

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

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SENATE
S.B. No. 1339

RECEIVED

Introduced by Senator Loren Legarda


EXPLANATORY NOTE

Newspaper articles abound of alcohol-related vehicular accidents oftentimes resulting in death and injury to innocent victims. Drunk driving or driving under the influence (DUI) of alcohol and/or drugs is a matter of grave public concern that needs to be dealt with more seriously.

While Republic Act No. 4136, as amended, otherwise known as the Land Transportation and Traffic Code, prohibits driving under the influence of liquor or narcotic drug, it merely imposes a minimal penalty and does not address the seriousness of the matter. Driving under the influence of alcohol and/or drugs is a matter of great concern, which must be 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 stringent penalties for driving under the influence of alcohol and/or drugs, this bill seeks to address the problem of 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.

In view of the foregoing, early passage of this bill is earnestly requested.


LOREN LEGARDA
Senator

JUL 13 11:59

SENATE
S.B. No. **1339**

APPROVED BY THE SENATE

Introduced by Senator Loren Legarda

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

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

1 **SECTION 1. Title.** - This Act shall be known as the "Drunk Driving
2 **Prevention and Punishment Act of 2010."**

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

7
8 **Sec .3. Definitions.** - For purposes of this Act:

9
10 (1) "Motor vehicle" refers to anything that carries people or goods powered by a
11 motor or engine.

12
13 (2) "Driving under the influence" refers to the act of operating a motor vehicle
14 while intoxicated with alcohol and/or drugs when the driver's mental and
15 motor skills are impaired, or when the driver's blood alcohol concentration
16 level is 0.08 or more.

17
18 (3) "Field sobriety tests" refers to standardized tests, including the horizontal
19 gaze nystagmus, the walk-and-turn, and the one-leg stand, to assess
20 intoxication.

21

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

3
4 (5) "Driving under the influence resulting to physical injuries" refers to the
5 unlawful and unintentional physical injuries of a person caused by a driver
6 while driving under the influence.

7
8 (6) "Driving under the influence resulting to homicide" refers to the unlawful
9 and unintentional death of a person caused by a driver while driving under
10 the influence.

11
12 **Sec. 4. Driver Education.** - Every applicant for a driver's license shall
13 complete a course of instruction that provides information on driver and safety
14 matters, including the effects of consumption of beverage alcohol products and the
15 use of illegal drugs, prescription drugs, and non-prescription drugs on the ability of
16 a person to operate a motor vehicle; the hazards of driving under the influence; and
17 the penalties for driving under the influence.

18
19 The driver's license test shall include written questions concerning the effects
20 of consumption of beverage alcohol products and the use of illegal drugs,
21 prescription drugs, and non-prescription drugs on the ability of a person to operate
22 a motor vehicle and the legal and financial consequences resulting from violation of
23 the law prohibiting driving under the influence.

24
25 **Sec. 5. Driving Under the Influence.** - It shall be unlawful for any person to be
26 driving under the influence. When a law enforcement officer has probable cause to
27 believe a driver to be driving under the influence due to manifestations, including
28 erratic driving, poor coordination, or the presence of the smell of alcohol, the officer
29 shall conduct field sobriety tests. If the driver fails the field sobriety tests, the driver
30 shall be required to undergo chemical tests.

31
32 **Sec. 6. Penalties.** - Any person found to be driving under the influence not
33 resulting to physical injuries or homicide shall be punished with the penalty of
34 *prision correccional* under the Revised Penal Code, or a fine ranging from Twenty
35 Thousand Pesos (P20,000.00) to Eighty Thousand Pesos (P80,000.00), or both.

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

5
6 Any person who commits driving under the influence resulting to homicide
7 shall be punished with the same penalty as provided for murder under Article 249
8 of the Revised Penal Code.

9
10 The driver's license of any person found to be driving under the influence
11 shall also be confiscated and suspended for a period of six (6) months for the first
12 conviction and twelve (12) months for the second conviction. A conviction for the
13 third time under this Act shall result in the revocation of the driver's license and
14 perpetual disqualification to hold a driver's license.

15
16 **Sec. 7. Mandatory Alcohol and Drug Testing of Drivers Involved in Fatal**
17 **Motor Vehicle Accidents.** - When the driver of a motor vehicle is involved in an
18 accident resulting in loss of human life, or where there is reason to believe that death
19 may have resulted from an accident, and there exists probable cause to believe that
20 the driver is guilty of driving under the influence, chemical tests shall be
21 administered to the driver to determine the presence and concentration of alcohol
22 and/or drugs.

23
24 **Sec. 8. Public Hospitals.** - For purposes of this Act, all public hospitals are
25 required to have facilities for chemical tests to determine the presence and
26 concentration of alcohol and/or drugs. Public hospitals shall be given preference in
27 the administration of chemical tests pursuant to this Act.

28
29 **Sec. 9. Drunk Driving Prevention Fund.** - A fee of not more than ten percent
30 (10%) of the fees and charges for license and motor vehicle transactions is hereby
31 imposed to constitute the drunk driving prevention fund for the purpose of funding
32 the implementation of this Act, including the training of law enforcement officers to
33 conduct field sobriety tests and the procurement of the needed supplies and
34 equipment for the administration of chemical tests.

35

1 **Sec. 10. *Alcohol Beverage Manufacturers.*** - All alcohol beverage
2 manufacturers are required to conduct public information campaigns to educate the
3 public about driving under the influence and its ill effects with the end in view of
4 preventing the same.

5
6 **Sec. 11. *Repealing Clause.*** - Republic Act No. 4136, as amended, and all laws,
7 decrees, orders, rules and regulations or other issuances or parts thereof inconsistent
8 with the provisions of this Act are hereby repealed or modified accordingly.

9
10 **Sec. 12. *Separability Clause.*** - If any portion or provision of this Act is
11 declared unconstitutional, the remainder of this Act or any provision not affected
12 thereby shall remain in force and effect.

13
14 **Sec. 13. *Effectivity.*** - This Act shall take effect after fifteen (15) days following
15 its publication in a newspaper of general circulation in the Philippines.

16
17 Approved,