

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

01 SEP 23 15:00

SENATE

RECEIVED BY: _____

S.B. No. 1806

Introduced by **SENATOR COMPAÑERA PIA S. CAYETANO**

EXPLANATORY NOTE

The recent death of a Malacañang Undersecretary due to a car accident involving a young and allegedly drunk driver and other reports of similar accidents resulting to death, physical injuries and destruction to property is quite alarming.

The country's existing laws regarding car accidents involving drunk drivers are lenient and treat these accidents as caused by reckless imprudence rather than by deliberate act. There is therefore a need to amend these laws to provide stricter penalty for accidents caused by drunk drivers and consider the same as offenses by "delict" and not merely as a result of "culpa."

For these reasons, approval of this Bill is urgently sought.

Pia S. Cayetano
COMPANERA PIA S. CAYETANO
Senator

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104 SEP 23 25 415

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Introduced by **SENATOR COMPAÑERA PIA S. CAYETANO**

AN ACT
PROHIBITING DRUNK DRIVING, PROVIDING FOR STRICT PENALTIES
THEREFOR, AMENDING FOR THE PURPOSE THE REVISED PENAL CODE
AND FOR OTHER PURPOSES.

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

SECTION 1. Title. - This Act shall be known as the "ANTI-DRUNK DRIVING ACT of 2004."

SECTION 2. Drunk Driving. - A driver of a motor vehicle shall be considered drunk if his or her appearance suggests that he or she has consumed sufficient level of alcohol as to affect the control of his or her faculties as may be determined by the apprehending or investigating police officer from any of the following indicators, among others:

- 2.1 Driving Symptoms, i. e. weaving, lane straddling, over speeding, sudden stops, swerving and the like.
- 2.2 Personal Symptoms, i. e. slurred speech, breath odor, condition of the eyes, demeanor, color of face and the like.
- 2.3 Sobriety Test, i. e. standing on one foot, walking imaginary line, finger counting, alternate clapping and the like.
- 2.4 Such other test that may hereinafter be developed by the Land Transportation Office.

Section 3. Driver's Right to Contest. - If the driver controverts the finding of the apprehending or investigating police officer, the burden lies with him or her to prove that he or she is not drunk by immediately securing a blood test which result must show the time the same was taken and that the blood alcohol concentration level did not exceed point zero seven percent (0.07%). For purposes of this Section, "immediately" shall mean within two (2) hours from the apprehension or investigation.

Section 4. Duty of Apprehending or Investigating Police Officer. - The apprehending or investigating police officer must inform the driver of his or her right to remain silent, that anything he or she says can be used against him or her, and he or she has a right to counsel before questioning. He must likewise

inform the driver of his or her right to contest the apprehending or investigating officer's finding and the consequence of his or her failure to do the same.

Section 5. *Duty of the Land Transportation Office.* – It shall be the duty of the Land Transportation Office of the Department of Transportation and Communication to promulgate the necessary implementing rules and regulation for the proper implementation of this Act.

Section 6. *Classification of Offense.* – The offense under this Act and any resulting violation of the Revised Penal Code or any other law shall be treated as a "delict," and not merely as "culpa."

Section 7. *Penalty.* – In addition to the penalties for other offenses that might likewise have been committed, a person found violating the provision of this Act shall be fined as follows:

- 7.1 For the first offense: Suspension of license to drive for six months and a fine of not less than Two Thousand Pesos but not more than Five Thousand Pesos.
- 7.2 For the second offense: Suspension of license to drive for one year and a fine of not less Five Thousand Pesos but not more than Ten Thousand Pesos.
- 7.3 For the third offense: Permanent revocation of license with perpetual prohibition to drive a motor vehicle and a fine of not less than Ten Thousand Pesos but not more than Twenty Thousand Pesos.

Provided that, should the offender be a public transport driver who at the time of the violation is in the performance of his or her duty as such, then the penalty shall be as follows:

- 7.1.1 For the first offense: Suspension of license to drive for one year and a fine of not less than Five Thousand Pesos but not more than Ten Thousand Pesos.
- 7.1.2 For the second offense: Permanent revocation of license with perpetual prohibition to drive a motor vehicle and a fine of not less than Ten Thousand Pesos but not more than Twenty Thousand Pesos.

SECTION. 8. *Separability Clause.*- If any part, section, or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

SECTION. 9. *Repealing Clause.*- The Revised Penal Code and all other acts, laws, executive orders, presidential issuances, rules and regulations or any part thereof which are inconsistent herewith are hereby deemed repealed or modified accordingly.

SECTION. 10. *Effectivity.* -The provisions of this Act shall take effect fifteen days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,