
51 **GENERAL APPROPRIATIONS ACT."**

52
53 **SECTION 9. *Repealing Clause.*** - All other laws, decrees, executive orders, issuances,

1 and rules and regulations, or part thereof, inconsistent with this Act are hereby likewise
2 repealed or amended accordingly.

3
4 **SECTION 10. *Separability Clause.*** - If, for any reason, any section or provision of this
5 Act is declared unconstitutional or invalid, the other sections or provisions not affected
6 thereby shall remain in full force and effect.

7
8 **SECTION 11. *Effectivity Clause.*** - This Act shall take effect after fifteen (15) days upon
9 publication in at least two (2) newspapers of general circulation.

Approved,