

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. No: 2459

RECEIVED BY 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

A motor vehicle driven by a person under the influence of alcohol and/or drugs becomes a dangerous machine and even a potentially fatal weapon that may result to unfortunate deaths.

Drunk driving, or driving under the influence of alcohol and/or drugs, which remains a worldwide leading factor in motor vehicle accidents, is a big problem in our country that has not been properly addressed. While official reports (or the lack thereof) do not accurately show the deleterious effects of drunk driving in our country, it cannot be denied that it is indeed a grave public concern that needs to be dealt with more seriously. Our antiquated laws, particularly Republic Act No. 4136, as amended, or the Land Transportation and Traffic Code, which merely prohibits driving under the influence of liquor or narcotic drug with a corresponding miniscule penalty for violation, do not address the seriousness of the matter. In many jurisdictions, driving under the influence of alcohol and/or drugs is considered a great concern that is combated through stricter penalties and methodical laws that seek to effectively and efficiently eliminate the problem.

There must be full personal and social responsibility for the incidence of drunk driving in our country. In addition to providing better means of law enforcement and stiffer penalties for driving under the influence of alcohol and/or drugs

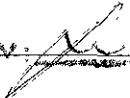
This bill seeks to tackle drunk driving through a comprehensive systems approach, which includes driver education, mandatory alcohol and drug testing of drivers involved in fatal motor vehicle accidents, the establishment of a drunk driving prevention fund for the purpose of funding the implementation of this proposed legislation, and the conduct of public information

campaigns by alcohol beverage manufacturers about drunk driving and its ill effects with the end in view of preventing the same.

This bill was originally filed by Sen. Richard Gordon during the Fourteenth Congress, First Regular Session.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

SENATE
S. No. **2459**

~~REGISTERED~~ 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO PREVENT AND PUNISH DRIVING UNDER THE INFLUENCE OF ALCOHOL
3 AND/OR DRUGS

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

4 SECTION 1. *Short Title.* -This Act shall be known as the “Drunk Driving Prevention
5 and Punishment Act.”

6 SECTION 2. *Policy.* - It is the policy of the State to protect its people from hazards
7 brought about by driving under the influence of alcohol and/or drugs that foolishly endanger life
8 and property.

9 SECTION 3. *Definitions.* - For purposes of this Act,

10 (1) “Motor vehicle” refers to anything that carries people or goods powered by a motor or
11 engine.

12 (2) “Driving under the influence” refers to the act of operating a motor vehicle while
13 intoxicated with alcohol and/or drugs when the driver’s mental and motor skills are
14 impaired, or when the driver’s blood alcohol concentration level is 0.08 or more.

15 (3) “Field sobriety tests” refers to standardized tests, including the horizontal gaze,
16 nystagmus, the walk-and-turn, and the one-leg stand, to assess intoxication.

17 (4) “Chemical tests” refers to breath, urine or blood tests to determine the blood alcohol
18 content level and/or the positive indication of drugs.

19 (5) “Driving under the influence resulting to physical injuries” refers to the unlawful and
20 unintentional physical injuries of a person caused by a driver while driving under the
21 influence.

1 (6) "Driving under the influence resulting to homicide" refers to the unlawful and
2 unintentional death of a person caused by a driver while driving under the influence.

3 SECTION 4. *Driver Education.* - Every applicant for a driver's license shall complete a
4 course of instruction that provides information on driver and safety matters, including the effects
5 of consumption of beverage alcohol products and the use of illegal drugs, prescription drugs, and
6 non-prescription drugs on the ability of a person to operate a motor vehicle; the hazards of
7 driving under the influence; and the penalties for driving under the influence.

8 The driver's license test shall include written questions concerning the effects of
9 consumption of beverage alcohol products and the use of illegal drugs, prescription drugs, and
10 non-prescription drugs on the ability of a person to operate a motor vehicle and the legal and
11 financial consequences resulting from violation of the law prohibiting driving under the
12 influence.

13 SECTION 5. *Driving Under the Influence.* - It shall be unlawful for any person to be
14 driving under the influence. When a law enforcement officer has probable cause to believe a
15 driver to be driving under the influence due to manifestations, including erratic driving, poor
16 coordination, or the presence of the smell of alcohol, the officer shall conduct field sobriety tests.
17 If the driver fails the field sobriety tests, the driver shall be required to undergo chemical tests.

18 SECTION 6. *Penalties.* -Any person found to be driving under the influence not resulting
19 to physical injuries or homicide shall be punished with the penalty of *prision correccional* under
20 the Revised Penal Code, or a fine ranging from twenty thousand pesos (PhP20,000) to eighty
21 thousand pesos (PhP80,000), or both.

22 Any person who commits driving under the influence resulting to physical injuries shall
23 be punished with the same applicable penalties as provided in Art. 263 of the Revised Penal
24 Code or with the same penalty as provided in the next preceding paragraph, whichever is higher.

25 Any person who commits driving under the influence resulting to homicide shall be
26 punished with the same penalty as provided for murder in Art. 249 of the Revised Penal Code.

1 The driver's license of any person found to be driving under the influence shall also be
2 confiscated and suspended for a period of six (6) months for the first conviction and twelve (12)
3 months for the second conviction. A conviction for the third time under this Act shall result in
4 the revocation of the driver's license and perpetual disqualification to hold a driver's license.

5 SECTION 7. *Mandatory Alcohol and Drug Testing of Drivers Involved in Fatal Motor*
6 *Vehicle Accidents.* -When the driver of a motor vehicle is involved in an accident resulting in
7 loss of human life, or where there is reason to believe that death may have resulted from an
8 accident, and there exists probable cause to believe that the driver is guilty of driving under the
9 influence, chemical tests shall be administered to the driver to determine the presence and
10 concentration of alcohol and/or drugs.

11 SECTION 8. *Public Hospitals.* - For purposes of this Act, all public hospitals are
12 required to have facilities for chemical tests to determine the presence and concentration of
13 alcohol and/or drugs. Public hospitals shall be given preference in the administration of chemical
14 tests pursuant to this Act.

15 SECTION 9. *Drunk Driving Prevention Fund.* - A fee of not more than ten percent (10%)
16 of the fees and charges for license and motor vehicle transactions is hereby imposed to constitute
17 the drunk driving prevention fund for the purpose of funding the implementation of this Act,
18 including the training of law enforcement officers to conduct field sobriety tests and the
19 procurement of the needed supplies and equipment for the administration of chemical tests.

20 SECTION 10. *Alcohol Beverage Manufacturers.* - All alcohol beverage manufacturers
21 are required to conduct public information campaigns to educate the public about driving under
22 the influence and its ill effects with the end in view of preventing the same.

23 SECTION 11. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or
24 parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or
25 modified accordingly.

1 SECTION 12. *Separability Clause.* – If, for any reason, any provision of this Act is
2 declared to be unconstitutional or invalid, the other sections or provisions hereof which are not
3 affected thereby shall continue to be in full force and effect.

4 SECTION 13. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
5 following its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,