

SENATE

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S. NO. 169

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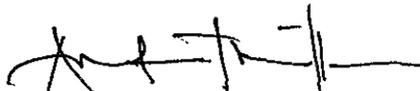
Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The prevalence of incidents involving drunk drivers or drivers driving under the influence of prohibited drugs is one of the most challenging problems confronting our law enforcers today. Many lives have been lost and millions worth of properties have been destroyed because of accidents precipitated by drunk drivers or drivers operating their motor vehicles under the influence of prohibited drugs. It is high time for the State to declare this pernicious and highly destructive practice to be a criminal act and to provide stiff penalties for the same.

House Bill No. 4893 authored by Congressmen Zialcita, Chungalao, Puentevella, Fua, Aguja, Magsaysay (E.), Abayon, Petilla, Jaraula, Chatto, Aquino (R), Villarosa, Susano, Amin and Figueroa which seeks to criminalize drunk driving, was passed by the House of Representatives during the Thirteenth Congress. However, due to time constraints, the same failed to make into law. This Bill is intended to be a counter-part bill for the said house bill which, hopefully, will be filed again by the House.

Although this measure contains a number of important changes intended to broaden the basis for screening tests but at the same time minimize possible incidents of harassment of innocent drivers, it is hoped that the same will greatly expedite the enactment of the proposal into law. Hence, immediate passage of the Bill is earnestly enjoined.



ANTONIO "SONNY" F. TRILLANES IV
Senator

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
DEFINING AS A CRIME THE ACT OF DRIVING ANY MOTOR VEHICLE WHILE UNDER
THE INFLUENCE OF ALCOHOLIC BEVERAGES AND/OR PROHIBITED DRUGS AND
PROVIDING GRADUATED PENALTIES THEREFOR

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

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

2
3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared to be the national policy of the
4 State to minimize, if not totally eliminate, injuries and death due to accidents caused by persons
5 driving or operating any kind of motor vehicle while under the influence of any kind of alcoholic
6 beverage and/or prohibited drug.

7
8 **SEC. 3. *Prohibited Act.*** – It shall be unlawful for any person to drive or operate any
9 motor vehicle while under the influence of alcoholic beverages and/or prohibited drugs. A person
10 shall be considered under the influence of alcoholic beverages if it shall be established that
11 he/she has a blood alcohol concentration (HAC) level of 0.6% or more.

12
13 **SEC. 4. *Implied Consent.*** – Any person who drives or operates a motor vehicle on a
14 street, road, highway or a public or quasi-public area shall be deemed to have given consent to a
15 test or tests of such person's blood, breath, urine or other bodily substance for the purpose of
16 determining his/her BAC level or the presence of prohibited drugs under the following
17 circumstances:

18 (a) If he exhibits some indication of alcohol/drug impairment while in motion, such as speeding,
19 swerving, weaving in traffic or coming dangerously close to stationary objects or other vehicles;

- 1 (b) If he is stopped for a traffic violation or any other offense alleged to have been committed
2 while in motion;
- 3 (c) If he is involved in an accident;
- 4 (d) If he is about to enter an expressway, toll way, subdivision or public or private facility and
5 the authorities thereat finds any reasonable basis to require screening tests such as alcoholic
6 breath, slurred speech, sluggish or delayed reaction or when his physical appearance is indicative
7 that he may be under the influence of alcohol or prohibited drugs.

8

9 **SEC. 5. Screening Tests.** – In the case of drivers or operators of motor vehicles who are
10 deemed to have given implied consent under Section 4 above, screening tests to determine
11 probable cause of violation of this Act may be administered by authorized law enforcement
12 officers. The screening tests may consist of sobriety tests such as the Standardized Field Sobriety
13 Test (SFST), or chemical tests with the use of passive alcohol sensors such as breath analyzers
14 and similar equipment duly approved by the Department of Health (DOH).

15

16 **SEC. 6. Confirmatory Tests.** – Upon determination of probable cause of violation of this
17 Act, confirmatory chemical tests shall immediately be administered at the direction of the
18 apprehending law enforcement officer at the laboratory of any authorized hospital or clinic or
19 test center. Such tests shall consist of blood or urine sample analysis or any equivalent test to be
20 conducted by any authorized medical or laboratory authority to determine the suspect's BAC
21 level or the presence of any prohibited drug in his/her system.

22

23 **SEC. 7. Refusal to Submit to BAC Testing.** – The suspect may choose which among the
24 available confirmatory tests shall be administered on him/her: Provided, however, That the
25 failure, inability or refusal of the suspect to obtain said tests shall not preclude the admission of
26 evidence relating to the screening tests administered by the apprehending law enforcement
27 officer.

28

1 **SEC. 8. Mandatory Confirmatory Medical Testing.** – Any driver or operator of a motor
2 vehicle involved in a vehicular accident resulting in death or serious physical injuries shall be
3 subjected to mandatory confirmatory chemical tests to determine the presence and/or
4 concentration of alcohol and/or drugs.

5
6 **SEC. 9. Penalties.** – Any person found guilty of violating the provisions of this Act shall
7 be sentenced to suffer any of the following penalties:

8 (a) *First offense* - a fine of One thousand pesos (P1,000.00) and suspension of the offender's
9 license to drive for one year, or thirty (30) days imprisonment at the discretion of the court.

10 (b) *Second offense* - a fine of Five thousand pesos (P5,000.00), suspension of the offender's
11 license to drive for five years and thirty (30) days imprisonment.

12 (c) *Third and all subsequent offenses* - a fine of Ten thousand pesos (P10,000.00), suspension of
13 the offender's license to drive for five years and thirty (30) days imprisonment: Provided, That
14 the additional penalty of one year to five years imprisonment shall be imposed upon the offender
15 who shall commit the same offense during the period when his/her license to drive is suspended.

16 If serious physical injuries resulted by reason of such violation, the penalty imposed shall be six
17 to twelve (12) years imprisonment, a fine ranging from One hundred thousand pesos
18 (P100,000.00) to Two hundred thousand pesos (P200,000.00) and suspension of the offender's
19 license to drive for five years after service of sentence.

20 If death resulted by reason of such violation, the penalty imposed shall be life imprisonment:
21 *Provided*, That the additional fine of One million pesos (P1, 000,000.00) shall be imposed if
22 several deaths resulted.

23
24 **SEC. 10. Driver Education.** – Every applicant for a driver's license shall complete a
25 course of instruction that provides information on safe driving, including the hazardous effects of
26 consumption of alcoholic beverages and the use of prohibited drugs on the ability of a person to
27 drive or operate a motor vehicle and the penalties attached for violations of this Act.

28

1 **SEC. 11. *Liability Under Other Laws.*** – A prosecution under this Act shall be without
2 prejudice to any liability for violation of any provision of Act No. 3285, *as* amended, or the
3 Revised Penal Code, Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of
4 2002, or any other law.

5
6 **SEC. 12. *Promulgation of Implementing Rules and Regulations.*** – The Department of
7 Transportation and Communications, in cooperation with the Traffic Management Group -
8 Philippine National Police, the Metro Manila Development Authority, the Department of Health,
9 the Department of Justice and the Department of the Interior and Local Government shall
10 promulgate rules and regulations to implement the provisions of this Act, and shall employ
11 strategies that would encourage community participation and cooperation among local
12 government units, the media and the Philippine National Police.

13
14 **SEC. 13. *Separability Clause.*** – If any provision or part hereof is held invalid or
15 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
16 valid and subsisting.

17
18 **SEC. 14. *Repealing Clause.*** – Section 53 in relation to Section 56(t) of the Land
19 Transportation and Traffic Code and all other laws, presidential decrees, executive orders,
20 proclamations and/or administrative regulations which are inconsistent with the provisions of
21 this Act are hereby amended, modified, superseded or repealed accordingly.

22
23 **SEC. 15. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
24 publication in the Official Gazette or in at least two newspapers of national circulation.

Approved,