

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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OFFICE OF THE CLERK
SENATE

704 JUN 30 1976



SENATE

S. No. 774

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

E.O. No. 292, also known as The Administrative Code, Book IV, Title XV, Section 1, provides that "The State is committed to maintenance and expansion of viable, efficient, fast, safe and dependable transportation and communications systems as effective instruments for national recovery and economic progress."

Accordingly, traffic accidents involving public utility vehicles must be prevented.

Studies show that a person under the influence of a prohibited or regulated drug or alcohol suffers from certain psychological and mental defects including paranoia, hallucinations, drowsiness and loss of consciousness. These defects make the person unfit to drive a public utility vehicle.

In the interest of public welfare and safety, there is a need to test drivers of public utility vehicles for alcohol or drug use.



MANUEL B. VILLAR, JR.

THIRTEENTH CONGRESS OF THE
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SENATE
OFFICE OF THE SECRETARY

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SENATE

S. No. 774

INTRODUCED BY HON. MANUEL B. VILLAR JR.

AN ACT
PROVIDING FOR DRUG AND ALCOHOL TESTING FOR DRIVERS OF PUBLIC
UTILITY VEHICLES

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 "Drugs and Alcohol Testing for Drivers Act."

SECTION 2. **Declaration of Policy.** It is the policy of the State to promote and maintain safety in highways and roads and to prevent accidents involving drivers under the influence of alcohol or prohibited or regulated drugs.

SECTION 3. **Definition of Terms.** As used in this Act:

- (a) "Drugs" mean any of the prohibited or regulated drugs as defined in R.A. No. 6425, also known as the Dangerous Drug Act.
- (b) "Alcohol" shall refer to the ethyl alcohol, ethanol or spirits of wine, including all dilutions, purifications and mixtures thereof, from whatever source by whatever process produced and shall include whisky, brandy, rum, gin and vodka, and other similar products or mixtures.
- (c) "Public Utility Vehicle" means any vehicle used in the business of carrying or transporting passengers or goods or both over land.
- (d) "Secretary" refers to the Secretary of Transportation and Communication.
- (e) "Operators of Public Utility Vehicles" refer to the owner of vehicles engaged in the business of carrying or transporting goods or both over land.

SECTION 4. **Duty of the Secretary of Transportation and Communications.** (A) In the interest of safety, the Secretary shall prescribe regulations and issue orders to establish a program requiring:

- 1. Owners of public utility vehicles to conduct pre-employment, reasonable suspicion, random and post-accident testing of all their drivers for the use of alcohol or prohibited or regulated drug; and
- 2. Suspension or dismissal of any driver found:
 - a) To have used or been impaired by alcohol when on duty; or

- b) To have used a regulated or prohibited drug, whether or not on duty, except as allowed for medical purposes by law or regulation or order.
- (B) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations and issue orders requiring operators of public utility vehicles to conduct periodic testing of their drivers for the use of alcohol or prohibited or regulated drug.

SECTION 5. Testing and Laboratory Requirements. In carrying out this Act, the Secretary of Transportation shall develop requirements that shall:

- (A) Promote, to maximum extent practicable, individual privacy in the collection specimens;
- (B) For laboratories and testing procedures for regulated or prohibited drugs in consultation with the Department of Health:
 1. Comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for drugs testing;
 2. The minimum list of regulated and prohibited drug for which individuals may be tested; and
 3. Appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this Act.
- (C) Require that a laboratory involved in drug testing under this Act have the capability and facility at the laboratory, of performing screening and confirmation tests;
- (D) Provide that all tests indicating the use of alcohol or drug be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or regulated and prohibited drugs;
- (E) Provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering;
- (F) Ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health;
- (G) Provide for the confidentiality of test results and medical information (other than information about alcohol or a drug) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this section; and
- (H) Ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

SECTION 6. Penalty for Violation. Any operator of public utility vehicle who violates the provisions of this Act and its implementing rules shall be penalized with suspension of their franchise and Certificate of Public Convenience and Necessity (CPCN) for the first violation. Upon second and subsequent violation, their franchise and CPCN shall be cancelled.

SECTION 7. Separability Clause. If any provision or part hereof is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. **Repealing Clause.** Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 9. **Effectivity Clause.** This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,