

SENATE

Senate Bill No. 484

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

A motor vehicle driven by a person under the influence of alcohol and /or drugs becomes a dangerous machine and even a potentially fatal weapon that may result in unfortunate deaths.

Drunk driving under the influence of and/or drugs, which remains a worldwide leading factor in motor vehicle accidents, is a big problem in our country that has not been properly addressed. While official reports (or the lack thereof) do not accurately show the deleterious effects of drunk driving in our country, it cannot be denied that it is indeed a grave public concern that needs to be dealt with more seriously. Our antiquated laws, particularly Republic Act No. 4136, as amended, or the Land Transportation and Traffic Code, which merely prohibits driving under the influence of alcohol or narcotic drug with a corresponding miniscule penalty for violation, do not address the seriousness of the matter. In many jurisdictions, driving under the influence of alcohol and/or dugs is considered a great concern that is combated through stricter penalties and methodical laws that seek to effectively and efficiently eliminate the problem.

There must be full personal and social responsibility for the incidence of drunk driving in our country. In addition to providing better means of law enforcement and stiffer penalties for driving under the influence of alcohol and/or drugs, this bill seeks to tackle drunk driving through a comprehensive systems approach, which includes driver education, mandatory alcohol and drug testing of drivers involved in fatal motor vehicle accidents, the establishment of a drunk driving prevention fund for the purpose of funding the implementation of this proposed legislation, and the conduct of public information campaigns by alcohol beverage manufacturers about drunk driving and its ill effects with the end view of preventing the same.

In view of the foregoing, early passage of this bill is earnestly requested.


JINGGOY EJERCITO ESTRADA
Senator

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Senate Bill No. 484

RECEIVED



INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
TO PREVENT AND PUNISH DRIVING UNDER THE INFLUENCE OF
ALCOHOL AND/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 **“Drunk Driving Prevention and Punishment Act of 2010.”**

SEC. 2. Declaration of Policy. It is the policy of the State to protect its people from hazards brought about by driving under the influence of alcohol and/or drugs that foolishly endanger life and property.

SEC. 3. Definition of Terms.

- a. **Motor Vehicle** refers to anything that carries people or goods powered by a motor or engine.
- b. **Driving under the influence** refers to the act of operating a motor vehicle while intoxicated with alcohol and/or drugs when the driver's mental and motor skills are impaired, or when the driver's blood alcohol concentration level is 0.08 or more.
- c. **Field sobriety tests** refer to standardized tests, including horizontal gaze nystagmus, the walk-and-turn, and one-leg stand, to assess intoxication.
- d. **Chemical tests** refer to breath, urine or blood tests to determine the blood alcohol level and/or the positive indication of drugs.
- e. **Driving under the influence resulting to physical injuries** refers to the unlawful and unintentional physical injuries of a person caused by a driver while driving under the influence.
- f. **Driving under the influence resulting to homicide** refers to the unlawful and unintentional death of a person caused by a driver driving under the influence.

SEC. 4. Driving Education. – Every applicant for a driver's license shall complete a course of instruction that provides information on driver and safety matters, including the effects of consumption of beverage alcohol products and

the use of illegal drugs, prescription drugs, and non-prescription drugs on the ability of a person to operate a motor vehicle; the hazards of driving under the influence; and the penalties for driving under the influence.

SEC. 5. *Driving Under the Influence.* – It shall be unlawful for any person to be driving under the influence. When a law enforcement officer has probable cause to believe a driver to be driving under the influence due to manifestations, including erratic driving, poor coordination, or the presence of the smell of alcohol, the officer shall conduct field sobriety tests. If the driver fails the sobriety test, the driver shall be required to undergo chemical tests.

SEC. 6. *Penalties.* – Any person found to be driving under the influence not resulting to physical injuries or homicide shall be punished with the penalty of *prison correccional* under the Revised Penal Code, or a fine ranging from twenty thousand pesos (PhP20,000) to eighty thousand pesos (PhP80,000), or both.

Any person who commits driving under the influence resulting to physical injuries shall be punished with the same applicable penalties as provided in Art. 263 of the Revised Penal Code or with the same penalty as provided in the next preceding paragraph, whichever is higher.

Any person who commits driving under the influence resulting to homicide shall be punished as provided for murder in Art. 249 of the Revised Penal Code.

The driver's license of any person found to be driving under the influence shall also be confiscated and suspended for a period of six (6) months for the first conviction and twelve (12) months for the second conviction. A conviction for the third time under this Act shall result in the revocation of the driver's license and perpetual disqualification to hold a driver's license.

SEC. 7. *Mandatory Alcohol and Drug testing Involved in Fatal Motor Vehicle Accidents.* – When the driver of a motor vehicle is involved in an accident resulting in loss of human life, or where there is reason to believe that death may have resulted from an accident, and there exists probable cause to believe that the driver is guilty of driving under the influence, chemical tests shall be administered to the driver to determine the presence and concentration of alcohol and/or drugs.

SEC. 8. *Public Hospitals.* – For purposes of this Act, all public hospitals are required to have facilities for chemical tests to determine the presence and concentration of alcohol and/or drugs. Public hospitals shall be given preference in the administration of chemical tests pursuant to this Act.

SEC. 9. *Drunk Driving Prevention Fund* – A fee of not more than ten percent (10%) of the fees and charges for license and motor vehicle transactions is hereby imposed to constitute the drunk driving prevention fund for the purpose of funding the implementation of this Act, including the training of law enforcement officers to conduct field sobriety tests and the procurement of the needed supplies and equipment for the administration of chemical test.

SEC. 10. *Alcohol Beverage Manufacturers.* – All alcohol beverage manufacturers are required to conduct public information campaigns to educate the public about driving under the influence and its effects with the end in view of preventing the same.

SEC. 11. *Repealing Clause.* – Republic Act No. 4136, as amended, and all laws, decrees, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 12. *Separability Clause.* – If for any reason, any portion or provision of this Act is declared unconstitutional or invalid; such parts not affected thereby shall remain in full force and effect.

SEC. 13. *Effectivity* – This Act shall take effect fifteen (15) days following the completion of its publication in the Official Gazette or in newspaper of General or in newspaper of general circulation in the Philippines.

Approved,