



HOUSE OF REPRESENTATIVES

H. No. 4531

BY REPRESENTATIVES YAP (S.), ABAYON, TIENG, VELARDE, ATIENZA,
ARROYO, MACAPAGAL-ARROYO, ACOP, AGLIPAY, ANDAYA,
SARMIENTO (C.), ROMUALDO AND TAN (A.), PER COMMITTEE REPORT
No. 268

AN ACT DEFINING AND PENALIZING DISTRACTED DRIVING

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

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 “Anti-Distracted Driving Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to safeguard its citizenry from the ruinous and extremely injurious effects
5 of vehicular accidents.

6 While the State recognizes the vital role of information and
7 communications technology in nation-building, the State also takes cognizance
8 of the inimical consequences of the unrestrained use of electronic mobile
9 devices on road safety as to cause its regulation.

10 SEC. 3. *Definition of Terms.* – As used in this Act:

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

1 (b) *Electronic entertainment and computing device* refers to any
2 handheld electronic device capable of digital information processing,
3 recording, capturing or displaying and computing operations such as, but not
4 limited to, laptop, computers, tablets, video game consoles and calculators:

5 (c) *Government motor vehicle* refers to any motor vehicle owned by
6 the national government or any of its agencies, instrumentalities or political
7 subdivisions, including government-owned or -controlled corporations or their
8 subsidiaries for official use:

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

11 (e) *Mobile communications devices* refer to electronic communications
12 equipment such as, but not limited to, cellular phones, wireless telephones,
13 two-way radio transceivers, pagers and other similar devices capable of
14 transmitting, receiving, or both, of encrypted data and/or signals through
15 wireless, electronic or any other similar means:

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

18 (g) *Motorist* refers to a person driving a motor vehicle:

19 (h) *Private motor vehicle* refers to any motor vehicle owned by
20 individuals and juridical persons for private use; and

21 (i) *Public motor vehicle* refers to a motor vehicle with a valid franchise
22 issued by the appropriate government agency to operate as a public utility
23 vehicle or any vehicle for hire.

24 SEC. 4. *Distracted Driving*. – Subject to the qualifications in Sections
25 5 and 6 of this Act, distracted driving shall consist of the performance by a
26 motorist of any of the following acts in a moving motor vehicle or a motor
27 vehicle stopped at a red light, whether diplomatic, public or private, which are
28 hereby deemed unlawful:

1 (a) Operating a mobile communications device with one or both hands:
2 and

3 (b) Operating an electronic entertainment or computing device with one
4 or both hands.

5 SEC. 5. *Extent of Coverage.* – (a) The operation of a mobile
6 communications device is not considered to be distracted driving if done using
7 the aid of a hands-free function or similar device such as, but not limited to, a
8 speaker phone, earphones and microphones or other similar devices which
9 allow a person to make and receive calls without having to hold the mobile
10 communications device: *Provided,* That the placement of the mobile
11 communications device or the hands-free device does not interfere with the line
12 of sight of the driver

13 (b) Wheeled agricultural machineries such as tractors and construction
14 equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers,
15 mobile concrete mixers and the like, and other forms of conveyances such as
16 bicycles, pedicabs, “habal-habal”, trolleys, “kuliglig”, wagons, carriages, carts,
17 sledges, chariots or the like, whether animal or human-powered, are covered by
18 the provisions of this Act as long as the same are operated or driven in public
19 thoroughfares, highways or streets or under circumstances where public safety
20 is under consideration.

21 (c) The provisions of this Act shall not apply to motorists of motor
22 vehicles which are not in motion or are pulled over to the side of the road,
23 except those which are stopped momentarily at a red light or in compliance
24 with a traffic regulation.

25 SEC. 6. *Exemptions.* – The provisions of this Act shall not apply to
26 persons performing emergency or urgent official function where such
27 limitations will result to greater injury or impair the performance thereof.
28 *Provided,* That the motorist does not have any companion capable of making a

1 call or performing such tasks or functions as the emergency or official mandate
2 requires.

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

10 *SEC. 8. Penalties.* – Any person who shall violate any provision of this
11 Act shall be penalized with

12 (a) A fine of five thousand pesos (P5,000.00) for the first offense;

13 (b) A fine of ten thousand pesos (P10,000.00) for the second offense;

14 (c) A fine of fifteen thousand pesos (P15,000.00) and suspension of
15 driver's license for three (3) months for the third offense; and

16 (d) A fine of twenty thousand pesos (P20,000.00) and revocation of
17 driver's license: *Provided*, That the implementing agency may increase the
18 amount of fine herein imposed once every five (5) years in the amount not
19 exceeding ten percent (10%) of the existing rates sought to be increased which
20 shall take effect only upon publication in at least two (2) newspapers of general
21 circulation: *Provided, further*, That a driver of a public utility vehicle, a school
22 bus, a school service vehicle, a common carrier hauling volatile, flammable or
23 toxic material, or a driver who commits an act classified herein as distracted
24 driving within a fifty (50)-meter radius from the school premises shall be
25 subject to a penalty of thirty thousand pesos (P30,000.00) and suspension of
26 one's driver's license for three (3) months.

27 The foregoing penalties shall be imposed without prejudice to other
28 liabilities under the Revised Penal Code or any special law, arising out or on

1 occasion of the herein prohibited acts.

2 SEC. 9. *Enforcement and Assistance by Other Agencies.* -- The Metro
3 Manila Development Authority (MMDA), the PNP and other concerned
4 government agencies and instrumentalities shall be responsible for the
5 enforcement of the foregoing provisions and shall render such assistance as may
6 be required by the DOTC-LTO in order to effectively implement the provisions
7 of this Act.

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

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

14 SEC. 12. *Repealing Clause.* -- All laws, executive orders, issuances,
15 rules or regulations or parts thereof inconsistent with the provisions of this Act
16 are hereby repealed, amended or modified accordingly.

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

Approved,

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