

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

04 JUL 26 P1:11

SENATE
S.B. No. 1488

FILED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Civil Code, Article 1755 provides:

Article 1755. A common carrier is bound to carry the passengers as far as human care and foresight can provide using the utmost diligence of very cautious persons, with due regard for all the circumstances.

Alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the public. In fact, recent studies conducted by the LTO, have demonstrated that the use of alcohol and illegal drugs greatly affects the performance of individuals, and is a critical factor in transportation accidents.

The government should expend the greatest efforts to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the operation of commercial jeepneys, trucks, and buses.

Hence, this bill seeks to provide for testing for the use, without lawful authorization, of alcohol or controlled substances by the operators of commercial motor vehicles in a manner which protects an individual's right of privacy and ensures that no individual's reputation or career development is unduly threatened or harmed.


MIRIAM DEFENSOR SANTIAGO

04 JUL 26 21:11

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SENATE **1488**
S.B. No. _____

Introduced by Senator Miriam Defensor Santiago

**AN ACT
PROVIDING FOR TESTING FOR THE USE, WITHOUT LAWFUL
AUTHORIZATION, OF ALCOHOL OR CONTROLLED SUBSTANCES BY THE
OPERATORS OF COMMERCIAL MOTOR 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 cited as “Commercial Motor
Vehicle Safety Act.”

SECTION 2. *Regulations.* —

(1) The Secretary of the Department of Transportation and
Communications shall, in the interest of commercial motor vehicle safety, issue
regulations, standards and orders relating to alcohol and drug abuse in motor
vehicle operations, within twelve months after the date of enactment of this Act.

Such regulations shall establish a program which —

- (A) requires the conduct of pre-employment, reasonable suspicion,
random, and post-accident testing of all employees responsible for safety-
sensitive functions (as determined by the office) for use, in violation of
this Act relating to alcohol or controlled substance;

(B) requires disqualification for an established period of time or dismissal of any employee determined to have used or to have been impaired by alcohol while on duty; and

(C) requires disqualification for an established period of time or dismissal of any employee determined to have used a controlled substance, whether on duty or not on duty, except as permitted for medical purposes by law and any rules, regulations, standards, or orders issued under this Act.

(2) The secretary may also issue rules, regulations, standards, and orders, as he considers appropriate in interest of safety, requiring the conduct of periodic recurring testing of drivers and employees responsible for such safety sensitive functions, for use of alcohol or a controlled substance in violation of this Act. Nothing in this subsection shall be construed to restrict the discretion of the office to continue in force, amend, or further supplement any rules, regulations, standards, and orders governing the use of alcohol and controlled substances in motor vehicle operations issued before the date of enactment of this subsection.

SECTION 3. *Program for Rehabilitation.* — The Secretary shall issue regulations setting forth requirements for rehabilitation programs which provide for the identification and opportunity for treatment of operators of commercial motor vehicles who are determined to have used, in violation of this Act, alcohol or a controlled substance. He shall also determine the circumstances under which such operators shall be required to participate in such program. Nothing in this subsection shall preclude a motor carrier from establishing a program under this subsection in cooperation with any other motor carrier.

SECTION 4. *Procedures for Testing.* — In establishing the program required under subsection (A) of this section, the Secretary shall develop requirements which shall-

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, the LTO shall coordinate with the Department of Health and provide mandatory guidelines which —

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish 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 section;

(3) require that all laboratories involved in the testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of this Act, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labeled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation tests are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a

second certified laboratory if the individual requests the independent test within three (3) days after being advised of the results of the confirmation test;

(6) 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 as may be necessary and in consultation with the Department of Health;

(7) provide for the confidentiality of test results and medical information (other than information relating to alcohol or a controlled substance) of employees, except that the provisions of this paragraph shall not preclude the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) 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 5. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 6. *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 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.