

SENATE  
3365

Senate Bill No. \_\_\_\_\_

(In Substitution of Senate Bill Nos. 45, 169, 344, 484, 956, 1307, 1339, 1489, 1693, 1708, 1988, 2078, 2215, 2298, 2459, and 2683, taking into consideration House Bill No. 4251)

Introduced by **Senators Sotto III, Trillanes IV, Ejercito Estrada, Lapid, Villar, Legarda, Defensor Santiago, Revilla Jr., Cayetano (P.), Marcos Jr., and Honasan II**

AN ACT  
PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL,  
DANGEROUS DRUGS, AND SIMILAR SUBSTANCES, AND FOR OTHER  
PURPOSES

*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 "**Anti-Drunk and**  
2 **Drugged Driving Act of 2012.**"

3       **SEC. 2. Declaration of Policy.** – Pursuant to the Constitutional principle that  
4 recognizes the protection of life and property and the promotion of the general welfare as  
5 essential for the enjoyment of the blessing of democracy, it is hereby declared the policy of  
6 the State to ensure road safety through the observance of the citizenry of responsible and  
7 ethical driving standards.

8       Towards this end, the State shall penalize the acts of driving under the influence of  
9 alcohol, dangerous drugs and other intoxicating substances and shall inculcate the standards  
10 of safe driving and the benefits that may be derived from it through institutional programs  
11 and appropriate public information strategies.

12       **SEC. 3. Definition of Terms.** – For purposes of this Act:

13       (a) *Alcohol* refers to alcoholic beverages classified into beer, wine and distilled  
14 spirits, the consumption of which produces intoxication;

15       (b) *Breath analyzer* refers to the equipment which can determine the blood alcohol  
16 concentration level of a person through testing of his breath;

1 (c) *Chemical tests* refers to breath, saliva, urine or blood tests to determine the blood  
2 alcohol concentration level and/or positive indication of dangerous drugs and similar  
3 substances in a person's body;

4 (d) *Dangerous drugs and other similar substances* refers to drugs listed in the  
5 schedules annexed to the 1961 Single Convention on Narcotics Drugs, as amended by the  
6 1972 Protocol, and in the schedules annexed to the 1971 Single Convention of Psychotropic  
7 Substances as enumerated in its attachment which is an integral part of Republic Act No.  
8 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002";

9 (e) *Driving under the influence of alcohol* refers to the act of operating a motor  
10 vehicle while the driver's blood alcohol concentration level has, after being subjected to a  
11 breath analyzer test, reached the level of intoxication, as established jointly by the  
12 Department of Health, the National Police Commission and the Department of  
13 Transportation and Communications;

14 (f) *Driving under the influence of dangerous drugs and other similar substances*  
15 refers to the act of operating a motor vehicle while the driver, after being subjected to a  
16 confirmatory test as mandated under Republic Act No. 9165, is found to be positive for use  
17 of any dangerous drug;

18 (g) *Field sobriety tests* refers to standardized tests to initially assess and determine  
19 intoxication, such as the horizontal gaze nystagmus, the walk-and-turn, the one-leg stand,  
20 and other similar tests as determined jointly by the Department of Health, the National  
21 Police Commission and the Department of Transportation and Communications;

22 (h) *Motor vehicle* refers to any land transportation vehicle propelled by any power  
23 other than muscular power;

24 (i) *Motor vehicles designed to carry hazardous materials* refers to those designed to  
25 carry or transport materials which may endanger health and lives of the public; and

26 (j) *Public utility vehicles* refers to motor vehicles for hire and used to carry or  
27 transport passengers or goods.

1           **SEC. 4. *Driver's Education.*** – Every applicant for a motor vehicle driver's license  
2 shall complete a course of instruction that provides information on safe driving including,  
3 but not limited to, the effects of the consumption of alcoholic beverages on the ability of a  
4 person to operate a motor vehicle, the hazards of driving under the influence of alcohol,  
5 dangerous drugs and/or other similar substances, and the penalties attached for violation  
6 thereof.

7           For professional drivers, every applicant for a driver's license or those applying for  
8 renewal thereof shall undergo the driver's education herein stated.

9           The driver's license written examination shall include questions concerning the  
10 effects of alcohol and drug intoxication on the ability of a person to operate a motor vehicle  
11 and the legal and pecuniary consequences resulting from violation of the provisions of this  
12 Act.

13           **SEC. 5. *Punishable Act.*** – It shall be unlawful for any person to drive a motor  
14 vehicle while under the influence of alcohol, dangerous drugs and/or other similar  
15 substances.

16           **SEC. 6. *Conduct of Field Sobriety, Chemical and Confirmatory Tests.*** – A law  
17 enforcement officer who has probable cause to believe that a person is driving under the  
18 influence of alcohol, dangerous drugs and/or other similar substances by apparent  
19 indications and manifestations, including overspeeding, weaving, lane straddling, sudden  
20 stops, swerving, poor coordination or the evident smell of alcohol in a person's breath or  
21 signs of use of dangerous drugs and other similar substances, shall conduct field sobriety  
22 tests.

23           If the driver fails in the sobriety tests, it shall be the duty of the law enforcement  
24 officer to implement the mandatory determination of the driver's blood alcohol  
25 concentration level through the use of a breath analyzer or similar measuring instrument.

26           If the law enforcement officer has probable cause to believe that a person is driving  
27 under the influence of dangerous drugs and/or other similar substances, it shall be the duty  
28 of the law enforcement officer to bring the driver to the nearest police station to be subjected

1 to a drug screening test and, if necessary, a drug confirmatory test as mandated under  
2 Republic Act No. 9165.

3 Law enforcement officers and deputized local traffic enforcement officers shall be  
4 responsible in implementing this Section.

5 **SEC. 7. *Mandatory Alcohol and Chemical Testing of Drivers Involved in Motor***  
6 ***Vehicular Accidents.*** – A driver of a motor vehicle involved in a vehicular accident  
7 resulting in the loss of human life or physical injuries shall be subjected to chemical tests,  
8 including a drug screening test and, if necessary, a drug confirmatory test as mandated under  
9 Republic Act No. 9165, to determine the presence and/or concentration of alcohol,  
10 dangerous drugs and/or similar substances in the bloodstream or body.

11 **SEC. 8. *Refusal to Subject Oneself to Mandatory Tests.*** – A driver of a motor  
12 vehicle who refuses to undergo the mandatory field sobriety and drug tests under Section 6  
13 and Sections 7 and 15 of this Act shall be penalized by the confiscation and automatic  
14 revocation of his or her driver's license, in addition to other penalties provided herein and/or  
15 other pertinent laws.

16 **SEC. 9. *Acquisition of Equipment.*** – Within four (4) months from the effectivity of  
17 this Act, the Land Transportation Office (LTO) and the Philippine National Police (PNP)  
18 shall acquire sufficient breath analyzers and drug-testing kits to be utilized by law  
19 enforcement officers and deputized local traffic enforcement officers nationwide giving  
20 priority to areas with high reported occurrences of accidents. For purposes of acquiring these  
21 equipment and for the training seminars indicated in Section 10 hereof, the LTO shall utilize  
22 the Special Road Safety Fund allotted for this purpose as provided under Section 7 of  
23 Republic Act No. 8794, entitled: "An Act Imposing a Motor Vehicle User's Charge on  
24 Owners of All Types of Motor Vehicles and for Other Purposes." Additional yearly  
25 appropriations for the purchase of breath analyzers and drug-testing kits shall be provided  
26 annually under the General Appropriations Act.

27 **SEC. 10. *Deputation.*** – The LTO may deputize traffic enforcement officers of the  
28 Philippine National Police (PNP), the Metropolitan Manila Development Authority

1 (MMDA) and cities and municipalities in order to enforce the provisions of this Act.

2       **SEC. 11. *Law Enforcement Officer Education.*** – The LTO and the PNP shall  
3 conduct training seminars for their law enforcers and deputies with regard to the proper  
4 conduct of field sobriety tests and breath analyzer tests every year. Within four months from  
5 the effectivity of this Act, the LTO shall publish the guidelines and procedures for the  
6 proper conduct of field sobriety tests, which guidelines shall be made available to the public  
7 and made available for download through the official LTO website.

8       **SEC 12. *Penalties.*** – A driver found to have been driving a motor vehicle while  
9 under the influence of alcohol, dangerous drugs and/or other similar substances, as provided  
10 for under Section 5 of this Act, shall be penalized as follows:

11       (a) If the violation of Section 5 did not result in physical injuries or homicide, the  
12 penalty of three (3) months imprisonment, as provided in Section 56 (f) of Republic Act.  
13 No. 4136, otherwise known as the "Land Transportation and Traffic Code", and a fine  
14 ranging from Twenty Thousand Pesos (Php 20,000.00) to Eighty Thousand Pesos  
15 (80,000.00) shall be imposed;

16       (b) If the violation of Section 5 resulted in physical injuries, the penalty provided in  
17 Article 263 of the Revised Penal Code or the penalty provided in the next preceding  
18 subparagraph, whichever is higher, and a fine ranging from One Hundred Thousand Pesos  
19 (Php 100,000.00) to Two Hundred Thousand Pesos (Php 200,000.00) shall be imposed;

20       (c) If the violation of Section 5 resulted in homicide, the penalty provided in Article  
21 249 of the Revised Penal Code and a fine ranging from Three Hundred Thousand Pesos  
22 (Php 300,000.00) to Five hundred Thousand Pesos (Php 500,000.00) shall be imposed; and

23       (d) The non-professional driver's license of any person found to have violated  
24 Section 5 of this Act shall also be confiscated and suspended for a period of twelve (12)  
25 months for the first conviction and perpetually revoked for the second conviction. The  
26 professional driver's license of any person found to have violated Section 5 of this Act shall  
27 also be confiscated and perpetually revoked for the first conviction. The perpetual

1 revocation of a driver's license shall disqualify the person from being granted any kind of  
2 driver's license thereafter.

3 The prosecution for any violation of this Act shall be without prejudice to criminal  
4 prosecution for violation of the Revised Penal Code, Republic Act No. 9165 and other  
5 special laws and existing local ordinances, whenever applicable.

6 **SEC. 13. *Direct Liability of Operator and/or Owner of the Offending Vehicle.*** –

7 The owner and/or operator of the vehicle driven by the offender shall be directly and  
8 principally held liable together with the offender for the fine and the award against the  
9 offender for civil damages unless he or she is able to convincingly prove that he or she has  
10 exercised extra-ordinary diligence in the selection and supervision of his drivers in general  
11 and the offending driver in particular.

12 This Section shall principally apply to the owners and/or operators of public utility  
13 vehicles and commercial vehicles such as delivery vans, cargo trucks, container trucks,  
14 school and company buses, hotel transports, car or vans for rent, taxi cabs, and the like.

15 **SEC. 14. *Nationwide Information Campaign.*** – Within one (1) month from the  
16 promulgation of the implementing rules and regulations as provided under Section 17  
17 hereof, the Philippine Information Agency (PIA), in coordination with the LTO, the local  
18 government units (LGUs) and other concerned agencies, shall conduct information,  
19 education and communication (IEC) campaign for the attainment of the objectives of this  
20 Act.

21 **SEC. 15. *Nationwide Random Terminal Inspection and Quick Random Drug***  
22 ***Tests.*** – The LTO shall conduct random terminal inspections and quick random drug tests of  
23 public utility drivers. The cost of such tests shall be defrayed by the LTO.

24 **SEC. 16. *Review of Penalties.*** – The LTO shall, after five (5) years from the  
25 effectivity of this Act and every five (5) years thereafter, review the applicability and  
26 enforcement of all foregoing pecuniary penalties and shall initiate amendment and/or  
27 upgrade the same as may be necessary, subject to the approval of the Secretary of the  
28 Department of Transportation and Communications.

1           **SEC. 17. *Implementing Rules and Regulations.*** – The Department of  
2 Transportation and Communications, the Department of Health, and the National Police  
3 Commission shall, within three (3) months from the effectivity of this Act, jointly  
4 promulgate the necessary implementing rules and regulations to carry out the provisions of  
5 this Act.

6           **SEC. 18. *Separability Clause.*** – If, for any reason, any part of provision of this Act  
7 is declared invalid, such declaration shall not affect the other provisions of this Act.

8           **SEC. 19. *Repealing Clause.*** – Subparagraph (f), Section 56, Article 1 of Republic  
9 Act 4136, otherwise known as the “Land Transportation and Traffic Code,” as amended;  
10 subparagraph (f), Section 5 of Republic Act No. 7924, otherwise known as “An Act  
11 Creating the Metropolitan Manila Development Authority, Defining its Powers and  
12 Functions, Providing Funds Therefor and for Other Purposes”; subparagraph (a), Section 36  
13 of Republic Act No. 9165; and all other laws, order, issuances, circulars, rules and  
14 regulations or parts thereof which are inconsistent with any provision of this Act, are hereby  
15 repealed or modified accordingly.

16           **SEC. 20. *Effectivity.*** – This Act shall take effect after fifteen (15) days from its  
17 publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

*Approved,*