

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



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SENATE
Senate Bill No. 2683

RECEIVED BY: 

INTRODUCED BY SENATOR FERDINAND R. MARCOS, JR.

EXPLANATORY NOTE

Article II, section 5 of the Constitution provides that "the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

Vehicular accident is one of the leading causes of deaths in the Philippines. In fact, newspapers, televisions and radios, most often than not, contain reports of vehicular accidents. Philippine statistics show that there has been an increase of 6.2 percent in 2009 in alcohol-related accidents nationwide resulting to death, physical injuries, and damage of properties.

Studies show that "driving while either intoxicated or drunk is dangerous and drivers with high blood alcohol content or concentration (BAC) are at greatly increased risk of car accidents, highway injuries and vehicular deaths". In fact, the World Health Organization had confirmed that alcohol intake results in "impairment which increases the likelihood of a crash since it produces poor judgment, decreased reaction time, lower vigilance and decreases visual acuity".

It should be noted, however, that every injury, death or damage to property caused by drunk driving is totally preventable. With the efforts of the government to provide good roads and signage, allocating billions of pesos every year from its scarce budget to maintain safety in the road, the same should be complimented by measures to reduce human error as a factor of vehicular accident. To date, alcohol-impaired driving remains a serious national problem that tragically often heard in many vehicular accidents.

This bill seeks to define as a crime the mere driving of motor vehicle under the influence of alcohol/liquor with the end view that every driver shall realize his/her inherent responsibility to ensure full advantage of his faculties while driving a motor vehicle.

Earnest approval of this bill is hereby requested.


FERDINAND R. MARCOS, JR.

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AN ACT
PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL

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 “Driving Under the Influence of Alcohol (DUIA) Act of 2011”.

SECTION 2. Policy. – It is hereby declared the policy of the State to protect its people from hazards brought about by accidents resulting from driving under the influence of alcohol and similar intoxicating substances.

SECTION 3. Definition of Terms. – For purposes of this Act:

- (a) Alcohol refers to alcoholic beverages classified into beer, wine and spirit consumption of which produces intoxication;
- (b) Breathalyzer refers to a kind of equipment which can determine the blood alcohol concentration level of a person through one's breath;
- (c) Chemical tests refer to breath, urine or blood test to determine the blood alcohol concentration level;
- (d) Driving ; under the influence of alcohol refers to the act of operating a motor vehicle while intoxicated with alcohol by reason of which the driver's mental and motor skills are impaired, or when the driver's blood alcohol concentration level is zero point zero six (0.06) or more;
- (e) Field sobriety tests refer to standardized tests to assess and determine intoxication, including the horizontal gaze nystagmus, the wall-and-turn and the one-leg stand; and
- (f) Motor vehicle refers to anything that carries people or goods powered by a motor or engine.

SECTION 4. Driver's Education. – Every applicant for a driver's license shall complete a course of instruction that provides information on driving and safety matters, including the effects of consumption of alcoholic beverages on the ability of a person to operate a motor vehicle; the hazards of driving under the influence of alcohol; and the penalties attached for violation thereof.

The driver's license test shall include written questions concerning the effects of consumption of alcoholic beverages, the ability of a person to operate a motor vehicle and the legal and pecuniary consequences resulting from violation of this Act.

SECTION 5. Punishable Act.- It shall be unlawful for any person to drive a motor vehicle under the influence of alcohol. A law enforcement officer who has probable cause to believe that a driver is driving under the influence of alcohol by apparent indications and manifestations, including erratic driving, poor coordination or the presence of the smell of alcohol, may conduct field sobriety tests. If the driver fails in the sobriety tests, it shall be the duty of the law enforcement officer to determine his blood alcohol concentration level through the use of breathalyzer.

SECTION 6. Penalties. – Without prejudice to criminal prosecution for violation of the Revised Penal Code or other special laws, whenever applicable, a driver found to have been driving a motor vehicle while intoxicated, as provided for in the immediately preceding section, shall be penalized as follows:

- (a) For the first offense – a fine of Five thousand pesos (Php5,000.00) and (2) months suspension of driver's license;
- (b) For the second offense – a fine of Six thousand pesos (Php6,000.00) and three (3) months suspension of driver's;
- (c) For the third offense – a fine of Seven thousand pesos (Php7,000.00) and six (6) months suspension of driver's license; and
- (d) For the succeeding offenses – a fine of Seven Thousand pesos (Php 7, 000.00) and automatic revocation of driver's license.

Within the period of suspension, the offender shall be required to render community service for a period of one (1) month. No driver's license shall be returned unless this requirement is complied with.

SECTION 7. Mandatory Alcohol Testing of Drivers Involved In Fatal Motor Vehicular Accidents – All drivers of motor vehicles involved in vehicular accidents resulting to loss of lives or physical injuries of serious nature shall be subjected to chemical tests to determine the presence and/or concentration of alcohol. Implementing guidelines for said tests shall be undertaken by the Land Transportation Office (LTO), the Philippine National Police (PNP), Department of Health (DOH), and other agencies with related functions.

SECTION 8. Separability Clause – if, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect the other provisions of this Act.

SECTION 9. Repealing Clause – The provisions of Laws, Decrees, executive orders, ordinances, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 10. Effectivity – This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,