



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS

June 18, 2013

MEMORANDUM CIRCULAR ,NO. 2013-36

For : **Undersecretaries
Assistant Secretaries
Heads of Sectoral Offices and Attached Agencies
and Corporations
Head Executive Assistant
Service Directors
RMC Chairmen
Division Chiefs
This Department**

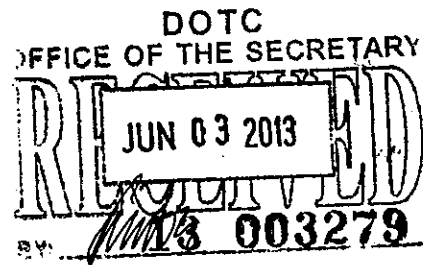
For your information and dissemination, transmitted herewith is:

NATURE	DATE	SUBJECT
<i>OP-Republic Act <u>No. 10586</u></i>	May 30, 2013	<i>"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL, DANGEROUS DRUGS, AND SIMILAR SUBSTANCES, AND FOR OTHER PURPOSES."</i>

ROWENA S. QUIOGUE
Director III
Administrative Service

Handwritten signature and date: 6/19/13

Office of the President
of the Philippines
Malacañang



MALACAÑANG RECORDS OFFICE

Manila, May 29, 2013

HON. JOSEPH EMILIO A. ABAYA

Secretary

Department of Transportation and Communications
Mandaluyong City

Sir:

I have the honor to transmit for your information and guidance, certified copy of Republic Act No. 10586 which was approved on May 27, 2013 entitled **"AN ACT PENALIZING PERSONS DRIVING UNDER THE INFLUENCE OF ALCOHOL, DANGEROUS DRUGS, AND SIMILAR SUBSTANCES, AND FOR OTHER PURPOSES."**

Thank you.

Very truly yours,



MARIANITO M. DIMAANDAL
Director IV

S. No. 3365
H. No. 4251

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fifteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third
day of July, two thousand twelve.

[REPUBLIC ACT No. 10586]

AN ACT PENALIZING PERSONS DRIVING UNDER THE
INFLUENCE OF ALCOHOL, DANGEROUS DRUGS,
AND SIMILAR SUBSTANCES, AND FOR OTHER
PURPOSES

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

SECTION 1. *Short Title.* - This Act shall be known as
the "Anti-Drunk and Drugged Driving Act of 2013".

SEC. 2. *Declaration of Policy.* - Pursuant to the
Constitutional principle that recognizes the protection of life
and property and the promotion of the general welfare as
essential for the enjoyment of the blessing of democracy, it is

hereby declared the policy of the State to ensure road safety through the observance of the citizenry of responsible and ethical driving standards.

Towards this end, the State shall penalize the acts of driving under the influence of alcohol, dangerous drugs and other intoxicating substances and shall inculcate the standards of safe driving and the benefits that may be derived from it through institutional programs and appropriate public information strategies.

SEC. 3. Definition of Terms. - For purposes of this Act:

- (a) *Alcohol* refers to alcoholic beverages classified into beer, wine and distilled spirits, the consumption of which produces intoxication.
- (b) *Breath analyzer* refers to the equipment which can determine the blood alcohol concentration level of a person through testing of his breath.
- (c) *Chemical tests* refer to breath, saliva, urine or blood tests to determine the blood alcohol concentration level and/or positive indication of dangerous drugs and similar substances in a person's body.
- (d) *Dangerous drugs and other similar substances* refer to drugs listed in the schedules annexed to the 1961 Single Convention on Narcotics Drugs, as amended by the 1972 Protocol, and in the schedules annexed to the 1971 Single Convention of Psychotropic Substances as enumerated in its attachment which is an integral part of Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002" and those that the Board may reclassify, add to or remove from the list of dangerous drugs.

(e) *Driving under the influence of alcohol* refers to the act of operating a motor vehicle while the driver's blood alcohol concentration level has, after being subjected to a breath analyzer test, reached the level of intoxication, as established jointly by the Department of Health (DOH), the National Police Commission (NAPOLCOM) and the Department of Transportation and Communications (DOTC).

(f) *Driving under the influence of dangerous drugs and other similar substances* refers to the act of operating a motor vehicle while the driver, after being subjected to a confirmatory test as mandated under Republic Act No. 9165, is found to be positive for use of any dangerous drug.

(g) *Field sobriety tests* refer to standardized tests to initially assess and determine intoxication, such as the horizontal gaze nystagmus, the walk-and-turn, the one-leg stand, and other similar tests as determined jointly by the DOH, the NAPOLCOM and the DOTC.

(h) *Motor vehicle* refers to any land transportation vehicle propelled by any power other than muscular power.

(i) *Motor vehicles designed to carry hazardous materials* refer to those designed to carry or transport materials which may endanger health and lives of the public.

(j) *Public utility vehicles* refer to motor vehicles for hire and used to carry or transport passengers or goods.

SEC. 4. Driver's Education. - Every applicant for a motor vehicle driver's license shall complete a course of instruction that provides information on safe driving including, but not limited to, the effects of the consumption of alcoholic beverages on the ability of a person to operate a motor vehicle, the hazards of driving under the influence of alcohol, dangerous drugs and/or other similar substances, and the penalties attached for violation thereof.

For professional drivers, every applicant for a driver's license or those applying for renewal thereof shall undergo the driver's education herein stated.

The driver's license written examination shall include questions concerning the effects of alcohol and drug intoxication on the ability of a person to operate a motor vehicle and the legal and pecuniary consequences resulting from violation of the provisions of this Act.

SEC. 5. *Punishable Act.* - It shall be unlawful for any person to drive a motor vehicle while under the influence of alcohol, dangerous drugs and/or other similar substances.

SEC. 6. *Conduct of Field Sobriety, Chemical and Confirmatory Tests.* - A law enforcement officer who has probable cause to believe that a person is driving under the influence of alcohol, dangerous drugs and/or other similar substances by apparent indications and manifestations, including overspeeding, weaving, lane straddling, sudden stops, swerving, poor coordination or the evident smell of alcohol in a person's breath or signs of use of dangerous drugs and other similar substances, shall conduct field sobriety tests.

If the driver fails in the sobriety tests, it shall be the duty of the law enforcement officer to implement the mandatory determination of the driver's blood alcohol concentration level through the use of a breath analyzer or similar measuring instrument.

If the law enforcement officer has probable cause to believe that a person is driving under the influence of dangerous drugs and/or other similar substances, it shall be the duty of the law enforcement officer to bring the driver to the nearest police station to be subjected to a drug screening test and, if necessary, a drug confirmatory test as mandated under Republic Act No. 9165.

Law enforcement officers and deputized local traffic enforcement officers shall be responsible in implementing this section.

SEC. 7. *Mandatory Alcohol and Chemical Testing of Drivers Involved in Motor Vehicular Accidents.* - A driver of a motor vehicle involved in a vehicular accident resulting in the loss of human life or physical injuries shall be subjected to chemical tests, including a drug screening test and, if necessary, a drug confirmatory test as mandated under Republic Act No. 9165, to determine the presence and/or concentration of alcohol, dangerous drugs and/or similar substances in the bloodstream or body.

SEC. 8. *Refusal to Subject Oneself to Mandatory Tests.* - A driver of a motor vehicle who refuses to undergo the

mandatory field sobriety and drug tests under Sections 6, 7 and 15 of this Act shall be penalized by the confiscation and automatic revocation of his or her driver's license, in addition to other penalties provided herein and/or other pertinent laws.

SEC. 9. *Acquisition of Equipment.* - Within four (4) months from the effectivity of this Act, the Land Transportation Office (LTO) and the Philippine National Police (PNP) shall acquire sufficient breath analyzers and drug-testing kits to be utilized by law enforcement officers and deputized local traffic enforcement officers nationwide giving priority to areas with high reported occurrences of accidents. For purposes of acquiring these equipment and for the training seminars indicated in Section 10 hereof, the LTO shall utilize the Special Road Safety Fund allotted for this purpose as provided under Section 7 of Republic Act No. 8794, entitled: "An Act Imposing a Motor Vehicle User's Charge on Owners of All Types of Motor Vehicles and for Other Purposes". Additional yearly appropriations for the purchase of breath analyzers and drug-testing kits shall be provided annually under the General Appropriations Act.

SEC. 10. *Deputation.* - The LTO may deputize traffic enforcement officers of the PNP, the Metropolitan Manila Development Authority (MMDA) and cities and municipalities in order to enforce the provisions of this Act.

SEC. 11. *Law Enforcement Officer Education.* - The LTO and the PNP shall conduct training seminars for their law enforcers and deputies with regard to the proper conduct of field sobriety tests and breath analyzer tests every year. Within four (4) months from the effectivity of this Act, the LTO shall publish the guidelines and procedures for the proper conduct of field sobriety tests, which guidelines shall be made available to the public and made available for download through the official LTO website.

SEC. 12. *Penalties.* - A driver found to have been driving a motor vehicle while under the influence of alcohol, dangerous drugs and/or other similar substances, as provided for under Section 5 of this Act, shall be penalized as follows:

(a) If the violation of Section 5 did not result in physical injuries or homicide, the penalty of three (3) months imprisonment, and a fine ranging from Twenty thousand pesos

(Php20,000.00) to Eighty thousand pesos (Php80,000.00) shall be imposed;

(b) If the violation of Section 5 resulted in physical injuries, the penalty provided in Article 263 of the Revised Penal Code or the penalty provided in the next preceding subparagraph, whichever is higher, and a fine ranging from One hundred thousand pesos (Php100,000.00) to Two hundred thousand pesos (Php200,000.00) shall be imposed;

(c) If the violation of Section 5 resulted in homicide, the penalty provided in Article 249 of the Revised Penal Code and a fine ranging from Three hundred thousand pesos (Php300,000.00) to Five hundred thousand pesos (Php500,000.00) shall be imposed; and

(d) The nonprofessional driver's license of any person found to have violated Section 5 of this Act shall also be confiscated and suspended for a period of twelve (12) months for the first conviction and perpetually revoked for the second conviction. The professional driver's license of any person found to have violated Section 5 of this Act shall also be confiscated and perpetually revoked for the first conviction. The perpetual revocation of a driver's license shall disqualify the person from being granted any kind of driver's license thereafter.

The prosecution for any violation of this Act shall be without prejudice to criminal prosecution for violation of the Revised Penal Code, Republic Act No. 9165 and other special laws and existing local ordinances, whenever applicable.

SEC. 13. *Direct Liability of Operator and/or Owner of the Offending Vehicle.* - The owner and/or operator of the vehicle driven by the offender shall be directly and principally held liable together with the offender for the fine and the award against the offender for civil damages unless he or she is able to convincingly prove that he or she has exercised extraordinary diligence in the selection and supervision of his or her drivers in general and the offending driver in particular.

This section shall principally apply to the owners and/or operators of public utility vehicles and commercial vehicles such as delivery vans, cargo trucks, container trucks,

school and company buses, hotel transports, cars or vans for rent, taxi cabs, and the like.

SEC. 14. *Nationwide Information Campaign.* - Within one (1) month from the promulgation of the implementing rules and regulations as provided under Section 17 hereof, the Philippine Information Agency (PIA), in coordination with the LTO, the local government units (LGUs) and other concerned agencies, shall conduct information, education and communication (IEC) campaign for the attainment of the objectives of this Act.

SEC. 15. *Nationwide Random Terminal Inspection and Quick Random Drug Tests.* - The LTO shall conduct random terminal inspections and quick random drug tests of public utility drivers. The cost of such tests shall be defrayed by the LTO.

SEC. 16. *Review of Penalties.* - The LTO shall, after five (5) years from the effectivity of this Act and every five (5) years thereafter, review the applicability and enforcement of all foregoing pecuniary penalties and shall initiate amendment and/or upgrade the same as may be necessary, subject to the approval of the Secretary of the DOTC.

SEC. 17. *Implementing Rules and Regulations.* - The DOTC, the DOH and the NAPOLCOM shall, within three (3) months from the effectivity of this Act, jointly promulgate the necessary implementing rules and regulations to carry out the provisions of this Act.

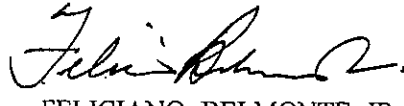
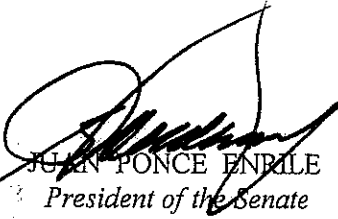
SEC. 18. *Separability Clause.* - If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect the other provisions of this Act.

SEC. 19. *Repealing Clause.* - Subparagraph (d), Section 56, Article 1 of Republic Act No. 4136, otherwise known as the "Land Transportation and Traffic Code", as amended; subparagraph (d), Section 5 of Republic Act No. 7924, otherwise known as "An Act Creating the Metropolitan Manila Development Authority, Defining its Powers and Functions, Providing Funds Therefor and for Other Purposes;" and subparagraph (a), Section 36 of Republic Act No. 9165; and

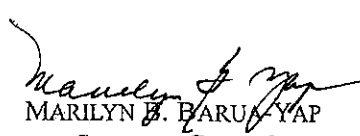

all other laws, orders, issuances, circulars, rules and regulations or parts thereof which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

SEC. 20. *Effectivity.* - This Act shall take effect after fifteen (15) days from its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,



 FELICIANO BELMONTE JR. 
Speaker of the House *President of the Senate*
of Representatives

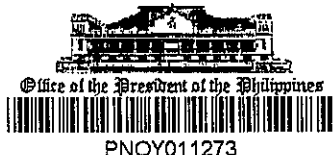
This Act which is a consolidation of Senate Bill No. 3365 and House Bill No. 4251 was finally passed by the Senate and the House of Representatives on January 28, 2013 and January 29, 2013, respectively.


 MARILYN B. BARUA YAP 
Secretary General *Acting Senate Secretary*
House of Representatives

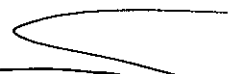
MAY 27 2013

Approved:


 BENIGNO S. AQUINO III
President of the Philippines



CERTIFIED COPY


 MARIANITO M. DIMAANDAL
 DIRECTOR IV
 MALACANANG RECORDS OFFICE