

# IMPLEMENTING RULES AND REGULATIONS

Republic Act No. 10586

“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 public utility drivers. A driver of a motor vehicle who refuses to undergo quick random drug tests 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.

## **RULE V – TESTING EQUIPMENT**

Within four (4) months from the effectivity of this Act, the LTO and the Philippine National Police (PNP) shall acquire sufficient ABAs, drug-testing kits and other drug confirmatory equipment and other accessory devices to be deployed to and utilized by LEOs nationwide giving priority to areas with high reported occurrences of accidents.

For purposes of acquiring these equipment and for the training seminars indicated in this Act, 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 ABAs, drug-testing kits and drug confirmatory equipment shall be provided annually under the General Appropriations Act.

Technical specifications of all ABAs and drug testing kits duly registered with the Food and Drugs Administration (FDA) shall form part of this acquisition process. For this purpose and to ensure uniformity of data and test results, only ABAs and drug testing kits that comply with the standards prescribed by the DOH shall be used by deputized LEOs nationwide.

## **RULE VI – EDUCATION, DEPUTATION AND ENFORCEMENT**

### **Section 1. Deputation**

The following guidelines shall be observed in deputation:

- a. Qualification of deputized LEOs.

The LTO may deputize only active members of the PNP, the Metropolitan Manila Development Authority (MMDA) and LGUs, who are occupying permanent position items and whose present work assignments are directly and actually related to traffic management and control. LTO enforcement officers, by virtue of their functions, need not be deputized to enforce and implement these rules. However, said LTO enforcers shall be subject to the same reportorial and procedural guidelines set forth herein. LEOs with previous deputations revoked for any reason whatsoever shall not be qualified for further deputation.

**b. Procedure to be observed by LEOs for deputation**

**i. All LEOs must submit, prior to deputation, the following requirements to the LTO:**

1. Information sheet duly indorsed by the Head of Office/agency;
2. Certified True Copy of the Certificate of Appointment;
3. Certification from the recommending government agency that the LEO has no record of or pending administrative or criminal case;
4. Two 2"x2" photos on white background taken within the past six (6) months and signed at the back; and
5. Valid drug test results taken within the past six (6) months prior to application.

**ii. A LEO who has complied with the above-mentioned requirements shall complete the Deputies Training Seminar that includes the following subject areas:**

1. Pertinent special laws: this Act, Republic Act No. 9165, Republic Act No. 4136;
2. How to conduct field sobriety tests, ABA test, drug screening test and DRP;
3. The impact of alcohol and dangerous drugs and other similar substances on driver's performance;
4. Rules on citizen's arrest and inquest proceedings;
5. Rules for public officers such as Republic Act No. 6713, Republic Act No. 3019, Republic Act No. 9485, and other applicable rules;
6. Life saving techniques and administration of first aid;
7. Conduct and procedures in the apprehension of traffic violators under this Act; and
8. Filipino values and their impact on the responsibilities of LEOs.

**iii. The LEO must also pass the written and other examinations to be administered by the LTO.**

- c. **Records of deputized LEOs.** The LTO shall maintain and update the list of deputized LEOs and other records such as information sheet of deputies, deputation orders, ID's, TOP booklets and other relevant documents.
- d. **Revocation of deputation order.** Any of the following causes shall constitute sufficient ground for the revocation of the deputation:
  - i. **Discourteous conduct;**
  - ii. **Extortion;**
  - iii. **Negligence;**
  - iv. **Insubordination;**
  - v. **Misconduct;**
  - vi. **Abuse of authority;**
  - vii. **Incompetence and inefficiency;**
  - viii. **Corruption;**
  - ix. **Failure to submit apprehension report within 24 hours from date and time of apprehension;**
  - x. **Any offense involving moral turpitude;**
  - xi. **Separation from government service;**
  - xii. **Dishonesty;**
  - xiii. **Death;**
  - xiv. **Withdrawal of endorsement by Head of Agency who endorsed the request for deputation;**
  - xv. **Use of dangerous drugs and other similar substances before and during the period of deputation;**
  - xvi. **Intoxication while in the performance of duty; and**
  - xvii. **Other causes similar to and analogous to the foregoing.**
- e. **Liability of deputized LEOs.** Any deputized LEO shall be held liable under the following:
  - i. **Soliciting or accepting, directly or indirectly any gift, gratuity, favour, entertainment, loan or anything of monetary value from any person in the course of his or her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his or her office under this Act.**
  - ii. **Republic Act No. 6713 otherwise known as the "Code of Conduct and Ethical Standards for Public Officials" and Employees, Republic Act No. 3019 otherwise known as the "Anti-Graft and Corrupt Practices Act", Republic Act No. 9485 otherwise known as "Anti-Red Tape Act" and other applicable laws.**
- f. **Procedure for the revocation of deputation**
  - i. **A verified complaint may be filed directly before LTO which shall conduct the investigation of the complaint.**
  - ii. **Pending the resolution of the complaint, the LTO Assistant Secretary may order the suspension of the deputation to preclude any incident of harassment of the complainant.**

- iii. A Show Cause Order shall be issued against the deputized LEO to answer the charges against him/her. Failure to file an answer within the time prescribed shall not preclude the LTO from issuing a resolution based on the available records.
  - iv. Upon revocation of the deputation order, the LEO shall surrender his/her deputation ID, TOP booklet, and other deputation accountable equipment within 72 hours from receipt of the notice of revocation.
  - v. The LTO Assistant Secretary may suspend or revoke any deputation order at any time for any reason whatsoever.
- g. **Disqualification.** A LEO whose deputation is revoked, cancelled or is no longer renewed for any reason whatsoever and who fails to surrender any of the accountabilities hereinabove enumerated shall be disqualified from applying anew under these rules and shall be held liable under existing laws.
- h. **Validity of deputation order.** A deputation order shall be valid for six (6) months from date of issue and may be renewed every six (6) months thereafter unless earlier recalled by the LTO Assistant Secretary.

## **Section 2. Law Enforcement Officer Education**

The LTO and the PNP shall conduct periodic training seminars for their LEOs with regard to the proper conduct of field sobriety tests and ABA tests. 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.

## **RULE VI – PENALTIES**

### **Section 1.**

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 RA 10586, shall be penalized as follows:

- a. If the violation did not result in physical injuries or homicide, the penalty of three (3) months imprisonment, and a fine ranging from Twenty thousand pesos (Php 20,000.00) to Eighty thousand pesos (Php 80,000.00) shall be imposed;
- b. If the violation 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 (Php 100,000.00) to Two hundred thousand pesos (Php 200,000.00) shall be imposed;
- c. If the violation resulted in homicide, the penalty provided in Article 249 of the Revised Penal Code and a fine ranging from Three hundred thousand pesos (Php 300,000.00) to Five hundred thousand pesos (Php 500,000.00) shall be imposed; and

- d. The non-professional driver's license of any person found to have violated the law 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 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.

## **Section 2.**

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.

## **Section 3. Direct Liability of Operator and/or Owner of the Offending Vehicle**

The owner and/or operator of the motor 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/she is able to convincingly prove that he/she has exercised extraordinary diligence in the selection and supervision of his/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.

## **Section 4. 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.

## **RULE VII – NATIONWIDE INFORMATION CAMPAIGN AND INSPECTION**

### **Section 1. Nationwide Information Campaign**

Within one (1) month from the promulgation of this IRR as provided under Section 17 of this Act, the Philippine Information Agency (PIA), in coordination with the LTO, the LGUs and other concerned agencies, shall conduct information, education and communication (IEC) campaign for the attainment of the objectives of this Act.

## **RULE VIII – FINAL PROVISIONS**

### **Section 1. Rules Committee**

The Committee constituted pursuant to Section 17 of this Act, may be reconvened by its Chairman at his instance, or upon the

recommendation of any members of the Committee, formulate and prescribe amendments to these Rules, consistent with the letter and spirit of this Act.

**Section 2. Effectivity**

These Rules shall take effect after fifteen (15) days from its publication in the Official Gazette or in two (2) newspapers of general circulation.

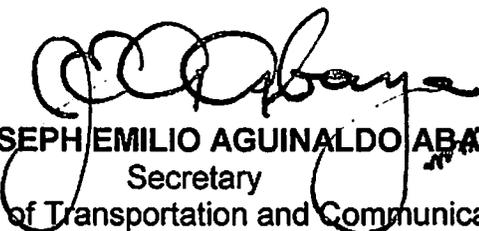
**Section 3. Repealing Clause**

Subparagraph (f), Section 56, Article 1 of Republic Act No. 4136, otherwise known as the "Land Transportation and Traffic Code", as amended; subparagraph (f), 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 Therefore and for Other Purposes;" 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.

**Section 4. Separability Clause**

If, for any reason, any part or provision of these Rules is declared invalid, such declaration shall not affect the other provisions hereof.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

  
HON. JOSEPH EMILIO AGUINALDO ABAYA  
Secretary  
Department of Transportation and Communications



DOTC-OSEC OUTGOING 14-00667

  
HON. MANUEL A. ROXAS II  
Secretary  
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DILG-OSEC OUTGOING 14-02233



  
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