

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

'04 JUN 30 P5:43

SENATE  
S. No. 463

RECEIVED BY: Adler

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Introduced by Senator S. R. Osmeña III

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### EXPLANATORY NOTE

Alcohol is society's legal, oldest, and most popular drug. In 2002, it was estimated that a total of 14,700 individuals in the United States, died in alcohol related traffic crashes. This figure comprises 41% of the 42,815 reported traffic fatalities. Here in the Philippines, although such figures are not similarly available, however, it is well known that driving under the influence of drugs or alcohol present a serious and growing threat to the safety of the populace.

This bill seeks to define as a crime the act of driving any motor vehicle while under the influence of alcohol and/or drugs above prescribed limits. Furthermore, the bill seeks to establish the penalties to be levied against potential offenders.

In view hereof, the approval of this measure is highly recommended.

*S. Osmeña III*  
SERGIO OSMEÑA III  
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC  
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S. No. 463

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Introduced by Senator S. R. Osmeña III

AN ACT  
DEFINING AS A CRIME THE ACT OF DRIVING ANY MOTOR VEHICLE  
WHILE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES AND/OR  
PROHIBITED DRUGS AND PROVIDING GRADUATED PENALTIES  
THEREFOR

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

1 SECTION 1. **Short Title.** – This Act shall be known as the “**Anti-Drunk**  
2 **Driving Act of 2004**”

3 SEC. 2. **Declaration of Policy.** – It is hereby declared to be the national  
4 policy of the State to minimize, if not totally eliminate, injuries and death due to  
5 accidents caused by persons driving or operating any kind of motor vehicle while  
6 under the influence of alcoholic beverages and/or prohibited drugs.

7 SEC. 3. **Prohibited Act.**– It shall be unlawful for any person to drive or  
8 operate any motor vehicle while under the influence of alcoholic beverages  
9 and/or prohibited drugs. A person shall be considered under the influence of  
10 alcoholic beverages if it shall be established that he has a blood alcohol  
11 concentration (BAC) level of 0.6% or more.

12 SEC. 4. **Implied Consent.**– Any person who drives or operates a motor  
13 vehicle on a street, road, highway or quasi-public area shall be deemed to have  
14 given consent to a test or test of such person's blood, breathe, urine or other  
15 bodily substance for the purpose of determining his BAC level or the presence of  
16 prohibited drugs.

1        SEC. 5. **Screening Tests.**- Screening tests to determine probable cause of  
2 violations of this Act may be administered by authorized law enforcement officers  
3 on any driver or operator of a motor vehicle:

4        (1) exhibiting some indication of alcohol/ drug impairment while in motion,  
5 such as weaving or coming dangerously close to stationary objects or other  
6 vehicles;

7        (2) stopped for a traffic violation or any other offense alleged to have been  
8 committed while in motion; or

9        (3) involved in an accident.

10       The screening tests may consist of sobriety test such as the Standardized  
11 Field Sobriety Test (SFST) or chemical tests with the use of passive alcohol  
12 sensors such as breath analyzers and similar equipment duly approved by the  
13 Department of Health (DOH).

14       SEC. 6. **Confirmatory Tests.**- Upon determination of probable cause of  
15 violations of this Act, confirmatory chemical tests shall immediately be  
16 administered at the direction of the apprehending law enforcement officer at the  
17 laboratory of any authorized hospital, clinic or test center. Such tests shall consist  
18 of blood or urine sample analysis or any equivalent test to be conducted by any  
19 authorized medical or laboratory authority to determine the suspect's BAC level  
20 or the presence of any prohibited drug in his system.

21       SEC. 7. **Refusal to Submit to BAC Testing.** The suspect may choose  
22 which among the available confirmatory tests shall be administered on him:  
23 Provided, however, That the failure, inability or refusal of the suspect to obtain  
24 said tests shall not preclude the admission of evidence relating to the screening  
25 tests administered by the apprehending law enforcement officer.

26       SEC. 8. **Penalties.**- Any person found guilty of violating the provisions of  
27 this Act shall be sentenced to suffer any of the following penalties:

1 (a) *First Offense*- A fine of One thousand pesos (P1,000.00) and the  
2 suspension of his license to drive for one (1) year or thirty (30) days  
3 imprisonment, at the discretion of the court.

4 (b) *Second Offense*- A fine of Five thousand pesos (P5,000.00),  
5 suspension of his license to drive for five (5) years and thirty (30) days  
6 imprisonment.

7 (c) *Third and all Subsequent Offenses*- A fine of Ten Thousand pesos  
8 (P10,000.00) revocation of his license to drive and thirty (30) days imprisonment:  
9 Provided, That the additional penalty of one (1) year to five (5) years  
10 imprisonment shall be imposed upon the offender who shall commit the same  
11 offense during the period when his license to drive is suspended and/ or revoked.

12 SEC.9. ***Liability Under Other Laws.***- A prosecution under this Act shall  
13 be without prejudice to any liability for violation of any provisions of Act 3185, as  
14 amended, otherwise known as the Revised Penal Code; Republic Act No. 9165,  
15 or the Comprehensive Dangerous Drugs Act of 2002; or any other law.

16 SEC. 10. ***Promulgation of Implementing Rules and Regulations***- The  
17 Department of Transportation and Communications (DOTC), in cooperation with  
18 the Traffic Management Group- Philippine National Police (TMG-PNP), the Metro  
19 Manila Development Authority (MMDA), the Department of Health (DOH), the  
20 Department of Justice (DOJ) and the Department of the Interior and Local  
21 Government (DILG), shall promulgate rules and regulations to implement the  
22 provisions of this Act and shall draft strategies that would encourage community  
23 participation and cooperation among local government units, the media and the  
24 PNP.

25 SEC. 11. ***Separability Clause***- If any provision or part hereof is held  
26 invalid or unconstitutional, the remainder of the law or the provisions not  
27 otherwise affected shall remain valid and subsisting.

28 SEC. 12. ***Repealing Clause***- Section 53, in relation to Section 56 (f) of the  
29 Land Transportation and Traffic Code and all other laws, presidential decrees,

1 executive orders, proclamations and/or administrative regulations which are  
2 inconsistent with the provisions of this Act, are hereby amended modified,  
3 superseded or repealed accordingly.

4 SEC. 13. **Effectivity Clause-** This Act shall take effect fifteen (15) days  
5 from its publication in the Official Gazette or in at least two (2) newspapers of  
6 national circulation.

7 Approved,