



HOUSE OF REPRESENTATIVES

H. No. 7083

BY REPRESENTATIVES PUENTEVELLA, ALFELOR, ALMARIO, FUA, GO,
ZIALCITA, GONZALES (N.) AND DE GUZMAN, PER COMMITTEE REPORT
NO. 2559

AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL

*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 “Driving
2 Under the Influence of Alcohol (DUIA) Act of 2010”.

3 SEC. 2. *Policy.* – It is hereby declared the policy of the State to
4 protect its people from hazards brought about by accidents resulting from
5 driving under the influence of alcohol and similar intoxicating substances.

6 SEC. 3. *Definition of Terms.* – For purposes of this Act:

7 (a) *Alcohol* refers to alcoholic beverages classified into beer, wine and
8 spirit consumption of which produces intoxication;

9 (b) *Breathalyzer* refers to a kind of equipment which can determine the
10 blood alcohol concentration level of a person through one’s breath;

1 (c) *Chemical tests* refer to breath, urine or blood test to determine the
2 blood alcohol concentration level and/or positive indication of dangerous
3 drugs;

4 (d) *Driving under the influence of alcohol* refers to the act of operating
5 a motor vehicle while intoxicated with alcohol by reason of which the driver's
6 mental and motor skills are impaired, or when the driver's blood alcohol
7 concentration level is zero point zero six (0.06) or more;

8 (e) *Field sobriety tests* refer to standardized tests to assess and
9 determine intoxication, including the horizontal gaze nystagmus, the
10 wall-and-turn and the one-leg stand; and

11 (f) *Motor vehicle* refers to anything that carries people or goods
12 powered by a motor or engine.

13 SEC. 4. *Driver's Education.* – Every applicant for a driver's license
14 shall complete a course of instruction that provides information on driver and
15 safety matters, including the effects of consumption of alcoholic beverages on
16 the ability of a person to operate a motor vehicle; the hazards of driving under
17 the influence of alcohol; and the penalties attached for violation thereof.

18 The driver's license test shall include written questions concerning the
19 effects of consumption of alcoholic beverages, the ability of a person to
20 operate a motor vehicle and the legal and pecuniary consequences resulting
21 from violation of this Act.

22 SEC. 5. *Punishable Act.* – It shall be unlawful for any person to drive
23 a motor vehicle under the influence of alcohol. A law enforcement officer who
24 has probable cause to believe that a driver is driving under the influence of
25 alcohol by apparent indications and manifestations, including erratic driving,
26 poor coordination or the presence of the smell of alcohol, may conduct field
27 sobriety tests. If the driver fails in the sobriety tests, it shall be the duty of the

1 law enforcement officer to determine his blood alcohol concentration level
2 through the use of a breathalyzer.

3 **SEC. 6. Penalties.** – Without prejudice to criminal prosecution for
4 violation of the Revised Penal Code, whenever applicable, a driver found to
5 have been driving a motor vehicle while intoxicated, as provided for in the
6 immediately preceding section, shall be penalized as follows:

7 (a) For the first offense – a fine of Five thousand pesos (Php5,000.00)
8 and two (2) months suspension of driver's license;

9 (b) For the second offense – a fine of Six thousand pesos
10 (Php6,000.00) and three (3) months suspension of driver's license;

11 (c) For the third offense – a fine of Seven thousand pesos
12 (Php7,000.00) and six (6) months suspension of driver's license; and

13 (d) For the succeeding offenses – a fine of seven thousand pesos
14 (Php7,000.00) and automatic revocation of driver's license.

15 Within the period of suspension, the offender shall be required to render
16 community service for a period of one (1) month. No driver's license shall be
17 returned unless this requirement is complied with.

18 **SEC. 7. Mandatory Alcohol Testing of Drivers Involved in Fatal Motor**
19 **Vehicular Accidents.** – All drivers of motor vehicles involved in vehicular
20 accidents resulting to loss of lives or physical injuries of serious nature shall be
21 subjected to chemical tests to determine the presence and/or concentration of
22 alcohol. Implementing guidelines for said tests shall be undertaken by the
23 Land Transportation Office (LTO), the Philippine National Police (PNP), the
24 Philippine Drug Enforcement Agency (PDEA) and other agencies with related
25 functions.

26 **SEC. 8. Separability Clause.** – If, for any reason, any part or provision
27 of this Act is declared invalid, such declaration shall not affect the other
28 provisions of this Act.

1 **SEC. 9. *Repealing Clause.*** – The provisions of laws, decrees,
2 executive orders, ordinances, rules and regulations inconsistent with this Act
3 are hereby repealed, amended or modified accordingly.

4 **SEC. 10. *Effectivity.*** – This Act shall take effect fifteen (15) days
5 following the completion of its publication in the *Official Gazette* or in two (2)
6 national newspapers of general circulation.

Approved,

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