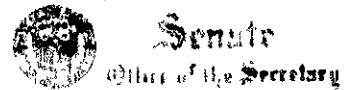



SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



'15 FEB 23 AM 11:40

SENATE
S.B. No. 2663

RECEIVED BY: 

Introduced by Senator Ramon Bong Revilla, Jr.

**AN ACT
PENALIZING THE USE OF MOBILE PHONE AND OTHER GADGETS WHILE
DRIVING**

EXPLANATORY NOTE

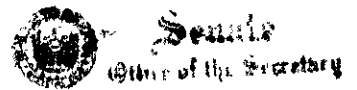
Mobile cellular phone use has increased persistently. It has become an inevitable part of people's daily lives.

However, various reports show that mobile phone use has become a problem on the road. Drivers who use their mobile phones, even their gadgets, have a high risk of encountering an accident. Using mobile phones and gadgets impairs the concentration and focus of drivers while driving. This jeopardizes the safety not only of the driver and his passengers, but also other travellers on the road.

This proposal seeks to impose prohibition and corresponding penalties to drivers who are using their mobile phones and gadgets while driving. By this imposition, we deter the use of mobile phones and gadgets, and in the same vein, avoid unnecessary road mishaps.

It is in this regard that I am urging my colleagues for the passage of this proposal.


RAMON BONG REVILLA, JR.



15 FEB 23 AM 11:40

SENATE
S.B. No. 2663

RECEIVED BY: [Signature]

Introduced by Senator Ramon Bong Revilla, Jr.

**AN ACT
PENALIZING THE USE OF MOBILE PHONE AND OTHER GADGETS WHILE
DRIVING**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Anti-Mobile and
2 Gadget Use While Driving Act”.

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

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

11
12
13 **SECTION 3. Definition of Terms** – As used in this Act:

- 14 a) *Diplomatic motor vehicle* – any motor vehicle leased or owned by a foreign
15 mission and its staff for their official use;
- 16 b) *Electronic entertainment and computing device* – any handheld electronic
17 device capable of digital information processing, recording, capturing or
18 displaying and computing operations such as, but not limited to, laptop,
19 computers, tablets, video game consoles and calculators;
- 20 c) *Government motor vehicle* – any motor vehicle owned by the national
21 government or any of its agencies, instrumentalities or political
22 subdivisions, including government-owned or –controlled corporations or
23 their subsidiaries for official use;

- 1 d) *Implementing agency* – the Department of Transportation and
2 Communications – Land Transportation Office (DOTC-LTO);
- 3 e) *Mobile communications devices* – electronic communications equipment
4 such as, but not limited to, cellular phones, wireless telephones, two-way
5 radio transceivers, pagers and other similar devices capable of
6 transmitting, receiving, or both, of encrypted data and/or signals through
7 wireless electronic or any other similar means;
- 8 f) *Motor vehicle* – engine-driven vehicles such as, but not limited to,
9 automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;
- 10 g) *Motorist* – a person driving a motor vehicle;
- 11 h) *Private motor vehicle* – any motor vehicle owned by individuals and
12 juridical persons for private use; and
- 13 i) *Public motor vehicle* - a motor vehicle with a valid franchise issued by the
14 appropriate government agency to operate as a public utility vehicle or any
15 vehicle for hire.
- 16

17 **SECTION 4. *Distracted Driving.*** – Subject to the qualifications in Sections 5 and
18 6 of this Act, distracted driving shall consist of the performance by a motorist of any of
19 the following acts in a moving motor vehicle or a motor vehicle stopped at a red light,
20 whether diplomatic, public or private, which are deemed unlawful:

- 21 a) Operating a mobile communications device with one or both hands: and
22 b) Operating an electronic entertainment or computing device with one or
23 both hands.
- 24

25 **SECTION 5. *Extent of Coverage*** – (a) The operation of a mobile communications
26 device is not considered to be distracted driving if done using the aid of a hands-free
27 function or similar device such as, but not limited to, a speaker phone, earphones and
28 microphones or other similar devices which allow a person to make and receive calls
29 without having to hold the mobile communications device: *Provided*, That the placement
30 of the mobile communications device or the hands-free device does not interfere with
31 the line of sight of the driver;

32 (b) Wheeled agricultural machineries such as tractors and construction
33 equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers, mobile
34 concrete mixers and the like, and other forms of conveyances such as bicycles,
35 pedicabs, “habal-habal”, trolleys, “kuligligs”, wagons, carriages, carts, sledges, chariots
36 or the like, whether animal or human-powered, are covered by the provisions of this Act
37 as long as the same are operated or driven in public thoroughfares, highways or streets
38 or under circumstances where public safety is under consideration.

1 (c) The provisions of this Act shall not apply to motorists of motor vehicles which
2 are not in motion or are pulled over to the side of the road, except those which are
3 stopped momentarily at a red light or in compliance with a traffic regulation.
4

5 **SECTION 6. Exemptions.** – The provisions of this Act shall not apply to persons
6 performing emergency or urgent official function where such limitations will result to
7 greater injury or impair the performance thereof: *Provided*, That the motorist does not
8 have any companion capable of making a call or performing such tasks or functions as
9 the emergency or official mandate requires.
10

11 **SECTION 7. Nationwide Public Information Campaign.** – The DOTC-LTO, in
12 coordination with the Philippine Information Agency (PIA), the Department of Education
13 (DepEd), the Department of Interior and Local Government (DILG) – Philippine National
14 Police (PNP) and private agencies and organizations shall undertake a nationwide
15 information, education and communication (IEC) campaign for a period of six (6)
16 months from the effectivity of this Act.
17

18 **SECTION 8. Penalties.** – Any person who shall violate any provision of this Act
19 shall be penalized with:

- 20 (a) A fine of Five Thousand Pesos (P5,000.00) for the first offense;
21 (b) a fine of Ten Thousand Pesos (P10,000.00) for the second offense;
22 (c) a fine of fifteen thousand pesos (P15,000.00) and suspensions of driver's
23 license for three (3) months for the third offense; and
24 (d) a fine of Twenty Thousand Pesos (P20,000.00) and revocation of driver's
25 license: *Provided*, That the implementing agency may increase the amount of fine
26 herein imposed once every five (5) years in the amount not exceeding ten percent
27 (10%) of the existing rates sought to be increased which shall take effect only upon
28 publication in at least two (2) newspapers of general circulation: *Provided further*, That a
29 driver of a public utility vehicle, a schools bus, a school service vehicle, a common
30 carrier hauling volatile, flammable or toxic material, or a driver who commits an act
31 classified herein as distracted driving within a fifty (50)-meter radius from the school
32 premises shall be subject to a penalty or Thirty Thousand Pesos (P30,000.00) and
33 suspension of one's driver's license for three (3) months.

34 The foregoing penalties shall be imposed without prejudice to other liabilities
35 under the Revised Penal Code or any special law, arising out or on occasion of the
36 herein prohibited acts.
37

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

6
7 **SECTION 10. *Implementing Rules and Regulations.*** – The DOTC-LTO shall
8 promulgate the necessary implementing rules and regulations within sixty (60) days
9 from the effectivity of this Act.

10
11 **SECTION 11. *Repealing Clause.*** Any law, presidential decree or issuance,
12 executive order, letter of instruction, administrative order, rule or regulation contrary to,
13 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
14 accordingly.

15
16 **SECTION 12. *Separability Clause.*** – If, for any reason, any part or provision of
17 this Act is declared invalid, such declaration shall not affect the other provisions of this
18 Act.

19
20 **SECTION 13. *Effectivity*** - This Act shall take effect fifteen (15) days after its
21 publication in at least two (2) newspapers of general circulation.

Approved,