



HOUSE OF REPRESENTATIVES

H. No. 4893

BY REPRESENTATIVES ZIALCITA, CHUNGALAO, PUENTEVELLA, FUA, AGUJA,
MAGSAYSAY (E.), ABAYON, PETILLA, VELARDE, JARAULA, CHATTO,
AQUINO (R.), VILLAROSA, SUSANO, AMIN AND FIGUEROA, PER
COMMITTEE REPORT NO. 1194

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 House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. *Title.* – This Act shall be known as the “Anti-Drunk
2 Driving Act of 2006”.

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

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

6 SEC. 4. *Implied Consent.* – Any person who drives or operates a motor
7 vehicle on a street, road, highway or quasi public-area shall be deemed to have
8 given consent to a test or tests of such person's blood, breath, urine or other
9 bodily substance for the purpose of determining his/her BAC level or the
10 presence of prohibited drugs.

11 SEC. 5. *Screening Tests.* – Screening tests to determine probable cause
12 of violation of this Act may be administered by authorized law enforcement
13 officers on any driver or operator of a motor vehicle:

14 (a) Exhibiting some indication of alcohol/drug impairment while in
15 motion, such as weaving or coming dangerously close to stationary objects or
16 other vehicles;

17 (b) Stopped for a traffic violation or any other offense alleged to have
18 been committed while in motion; or

19 (c) Involved in an accident.

20 The screening tests may consist of sobriety tests such as the
21 Standardized Field Sobriety Test (SFST), or chemical tests with the use of

1 passive alcohol sensors such as breath analyzers and similar equipment duly
2 approved by the Department of Health (DOH).

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

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

15 SEC. 8. *Mandatory Confirmatory Chemical Testing.* -- Any driver or
16 operator of a motor vehicle involved in a vehicular accident resulting in death
17 or serious physical injuries shall be subjected to mandatory confirmatory
18 chemical tests to determine the presence and/or concentration of alcohol and/or
19 drugs.

1 SEC. 9. *Penalties.* -- Any person found guilty of violating the
2 provisions of this Act shall be sentenced to suffer any of the following
3 penalties:

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

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

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

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

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

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

9 SEC. 11. *Liability Under Other Laws.* – A prosecution under this Act
10 shall be without prejudice to any liability for violation of any provision of Act
11 No. 3185, as amended, or the Revised Penal Code, Republic Act No. 9165 or
12 the Comprehensive Dangerous Drugs Act of 2002, or any other law.

13 SEC. 12. *Promulgation of Implementing Rules and Regulations.* – The
14 Department of Transportation and Communications, in cooperation with the
15 Traffic Management Group – Philippine National Police, the Metro Manila
16 Development Authority, the Department of Health, the Department of Justice
17 and the Department of the Interior and Local Government shall promulgate
18 rules and regulations to implement the provisions of this Act, and shall employ
19 strategies that would encourage community participation and cooperation
20 among local government units, the media and the Philippine National Police.

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

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

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

Approved,

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