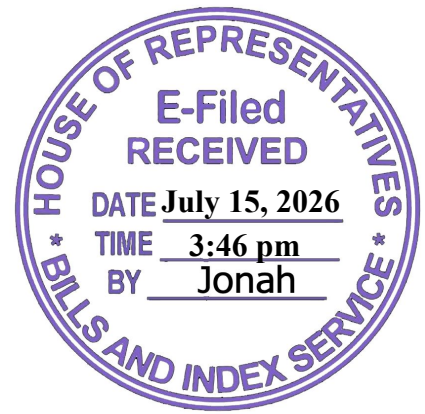


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. **10085**



Introduced by **Representative ERIC G. YAP**

EXPLANATORY NOTE

This bill seeks to strengthen Republic Act (RA) No. 10586, otherwise known as the "*Anti-Drunk and Drugged Driving Act of 2013*". It upgrades penalties for impaired driving, expands enforcement authority, and institutionalizes proactive measures to further prevent alcohol and drug-impaired driving.

Driving under the influence of alcohol or dangerous drugs remains a serious threat to public safety. Despite the enactment of RA No. 10586, impaired driving continues to endanger the traveling public and signals a need for stronger deterrence and more effective enforcement. Further, existing penalties no longer adequately reflect the gravity of the offense or its consequences.

This measure imposes higher penalties for violations resulting in serious physical injury or homicide, strengthens administrative sanctions on driver's license, and provides for the periodic review of penalties to ensure that they remain effective and responsive. It likewise requires the continuous acquisition and maintenance of roadside testing equipment and expands its testing in high risk areas. It institutionalizes public awareness campaigns and provides preventive measures that discourage impaired driving before motorists take the wheel.

Effective road safety laws require both meaningful penalties and reliable enforcement. This vital piece of legislation shall not only improve compliance with the law, but also deter impaired driving and better protect the lives and welfare of the Filipino people.

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


HON. ERIC G. YAP

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House Bill No. **10085**

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AN ACT
EXPANDING ENFORCEMENT AUTHORITY AND UPGRADING PENALTIES
FOR IMPAIRED DRIVING TO FURTHER STRENGTHEN NATIONWIDE
ROAD SAFETY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 10586,
OTHERWISE KNOWN AS THE “ANTI-DRUNK AND DRUGGED DRIVING
ACT OF 2013”

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

Section 1. Section 3 of Republic Act No. 10586, otherwise known as the “*Anti-Drunk and Drugged Driving Act of 2013*” is hereby amended to read as follows:

“SEC. 3. *Definition of Terms.* – x x x

“(e) *Driving under the influence of alcohol* refers to the act of operating a motor vehicle while the driver’s blood alcohol concentration level has, after being subjected to a breath analyzer test, reached the level of intoxication, as established jointly by the Department of Health (DOH), the National Police Commission (NAPOLCOM) and the Department of Transportation [and Communications (DOTC)] **(DOTr)**.

“(f) x x x.

“(g) *Field sobriety tests* refer to standardized tests to initially assess and determine intoxication, such as the horizontal gaze nystagmus, the walk-and-turn, the one-leg stand, and other similar tests as determined jointly by the DOH, the NAPOLCOM and the DOT[C]R.

“x x x”

Section 2. Section 9 of Republic Act No. 10586, otherwise known as the “*Anti-Drunk and Drugged Driving Act of 2013*” is hereby amended to read as follows:

“SEC. 9. Acquisition of Equipment AND TRAINING. – 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 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.

“THE NUMBER OF BREATH ANALYZERS CONSIDERED ‘SUFFICIENT’ 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.

“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 FUNCTIONALITY OF THE EQUIPMENT.

“For purposes of acquiring AND MAINTAINING 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 of All Types of Motor Vehicles and for Other Purposes”. THE LTO AND PNP SHALL LIKEWISE ALLOCATE FUNDS FROM THEIR RESPECTIVE ANNUAL APPROPRIATIONS FOR THE ACQUISITION OF BREATH ANALYZERS, DRUG TESTING KITS AND RELATED TRAINING REQUIREMENTS OF THEIR PERSONNEL, SUPPLEMENTED IF NECESSARY, BY GRANTS, DONATIONS, OR SPECIAL [Additional yearly] appropriations [for the purchase of breath analyzers and drug-testing kits shall be provided annually under the General Appropriations Act] 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 ACQUIRED, THE DISTRIBUTION ACROSS REGIONS, AND ANY CHALLENGES ENCOUNTERED IN EQUIPMENT DEPLOYMENT AND MAINTENANCE.”

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

“SEC. 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. COORDINATION AMONG THESE AGENCIES SHALL BE ENSURED TO PROMOTE EFFECTIVE, UNIFORM, AND CONSISTENT ENFORCEMENT NATIONWIDE.”

SEC. 4. Section 12 of the same Act is hereby amended to read as follows:

“SEC. 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 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)] **(Php 500,000)** to [Five hundred thousand] **ONE MILLION** pesos [(Php500,000)] **(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 this 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”

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

“SEC. 14. *Nationwide Information Campaign.* – Within [one (1)] **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 OCTOBER SHALL BE DECLARED AS THE NATIONAL ANTI-DRUNK AND DRUGGED DRIVING AWARENESS MONTH TO PROMOTE RESPONSIBLE DRIVING AND ROAD SAFETY.**”

SEC. 6. Section 15 of the same Act is hereby amended to read as follows:

“SEC. 15. *Nationwide Random Terminal Inspection and Quick Random Drug Tests.* – The LTO, **IN COORDINATION WITH THE PNP, MMDA, AND LGUs**, shall **REGULARLY** conduct random

terminal inspections, [and] quick random drug tests, **AND UTILIZE BREATH ANALYZERS [of] ON public utility drivers, AND OTHER MOTOR VEHICLE DRIVERS. SUCH RANDOM DRUG TESTING AND BREATH ALCOHOL TESTING MAY LIKEWISE BE CONDUCTED AT DESIGNATED HIGH RISK AREAS, INCLUDING BUT NOT LIMITED TO PARKING AREAS AND ENTERTAINMENT DISTRICTS, FOR MOTORISTS AND PERSONS IN CONTROL OF MOTOR VEHICLES IN ACCORDANCE WITH THIS ACT.** The cost of such tests shall be defrayed by the [LTO] **IMPLEMENTING AGENCIES FROM THEIR RESPECTIVE APPROPRIATIONS”.**

SEC. 7. Section 16 of the same Act is hereby amended to read as follows:

“SEC. 16. Review of Penalties. – The LTO shall, after five (5) years from the effectivity of this Act and every [five (5)] **THREE (3)** years thereafter, 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 THE RECOMMENDATION OF THE** Secretary of [the DOTC] **TRANSPORTATION.”**

SEC. 8. A new section to be denominated as Section 17 is hereby inserted after Section 16 of the same Act, to read as follows:

“SEC. 17. PROACTIVE MEASURES AGAINST IMPAIRED DRIVING. – PRIVATE AND PUBLIC ESTABLISHMENTS SERVING ALCOHOLIC BEVERAGES, INCLUDING BUT NOT LIMITED TO BARS AND CLUBS, SHALL IMPLEMENT PROACTIVE MEASURES TO PREVENT DRUNK AND DRUGGED DRIVING. THESE MAY INCLUDE, BUT ARE NOT LIMITED TO, ENGAGING DESIGNATED DRIVERS, ARRANGING ALTERNATIVE MODES OF TRANSPORTATION FOR IMPAIRED PATRONS, AND DEPLOYING INNOVATIVE MEASURES THAT PROMOTE RESPONSIBLE CONSUMPTION AND SAFE TRANSPORTATION.”

SEC. 9. Section 17 of the same Act is hereby amended and renumbered to Section 18 to read as follows:

“SEC. 1[7]8. Implementing Rules and Regulations. – The DOT[C]R, the DOH and the NAPOLCOM shall, within three (3) months from the effectivity of this Act, jointly promulgate the necessary implementing rules and regulations to carry out the provisions of this Act.”

SEC. 10. Sections 18 to 20 of the same Act are hereby renumbered to Sections 19 to 21, respectively.

SEC. 11. *Separability Clause.* – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

SEC. 12. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 13. *Effectivity.* – This Act shall take effect fifteen days (15) after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,