

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

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SENATE
S.B. No. 2094

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The 1987 Constitution, Article II, Section 5, provides that:

The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

In line with this policy, the State aims to protect life and promote the general welfare of the people by providing stiff penalties to drivers or operators of common carriers who operate or direct the operation of a common carrier while under the influence of alcohol, prohibited drugs or an overdose or misuse of a legal or prescribed drug.

It is a fact that driving under the influence of alcohol or narcotics impairs a person's driving skills. Thus, Section 53 of Republic Act No. 4136, also known as the "Land Transportation and Traffic Code", addresses this problem and prohibits driving while under the influence of liquor or narcotic drug. Section 56 of the same law imposes a fine of not less than two hundred pesos but not more than five hundred pesos, or imprisonment of not more than three months, or both, at the discretion of the court, in cases of violation of said prohibition.

However, these penalties are too inadequate and inconsequential compared to the greater risk posed by a person driving or operating a common carrier under the influence of alcohol or prohibited drugs. These drivers or operators do not only put themselves and other motorists at risk, they also endanger their passengers who have placed their lives in their hands.

In line with this, this bill seeks to deter, if not prevent, the driving or operating of common carriers under the influence of alcohol or prohibited drugs by imposing higher penalties.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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OFFICE OF THE SECRETARY

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AN ACT
INCREASING THE PENALTIES OF DRIVERS AND OPERATORS OF
COMMON CARRIERS OPERATING UNDER THE INFLUENCE OF
ALCOHOL OR DRUGS

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

SECTION 1. *Short Title.* - This Act shall be known as the "Clean Common Carriers Act of 2005."

SECTION 2. *Declaration of Policy.* - It is the policy of the State to maintain peace and order, to protect life, liberty, and property, and to promote the general welfare of the people. In line with this, the State aims to protect commuters, motorists and pedestrians from operators of common carriers who operate their vehicles under the influence of alcohol or drugs.

SECTION 3. *Definition of Common Carrier.* - As used in this Act, the term "common carrier" has the same meaning as defined by Article 1732 of the New Civil Code.

SECTION 4. *Operation of a Common Carrier Under the Influence of Alcohol or Drugs.*
- Whoever operates or directs the operation of a common carrier while under the influence of alcohol or any prohibited drug, shall be imprisoned for not more than fifteen years or fined an amount not less than twenty thousand pesos (P 20,000.00) but not more than two hundred thousand (P 200,000.00), or both at the discretion of the court.

SECTION 5. *Presumptions.* - For purposes of this Act, (1) an individual with a blood alcohol content of 0.10 percent or more shall be presumed to be under the influence of alcohol; and (2) an individual shall be presumed under the influence of prohibited drugs if the quantity of

the drug in the system of the individual would be sufficient to impair the perception, mental, processes, or motor functions of the average individual.

SECTION 6. *Separability Clause.* - If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.