

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



Senate
Office of the Secretary

13 JUL -3 P 1:06

SENATE

Senate Bill No. 365

RECEIVED BY: *Jia*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The advent of modernization and technology has made the use of cellular phone as an everyday necessity for everybody. This has also given rise to the increase in the number of vehicular accidents related to cellular phone use while driving.

This bill aims to curb the escalating statistics on vehicular accidents brought about by driver's error, particularly on cellular phone use where drivers often neglect the importance of giving full and undivided attention while driving their vehicles. Absence of concentration on the road can be fatal not only to the driver and their passengers, but to other drivers, pedestrians and private properties, as well.

This measure imposes prohibition on the utilization of cellular phones while driving and provides penalties for violation thereof in order to avoid unnecessary road accidents. This is in pursuit of achieving road and travel safety for all Filipinos.

The urgent passage of this bill is thus needed.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
REGULATING THE USE OF MOBILE PHONE WHILE DRIVING, PROVIDING
PENALTIES IN VIOLATION THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy. – It is the policy of the State to maintain peace and order, protect life, liberty and property, and promote the general welfare of the people.

While the State recognizes the vital role of communication and information in nation-building, the State puts premium on the life and safety of its citizens by regulating the use of communication gadgets.

SEC. 2. Definition of Terms. – As used in this Act, the following terms shall mean:

- a) *Cellular Phone* – is a portable electronic device used for mobile voice or data communication over a network of specialized base stations known as cell sites. In addition to the standard voice function of a cellular phone, current mobile phones may support many additional services and for text messaging, email, packet switching for access to the internet, gaming bluetooth, infrared, camera with video recorder and MMS for sending and receiving photos and videos.
- b) *Text Messages* – means the use of message sending by pressing the keyboard of the cellular phone or composing a message and sending it through the phone;
- c) *Accessories* – means the devise or apparatus that can be connected to the cellular phone such as but not limited to earphones, microphones, jacks, which are not capable of sending, receiving, storing or otherwise processing messages from other modes of communication.

SEC. 3. Use of Cellular Phone While Driving. To carry out the above-mentioned policy, the use of mobile phones for text messaging and/or for dial-up communication shall be allowed while driving all types of vehicles *Provided*, that, different hands-free accessories shall be connected therein.”

“This section does not apply to a person using a wireless telephone for emergency purposes, including but not limited to, an emergency call to a law enforcement agency, health, care provider, fire department, or other emergency services agency or entity.

“This section does not apply to emergency services professional using a wireless telephone while operating an authorized emergency vehicle, in the course and scope of his/her duties.”

SEC. 4. Penal Provision – Violation of this Act shall be punishable by:

- (a) First Offense – fine of Three Thousand Pesos (P3,000.00)
- (b) Second Offense – fine of Five Thousand Pesos (P5,000.00)
- (c) Third and succeeding Offenses – a fine of not less than Five Thousand Pesos (P5,000.00) but not more than Ten Thousand Pesos (P10,000.00) and/or imprisonment of not more than one (1) year of the discretion of the Court.

SEC. 5. Separability Clause – If any part, section, or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

SEC. 6. Repealing Clause. – If any part, section, or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

SEC. 7. Effectivity. – This Act shall take effect (15) days after its complete publication in at least two (2) newspapers of national circulation.

Approved,