



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF
THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT
THE SAKURA RESTAURANT, SBMA, OLONGAPO CITY
ON FEBRUARY 26, 2019

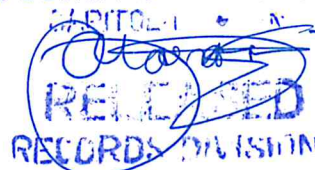
PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Benjamin C. Serrano, Jr., Board Member
Hon. Aristotle J. Gaza, Board Member
Hon. Rolando Z. Tigas, Board Member
Hon. Reynaldo T. Ibe, Jr., Board Member

SANGGUNIANG PANLALAWIGAN



SECOND DISTRICT:

Hon. Jovy Z. Banzon, Board Member
Hon. Manuel N. Beltran, Board Member
Hon. Edgardo P. Calimbas, Board Member
Hon. Dante R. Manalaysay, Board Member
Hon. Jose C. Villapando, Sr., Board Member

Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)

ABSENT:

Hon. Dexter B. Dominguez, Board Member
Hon. Doroteo M. Austria, Board Member (FABC President) (O.B.)
Hon. Precious D. Manuel, Board Member (SKF President) (O.B.)

ORDINANCE NO. 01
Series of 2019

COMPREHENSIVE ANTI-DRIVING UNDER THE INFLUENCE OF ALCOHOL,
DANGEROUS DRUGS, AND/OR SIMILAR SUBSTANCE ORDINANCE FOR THE
PROVINCE OF BATAAN.

Sponsored by: HON. MANUEL N. BELTRAN

WHEREAS, Republic Act No. 10586, otherwise known as the "Anti-Drunk
and Drugged Driving Act of 2013" signed into law on May 27, 2013, is the
governing law on driving under the influence of alcohol, dangerous drugs, and
similar substances of the Philippines;

WHEREAS, based on the data given by the Metro Bataan Development
Authority (MBDA), the number of alcohol, dangerous drugs, and similar
substances related to vehicular/pedestrian accidents along the national roads
of the Province is increasing. Regardless of the implementation of existing
transport and traffic laws by corresponding government agencies, incidents
related to intoxication/inhibiting substances has resulted to damages,
debilitating injuries and casualties;

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WHEREAS, the purpose of this Ordinance is to insure the safety of motorist and the general public traversing in all places, found within the territorial jurisdiction of Province of Bataan;

WHEREAS, in the interest of public safety within the national roads of Bataan, it is of utmost importance for the constituents of the Bataan for the Provincial Government of Bataan to formulate a solution on this matter through the adoption of a local measure which will update the rules and regulations that will address the continuous increase of vehicular/pedestrian accidents related to driving under the influence of alcohol, dangerous drugs, and similar substances;

NOW THEREFORE, BE IT ORDAINED AS IT HEREBY ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF BATAAN, IN SESSION ASSEMBLED, THAT:

SECTION 1. COVERAGE. - This Ordinance covers all acts of driving and/or operating a motor vehicle, human-powered and animal-powered transport while under the influence of alcohol, and/or dangerous drugs and similar substances and shall apply to all persons, whether natural or juridical, whether resident or not, and in all places, found within the territorial jurisdiction of Province of Bataan;

SECTION 2. DEFINITION OF TERMS. - For purposes of these Sections, the terms hereunder shall be understood as follows:

- a. Alcohol refers to alcoholic beverages classified into beer, wine and distilled spirits, the consumption of which produces intoxication;
- b. Blood Alcohol Concentration (BAC) refers to the measure of amount of alcohol in a person's blood;
- c. Breath Analyser also known as Alcohol Breath Analyser (ABA) refers to the equipment which can determine the BAC level of a person through testing of his breath;
- d. 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;
- e. Dangerous drugs and/or 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;
- f. Driving Under the Influence of Alcohol (DUIA) refers to the act of operating a motor vehicle, human-powered and animal-powered transport while the driver's BAC level has, after being subjected to an ABA test, reached the level of intoxication, as established jointly by the

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DOH, the NAPOLCOM and the DOTC. For this purpose, a driver of a private motor, human-powered and animal-powered transport 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;

- g. Driving under the influence of dangerous drugs and other similar substances (DUID) refers to the act of operating a motor vehicle, human-powered and animal-powered transport while the driver, after being subjected to a confirmatory test as mandated under Republic Act 9165, is found to be positive for use of any dangerous drug;
- h. 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.
- i. Motor vehicles refers to any land transportation vehicle propelled by any power other than muscular power;
- j. 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;
- k. Public Utility Vehicles refer to motor vehicles for hire and used to carry or transport passengers or goods;
- l. Human-powered transport such as Cycle that refers to a bicycle, scooter and other similar powered by human muscular power;
- m. Animal-powered transport refers to the human use of non-human working animals for the movement of people and goods.

SECTION 3. PUNISHABLE ACT. - It shall be unlawful for any person to drive a motor vehicle, human-powered and animal-powered transport while under the influence of alcohol, dangerous drugs and/or other similar substances;

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SECTION 4. CONDUCT OF FIELD SOBRIETY, CHEMICAL AND CONFIRMATORY TESTS. - A law enforcement officer who has probable cause or reasonable ground 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/or other similar substances, shall conduct field sobriety test;

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

If the law enforcement officer has probable cause or reasonable ground to believe that person is driving under the influence of dangerous drugs and/or 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;

All driver's licenses confiscated under these rules shall turned over to Provincial Treasurer's Office for safekeeping and shall be released by Provincial Treasurer's Office only after final disposition or lawful order of the Courts;

For this purpose Law Enforcement Officer refers to Law Enforcement Officer of the Land Transportation Office (LTO) or officers and personnel of the MBDA trained and deputized by the LTO to enforce traffic laws and regulations;

SECTION 5. MANDATORY ALCOHOL AND CHEMICAL TESTING OF DRIVERES INVOLVED IN MOTOR VEHICULAR ACCIDENTS. - A driver of a motor vehicle, human-powered and animal-powered transport involved in a vehicular/pedestrian accident resulting in the loss of human life or physical injuries shall be subjected to chemical test, 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;

SECTION 6. REFUSAL TO SUBJECT ONESELF TO MANDATORY TEST. - A driver of a motor vehicle, human-powered and animal-powered transport who refuses to underdo the mandatory field sobriety test and drug test under Section 4, and 5 of this Ordinance shall be penalized by the confiscation of his/her driver's license, in addition to other penalties herein and/or other pertinent laws;

SECTION 7. PENALTIES. - Any person who drives a motor vehicle, human-powered or animal-powered transport while under the influence of alcohol, dangerous drugs and/or other similar substances, violating this Ordinance shall be meted the penalty of:

First Offense

A fine of FIVE THOUSAND PESOS (P5,000.00) and confiscation of driver's license;

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- Second Offense - A fine of FIVE THOUSAND PESOS (P5,000.00) and/or imprisonment of six (6) months or confiscation of driver's license;
- Third Offense - A fine of FIVE THOUSAND PESOS (P5,000.00) and/or imprisonment of six (6) months with confiscation and ^{revocation} revocation of driver's license in accordance to the Land Transportation Office and other government rules and regulations.

SECTION 8. 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, and human-powered and animal-powered transport;

SECTION 9. LEAD AND SUPPORT AGENCIES. - Metro Bataan Development Authority (MBDA), Land Transportation Office - Bataan (LTO-Bataan), Bataan Police Provincial Office (Bataan-PPO), Provincial Treasurer's Office (PTO), Provincial Health Office (PHO), Department of Health - Bataan;

SECTION 10. SEPARABILITY CLAUSE. - If for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect;

SECTION 11. REPEALING CLAUSE. - All local ordinances, acts, executive orders, decrees, proclamations and administrative regulations, part or parts thereof which are inconsistent with any of the provision of this Ordinance are hereby repealed and modified accordingly;

SECTION 12. EFFECTIVITY. - This Ordinance shall take effect upon approval and after compliance with the requirements on publication;

APPROVED UNANIMOUSLY.

SEVERINO P. SALAZAR
Secretary to the SP

BENJAMIN C. SERRANO, JR.
Board Member

ARISTOTLE J. GAZA
Board Member

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ROLANDO Z. TIGAS
Board Member



REYNALDO T. IBE, JR.
Board Member



JOVY Z. BANZON
Board Member



MANUEL N. BELTRAN
Board Member



EDGARDO P. CALIMBAS
Board Member



DANTE R. MANALAYSAY
Board Member



JOSE C. VILLAPANDO, SR.
Board Member



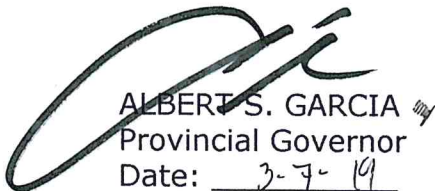
NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)

ATTESTED:



MA. CRISTINA M. GARCIA
Vice Governor
(Presiding Officer)

APPROVED:



ALBERT S. GARCIA
Provincial Governor
Date: 3-7-19