

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

SENATE
S. No. 1898

Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

A motor vehicle driven by a person under the influence of alcohol and/or drugs becomes a dangerous machine and even a potentially fatal weapon that may result to unfortunate deaths. Precious Baldo, a twenty-year old UP student from Benguet, was killed after a car driven by an alleged drunk driver rammed into a sidewalk near UP's Kamia Residence Hall on February 18, 2003, while she was quietly sitting and passing time with her companions who were critically injured as well.

Drunk driving or driving under the influence of alcohol and/or drugs, which remains a worldwide leading factor in motor vehicle accidents, is a big problem in our country that has not been properly addressed. While official reports (or the lack thereof) do not accurately show the deleterious effects of drunk driving in our country, it cannot be denied that it is indeed a grave public concern that needs to be dealt with more seriously. Our antiquated laws, particularly Republic Act No. 4136, as amended, or the Land Transportation and Traffic Code, which merely prohibits driving under the influence of liquor or narcotic drug with a corresponding miniscule penalty for violation, do not address the seriousness of the matter. In many jurisdictions, driving under the influence of alcohol and/or drugs is considered a great concern that is combated through stricter penalties and methodical laws that seek to effectively and efficiently eliminate the problem.

There must be full personal and social responsibility for the incidence of drunk driving in our country. In addition to providing better means of law enforcement and stiffer penalties for driving under the influence of alcohol and/or drugs, this bill seeks to tackle drunk driving through a comprehensive systems approach, which includes driver education, mandatory alcohol and drug testing of drivers involved in fatal motor vehicle accidents, the establishment of a drunk driving prevention fund for the purpose of funding the implementation of this proposed legislation, and the conduct of public information campaigns by alcohol beverage manufacturers about drunk driving and its ill effects with the end in view of preventing the same.



RICHARD J. GORDON
Senator

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**AN ACT TO PREVENT AND PUNISH
DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the "Drunk Driving Prevention
2 and Punishment Act."

3 Sec. 2. *Policy.* – It is the policy of the State to protect its people from hazards
4 brought about by driving under the influence of alcohol and/or drugs that foolishly endanger
5 life and property.

6 Sec. 3. *Definitions.* – For purposes of this Act,

7 (1) "Motor vehicle" refers to anything that carries people or goods powered by a
8 motor or engine.

9 (2) "Driving under the influence" refers to the act of operating a motor vehicle while
10 intoxicated with alcohol and/or drugs when the driver's mental and motor skills are impaired,
11 or when the driver's blood alcohol concentration level is 0.08 or more.

12 (3) "Field sobriety tests" refers to standardized tests, including the horizontal gaze
13 nystagmus, the walk-and-turn, and the one-leg stand, to assess intoxication.

14 (4) "Chemical tests" refers to breath, urine or blood tests to determine the blood
15 alcohol content level and/or the positive indication of drugs.

16 (5) "Driving under the influence resulting to physical injuries" refers to the unlawful
17 and unintentional physical injuries of a person caused by a driver while driving under the
18 influence.

19 (6) "Driving under the influence resulting to homicide" refers to the unlawful and
20 unintentional death of a person caused by a driver while driving under the influence.

1 Sec. 4. *Driver Education.* – Every applicant for a driver's license shall complete a
2 course of instruction that provides information on driver and safety matters, including the
3 effects of consumption of beverage alcohol products and the use of illegal drugs,
4 prescription drugs, and non-prescription drugs on the ability of a person to operate a motor
5 vehicle; the hazards of driving under the influence; and the penalties for driving under the
6 influence.

7 The driver's license test shall include written questions concerning the effects of
8 consumption of beverage alcohol products and the use of illegal drugs, prescription drugs,
9 and non-prescription drugs on the ability of a person to operate a motor vehicle and the
10 legal and financial consequences resulting from violation of the law prohibiting driving under
11 the influence.

12 Sec. 5. *Driving Under the Influence.* – It shall be unlawful for any person to be driving
13 under the influence. When a law enforcement officer has probable cause to believe a driver
14 to be driving under the influence due to manifestations, including erratic driving, poor
15 coordination, or the presence of the smell of alcohol, the officer shall conduct field sobriety
16 tests. If the driver fails the field sobriety tests, the driver shall be required to undergo
17 chemical tests.

18 Sec. 6. *Penalties.* – Any person found to be driving under the influence not resulting
19 to physical injuries or homicide shall be punished with the penalty of *prision correccional*, or
20 a fine ranging from twenty thousand pesos (PhP20,000) to eighty thousand pesos
21 (PhP80,000), or both.

22 Any person who commits driving under the influence resulting to physical injuries
23 shall be punished with the same applicable penalties as provided in Art. 263 of the Revised
24 Penal Code or with the same penalty as provided in the next preceding paragraph,
25 whichever is higher.

26 Any person who commits driving under the influence resulting to homicide shall be
27 punished with the same penalty as provided for homicide in Art. 249 of the Revised Penal
28 Code.

29 The driver's license of any person found to be driving under the influence shall also
30 be confiscated and suspended for a period of six (6) months for the first conviction and
31 twelve (12) months for the second conviction. A conviction for the third time under this Act
32 shall result in the revocation of the driver's license and perpetual disqualification to hold a
33 driver's license.

1 *Sec. 7. Mandatory Alcohol and Drug Testing of Drivers Involved in Fatal Motor*
2 *Vehicle Accidents.* – When the driver of a motor vehicle is involved in an accident resulting
3 in loss of human life, or where there is reason to believe that death may have resulted from
4 an accident, and there exists probable cause to believe that the driver is guilty of driving
5 under the influence, chemical tests shall be administered to the driver, including those
6 fatally injured, to determine the presence and concentration of alcohol and/or drugs.

7 *Sec. 8. Public Hospitals.* – For purposes of this Act, all public hospitals are required
8 to have facilities for chemical tests to determine the presence and concentration of alcohol
9 and/or drugs. Public hospitals shall be given preference in the administration of chemical
10 tests pursuant to this Act.

11 *Sec. 9. Drunk Driving Prevention Fund.* – A fee of not more than ten percent (10%)
12 of the fees and charges for license and motor vehicle transactions is hereby imposed to
13 constitute the drunk driving prevention fund for the purpose of funding the implementation of
14 this Act, including the training of law enforcement officers to conduct field sobriety tests and
15 the procurement of the needed supplies and equipment for the administration of chemical
16 tests.

17 *Sec. 10. Alcohol Beverage Manufacturers.* – All alcohol beverage manufacturers are
18 required to conduct public information campaigns to educate the public about driving under
19 the influence and its ill effects with the end in view of preventing the same.

20 *Sec. 11. Repealing Clause.* – Republic Act No. 4136, as amended, and all laws,
21 decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with
22 the provisions of this Act are hereby repealed or modified accordingly.

23 *Sec. 12. Separability Clause.* – If any portion or provision of this Act is declared
24 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
25 remain in force and effect.

26 *Sec. 13. Effectivity.* – This Act shall take effect after fifteen (15) days following the
27 completion of its publication either in the Official Gazette or in a newspaper of general
28 circulation in the Philippines.

29 Approved,