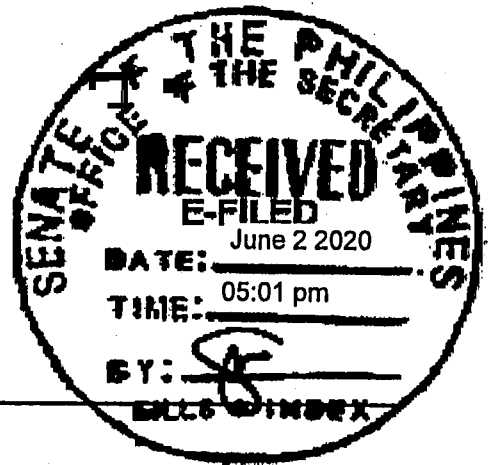


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE



COMMITTEE REPORT NO. 99

Submitted jointly by the Committees on Public Order and Dangerous Drugs; and
Public Services on June 2 2020;

RE: P.S. Res. No. 325

Recommending the adoption of the recommendations and their immediate
Implementation.

Sponsor: Senator Ronald "Bato" dela Rosa

MR. PRESIDENT:

The Senate Committees on Public Order and Dangerous Drugs; and Public Services
to which was referred **P. S. Res. No. 325**, introduced by Senator Ronald "Bato" M.
Dela Rosa, entitled:

"RESOLUTION

**DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND
DANGEROUS DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF
LEGISLATION, INTO THE SERIES OF VEHICULAR ACCIDENTS INVOLVING
DRIVERS WHO TESTED POSITIVE FOR DRUG USE, AND WHOSE RECKLESS,
IRRESPONSIBLE AND NEGLIGENT DRIVING RESULTED TO THE DEATH OF,
OR HAVE INFLICTED CRITICAL INJURIES TO A NUMBER OF INDIVIDUALS,
AND HAVE CAUSED DAMAGE TO PROPERTY, FOR THE PURPOSE OF
RECOMMENDING FURTHER REMEDIAL MEASURES TO ENSURE ROAD
SAFETY, AND END THE PROLIFERATION OF DRUG USE IN THE COUNTRY,
PARTICULARLY IN THE PUBLIC TRANSPORT SECTOR"**

have considered the same and have the honor to submit their report on their inquiry back to the Senate, recommending the adoption of the recommendations as contained therein and their immediate implementation.

Respectfully submitted:

Chairpersons:



GRACE POE
Committee on Public Services



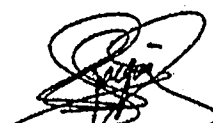
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Committee on Public Order and Dangerous Drugs

Vice Chairpersons:

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Committee on Public Services
Member, Committee on Public Order and Dangerous Drugs

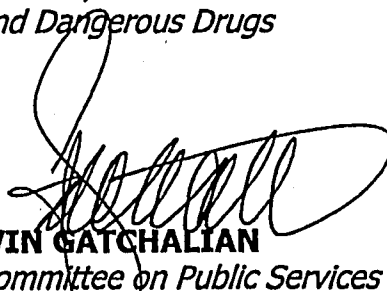


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Committee on Public Order and Dangerous Drugs; and Public Services



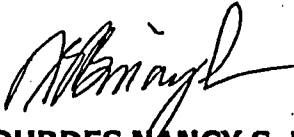
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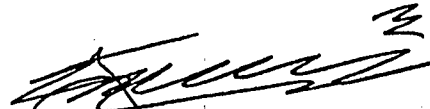
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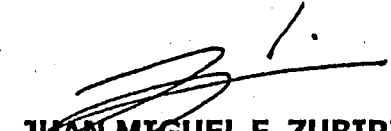
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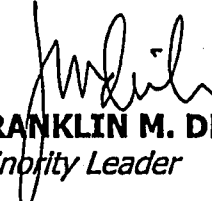
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Majority Leader



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VICENTE C. SOTTO III
Senate President

"About 12,000 Filipinos die on the road every year. x x x We have seen how legislation on risk factors such as speeding, drinking and driving, use of seat-belts, motorcycle helmets and child restraints protect people. To save more lives, we need better enforcement of these laws as well as effective action from leaders on safer infrastructure, improved vehicle standards and enhanced post-crash care." – *Dr. Gundo Weller, the World Health Organization Representative in the Philippines*

I. Background

The consumption of alcohol, illicit drugs and medicine influences cognitive and motor skills relevant for safe driving and thereby, can alter fitness to drive. Driving under the influence of any of these is commonly concurring to a traffic violation or accident. Almost all nations all over the world are beset with this problem. Its magnitude of accidents and mishaps resulting while driving under the influence of intoxicating agents is on the rise.¹

Pursuant to the Constitutional principle that recognizes the protection of life and property and the promotion of the general welfare as essential to the enjoyment of the blessing of democracy, it was thereby declared the policy of the State to ensure road safety through the observance of the citizenry of responsible and ethical driving standards.²

By virtue thereof, *Republic Act No. 10586* otherwise known as the "*Anti-Drunk and Drugged Driving Act of 2013*" (hereinafter referred to as "*R.A. No. 10586*") was enacted to penalize the acts of driving under the influence of alcohol, dangerous drugs and other intoxicating substances and to inculcate the standards of safe driving and the benefits that may be derived from it through the institutional programs and appropriate public information strategies.³

Consequently, on 16 May 2014, the Philippine National Police (hereinafter referred to as "PNP") together with other law enforcement agencies issued the Implementing Rules and Regulations of *R.A. No. 10586* (hereinafter referred to as "*IRR of R.A. No. 10586*") which fully operationalized the aforementioned law.

Despite the stringent penalties of *R.A. No. 10586*, on 12 February 2020, a grade 8 student of Gen. Pio del Pilar National High School, by the name of Jules Villapando (hereinafter referred to as "Villapando"), 13-years old, died after he and seven (7) other schoolmates namely: Donita De Chavez, Sherjan Arucan, Alvin Regalario, Wedel Ponce, Dexter Aquino and Andrei Nico Dela Cruz,⁴ were hit by a

¹ <http://research.lpubatangas.edu.ph/wp-content/uploads/2019/02/CRIM-2016-006.pdf>

² Section 2, *Republic Act No. 10586*.

³ Section 2, *Republic Act No. 10586*.

⁴ https://www.youtube.com/watch?v=CsDoTfZa_p4

speeding jeepney while crossing a pedestrian lane at the corner of J.P. Rizal Avenue and Mabini Street in Barangay Poblacion, Makati City.⁵

CCTV footage earlier showed a speeding passenger jeepney with plate number PYV848 overtaking another car at an intersection and running over several students who were crossing the pedestrian lane at 7:25 p.m.⁶ The speeding jeepney counter-flowed the intersection despite the red light.

During the investigation, Crisalde Tamparong (hereinafter referred to as "Tamparong"), the driver of the jeepney, initially said that his brakes failed but police casted doubt on his alibi, saying the jeepney immediately stopped after hitting the students.⁷ Investigation revealed that Tamparong did not have a license during the incident and instead, gave a violation ticket dated September 2019 to the apprehenders at the time of the incident.⁸ While initially denying that he was under the influence of drugs, he eventually tested positive for illegal drug use.⁹

The Land Transportation Franchising and Regulatory Board (hereinafter referred to as "LTFRB") placed under preventive suspension the operator of the jeepney. The management of the LTFRB said they would set a hearing on 26 February 2020 to decide whether the jeepney operator's Certificate of Public Convenience (hereinafter referred to as "CPC") should be retained or canceled.¹⁰

The CPC is a permit issued by the LTFRB which authorizes a person to engage in transportation. The permit also states where the person is authorized to operate.¹¹

The Passenger Accident Management and Insurance Agency (hereinafter referred to as "PAMI"), which provides insurance for passengers of PUVs, rendered financial assistance worth P100,000.00 to the family of Villapando. This was separate from the P100,000.00 worth of insurance given to the victim's family. PAMI also provided financial aid worth 10,000.00 to the families of the 7 injured students.¹²

Committee's Action:

In view of the series of vehicular accidents involving drivers who tested positive for illegal drug use, Senate Resolution No. 325 entitled "Resolution directing the Senate Committee on Public Order and Dangerous Drugs to conduct an investigation, in aid of legislation, into the series of vehicular accidents involving

⁵ Dexter Cabalza, "Speeding Jeepney kills student, hurts 7 in Makati", Philippine Daily Inquirer, A17, February 14, 2020.

⁶ <https://news.abs-cbn.com/news/02/18/20/student-killed-by-speeding-jeepney-set-to-be-buried-ltfrb-issues-suspension-order>

⁷ Dexter Cabalza, "Speeding jeepney kills student, hurts 7 in Makati", Philippine Daily Inquirer, A17, February 14, 2020.

⁸ <https://www.youtube.com/watch?v=PZ7d9nAA5ks>

⁹ *Ibid.*

¹⁰ <https://newsinfo.inquirer.net/1230314/authorities-inspect-jeepneys-in-makati-after-fatal-jeepney-accident2>

¹¹ *Ibid.*

¹² *Ibid.*

drivers who tested positive for drug use, and whose reckless, irresponsible and negligent driving resulted to the death of, or have inflicted critical injuries to a number of individuals, and have caused damage to property, for the purpose of recommending further remedial measures to ensure road safety, and end the proliferation of drug use in the country, particularly in the public transport sector" was filed and a hearing was thereafter conducted on 03 March 2020.

The hearing was attended by representatives of the Metropolitan Manila Development Authority (hereinafter referred to as "MMDA"), Department of Justice (hereinafter referred to as "DOJ"), Department of Social Welfare and Development (hereinafter referred to as "DSWD"), Philippine Drug Enforcement Agency (hereinafter referred to as "PDEA"), Land Transportation Office (hereinafter referred to as "LTO"), Makati Police Station, the PNP, as well as the parents and representatives of the student victims.

II. Issues:

1. Are the law enforcement officers (hereinafter referred to as "LEOs"), who are mandated to implement *R.A. No. 10586*, effectively enforcing the aforesaid law in accordance with its mandate?
2. Is there a need to amend certain provisions of *R.A. No. 10586*?

III. Discussion:

Inefficiencies in the implementation of R.A. No. 10586.

A. Failure to Conduct Proactive Measures

R.A. No. 10586 states that it shall be unlawful for any person to drive a motor vehicle while under the influence of alcohol, dangerous drugs and/or similar substances¹³ and provides for the penalties thereof.¹⁴

Knowing the importance of proactive enforcement to the significance of an effective law, *Section 15 of R.A. No. 10586* mandated the LTO to conduct random terminal inspections and quick random drug tests of public utility vehicle ("PUV") drivers, the cost of which shall be defrayed by the aforesaid agency. However, during the hearing, it was discovered that there was failure on the part of LEOs to effectively enforce proactive measures to ensure the efficacy of *R.A. No. 10586*.

¹³ *Section 5, R.A. 10586.*

¹⁴ *Section 12, R.A. No. 10586.*

The LTO reported that it has conducted random drug testing at bus and jeepney terminals from 04 July 2019 to 19 February 2020 which resulted to the following consolidated data:¹⁵

AREA	NEGATIVE	POSITIVE	TOTAL
National Capital Region	3,454	80	3,534
Region 3	833	13	846
Region 4A	161	15	176
MIMAROPA	69	2	71
Region 5	129	6	135
TOTAL	4,646	116	4,762

Over the past seven (7) months, the LTO has thus screened four thousand seven hundred sixty-two (4,762) PUV drivers. While the number may seem substantial in total, in reality, such number is relatively small compared to the total number of PUV drivers nationwide which is approximately at 435,619.¹⁶

To emphasize, it was only on 19 February 2020, where the LTO together with the Makati City Police conducted an anti-drug operation in the area where the incident took place or merely a week after a highly publicized incident occurred that resulted to the demise of a student which, indisputably, is a reactive measure to a tragic incident that could have been avoided by virtue of *R.A. No. 10586*.

The 19 February 2020 anti-drug operation resulted to the arrest of seven (7) drivers who were found to positive in their two-hour operation despite most drivers evading the aforesaid route due to the ongoing operations.¹⁷ Assuming that this operation has been adopted for at least two (2) hours every day, the LEOs could have apprehended at least forty-nine (49) drugged drivers in a week or one hundred ninety-six (196) drugged drivers in a month in Makati, a substantial number which could have avoided the loss of life of hundreds of pedestrians or passengers in one area alone.

In fact, the situation of a vehicular accident attributed to the use of illegal substance is not uncommon as another case was also recorded in San Jose Del Monte, Bulacan where two (2) died and nine (9) were injured on 18 February 2020:

"x x x February 18, madaling araw po ng 19 na iyan, iyong isang truch inararo po iyon ng mga bahay doon sa San Jose del Monte, Bulacan. Mag-ina po ang namatay. Positive din po ityong --- natawagan ko po iyong chief of police ng San Jose, Bulacan, nag-positive din po iyong driver. At inamin niya, kalalabas lang niya sa kulungan. Sa droga din, sir."¹⁸

¹⁵ De Leon, M. (2020). *RA 10586: "Anti-Drunk and Drugged Driving Act"* [powerpoint presentation].

¹⁶ <https://www.pna.gov.ph/articles/1099164>

¹⁷ Pages 19-20, TSN dated 03 March 2020.

¹⁸ Page 21, TSN dated 03 March 2020.

While the "OPLAN Harabas" of PDEA is commendable as it resulted to the apprehension of a total of eighty-nine (89) individuals who tested positive for illegal drug use on 16 May 2019 which consisted of forty-nine (49) truck drivers, eleven (11) tricycle drivers, nine (9) truck helpers, nine (9) van drivers, five (5) jeepney drivers, three (3) multi-cab drivers, two (2) mini-bus drivers and one (1) truck employee during its operation last 16 May 2019, "OPLAN: UNDASPOT" and "OPLAN: HULI WEEK," among others, it bears reiterating that the said programs need continuous and consistent implementation, otherwise, the objective of a proactive measure will not be achieved, it being a fact that the use of illegal drugs is not common only during holidays but also on regular days and should be done nationwide.¹⁹

B. Failure to file cases for those found positive by virtue of Section 15

Notably, another issue has yet been discovered in the course of the hearing. While the LEOs were able to apprehend PUV drivers found positive for illegal drug use, no action was filed against them, *to wit*:

"MR. GUINTO. x x x We visited several terminals, garage of bus operators at we were able to conduct drug test amounting to 4,762 drivers. At 116 po iyong positive. Iyan po yung resulta namin. x x x

"THE CHAIRPERSON (SEN. DELA ROSA). Sir, tingnan mo, 116 positive. So, anong ginawa ninyo sa 116?

"MR. GUINTO. Ito, sir, ang -- wala pong kaso iyan except we confiscated the driver's license. Hindi sila makakadrive for six months, according to the law. At kailangan po naming diyan ang tulong ng DOH for the intervention. Kaya perhaps we could ask also DOH what is the available structure or facility for them to provide structure."²⁰

When further asked as to what actions they usually take on PUV drivers found positive for illegal drug use:

"THE CHAIRPERSON (SEN. DELA ROSA). Iyon bang sinasabi sa 10586, once nagpositive siya, ganoon lang, kunin lang ang lisensya? Wala nang further criminal case?

"MR. GUINTO. Wala pong criminal case sir kung not in the act of driving, sir. This is not the act of driving. Kasi ito, parang voluntary lang, random drug test. We ask names of drivers. If

¹⁹ <https://www.pna.gov.ph/articles/1070076>

²⁰ Page 21-22, TSN dated 03 March 2020.

you have 100 drivers, give us about 25 percent of your drivers, then we conduct random drug test. Pag nag-positive po kinoconfiscate naming iyong driver's license. For six months, that driver cannot drive. He will undergo interventions.

X X X

"MR. GUINTO. The law provides that LTO should only confiscate the driver's license. And after six months, they can submit another test and a certification that they have undergone an intervention from the DOH."²¹

Unfortunately, this is also the case for incident last 17 September 2019:

"MR. GUINTO. x x x I presented, picked up three road crash incidents where drivers were found positive. September 17, 2019, 20 killed when a truck fell on a ravine. Ito po iyong sa Cotabato. Iyong driver po diyan namatay. In the screening test, nag-positive po siya. Pero hindi na po na-pursue iyong confirmatory test kasi parang hindi na pinursue."²²

Again, it is not the law which is lacking but the lack of proper and actual enforcement on the part of the law enforcement agencies.

Evidently, there is lack of awareness of the existence of *Republic Act No. 9165* otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*" (hereinafter referred to as "*R.A. No. 9165*"), which penalizes among others, the use of dangerous drugs which they could have filed against those whom they have apprehended in the past.

There are several laws which may be applied to a driver found to be positive for drug use. In fact, these laws were applied to Tamparong who pleaded guilty to all charges during his arraignment. According to the Chief of Police of Makati City, Central Police Station, the Assistant City Prosecutor recommended the following causes of action against Tamparong:

1. Reckless Imprudence resulting in homicide and multiple physical injuries under the *Revised Penal Code* with a bail of Sixty Thousand Pesos (P60,000.00);
2. Violation of *Section 5*, in relation to *Section 12 of R.A. No. 10586*, with a bail of One Hundred Twenty Thousand Pesos (P120,000.00);

²¹ Pages 22-24, TSN dated 03 March 2020.

²² Page 21, TSN dated 03 March 2020.

3. Violation of *Section 15 of R.A. No. 9165* with a bail of Three Thousand Pesos (P3,000.00); and
4. Violation of *Section 19 of Republic Act No. 4136* otherwise known as "*Land Transportation and Traffic Code*" (hereinafter referred to as "*R.A. No. 4136*"), with a bail of Three Thousand Pesos (P3,000.00).

These laws, in addition to *R.A. No. 9165*, could have prevented several road crashes attributed to drugged driving have they been properly filed against the offenders thereof. Again, laws without enforcement are nothing but a mere empty promise to the people.

C. Lack of awareness of existing laws in relation to prohibited drugs vis-à-vis lack of drug testing facilities

Section 7 of R.A. No. 10586 requires for the mandatory alcohol and chemical testing of drivers involved in motor vehicular accidents, *to wit:*

"Section 7. Mandatory Alcohol and Chemical Testing of Drivers Involved in Motor Vehicular Accidents. – A driver of a motor vehicle involved in a vehicular accident resulting in the loss of human life or physical injuries shall be subjected to chemical tests, including a drug screening test and, if necessary, a drug confirmatory test as mandated under Republic Act No. 9165, to determine the presence and/or concentration of alcohol, dangerous drugs and/or similar substances in the bloodstream or body." (Emphasis supplied.)

Despite the mandatory nature of *Section 7 of R.A. No. 10586*, findings revealed that this provision is not being strictly implemented due to the alleged lack of drug facilities. In fact, were it not for of the incidental close proximity of the crime laboratory of Southern Police District and the Makati City Police Station, Tamparong would have not been mandatorily tested despite being involved in a vehicular accident as can be inferred in the following statement of the Makati City Police, *to wit:*

"MR. SIMON. During the first encounter, sir, during the interview, Nakita kasi namin, sir, na paiba-iba iyong sagot niya. So kami mismo, the investigator and I, directly asked him kung nakadrugs ba nga siya at talagang todo tanggi, sir, ang ano. Hindi daw siya naka-drugs kahit nga daw, sir, ipa-drug test siya. Unknowingly this sa kanya, sir, hindi niya alam na nasa police station siya doon sa vehicular traffic incident. That office is beside the crime laboratory of Southern Police District. So with that Instance na sinabi niyang kahit na ipa-drug test siya, tatal siya na rin ang nag-

offer, dinala na naming siya doon sa katabing opisina naming which is the crime laboratory of the Southern Police District. Then before lumabas, sir, iyong result ng drug test niya, inamin na niya sa amin na naka-take siya. Because according to him, sir, everyday nagpapasada siya, out of the kita niya na 1,000, 200 to 300 to 400 inilalaan niya para pambili ng drugs everyday."²³

This was further corroborated by the LTO, *to wit*:

"x x x So, after that incident po, I called up Colonel Simon, ang sabi ko, ipa-drug test. Kasi ito po iyong legal basis natin. The problem here is, iyong mga police station po natin, wala talagang capability mag-conduct ng drug test. So, we are just fortunate na magkapitbahay po iyong Makati PNP at saka iyong Crime Lab doon kaya napa-drug-test natin. But in most road crash incidents, hindi po nada-drug test iyong mga drivers involved in a road crash resulting to death or injury. That's one constraint po ng implementation ng Section 7 na ito."²⁴

A careful scrutiny of the statement readily reveals that assuming that the Makati Police Station is situated in another location, Tamparong would not have been subjected to chemical testing despite being mandatorily required under *Section 7 of R.A. No. 10586*.

In fact, the questioning done by the Makati police is not what is enshrined by the law. Tamparong should have been immediately subjected to chemical tests to ascertain whether he is positive for drug use and not wait for him to offer to have his drug test taken to the nearest crime lab, if one is not within the proximity.

There is a need to amend Section 10 of R.A. No. 10586 to make the same mandatory.

Section 10 of R.A. No. 10586 provides that the LTO may deputize enforcement officers of the PNP, the MMDA and cities and municipalities in order to enforce the provisions of the law. However, during the hearing, it was discovered that since the passage of the law in 2013, the LTO has not fully deputized law enforcement agencies, including the MMDA, due to the fact that the latter has not applied for deputation.

One of the main issues for the full implementation of *R.A. No. 10586* is the lack of coordination of law enforcement agencies which results to a one-man

²³ Pages 10-11, TSN dated 03 March 2020.

²⁴ Page 20, TSN dated 03 March 2020.

enforcement. Moreover, the LTO does not have drug testing facilities and equipment, as discussed above, which could have been supported by the PNP.

The failure to be deputized was likewise invoked by the MMDA despite having sufficient number of LEOs which could have assisted the LTO, *to wit*:

"MR. CAMPO. Good morning, Mr. Chairman. Well, I just would like to inform the honorable Committee that the MMDA is not deputized by LTO for ---

SEN. TOLENTINO. [Off-mike] Is not deputized?

MR. CAMPO. Is not deputized, Your Honor...

X X X

SEN. TOLENTINO. LTO, bakit hindi sila deputized? Kailangan mas marami.

MR. GUINTO. There is a process, Your Honor. But if they will apply, we will deputize. There's a process, there's application form. Although ---

SEN. TOLENTINO. Mr. Chair, isa po siguro sa gap ito. There is no agency that should have a monopoly on what to do with the situations involving drunk driving. You cannot have a monopoly on this. ---

X X X

SEN. TOLENTINO. x x x ilan ang tao ng LTO-NCR? How many?

MR. GUINTO. For NCR, Your Honor, we have about ---

SEN. TOLENTINO. Field. Sa field, hindi iyong sa opisina.

MR. GUINTO. Sa field, we have about 400.

X X X

SEN. TOLENTINO. x x x How many enforcers do you have sa MMDA?

MR. CAMPO. We have about 2,300 field enforcers that ---"²⁵

²⁵ Pages 36-38, TSN dated 03 March 2020.

Unquestionably, there are inefficiencies in the implementation both on the part of the LTO to deputize LEOs as well as on the part of the law enforcement agencies to apply for deputation for the proper implementation of *R.A. No. 10586*. The number of LTO personnel is indubitably insufficient to successfully enforce *R.A. No. 10586* which would conduct regular roadside operations and apprehend traffic violators as many of them are likewise saddled with office work especially the issuance of driver's license and registration of motor vehicles. The difficulties in implementing road safety laws with the number of enforcers disproportionate to the motorists on the road should not be taken lightly as it results not only to damage to property, physical injuries but more importantly, loss of innocent lives.

Under *Section 1(b)(i), Rule VI of the IRR of R.A. No. 10586*, the procedure for deputation of law enforcement officers which includes submission of the following documentary requirements: (a) information sheet duly indorsed by the Head of the Office/agency; (b) certified true copy of the Certificate of Appointment; (c) certification from the recommending government agency that the LEO has no record of or pending administrative or criminal case; (d) two (2) 2x2 photos on white background taken within the past six (6) months and signed at the back; and (e) valid drug test results taken within the past six (6) months prior to application.

Deputation also requires the completion of the Deputies Training Seminar which includes the following subject areas: (a) pertinent special laws: *R.A. No. 10586, R.A. No. 9165, R.A. No. 4136*; (b) how to conduct field sobriety tests, ABA test, drug screening test and DRP; (c) the impact of alcohol and dangerous drugs and other similar substances on driver's performance; (d) rules on citizen's arrest and inquest proceedings; (e) rules for public officers such as *R.A. No. 6713, R.A. No. 3019, R.A. No. 9485*, and other applicable rules; (f) life-saving techniques and administration of first aid; (g) conduct and procedures in the apprehension of traffic violators under the Act; and (h) Filipino values and their impact on the responsibilities of LEOs.²⁶ A written and other examinations administered by the LTO must also be passed by the applicant.²⁷

It cannot therefore be overemphasized that to be deputized in *R.A. No. 10586*, one must first pass the stringent requirements provided under the *IRR*. Unfortunately, assuming arguendo that an LEO is deputized, the validity of the deputation order is only for a period of six (6) months from date of issue. While the order may be renewed every six (6) months thereafter, considering above-enumerated requirements that an LEO has to go through, the short duration of its validity probably hinders the latter from applying for the same.²⁸

As earlier discussed, the main issue for proactive enforcement is the failure of the LTO to deputize other law enforcement agencies to implement *R.A. No. 10586*. Thus, in order to ensure that there is mandatory deputation, pertinent provisions in relation thereto should be amended.

²⁶ *Section 1(b)(ii), Rule VI of the Implementing Rules and Regulations of R.A. No. 10586.*

²⁷ *Section 1(b)(iii), Rule VI of the Implementing Rules and Regulations of R.A. No. 10586.*

²⁸ *Section 1(h), Rule VI of the Implementing Rules and Regulations of R.A. No. 10586.*

IV. Conclusion

As likewise held by the World Health Organization,²⁹ It is critical that a drug-driving law is visibly and regularly enforced. In addition, appropriate penalties should be imposed to support compliance with the requirements of the law. Without visible enforcement and swift penalties, a drug-driving law has little chance of changing behavior. The effective implementation of "*Anti-Drunk and Drugged Driving Act of 2013*" requires for an inter-agency approach bearing in mind the limited number of law enforcement officers and thus, the need to utilize all means. Proactive measures should be strictly imposed to prevent road accidents brought about by drugged driving of public utility vehicles to the detriment not only its passengers but also of innocent pedestrians.

Common carriers are bound to carry passengers safely as far as human care and foresight can provide, using utmost diligence of very cautious persons, with a due regard for all the circumstances³⁰ by reasons of public policy to ensure road safety through the observance of the citizenry of responsible and ethical driving standards.

In sum, while there are strong legislations in the country, a continuous call on the government tasked to implement the laws and various road safety partners is necessary to ensure effective implementation and enforcement of these laws otherwise, the law is nothing but a futile attempt to address current problems that the country is facing.

V. Recommendations:

1. Pursue the prosecution of cases against driver Crisalde Tamparong for the charges enumerated on pages 6 and 7 of this Report.
2. Ensure constant monitoring, implementation and enforcement of the law and conduct a comprehensive review of the *IRR* for provisions that may need amendments.
3. Identify the proper procedure in handling the persons in violation of *R.A. No. 10586* and other related laws.
4. Undertake investigation for possible administrative action on LEOs who failed to implement and enforce *R.A. No. 10586*.

²⁹ Page 26, <https://www.who.int/philippines/news/detail/21-12-2018-new-who-report-highlights-progress-but-cites-need-for-more-actions-to-tackle-road-safety-in-the-philippines>
[https://www.who.int/violence_injury_prevention/publications/road_traffic/Drug_use_and_road_safety.p](https://www.who.int/violence_injury_prevention/publications/road_traffic/Drug_use_and_road_safety.pdf)
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³⁰ Article 1733, *New Civil Code*.

5. Amend *Section 10 of R.A. No. 10586* to make deputation of LEOs, specifically the PNP, MMDA and local traffic enforcement officers in cities and municipalities, mandatory and if possible, through an agency to agency memorandum of understanding.
6. Strengthen the drug-free policy of public utility vehicle operators with constant monitoring of DOLE, LTO, PDEA and DOH.
7. Increase the minimum amount of civil damages that can be awarded in case of deaths arising from vehicular accidents in addition to the criminal liabilities provided in *Section 12 of R.A. No. 10586* and other related laws.
8. Strictly monitor and implement the Deputies Training Seminar cited on page 10 of this Report in order to strengthen the education or awareness campaign among the LEOs.
9. Integrate road safety and drivers' education into K to 12 Curriculum so that awareness of the ill effects of drunk and drugged driving is instilled in child development stage.
10. Effectively implement nationwide random terminal inspection and quick random drug test as mandated under *Section 15 of RA 10586*.



Senate
Office of the Secretary

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

20 FEB 17 P12:23

SENATE

RECEIVED BY: _____

P.S. Res. No. 325

Introduced by Senator Ronald "Bato" Dela Rosa

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE SERIES OF VEHICULAR ACCIDENTS INVOLVING DRIVERS WHO TESTED POSITIVE FOR DRUG USE, AND WHOSE RECKLESS, IRRESPONSIBLE AND NEGLIGENT DRIVING RESULTED TO THE DEATH OF, OR HAVE INFLICTED CRITICAL INJURIES TO A NUMBER OF INDIVIDUALS, AND HAVE CAUSED DAMAGE TO PROPERTY, FOR THE PURPOSE OF RECOMMENDING FURTHER REMEDIAL MEASURES TO ENSURE ROAD SAFETY, AND END THE PROLIFERATION OF DRUG USE IN THE COUNTRY, PARTICULARLY IN THE PUBLIC TRANSPORT SECTOR

WHEREAS, road safety is a primordial concern in any civilized and orderly society that necessitates clear-cut policies and guidelines that should be strictly and cautiously implemented in order to save lives and protect property;

WHEREAS, through the years, road crash and disasters have claimed so many lives, and have traumatized injured and debilitated victims, leaving their families not only shocked and devastated, but also financially drained and exhausted due to costly medical expenses;

WHEREAS, on 12 February 2020, news report said that a Grade 8 student of Gen. Pio del Pilar National High School, by the name of Jules Villapando, died after he and seven other schoolmates were hit by a speeding jeepney while crossing a

pedestrian lane at the corner of J.P. Rizal Avenue and Mabini Street in Barangay Poblacion, Makati City¹;

WHEREAS, according to the news reports, closed-circuit TV camera footages showed that a speeding passenger jeepney, allegedly driven by a certain Crisalde Tamparong, overtook a car, and run against the traffic, and hit and killed Villapando, and seriously injuring his schoolmates;

WHEREAS, the impact was so strong that some of the students who were hit by the jeepney were thrown a few meters. Others ended up beneath the vehicle.²

WHEREAS, according to Makati Police Chief PCol. Rogelio Simon, charges of reckless imprudence resulting in homicide and multiple physical injuries³ will be filed against the Driver Tamparong who, when arrested, allegedly had no driver's license, and merely presented a violation ticket for a traffic violation he committed last year;

WHEREAS, to make matters worse, reports say that results of driver Tamparong's drug test allegedly showed that he tested positive for drug use⁴, and which, during confrontation, he allegedly admitted to with the Makati Police;

WHEREAS, despite the enactment of Republic Act 10586 or the Anti-Drunk and Drugged Act of 2013, the increasing number of road accidents have been faulted to drivers under the influence of dangerous drugs;

WHEREAS, it is alarming that on an almost daily basis, there are reports of vehicular mishaps that claim lives and inflict critical injuries to bystanders and

¹Dexter Cabalza. "Speeding Jeepney kills student, hurts 7 in Makati". Philippine Daily Inquirer (PDI), A17, February 14, 2020.

²"Student dies, 6 others injured in Makati accident, GMA News Online, February 12, 2020, 11:51PM, retrieved on February 14, 2020.

³Dexter Cabalza. "Speeding Jeepney kills student, hurts 7 in Makati".

⁴"Classmates mourn high school student killed by wayward Jeep in Makati", GMA News Online, February 15, 2020, retrieved from www.msn.com on February 15, 2020.

passengers, damaging several other vehicles and property along the site of the accidents;

WHEREAS, in a report⁵ "the Philippine National Police-Highway Patrol Group said 9,663 road crashes were recorded, lower than the 11,179 in 2018. Of the total, 8,809 crash incidents were blamed on the "human factor" such as bad overtaking, bad turning, speeding, drunk driving, using cellular phones and overloading, among others."

WHEREAS, it is extremely important to review and evaluate the current set of laws and rules and regulations governing road safety vis-à-vis the prevention of illegal drugs in public transport, in order to shield the public from the snares of reckless, negligent, and errant driving;

RESOLVED BY THE SENATE, as it is hereby resolved, to direct the Senate Committee on Public Order and Dangerous Drugs to conduct an investigation, in aid of legislation, into the series of vehicular accidents involving drivers who tested positive for drug use, and whose reckless, irresponsible and negligent driving resulted to the deaths of, or have inflicted critical injuries to a number of individuals, and have caused damage to property, for the purpose of recommending further remedial measures to ensure road safety, and end the proliferation of drug use in the country, particularly in the public transport sector.

Adopted,


RONALD "BATO" DELA ROSA

⁵ Darwin Pesco . "Human factor top cause of road crashes in 2019". The Manila Times, October 31, 2019, retrieved from <https://www.manilatimes.net>>news on February 14, 2020.