

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**SIXTEENTH CONGRESS**  
**First Regular Session**

House Bill No. **3190**



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Introduced by **Representative Emmeline Y. Aglipay**

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#### **EXPLANATORY NOTE**

With the advent of powerful, portable, electronic devices, particularly smartphones, the number of number of items vying for our attention has drastically increased. Giving in to this temptation, however, can be extremely dangerous on the road, and this practice is becoming more and more widespread as the number of people with access to these devices increases. In the United States, activities which cause "distracted" driving -- amongst which text messaging is considered the most severe and pernicious form -- killed 3,331 people in 2011 according to the U.S. government website [distraction.gov](http://distraction.gov). The website also cited data that "[a]t any given daylight moment across America, approximately 660,000 drivers are using cell phones or manipulating electronic devices while driving" and that "[f]or drivers 15-19 years old involved in fatal crashes, 21 percent of the distracted drivers were distracted by the use of cell phones." Considering that the Philippines is the fastest growing market for smartphones in Southeast Asia, and a nation that has been called the "texting capital of the world," these are statistics that we cannot ignore.

While at times useful for navigation, use of electronic devices in moving motor vehicles is a danger to public safety, and must thus be regulated in line with the public good. This bill seeks to provide a set of reasonable regulations for such use.

  
**EMMELINE Y. AGLIPAY**  
Representative, DIWA Party-list

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**AN ACT**  
**DEFINING DISTRACTED DRIVING AND PENALIZING THE SAME**

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

**SEC. 1. Short Title.** - This Act shall be known and cited as the "Anti-Distracted Driving Act."

**SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to safeguard its citizenry from the dangers posed by driving in a distracted manner, whether the same is caused by communications devices, or an electronic entertainment device, that divides the attention of a driver in a manner that impairs driving ability.

Towards this end, the State shall pursue a more proactive approach to secure the safety of motorists, their passengers and pedestrians at all times by banning the use of mobile communication devices by motorists while driving or operating a moving motor vehicle.

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

- (a) *Diplomatic motor vehicle* refers to any motor vehicle leased or owned by a foreign mission and its staff for their official use.
- (b) *Electronic Entertainment Device* refers to any handheld device primarily intended for the playing of electronic, digital, or video games. This includes handheld video game consoles, and non-network enabled tablets.
- (c) *Government motor vehicle* refers to any motor vehicle owned by the national government or any of its agencies, instrumentalities or political subdivisions, including government-owned or -controlled corporations or their subsidiaries for official use.
- (d) *Implementing agency* refers to the Department of Transportation and Communications (DOTC)-Land Transportation Office (LTO).

- (e) *Mobile communication devices* refer to electronic communication equipment such as, but not limited to, cellular phones, tablets, wireless telephones, two-way radio transceivers, walkie-talkie, pagers and beepers capable of transmitting and receiving encrypted data and/or signals through wireless, electronic or any other similar means; provided, that for purposes of this act, mobile communication devices shall not include amateur radios; or the radio paging systems employed in taxi cabs.
- (f) *Motor vehicle* refers to engine-driven vehicles such as, but not limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles.
- (g) *Motorist* refers to a person driving a motor vehicle.
- (h) *Private motor vehicle* refers to any motor vehicle owned by individuals and juridical persons for private use.
- (i) *Public motor vehicle* refers to a motor vehicle issued by the Land Transportation Franchising and Regulatory Board (LTFRB) to operate as a public utility vehicle or any vehicle for hire.
- (j) *Video Playback Device* refers to any electronic device primarily intended for the presentation of audio-visual media, such as movies or television.

**SEC. 4. *Distracted Driving.*** – Subject to the qualifications in Sections 5 and 6 of this Act, distracted driving shall consist of the performance of any of the following acts in a moving motor vehicle, whether a public or private vehicle, which are hereby deemed unlawful:

- (a) Operating a mobile communication device with one or both hands;
- (b) Operating an electronic entertainment device with one or both hands;
- (c) Viewing a video playback device that is in the process of displaying audio-visual media.

**SEC. 5. *Extent of Coverage.*** –

- (a) The operation of a mobile communication device is not considered to be distracted driving if done using (1) native hands-free capabilities; or (2) the aid of a hands-free device such as, but not limited to, a speaker phone, earphones and microphones or other similar device which allows a person to make and receive calls without having to hold the mobile communication device is not considered to be distracted driving; provided, in either case, that the placement of the mobile communication device or the hands-free device, does not interfere with the line of sight of the driver.
- (b) Wheeled agricultural machineries such as tractors and construction equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers, mobile concrete mixers and the like, and other forms of conveyances such as bicycles, pedicabs, habal-habal, trolleys, kuliglig, wagons, carriages, carts, sledges, chariots or the like, whether animal or human-powered, are covered by the provisions of this Act as long as the same are moving, and operated or driven in public thoroughfares, highways or streets or under circumstances where public safety is under consideration.
- (c) The provisions of this Act shall not apply to drivers of motor vehicles which are not moving, with their motors not running; neither will the provisions of this Act apply to drivers of motor vehicles which are not moving, even if their engines are running, if the motor vehicles are stopped at a red light, or pulled over to the side of the road.

**SEC. 6. *Exemptions.*** – Provisions of this Act shall not apply in the event that:

- (a) The driver is using the mobile communication device because he has reason to fear for his life or safety, or that of his loved ones; or he believes that a criminal act may be perpetrated against himself or another person; or
- (b) The driver is using the mobile communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the driver of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs.
- (c) The use of one hand to activate, deactivate, or initiate a hands-free function of the telephone, or to reject an incoming call.

**SEC. 7. Nationwide Public Information Campaign.** – The DOTC-LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepED), the Department of the Interior and Local Government (DILG)-Philippine National Police (PNP) and private agencies and organizations, shall undertake a nationwide information, education and communication (IEC) campaign for a period of six (6) months from complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation

**SEC. 8. Penalties.** – Any person who shall violate any provision of this Act shall be punishable by:

- (a) First offense – a fine of Three thousand pesos (P3,000.00);
- (b) Second offense – a fine of Six thousand pesos (P6,000.00);
- (c) Third offense – a fine of Twelve thousand pesos (P12,000.00) and suspension of driver's license for three (3) months; and
- (d) Fourth and succeeding offenses – a fine of Twenty thousand pesos (P20,000.00) and revocation of driver's license:

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

*Provided,* further, that any driver of a school bus, a common carrier hauling volatile, flammable, or toxic material, or a driver who commits an act classified as distracted driving within sight of a school, shall be subject to a minimum penalty of a fine of Twenty thousand pesos (P20,000.00) and suspension of driver's license for three (3) months.

The foregoing penalties shall be without prejudice to the other liabilities under the Revised Penal Code, as amended, or any special law, arising out or on occasion of the herein prohibited acts.

**SEC. 9. Assistance by Other Agencies.** – The Metropolitan Manila Development Authority (MMDA), the PNP and other concerned government agencies and instrumentalities shall render such assistance as required by the implementing agency in order to effectively implement the provisions of this Act.

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

**SEC. 11. 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. 12. *Repealing Clause.*** – All laws, executive orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SEC. 13. *Effectivity.*** – This Act shall take effect thirty (30) days after its complete publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.  
Approved,

Approved.