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REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

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SENATE  
S.B. No. 1339

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Introduced by Senator Loren Legarda

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**EXPLANATORY NOTE**

Newspaper articles abound of alcohol-related vehicular accidents oftentimes resulting in death and injury to innocent victims. Drunk driving or driving under the influence (DUI) of alcohol and/or drugs is a matter of grave public concern that needs to be dealt with more seriously.

While Republic Act No. 4136, as amended, otherwise known as the Land Transportation and Traffic Code, prohibits driving under the influence of liquor or narcotic drug, it merely imposes a minimal penalty and does not address the seriousness of the matter. Driving under the influence of alcohol and/or drugs is a matter of great concern, which must be 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 stringent penalties for driving under the influence of alcohol and/or drugs, this bill seeks to address the problem of 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 in view of preventing the same.

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

  
**LOREN LEGARDA**  
Senator

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SENATE  
S.B. No. **1339**

APPROVED BY THE SENATE

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Introduced by Senator Loren Legarda

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AN ACT  
TO PREVENT AND PUNISH DRIVING UNDER THE INFLUENCE  
OF ALCOHOL AND/OR DRUGS

*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 "Drunk Driving  
2       **Prevention and Punishment Act of 2010."**

3  
4       **Sec. 2. Policy.** - It is the policy of the State to protect its people from hazards  
5       brought about by driving under the influence of alcohol and/or drugs that foolishly  
6       endanger life and property.

7  
8       **Sec .3. Definitions.** - For purposes of this Act:

9  
10       (1) "Motor vehicle" refers to anything that carries people or goods powered by a  
11       motor or engine.

12  
13       (2) "Driving under the influence" refers to the act of operating a motor vehicle  
14       while intoxicated with alcohol and/or drugs when the driver's mental and  
15       motor skills are impaired, or when the driver's blood alcohol concentration  
16       level is 0.08 or more.

17  
18       (3) "Field sobriety tests" refers to standardized tests, including the horizontal  
19       gaze nystagmus, the walk-and-turn, and the one-leg stand, to assess  
20       intoxication.

21

1 (4) "Chemical tests" refers to breath, urine or blood tests to determine the blood  
2 alcohol content level and/or the positive indication of drugs.

3  
4 (5) "Driving under the influence resulting to physical injuries" refers to the  
5 unlawful and unintentional physical injuries of a person caused by a driver  
6 while driving under the influence.

7  
8 (6) "Driving under the influence resulting to homicide" refers to the unlawful  
9 and unintentional death of a person caused by a driver while driving under  
10 the influence.

11  
12 **Sec. 4. Driver Education.** - Every applicant for a driver's license shall  
13 complete a course of instruction that provides information on driver and safety  
14 matters, including the effects of consumption of beverage alcohol products and the  
15 use of illegal drugs, prescription drugs, and non-prescription drugs on the ability of  
16 a person to operate a motor vehicle; the hazards of driving under the influence; and  
17 the penalties for driving under the influence.

18  
19 The driver's license test shall include written questions concerning the effects  
20 of consumption of beverage alcohol products and the use of illegal drugs,  
21 prescription drugs, and non-prescription drugs on the ability of a person to operate  
22 a motor vehicle and the legal and financial consequences resulting from violation of  
23 the law prohibiting driving under the influence.

24  
25 **Sec. 5. Driving Under the Influence.** - It shall be unlawful for any person to be  
26 driving under the influence. When a law enforcement officer has probable cause to  
27 believe a driver to be driving under the influence due to manifestations, including  
28 erratic driving, poor coordination, or the presence of the smell of alcohol, the officer  
29 shall conduct field sobriety tests. If the driver fails the field sobriety tests, the driver  
30 shall be required to undergo chemical tests.

31  
32 **Sec. 6. Penalties.** - Any person found to be driving under the influence not  
33 resulting to physical injuries or homicide shall be punished with the penalty of  
34 *prision correccional* under the Revised Penal Code, or a fine ranging from Twenty  
35 Thousand Pesos (P20,000.00) to Eighty Thousand Pesos (P80,000.00), or both.

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

5  
6 Any person who commits driving under the influence resulting to homicide  
7 shall be punished with the same penalty as provided for murder under Article 249  
8 of the Revised Penal Code.

9  
10 The driver's license of any person found to be driving under the influence  
11 shall also be confiscated and suspended for a period of six (6) months for the first  
12 conviction and twelve (12) months for the second conviction. A conviction for the  
13 third time under this Act shall result in the revocation of the driver's license and  
14 perpetual disqualification to hold a driver's license.

15  
16 **Sec. 7. Mandatory Alcohol and Drug Testing of Drivers Involved in Fatal**  
17 **Motor Vehicle Accidents.** - When the driver of a motor vehicle is involved in an  
18 accident resulting in loss of human life, or where there is reason to believe that death  
19 may have resulted from an accident, and there exists probable cause to believe that  
20 the driver is guilty of driving under the influence, chemical tests shall be  
21 administered to the driver to determine the presence and concentration of alcohol  
22 and/or drugs.

23  
24 **Sec. 8. Public Hospitals.** - For purposes of this Act, all public hospitals are  
25 required to have facilities for chemical tests to determine the presence and  
26 concentration of alcohol and/or drugs. Public hospitals shall be given preference in  
27 the administration of chemical tests pursuant to this Act.

28  
29 **Sec. 9. Drunk Driving Prevention Fund.** - A fee of not more than ten percent  
30 (10%) of the fees and charges for license and motor vehicle transactions is hereby  
31 imposed to constitute the drunk driving prevention fund for the purpose of funding  
32 the implementation of this Act, including the training of law enforcement officers to  
33 conduct field sobriety tests and the procurement of the needed supplies and  
34 equipment for the administration of chemical tests.

35

1           **Sec. 10. *Alcohol Beverage Manufacturers.*** - All alcohol beverage  
2 manufacturers are required to conduct public information campaigns to educate the  
3 public about driving under the influence and its ill effects with the end in view of  
4 preventing the same.

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

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10           **Sec. 12. *Separability Clause.*** - If any portion or provision of this Act is  
11 declared unconstitutional, the remainder of this Act or any provision not affected  
12 thereby shall remain in force and effect.

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14           **Sec. 13. *Effectivity.*** - This Act shall take effect after fifteen (15) days following  
15 its publication in a newspaper of general circulation in the Philippines.

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17           Approved,