

FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SECRET
OFFICE OF THE SECRETARY

10 JUL -8 AM 1:34

SENATE

S. No. 956

RECEIVED BY

Introduced by Senator Manuel "Lito" M. Lapid

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 of 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 of the foregoing, the early passage of this law is earnestly sought.



MANUEL "LITO" M. LAPID
Senator

10 JUN -8 AM '04

SENATE

S. No. 956

Introduced by Senator Manuel "Lito" M. Lapid

**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
PENALTIES THEREFOR**

*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 “*Anti-Drunk Driving Act of 2010*”.

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

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

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

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

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

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

(3) involved in an accident.

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

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

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

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

(a) First Offense – A fine of One thousand pesos (Php 1,000.00) and the suspension of his/her license to drive for one (1) year or thirty (30) days imprisonment, at the discretion of the court.

(b) Second Offense – A fine of Five thousand pesos (Php 5,000.00), suspension of his/her license to drive for five (5) years and thirty (30) days imprisonment.

(c) This and all Subsequent Offenses – A fine of Ten thousand pesos (Php10,000.00), revocation of his/her license and thirty (30) days imprisonment: Provided, That the additional penalty of one (1) year to five (5) years imprisonment shall be imposed upon the offender who shall commit the same offense during the period when his/her license to drive is suspended and/or revoked.

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

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

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

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

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

SEC. 13. Effectivity Clause. – This Act shall take effect fifteen (15) days from its publication in the Official Gazette of in at least two (2) newspapers of general circulation.

Approved,