



HOUSE OF REPRESENTATIVES

H. No. 4571

BY REPRESENTATIVES YAP (S.), GONZALES (A.), SYJUCO, ARROYO (D.),
MACAPAGAL-ARROYO (G.), TIENG, VELARDE, ACOP, BONOAN-DAVID,
MERCADO (R.), SINGSON (E.), MATUGAS AND SALVACION, PER
COMMITTEE REPORT NO. 900

AN ACT REGULATING THE USE OF HAND-HELD MOBILE
COMMUNICATION DEVICES WHILE DRIVING AND FOR
OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 “Anti-Mobile Communication Devices Use While Driving Act of 2011”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of
4 the State to safeguard its citizenry from the ruinous and extremely injurious
5 effects of vehicular accidents.

6 While the State recognizes the vital role of information and
7 communications technology in nation-building, the State also promotes the
8 safety of the public from the acts of persons which have become inimical in the
9 exercise and enjoyment of these rights and to regulate such acts.

10 Towards this end, it shall pursue a more proactive and preventive
11 approach to secure the safety of motorists, their passengers and pedestrians at

1 all times by banning the use of mobile communication devices by motorists
2 while driving or operating a moving motor vehicle.

3 SEC. 3. *Definition of Terms.* – As used in this Act, the term:

4 (a) *Diplomatic motor vehicle* refers to any motor vehicle leased or owned
5 by a foreign mission and its staff for their official use.

6 (b) *Government motor vehicle* refers to any motor vehicle owned by the
7 national government or any of its agencies, instrumentalities or political
8 subdivisions, including government-owned or -controlled corporations or their
9 subsidiaries for official use.

10 (c) *Implementing agency* refers to the Department of Transportation and
11 Communications (DOTC)-Land Transportation Office (LTO).

12 (d) *Mobile communication devices* refer to electronic communication
13 equipment such as, but not limited to, cellular phones, i-phones, wireless
14 telephones, two-way radio transceivers, walkie-talkie, pagers and beepers
15 capable of transmitting, receiving, or both, of encrypted data and/or signals
16 through wireless, electronic or any other similar means.

17 (e) *Motor vehicle* refers to engine-driven vehicles such as, but not limited
18 to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles.

19 (f) *Motorist* refers to a person driving a motor vehicle.

20 (g) *Private motor vehicle* refers to any motor vehicle owned by
21 individuals and juridical persons for private use.

22 (h) *Public motor vehicle* refers to a motor vehicle issued by the Land
23 Transportation Franchising and Regulatory Board (LTFRB) to operate as a
24 public utility vehicle or any vehicle for hire.

25 (i) *Using a mobile communication device* refers to the act of making a
26 call, receiving a call or the act of composing, sending or viewing of text and
27 multi-media messages, including the act of doing internet and other similar
28 functions.

1 SEC. 4. *Ban on the Use of Mobile Communication Devices While*
2 *Driving.* – To ensure public safety, it shall be unlawful for any person to use
3 hand-held mobile communication device while driving a private or public
4 motor vehicle.

5 SEC. 5. *Extent of Coverage.* – Wheeled agricultural machineries such
6 as tractors and construction equipment such as graders, rollers, backhoes,
7 payloaders, cranes, bulldozers, mobile concrete mixers and the like, and other
8 forms of conveyances such as bicycles, pedicabs, habal-habal, trolleys,
9 kuliglig, wagons, carriages, carts, sledges, chariots or the like, whether animal
10 or human-powered, are covered by the provisions of this Act as long as the
11 same are operated or driven in public thoroughfares, highways or streets or
12 under circumstances where public safety is under consideration.

13 SEC. 6. *Exemptions.* – The ban shall not be imposed if the motorist
14 concerned uses a mobile communication device with the aid of a hands-free
15 device such as, but not limited to, a speaker phone, earphones and
16 microphones or other similar device which allows a person to make and
17 receive calls without having to hold the mobile communication device. The
18 provisions of this Act shall not apply to persons performing urgent, emergency
19 and official functions where such limitations will result to greater injury or
20 impair the performance thereof.

21 SEC. 7. *Nationwide Public Information Campaign.* – The
22 DOTC-LTO, in coordination with the Philippine Information Agency (PIA),
23 the Department of Education (DepED), the Department of the Interior and
24 Local Government (DILG)-Philippine National Police (PNP) and private
25 agencies and organizations, shall undertake a nationwide information,
26 education and communication (IEC) campaign for a period of six (6) months
27 from the effectivity of this Act.

1 SEC. 8. *Penalties.* – Any person who shall violate any provision of
2 this Act shall be punishable by:

3 (a) First offense – a fine of One thousand pesos (P1,000.00);

4 (b) Second offense – a fine of Three thousand pesos (P3,000.00);

5 (c) Third offense – a fine of Five thousand pesos (P5,000.00) and
6 suspension of driver's license for three (3) months; and

7 (d) Fourth and succeeding offenses – a fine of Five thousand pesos
8 (P5,000.00) but not more than Ten thousand pesos (P10,000.00) and
9 revocation of driver's license:

10 *Provided,* That the implementing agency may increase the amount of
11 fine herein imposed once every three (3) years in the amount not exceeding ten
12 percent (10%) of the existing rates sought to be increased.

13 The foregoing penalties shall be without prejudice to the other liabilities
14 under the Revised Penal Code, as amended, or any special law, arising out
15 or on occasion of the herein prohibited acts.

16 SEC. 9. *Assistance by Other Agencies.* – The Metropolitan Manila
17 Development Authority (MMDA), the PNP and other concerned government
18 agencies and instrumentalities shall render such assistance as required by the
19 implementing agency in order to effectively implement the provisions of this
20 Act.

21 SEC. 10. *Implementing Rules and Regulations.* – The DOTC-LTO
22 shall promulgate the necessary implementing rules and regulations within sixty
23 (60) days from the effectivity of this Act.

24 SEC. 11. *Separability Clause.* – if, for any reason, any part or
25 provision of this Act is declared invalid, such declaration shall not affect the
26 other provisions of this Act.

1 SEC. 12 *Repealing Clause.* – All laws, executive orders, issuances,
2 rules and regulations or parts thereof inconsistent with the provisions of this
3 Act are hereby repealed, amended or modified accordingly.

4 SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days
5 after its complete publication in the *Official Gazette* or in at least two (2)
6 newspapers of general circulation.

Approved,

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