


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

6 JUN -7 P4: :

RECEIVED BY: 

**SENATE**

S. No. 2351

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INTRODUCED BY HON. MANNY VILLAR

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EXPLANATORY NOTE

The drastic increase in the number of cellular phone subscribers in the country is a phenomenon that includes all age groups and all classes of society even the hoi polloi. Cellular phones have become an integral part of both business and personal lives. However, the increasing number of vehicular accidents involving the use of cellular phones while driving transforms this technological gadget into a dangerous device. The danger is not only to the lives and limbs of the general driving public but also to the innocent pedestrians.

It is inconceivable and even unsound policy to direct the absolute ban on the use of cellular phones while driving. The obvious fact is that people will not stop using their cellular phones in the motor vehicle because the range of accessibility is irreplaceable and because of the convenience that goes with it. The better policy is to promote the responsible use of cellular phones while driving and promote driver awareness of the dangers of road traffic.

On this note, the attached bill prohibits the use of a cellular phone while driving a motor vehicle unless such cellular phone is equipped with a hands-free device and imposes penalties for violations therefor.

Accordingly, approval of this bill is highly recommended.

  
MANNY VILLAR

THIRTEENTH CONGRESS OF THE  
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**AN ACT REQUIRING THE MANDATORY COMPLIANCE BY  
MOTORISTS OF PRIVATE AND PUBLIC VEHICLES TO USE HANDS-FREE  
DEVICES WHILE DRIVING**

*Be enacted by the Senate and House of Representatives of the  
Philippines in congress assembled:*

Section 1. *Short Title.* — This Act shall be known as the "**Hands Free Device Act**".

Section 2. *Declaration of Policy.* — It is hereby declared the policy of the State to secure and safeguard its citizenry, particularly the passengers and drivers of private and public motor vehicles, from the ruinous and extremely injurious effects of vehicular accidents. Towards this end, the State shall pursue a more proactive and preventive approach in order to secure the safety of the passengers and drivers at all times with the mandatory use by the driver of a motor vehicle of a cellular telephone equipped with a hands-free device.

Section 3. *Definition of Terms.* — For purposes of this Act, the term:

- (a) "**Motorist**" shall refer to the driver of a motor vehicle.
- (b) "**Motor vehicle**" shall refer to both private and public motor vehicle.
- (c) "**Private motor vehicle**" shall refer to any of the following:
  - (1) Any motor vehicle owned by individuals and juridical persons for private use;
  - (2) Any motor vehicle owned by the National Government or any of its agencies, instrumentalities or political subdivisions, including government-owned or controlled corporations or their subsidiaries for official use; and
  - (3) Any diplomatic vehicle.
- (d) "**Public motor vehicle**" shall refer to public utility vehicle or vehicle for hire.

(e) **"Motor vehicle of running engine"** shall refer to a vehicle as stated herein, operating and standing on any road or thoroughfare with engine running.

(f) **"Engage in a call"**

(a) means talking into or listening on a handheld cellular telephone.

(b) does not include holding a cellular telephone to activate, deactivate or initiate a function of the cellular telephone.

(g) **"Handheld cellular telephone"** means a cellular telephone with which a user engages in a call using at least one hand.

(h). **"Hands-free device"** means an attachment, add-on or addition to a cellular telephone, whether or not permanently installed in a motor vehicle, that when used allows the motor vehicle operator to maintain both hands on the steering wheel.

(i). **"immediate proximity"** means the distance that permits the user of a cellular telephone to hear telecommunications transmitted over the cellular telephone but that does not require physical contact with the user's ear.

(j) **"using"** means:

(a) holding a cellular telephone to, or in the immediate proximity of, the user's ear.

(b) pressing the buttons on a cellular telephone to use any of the functions of the cellular telephone.

#### Section 4. Use of cellular telephones while driving; Prohibition; Exceptions

a. person shall not operate a motor vehicle on a highway while using a cellular telephone to engage in a call while the motor vehicle is in motion unless the cellular telephone is equipped with a hands-free device.

b. an operator of a motor vehicle who holds a cellular telephone to, or in the immediate proximity of, the operator's ear while the motor vehicle is in motion is presumed to be engaging in a call. This presumption is rebuttable by evidence tending to show that the operator was not engaging in a call.

c. this section does not apply to any of the following:

1. law enforcement and safety personnel.

2. drivers of authorized emergency vehicles.

3. public transit personnel.

4. a person who is reporting reckless or negligent behavior.

5. the use of a cellular telephone for the sole purpose of communicating with any of the following regarding an emergency situation:

(a) an emergency response operator.

(b) a hospital, physician's office or health clinic.

(c) a provider of ambulance services.

(d) a provider of fire fighting services.

(e) a law enforcement agency.

Section 5. *Coverage.* — This Act, in the interest of public safety, shall apply to drivers of public and private motor vehicles and other vehicles as may be determined by the IRR thereon.

Section 6. *Period of Implementation.* — The LTO shall be the agency primarily responsible in the enforcement and implementation of this Act. Within sixty (60) days from the effectivity of this Act, the LTO shall formulate and issue the necessary implementing rules, regulations and guidelines and shall mobilize available resources to assure the effective implementation of this Act.

Section 7. *Penalties and Fines.* — In the enforcement of this Act, the LTO shall impose fines against drivers for violation of this Act.

The following shall be the basis in defining fine and penalty provisions of the IRR to be promulgated, provided that six (6) months grace period shall be allowed to lapse to conduct a nationwide information campaign.

For engaging in a call using a cellular telephone while the motor vehicle is in motion without a hands-free device, a minimum fine of One hundred pesos (P100) but not to exceed One thousand pesos (P1,000) for the first violation; a minimum fine of Two hundred pesos (P200) but not to exceed Two thousand pesos (P2,000) for the second violation; and a minimum fine of Five hundred pesos (P500) but not to exceed Five thousand pesos (P5,000) and suspension of driver's license for a period of one (1) week for the third and succeeding violations;

Section 8. *Nationwide Public Information Campaign.* — (a) The LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education and private agencies and organizations, shall undertake a regular nationwide Information, Education and Communication (IEC) campaign for the attainment of the objectives of this Act. The campaign shall stress the safety and health value of using hands-free device while engaging in a call using cellular telephone while driving to support the most effective enforcement of this Act.

(b) The LTO, in coordination with the local government units, shall likewise utilize the services of citizen groups and community organizations for the promotion of public safety awareness in observance of this Act.

(c) The fines that will be collected for the enforcement of this Act shall be used exclusively for the implementation of the provisions of this Act, including the necessary promotion campaigns for the use of hands free devices.

Section 9. *Separability Clause.* — If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

Section 10. *Repealing Clause.* — Any law, executive order, decree, issuance, ordinance, rule and regulation or any part thereof contrary or inconsistent with the provisions of this Act is also hereby repealed, modified or amended accordingly.

Section 11. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.