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

RECEIVED BY: *[Signature]*

SENATE

COMMITTEE REPORT NO. 471

Submitted by the Committee on Public Services on FEB 02 2016

RE : S. B. No. 3211 prepared by the Committee

Recommending its approval in substitution of S. B. Nos. 365 and 2663 taking into consideration HBN 4531.

Sponsor : Senator Osmeña III

MR. PRESIDENT:

The Senate Committee on Public Services to which were referred S. B. No. 365, introduced by Senator Estrada, *entitled:*

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

S. B. No. 2663, introduced by Senator Revilla Jr., *entitled:*

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

taking into consideration H. B. No 4531, introduced by Reps. Yap, Tieng, Arroyo D., *et. al., entitled:*

**"AN ACT
DEFINING AND PENALIZING DISTRACTED DRIVING."**

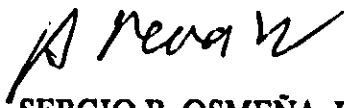
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached S. B. No. 3211, prepared by the Committee, *entitled:*

**"AN ACT
DEFINING AND PENALIZING DISTRACTED DRIVING."**

be approved in substitution of S. B. Nos. 365 and 2663 with Senators Estrada, Revilla and Osmeña as authors thereof.

Respectfully submitted:

RAMON BONG B. REVILLA JR.
Chairperson


SERGIO R. OSMEÑA, III
Acting Chairperson

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SONNY M. ANGARA


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Majority Floor Leader

JUAN PONCE ENRILE
Minority Floor Leader

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Senate President
Pasay City



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SENATE BILL NO. 3211

Submitted by the Committee on Public Services with Senators Estrada, Revilla and Osmeña as authors thereof

"AN ACT DEFINING AND PENALIZING DISTRACTED DRIVING"

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

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

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

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

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

11 a) *Diplomatic motor vehicle* - any motor vehicle leased or owned by a foreign
12 mission and its staff for their official use;

13 b) *Electronic entertainment and computing device* - any handheld electronic
14 device capable of digital information processing, recording, capturing or
15 displaying and computing operations such as, but not limited to, laptop,
16 computers, tablets, video game consoles and calculators;

17 c) *Government motor vehicle* - any motor vehicle owned by the national
18 government or any of its agencies, instrumentalities or political

1 subdivisions, including government-owned or -controlled corporations or
2 their subsidiaries for official use;

3 d) *Implementing agency* - the Department of Transportation and
4 Communications - Land Transportation Office (DOTC-LTO);

5 e) *Mobile communications devices* - electronic communications equipment
6 such as, but not limited to, cellular phones, wireless telephones, two-way
7 radio transceivers, pagers and other similar devices capable of
8 transmitting, receiving, or both, of encrypted data and/or signals through
9 wireless electronic or any other similar means;

10 f) *Motor vehicle* - engine-driven vehicles such as, but not limited to,
11 automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;

12 g) *Motorist* - a person driving a motor vehicle;

13 h) *Private motor vehicle* - any motor vehicle owned by individuals and
14 juridical persons for private use; and

15 i) *Public motor vehicle* - a motor vehicle with a valid franchise issued by the
16 appropriate government agency to operate as a public utility vehicle or any
17 vehicle for hire.

18 **SEC. 4. *Distracted Driving.*** - Subject to the qualifications in Sections 5 and 6
19 of this Act, distracted driving refers to the performance by a motorist of any of the
20 following acts in a motor vehicle in motion or temporarily stopped at a red light,
21 whether diplomatic, public or private, which are hereby declared unlawful:

22 a) Using a mobile communications device to write, send, or read a text-based
23 communication or to make or receive calls, and,

24 b) Using an electronic entertainment or computing device to play games, watch
25 movies, surf the internet, compose messages, read e-books, perform calculations,
26 and other similar acts.

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

1 communications device or the hands-free device does not interfere with the line of
2 sight of the driver;

3 (b) Wheeled agricultural machineries such as tractors and construction equipment
4 such as graders, rollers, backhoes, payloaders, cranes, bulldozers, mobile concrete
5 mixers and the like, and other forms of conveyances such as bicycles, pedicabs,
6 "habal-habal", trolleys, "kuligligns", wagons, carriages, carts, sledges, chariots or the
7 like, whether animal or human-powered, are covered by the provisions of this Act as
8 long as the same are operated or driven in public thoroughfares, highways or streets or
9 under circumstances where public safety is under consideration.

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

13 **SEC. 6. Exemptions.** - The provisions of this Act shall not apply to the following:

14 (a) A motorist using a mobile phone for emergency purposes, including, but not
15 limited to, an emergency call to a law enforcement agency, health care provider,
16 fire department, or other emergency services, agency or entity; and,

17 (b) A motorist using a mobile phone while operating an emergency vehicle such as
18 an ambulance, a fire truck, and other vehicles providing emergency assistance, in
19 the course and scope of his or her duties.

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

26 **SEC. 8. Penalties.** - Any person who shall violate any provision of this Act shall
27 be penalized with:

28 (a) A fine of Five Thousand Pesos (P5,000.00) for the first offense;

29 (b) A fine of Ten Thousand Pesos (P10,000.00) for the second offense;

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

1 (d) A fine of Twenty Thousand Pesos (P20,000.00) and revocation of
2 driver's license: *Provided*, That the implementing agency may increase the amount
3 of fine herein imposed once every five (5) years in the amount not exceeding ten
4 percent (10%) of the existing rates sought to be increased which shall take effect only upon
5 publication in at least two (2) newspapers of general circulation: *Provided further*, That a
6 driver of a public utility vehicle, a schools bus, a school service vehicle, a common
7 carrier hauling volatile, flammable or toxic material, or a driver who commits an act
8 classified herein as distracted driving within a fifty (50)-meter radius from the school
9 premises shall be subject to a penalty or Thirty Thousand Pesos (P30,000.00) and
10 suspension of one's driver's license for three (3) months.

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

14 **SEC. 9. *Liability of Owner and/or Operator of the Vehicle Driven by the Offender.*** – The
15 owner and/or operator of the vehicle driven by the offender shall be directly and
16 principally held liable together with the offender for the fine unless he or she is able to
17 convincingly prove that he or she has exercised extraordinary diligence in the selection and
18 supervision of his or her drivers in general and the offending driver in particular.

19 This section shall principally apply to the owners and/or operators of public utility
20 vehicles and commercial vehicles such as delivery vans, cargo trucks, container trucks,
21 school and company buses, hotel transports, cars or vans for rent, taxi cabs, and the like.

22 **SEC. 10. *Enforcement and Assistance by Other Agencies.*** – The Metro
23 Manila Development Authority (MMDA), the PNP and other concerned government
24 agencies and instrumentalities shall be responsible for the enforcement of the foregoing
25 provisions and shall render such assistance as may be required by the DOTC-LTO in
26 order to effectively implement the provisions of this Act.

27 **SEC. 11. *Implementing Rules and Regulations.*** – The DOTC-LTO shall
28 promulgate the necessary implementing rules and regulations within sixty (60) days
29 from the effectivity of this Act.

30 **SEC. 12. *Repealing Clause.*** – Any law, presidential decree or issuance,
31 executive order, letter of instruction, administrative order, rule or regulation contrary to,

1 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
2 accordingly.

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

6 **SEC.14. *Effectivity*** - This Act shall take effect fifteen (15) days after its publication in
7 at least two (2) newspapers of general circulation.

Approved,