


SENATE

SENATE BILL NO. 1221

RECEIVED BY: 

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INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

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### EXPLANATORY NOTE

Texting while driving could be deadly.

During the first quarter of 2012, the Highway Patrol Group – Philippine National Police have recorded the number of about 600 deaths from over 5,000 road accidents in the country. According to Superintendent Edwin Butacan of the HPG-PNP, that the leading factor in road accidents is human error such as bad overtaking, bad turning, over speeding and the use of mobile phones while driving.

To add more, the National Statistical Coordination Board recorded 14 traffic accidents due to cell phone use and 91 due to texting in 2001 to 2006. Moreover, according to the US-based National Safety Council, there is at least 28 percent of all traffic accidents worldwide are linked to cell phone use. This US-based non-profit organization reported an annually tally of 1.4 million crashes involving the use of mobile phones and 200,000 involving texting annually.

In the United States, studies have conducted pointing the use of hand-held mobile phones cause accidents that kill thousands of people every year aside from creating traffic jams.

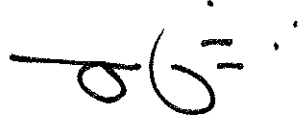
Increased reliance on mobile phones has led to rise in the number of people who use the device while driving. There are two dangers associated with driving and the use of mobile phones. One, drivers must take their eyes off the road while composing, sending and receiving text messages. Two, people can become so absorbed in their texting that their ability to concentrate on the act of driving is severely impaired, jeopardizing the safety of the vehicle's occupants and the pedestrians.

A lot of countries have already adopted measures to prohibit the use of mobile phones while driving and these are Australia, Austria, Belgium, Brazil, Botswana, Chile, the Czech Republic, Denmark, Egypt, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Kenya, Malaysia, the Netherland, Norway, Poland, Portugal, Romania, Russia, Singapore, the Slovak Republic, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Turkey, Turkmenistan, the United Kingdom and Zimbabwe.

In the Philippines, except for Quezon City and Makati, which have ordinances banning cell phone use while driving, there is no law yet to this effect.

The government should be proactive in order to protect the lives and limbs of its citizens from road accidents.

Thus, with the foregoing reasons, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'J. Ejercito', with a horizontal line extending to the left.

**JOSEPH VICTOR G. EJERCITO**

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



Senate  
Office of the Secretary

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SENATE

BY: 

Senate Bill No. 1221

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Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

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**AN ACT REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION DEVICES WHILE DRIVING AND FOR OTHER PURPOSES**

*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-Mobile Communication Devices Use While Driving Act of 2013”.

**SECTION 2. Declaration of Policy.** – It is hereby declared the policy of the State to safeguard its citizenry from the ruinous and extremely injurious effects of vehicular accidents. While the State recognizes the vital role of information and communications technology in nation-building, the State also promotes the safety of the public from the acts of persons which have become inimical in the exercise and enjoyment of these rights and to regulate such acts.

Towards this end, it shall pursue a more proactive and preventive approach to secure the safety of motorists, their passengers and pedestrians at all times by banning the use of mobile communication devices by motorists while driving or operating a moving motor vehicle.

**SECTION 3. Definition of Terms.** – As used in this Act, the term:

(a) *Diplomatic motor vehicle* refers to any motor vehicle leased or owned by a foreign mission and its staff for their official use.

(b) *Government motor vehicle* refers to any motor vehicle owned by the national government or any of its agencies, instrumentalities or political subdivisions, including government-owned or –controlled corporations or their subsidiaries for official use.

(c) *Implementing agency* refers to the Department of Transportation and Communications (DOTC)-Land Transportation Office (LTO).

(d) *Mobile communication devices* refer to electronic communication equipment such as, but not limited to, cellular phones, i-phones, wireless telephones, two-way radio transceivers, walkie-talkie, pagers and beepers capable of transmitting, receiving, or both, of encrypted data and/or signals through wireless, electronic or any other similar means.

(e) *Motor vehicle* refers to engine-driven vehicles such as, but not limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles.

(f) *Motorist* refers to a person driving a motor vehicle.

(g) *Private motor vehicle* refers to any motor vehicle owned by individuals and juridical persons for private use.

(h) *Public motor vehicle* refers to a motor vehicle issued by the Land Transportation Franchising and Regulatory Board (LTFRB) to operate as a public utility vehicle or any vehicle for hire.

(i) *Using a mobile communication device* refers to the act of making a call, receiving a call or the act of composing, sending or viewing of 2 text and multi-media messages, including the act of doing internet and other similar functions.

**SECTION 4.** *Ban on the Use of Mobile Communication Devices While Driving.* – To ensure public safety, it shall be unlawful for any person to use hand-held mobile communication device while driving a private or public motor vehicle.

**SECTION 5.** *Extent of Coverage.* – Wheeled agricultural machineries such as tractors and construction equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers, mobile concrete mixers and the like, and other forms of conveyances such as bicycles, pedicabs, habal-habal, trolleys, kuliglig, wagons, carriages, carts, sledges, chariots or the like, whether animal or human-powered, are covered by the provisions of this Act as long as the same are operated or driven in public thoroughfares, highways or streets or under circumstances where public safety is under consideration.

**SECTION 6.** *Exemptions.* – The ban shall not be imposed if the motorist concerned uses a mobile communication device with the aid of a hands-free device such as, but not limited to, a speaker phone, earphones and microphones or other similar device which allows a person to make and receive calls without having to hold the mobile communication device. The provisions of this Act shall not apply to persons performing urgent, emergency and official functions where such limitations will result to greater injury or impair the performance thereof.

**SECTION 7.** *Nationwide Public Information Campaign.* – The DOTC-LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepED), the Department of the Interior and Local Government (DILG)-Philippine National Police (PNP) and private agencies and organizations, shall undertake a nationwide information, 3 education and communication (IEC) campaign for a period of six (6) months from the effectivity of this Act.

**SECTION 8.** *Penalties.* – Any person who shall violate any provision of this Act shall be punishable by:

(a) First offense – a fine of One thousand pesos (P1,000.00);

(b) Second offense – a fine of Three thousand pesos (P3,000.00);

(c) Third offense – a fine of Five thousand pesos (P5,000.00) and suspension of driver's license for three (3) months; and

(d) Fourth and succeeding offenses – a fine of Five thousand pesos (P5,000.00) but not more than Ten thousand pesos (P10,000.00) and revocation of driver's license: *Provided*, That the implementing agency may increase the amount of fine herein imposed once every three (3) years in the amount not exceeding ten percent (10%) of the existing rates sought to be increased. The foregoing penalties shall be without prejudice to the other liabilities under the Revised Penal Code, as amended, or any special law, arising out or on occasion of the herein prohibited acts.

**SECTION 9.** *Assistance by Other Agencies.* – The Metropolitan Manila Development Authority (MMDA), the PNP and other concerned government agencies and instrumentalities shall render such assistance as required by the implementing agency in order to effectively implement the provisions of this Act.

**SECTION 10.** *Implementing Rules and Regulations.* – The DOTC-LTO shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

**SECTION 11.** *Separability Clause.* – If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect the other provisions of this Act.

**SECTION 12.** *Repealing Clause.* – All laws, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SECTION 13.** *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,