



## HOUSE OF REPRESENTATIVES

H. No. 7082

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BY REPRESENTATIVES GONZALES (A.), TIENG, VELARDE, COSCOLLUELA, SANTIAGO (N.), ABANTE, BONOAN-DAVID, MAGSAYSAY, JOSON, YAP, MADRONA, TUPAS, LIMKAICHONG, YU, PADILLA, CHATTO, ROMUALDO, ESTRELLA (R.), MENDOZA (M.), GATLABAYAN, ESTRELLA (C.), LAPUS, CAJAYON, GONZALES (N.), DE GUZMAN AND DEL MAR, PER COMMITTEE REPORT NO. 2558

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AN ACT REGULATING THE USE OF HAND-HELD MOBILE COMMUNICATION DEVICE 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 2010”.

3           SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the  
4 State to safeguard its citizenry from the ruinous and extremely injurious effects  
5 of vehicular accidents. Towards this end, it shall pursue a more proactive and  
6 preventive approach to secure the safety of motorists, their passengers and  
7 pedestrians at all times by banning the use of mobile communication devices  
8 by motorists while driving or operating a moving motor vehicle.

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

2           (a) *Mobile communication devices* shall refer to electronic  
3 communication equipment such as, but not limited to, cellular phones,  
4 i-phones, wireless telephones, two-way radio transceivers, walkie-talkie,  
5 pagers and beepers, capable of transmitting, receiving or both of encrypted  
6 data and/or signals through wireless, electronic or any other similar means;

7           (b) *Using a mobile communication device* shall refer to the act of  
8 making a call, receiving a call or the act of composing, sending or viewing of  
9 text and multi-media messages, including the act of doing internet and other  
10 similar functions;

11           (c) *Motorist* shall refer to a person driving a motor vehicle;

12           (d) *Motor vehicle* shall refer to engine-driven vehicles such as, but not  
13 limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;

14           (e) *Private motor vehicle* shall refer to any motor vehicle owned by  
15 individuals and juridical persons for private use;

16           (f) *Government motor vehicle* shall refer to any motor vehicle owned  
17 by the national government or any of its agencies, instrumentalities or political  
18 subdivisions, including government-owned or -controlled corporations or their  
19 subsidiaries for official use;

20           (g) *Diplomatic motor vehicle* shall refer to any motor vehicle used by a  
21 diplomat working in an embassy;

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

25           (i) *Implementing agency* shall refer to the Department of  
26 Transportation and Communications (DOTC)-Land Transportation Office  
27 (LTO).

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. *Exemptions.* – The ban shall not be imposed if the motorist  
6 concerned uses a mobile communication device with the aid of a hands-free  
7 device or speaker phone or other similar device which allows a person to make  
8 and receive calls without having to hold the mobile communication device.  
9 The provisions of this Act shall not apply to persons performing urgent,  
10 emergency and official functions where such limitations will result to greater  
11 injury or impair the performance thereof.

12           SEC. 6. *Nationwide Public Information Campaign.* – The  
13 DOTC-LTO, in coordination with the Philippine Information Agency (PIA),  
14 the Department of Education (DepED), the Department of the Interior and  
15 Local Government (DILG)-Philippine National Police (PNP) and private  
16 agencies and organizations, shall undertake a nationwide information,  
17 education and communication (IEC) campaign for a period of six (6) months  
18 from the effectivity of this Act.

19           SEC. 7. *Penalty.* – Any person who shall violate any provision of this  
20 Act shall be punishable by:

21           (a) First offense – a fine of One thousand pesos (Php1,000.00);

22           (b) Second offense – a fine of Three thousand pesos (Php3,000.00);

23           (c) Third offense – a fine of Five thousand pesos (Php5,000.00) and  
24 suspension of driver's license for three (3) months; and

25           (d) Fourth offense and succeeding offenses – a fine of Five thousand  
26 pesos (Php5,000.00) but not more than Ten thousand pesos (Php10,000.00)  
27 and revocation of driver's license.

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

4           SEC. 8. *Assistance by Other Agencies.* – The Metro Manila  
5 Development Authority (MMDA), the Philippine National Police (PNP) and  
6 other concerned government agencies and instrumentalities shall render such  
7 assistance as required by the implementing agency in order to effectively  
8 implement the provisions of this Act.

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

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

20           SEC. 11. *Separability Clause.* – If, for any reason, any part or  
21 provision of this Act is declared invalid, such declaration shall not affect the  
22 other provisions of this Act.

23           SEC. 12. *Repealing Clause.* – All laws, executive orders, issuances,  
24 rules or regulations or parts thereof which are inconsistent with the provisions  
25 of this Act are hereby deemed repealed, amended or modified accordingly.

1           SEC. 13. *Effectivity.* – This Act shall take effect fifteen (15) days  
2 after its complete publication in the *Official Gazette* or in two (2) national  
3 newspapers of general circulation.

Approved,

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