

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

SENATE
OFFICE OF THE SECRETARY

10 JUL 21 10:41

SENATE
S. No. **1708**

RECEIVED BY *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Driving under the influence of alcohol or other drugs, is the act of operating a vehicle (including bicycle, boat, airplane, wheelchair, tractor or horse) after consuming alcohol or other drugs. It is a serious health hazard.

In the United States, for example, alcohol is estimated to play a role in 39 percent of vehicle-related deaths and to cost \$51 billion annually. More recently it has been reported that alcohol contributes to nearly 30 percent of all Canadian traffic fatalities and 44 percent of traffic fatalities in the United States. In most countries, anyone who is convicted of injuring or killing someone while under the influence of alcohol or drugs can be heavily fined, as in France, and many states in the U.S..

The Philippine National Police's HPG (Highway Patrol Group), which was formerly known as TMG (Traffic Management Group), recently released data regarding the number of traffic accidents during the first half of 2008 indicating that it continued to increase from 1,532 in January to 1,648 in June.

The percentage of deaths and injuries caused by drunk driving as against the totals is indeed disturbing if not frightening and should awaken some sense of responsibility and concern among those who are still in the habit of taking their drinking for granted — with complete and wanton disregard of whether they would be driving after.

The proposed bill seeks to treat as a special aggravating circumstance the fact that the driver involved in an accident is under the influence of alcohol or illegal drugs. It seeks to increase the penalty of the crime of reckless imprudence when such circumstance exists.¹

[Signature]
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the third regular session of the 14th Congress.

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1 AN ACT
2 AGGRAVATING THE PUNISHMENT FOR THE CRIME OF RECKLESS
3 IMPRUDENCE IF COMMITTED BY A PERSON DRIVING A MOTOR VEHICLE
4 UNDER THE INFLUENCE OF ALCOHOL OR PROHIBITED DRUGS

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

5 SECTION 1. *Title.* – This Act shall be known as the “*Vehicular Accident*
6 *Aggravating Act.*”

7 SECTION 2. *Special Aggravating Circumstance.* – Any Person while driving a
8 motor vehicle who shall commit a violation of Reckless Imprudence under Article 365 of
9 the Revised Penal Code while being intoxicated or under the influence of dangerous
10 drugs as defined in Republic Act 9165 shall suffer the following penalties:

11 a) When the execution of the act covered by this section results in the death
12 of a person, the penalty of *reclusion temporal* shall be imposed;

13 b) When the execution of the act covered by this section results in physical
14 injuries, the penalty of *prision mayor* shall be imposed;

15 c) When the execution of this act results in the damage of property, the
16 penalty of *arresto mayor* in its maximum period and a fine equivalent to
17 twice the value of the damages shall be imposed.

18 SECTION 3. *Repealing Clause.* - Articles 365 of the penal code and other laws
19 and parts of laws which are contrary of the provisions of this Act are hereby repealed.

20 SECTION 4. *Separability Clause.* – If any provision or part thereof, is held
21 invalid or unconstitutional, the remainder of the law or the provision not otherwise
22 affected shall remain valid and subsisting.

23 SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
24 after its publication in at least two (2) newspapers of general circulation.

Approved.