

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

04 JUN 30 P12:14

SENATE

S. No. 41

RECEIVED BY: 

Introduced by Senator Juan Flavier

AN ACT REGULATING THE USE OF HAND HELD CELL PHONES
BY MOTORISTS

EXPLANATORY NOTE

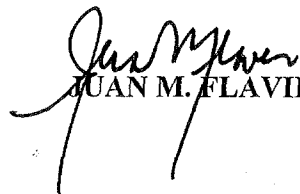
Cellular phones have become an almost indispensable part of Filipino life. It's use and importance in business, communication, and entertainment cannot be denied.

However, operating the device in some instances and situations pose not only inconvenience to other people but danger as well. One such situation is when people operate these devices while driving their motor vehicles.

A study published in the New England Journal of Medicine found that collision rates for drivers using hand held cell phones were roughly the same as for drivers who were legally drunk.

While some cities have enacted local ordinances prohibiting its use by drivers, there is a need to institute a similar measure on a nationwide scale to protect life, limb and property.

In view of the foregoing and in the interest of public safety, Immediate passage of this measure is therefore requested.


JUAN M. FLAVIER, M.D.

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Introduced by Senator Juan M. Flavies

AN ACT REGULATING THE USE OF HAND HELD CELL PHONES
BY MOTORISTS

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

SECTION 1. *Title.* – This Act shall be known as the Cell Phone Safety Act.

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to safeguard its citizenry from the ruinous and extremely injurious effects of vehicular accidents. Towards this end, it shall pursue a more proactive and preventive approach to secure the safety of motorists, their passengers and pedestrians at all times through the banning of the use of hand held cellular phones by motorists on board a moving motor vehicle.

SECTION 3. *Definition of Terms.* – As used in this act, the term:

- (a.) “hand held cellular phone” shall refer to a cellular phone without the aid of a hands-free or similar device;
- (b.) “use of hand held cellular phone” shall refer to the act of calling, receiving a call or the sending and receiving of text messages;
- (c.) “motorist” shall refer to the driver of a motor vehicle
- (d.) “moving motor vehicle” shall refer to both private and public motor vehicle with the engine running and operating on any road, thoroughfare and street;
- (e.) “private motor vehicle” shall refer to any of the following:
 - 1.) Any motor vehicle owned by individuals and juridical persons for private use;
 - 2.) Any motor vehicle owned by the National Government or any of its agencies, instrumentalities or political subdivisions, including government owned or –controlled corporations or their subsidiaries for official use; and
 - 3.) Any diplomatic vehicle.
- (f.) “public motor vehicle” shall refer to public utility vehicle or vehicle for hire.

SECTION 4. *Ban on the Use of Hand held Cellular Phones.* – For public safety, no motorist on board a moving motor vehicle may use a hand held cellular phone.

SECTION 5. *Exemption.* – The ban may not be imposed if the motorist concerned uses a hands free or speaker phone device or other similar device which allows a person to make and receive calls without having to hold the cellular phone.

SECTION 6. *Implementation.* – The Land Transportation Office (LTO) is the lead agency in the implementation of this Act. It shall, with the assistance of the National Telecommunications Commission and other concerned agencies, promulgate the necessary Implementing Rules and Regulations for this Act.

SECTION 7. *Fines and Penalties.* – In the enforcement of this Act, the LTO shall impose the corresponding fines and penalties, which shall be based on the following:

1. For the 1st violation – a minimum fine of One Hundred Pesos (P 100.00) but not to exceed One Thousand Pesos (P 1,000.00);
2. For the 2nd violation - a minimum fine of Two Hundred Pesos (P 200.00) but not to exceed Two Thousand Pesos (P 2,000.00);
3. For the 3rd and succeeding violations – a minimum fine of Five Hundred Pesos (P 500.00) but not to exceed Five Thousand Pesos (P 5,000.00) and suspension of driver's license for three (3) months.

SECTION 8. *Nationwide Public Information Campaign.* – The LTO, in coordination with the Philippine Information Agency (PIA), Department of Education, Culture and Sports (DECS) and private agencies and organizations, shall undertake a regular nationwide Information, Education and Communication (IEC) campaign for the attainment of the objectives of this Act.

SECTION 9. *Separability Clause.* – If any provision, or part of hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 10. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or any part thereof, which are inconsistent herewith are hereby repealed or amended accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers or general circulation in the Philippines.

Approved,