

[DOTC REPUBLIC ACT NO. 10586, April 28, 2014]

IMPLEMENTING RULES AND REGULATIONS

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

OTHERWISE KNOWN AS THE

"ANTI-DRUNK AND DRUGGED DRIVING ACT OF 2013"

I. INTRODUCTION

Pursuant to Section 17 of Republic Act No. 10586, the following Implementing Rules and Regulations are hereby prescribed jointly by the Department of Transportation and Communications (DOTC), Department of Health (DOH) and the National Police Commission (NAPOLCOM) to carry out the provisions of said Act.

RULE I - PRELIMINARY PROVISIONS

Section 1. 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 as defined under said Act and these Rules 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.

Section 2. Coverage

These Rules shall cover all acts of driving and/or operating a motor vehicle while under the influence of alcohol, and/or dangerous drugs and similar substances.

Section 3. Definition of Terms

For purposes of these Rules, the terms hereunder shall be understood as follows:

- a. Act refers to Republic Act No. 10586.

- b. Alcohol refers to alcoholic beverages classified into beer, wine and distilled spirits, the consumption of which produces intoxication.
- c. Blood Alcohol Concentration (BAC) refers to the measure of amount of alcohol in a person's blood.
- d. Breath Analyzer also known as Alcohol Breath Analyzer (ABA) refers to the equipment which can determine the BAC level of a person through testing of his breath.
- e. Chemical tests refer to breath, saliva, urine or blood tests to determine the BAC level and/or positive indication of dangerous drugs and similar substances in a person's body.
- f. 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 Dangerous Drugs Board may reclassify, add to or remove from the list of dangerous drugs.
- g. Driving under the influence of alcohol (DUIA) refers to the act of operating a motor vehicle while the driver's BAC level has, after being subjected to an ABA test, reached the level of intoxication, as established jointly by the DOH, the NAPOLCOM and the DOTC, in these Rules. For this purpose, a driver of a private motor vehicle with a gross vehicle weight not exceeding 4500 kg. a BAC of 0.05% or higher shall be conclusive proof that said driver is driving under the influence of alcohol. For drivers of trucks, buses, motorcycles and public utility vehicles, a BAC of more than 0.0% shall be conclusive proof that said driver is driving under the influence of alcohol.
- h. Driving under the influence of dangerous drugs and other similar substances (DUID) refers to the act of operating a motor vehicle while the driver, after being subjected to a confirmatory test as mandated under this Act, is found to be positive for use of any dangerous drug,
- i. Drug Screening Test refers to a rapid test performed to establish potential/presumptive positive result on the presence of dangerous drugs in a person's body,
- j. Drug Confirmatory Test refers to an analytical test using a Gas-Chromatography-Mass Spectroscopy (GCMS) to validate and confirm the result of a Drug Screening Test,
- k. Drug Recognition Evaluator (DRE) refers to a Law Enforcement Officer (LEO) trained and deputized by the LTO to conduct the Drug Recognition Protocol.
- l. Drug Recognition Protocol (DRP) refers to a standardized and systematic method of determining whether a person is driving under the influence of dangerous drugs and other similar substances,
- m. Field Sobriety Tests refer to standardized tests to initially assess and determine intoxication, namely: the eye test (horizontal gaze nystagmus), the walk-and-turn and the one-leg stand.
 - i. The Eye Test ("horizontal gaze nystagmus") refers to horizontal or lateral jerking of the driver's eyes as he or she gazes sideways following a moving object such as a pen or the tip of a penlight held by the LEO from a distance of about one (1) foot away from the face of the driver.
 - ii. The Walk-and-Turn requires the driver to walk heel-to-toe along a straight line for nine (9) steps, turn at the end and return to the point of origin without any difficulty.

- iii. The One-Leg Stand requires the driver to stand on either right or left leg with both arms on the side. The driver is instructed to keep the foot raised about six (6) inches off the ground for thirty (30) seconds.
- n. LEO refers to law enforcement officers of the LTO or authorized officer trained and deputized by the Land Transportation Office to enforce the provisions of this Act.
- o. Motor vehicle refers to any land transportation vehicle propelled by any power other than muscular power,
 - i. Trucks and buses are motor vehicles with gross vehicle weight from 4501 kg and above,
 - ii. Motorcycles are two (2) or three (3) wheeled motor vehicles and which may include a side-car attached thereto,
- p. 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.
- q. Public Utility Vehicles refer to motor vehicles for hire and used to carry or transport passengers or goods.

RULE II - GENERAL PROVISIONS

Section 1. Driver's Education

Every applicant of 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. Modules for driver's education shall include modules on effects and hazards of consumption of alcohol and drugs to driving, and the penalties for violating this Act. Questions from these modules will also be included in the written examination for driver's license application.

- a. For professional drivers, every applicant for a driver's license or those applying for renewal thereof shall undergo the driver's education herein stated.
- b. The training course for all applicants of driver's license, whether new or renewal, shall be implemented uniformly nationwide and shall include the impact of alcohol, drugs, fatigue and distracted driving on a driver's performance as well as the penalties attached for violation thereof.
- c. 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. For this purpose, the LTO shall cause the revision of all modules on the effects of alcohol and drug intoxication while driving.

RULE III - PROCEDURE FOR APPREHENSION

Section 1. Probable Cause

Probable cause shall mean that the LEO has reasonable ground to believe that the person driving the motor vehicle is under the influence of alcohol, dangerous drugs and/or other similar substances upon personally witnessing a traffic offense

committed by means of lane straddling, making sudden stops, overspeeding, swerving or weaving in such an apparent way as to indicate that the driver is under the influence of alcohol, dangerous drugs and/or other similar substances.

In the course of apprehension for another traffic offense, the evident smell of alcohol in a driver's breath, generally slurred speech in response to questioning, bloodshot or reddish eyes, flushed face, poor coordination, difficulty in understanding and responding intelligently to questions shall also constitute probable cause.

In any case, the burden of proof to establish the existence of probable cause is on the LEO.

a. Procedure in screening for driving under the influence of alcohol

- i. Upon personal determination of probable cause, a deputized LEO shall flag down the motor vehicle, direct the driver to step out of the vehicle and determine whether or not the driver is drunk or drugged. If the LEO has reasonable grounds to believe that the driver is drunk, the LEO shall expressly inform the driver of his assessment and the driver shall be directed to perform all of the three (3) above enumerated field sobriety test on site.
- ii. The LEO shall record the driver's responses to the field sobriety tests above enumerated, which record shall form part of the records of the case.
- iii. If the driver passes all of the three (3) field sobriety tests, the driver shall be apprehended for the other traffic offense only and not for violation of this Act.
- iv. If the driver fails any of the field sobriety tests, the LEO shall proceed to determine the driver's BAC level, through the use of the ABA, on site.
- v. A driver of a motor vehicle who refuses to undergo the mandatory testing as required shall be penalized by the confiscation and automatic revocation of his/her driver's license, in addition to other penalties provided herein and/or other pertinent law, after compliance with the requirement of due process.
- vi. A driver who, after ABA testing, registers a BAC higher than the prescribed limit shall be put under arrest and the motor vehicle impounded. The LEO shall observe the proper procedure in effecting the arrest and bringing the driver to the nearest police station for detention. The motor vehicle shall also be brought to the nearest LTO impounding area until the same is claimed by an authorized representative of its registered owner.
- vii. In case of a BAC within the allowed limit, the driver shall be apprehended for the other traffic offense only and not for violation of this Act.
- viii. Under no circumstance shall a driver, who has undergone and passed the field sobriety test and/or ABA test, be subjected to drug screening test afterwards.
- ix. The LEO shall accomplish the following preparatory to the turnover of the case to the police officer-on-duty of the nearest police station:
 1. A complaint/charge sheet;
 2. Results of the field sobriety tests/ABA test in the prescribed format;
 3. Inventory of items under temporary custody (to include motor vehicle when necessary); and

4. Other pertinent documents.
- b. Procedure in screening for driving under the influence of dangerous drugs and other similar substances
 - i. Upon personal determination of probable cause, a deputized LEO shall flag down the motor vehicle, direct the driver to step out of the vehicle and determine whether or not the driver is drunk or drugged. If the LEO has reasonable grounds to believe that the driver is drugged, the LEO shall expressly inform the driver of his assessment and shall bring the driver to the nearest police station.
 - ii. At the police station, the driver shall be subjected to a drug screening test, in accordance with existing operational rules and procedures, and if positive, a drug confirmatory test under Republic Act No. 9165.
 - iii. Under no circumstance shall a driver, who has undergone and passed the drug, be subjected to field sobriety test and/or ABA test afterwards.
 - iv. After a positive confirmation, the LEO shall accomplish the following preparatory to the turnover of the case to the police officer-on-duty of the nearest police station:
 1. Results of the conduct of the DRP in the prescribed format;
 2. Inventory of items under temporary custody (to include motor vehicle when necessary); and
 3. Other pertinent documents.
 - v. Without positive confirmation, the driver shall be apprehended for the other traffic offense only and not for violation of this Act.

Section 2. Driver's License Custody

All driver's licenses confiscated under these rules shall be turned over to LTO for safekeeping and shall be released by LTO only after final disposition or lawful order of the courts.

RULE IV - MANDATORY ALCOHOL AND DRUG TESTING

Section 1. Mandatory Alcohol and Chemical Testing of Drivers Involved in Motor Vehicular Accidents

- a. 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 on site field sobriety test and ABA testing, whenever practicable, and, thereafter 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. A LEO may use other alcohol testing equipment, such as Gas Chromatography-Mass Spectroscopy (GCMS), whenever the use of an ABA is not practicable under prevailing circumstances,
- b. A driver of a motor vehicle who refuses to undergo the mandatory testing as required 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.

Section 2. Nationwide Random Terminal Inspection and Quick Random Drug Tests

The LTO shall conduct random terminal inspections and quick random drug tests of