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Tumawag o magtext sa  
GLOBE: 09178562801  
SMART: 09199907385  
SUN: 09253015426

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## ANTI-DISTRACTED DRIVING

There is no denying that information and communications technology (ICT) has progressed and improved exponentially. It has invaded our workplaces and homes significantly becoming a part and parcel of most human experiences. Looking at the totality of development and improvement of the Philippine society, it could be said that ICT may now be recognized as a central support block in nation-building.



While this is true, the State, "takes cognizance of the inimical consequences of the unrestrained use of electronic mobile devices on road safety". In the vigilant exercise of its police power, the State enacted a law that aims to safeguard its citizenry from the ruinous and extremely injurious effects of vehicular accidents brought about by the unregulated use of mobile communication devices while operating a motor vehicle.

This issue of the Panyerong Pulis Advisory shall acquaint us with Republic Act No 10913, otherwise known as an Act Defining and Penalizing Distracted Driving, and the implementing rules and regulations (IRR) issued for the effective enforcement of the said law.

### What are the acts considered as constituting distracted driving?



Distracted driving refers to the performance by a motorist of any of the following acts in a motor vehicle in motion or temporarily stopped at a red light, whether diplomatic, public or private:

1. Using a mobile phone communications device to write, send, or read a text-based communication or to make or receive calls and other similar acts; and

2. Using an electronic entertainment or computing device to play games, watch movies, surf the internet, compose messages, read e-books, perform calculations, and other similar acts. **(Sec 4,IRR of RA No 10913)**

### What is the extent of coverage of the prohibition?

The use of mobile phones or other gadgets mentioned above is prohibited only when the motor vehicle is in motion or when temporarily stopped at a red light. A Motor vehicle is defined under this law as any engine-driven vehicle such as, but not limited to, automobiles, trucks,

vans, buses, jeeps, motorcycles and tricycles. 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 and pedicabs, whether animal or human-powered, are covered by the provisions of the law as long as the same are operated or driven in public thoroughfares, highways or streets, or under circumstances where public safety is under consideration. **(Section 5(b), RA No 10913)**



### What is considered a mobile communication device/electronic entertainment and computing device?

**Mobile Communication Device** – electronic communications equipment such as, but not limited to:

- a. Cellular phones
- b. Wireless telephones
- c. Two-way radio transceivers
- d. Pagers

**Electronic Entertainment and Computing Device** – any handheld electronic device capable of digital information processing, recording, capturing, or displaying and computing operations such as, but not limited to:

- a. Laptop
- b. Computers
- c. Tablets
- d. Video game consoles
- e. Calculators

**What act or omission is considered prima facie violation of the law?**

The holding of a mobile communication device or an electronic entertainment or computing device in a motor vehicle in motion, or temporarily stopped at a traffic light or any intersection, shall constitute prima facie evidence that the driver is engaged in distracted driving. **(Section 4, IRR of RA No 10913)**

**Is the prohibition absolute?**

No, the law accepts of exemptions. It shall not apply under any of the circumstances enumerated herein:

- A) A motorist using a mobile phone for emergency calls to:
  - 1. a law enforcement agency or agent to report a crime or prohibited act, accident, natural calamity, bomb threat/terrorist action, animal activism, infrastructure failure and biological, chemical, or radioactive hazard spill or release;
  - 2. government or non-government health care provider, or a medical practitioner, and emergency rescue units, in instances requiring immediate medical attention;
  - 3. fire department or non-government fire volunteers in the event of fire/explosion;
  - 4. other emergency services, agency or entity rendering electric gas, water, chemical, towing and other similar services, in instances requiring immediate attention to save lives and properties or to remove hazards from the environment; and

- 5. other analogous circumstances.

B) A motorist using a mobile phone while operating an emergency vehicle, or a private vehicle while responding to an emergency call. **(Sec 6, IRR of RA No 10913)**

**May a motorist pull-over the side of the road and use his mobile communications or electronic device?**

Yes. *Provided*, that the same shall be done in “*compliance with traffic regulations.*” (Sec 5, IRR of RA No 10913)

**What are the penalties to be imposed upon persons who shall violate the law?**

Any person who shall violate any provision of this IRR shall be penalized with:

- 1. A fine of five thousand pesos (P5,000.00) for the first offense;
- 2. A fine of ten thousand pesos (P10,000.00) for the second offense;
- 3. A fine of fifteen thousand pesos (P15,000.00) and suspension of driver's license for three (3) months, for the third offense; and
- 4. A fine of twenty thousand pesos (P20,000.00) for the fourth offense and succeeding offenses, and revocation of driver's license.

Provided, that a driver of a **public utility vehicle**, a school bus, a school service vehicle, a common carrier hauling volatile, flammable or toxic material, or a driver who commits an act classified as distracted driving within fifty (50) meter radius from school premises shall be subject to penalty of thirty thousand pesos (P30,000.00) and suspension of one's driver's license for three (3) months.**(Section 8, IRR of RA No 10913)**

### What is considered a public utility vehicle/public motor vehicle?

Sec 3, RA No 10586 defines *Public utility vehicles* refer to motor vehicles for hire and used to carry or transport passengers or goods while Sec3, RA No 10913 defines *public motor vehicle* as a motor vehicle with a valid franchise issued by the appropriate government agency to operate a public utility vehicle or any vehicle for hire.

### What is the extent of liability of owner and/or operator of a public utility vehicle driven by an offender?

The owner and/or operator of the public utility vehicle driven by the offender shall be directly and principally held liable together with the offender for the fine, unless he or she is able to convincingly prove that he or she exercised extraordinary diligence in the selection and supervision of his or her drivers in general, and the offending driver in particular. **(Section 9, IRR of RA No 10913)**

### Who shall have authority to enforce the Anti-Distracted Driving Act?

The following agencies shall be responsible for the enforcement of the foregoing provisions and shall render assistance as may be required by the DOTr-LTO:

1. The Metropolitan Manila Development Authority;
2. The Philippine National Police; and
3. Other concerned government agencies and instrumentalities such as:
  - a. Provincial/local government units; and
  - b. Special economic zone authorities. **(Section 10, IRR, RA No 10913)**

### How is RA No 10913 different from RA No 10586?

RA No 10913 pertains, subject to some exceptions, to prohibitions in the use of mobile devices, electronic and computing devices while

operating a motor vehicle. On the other hand, RA 10586, otherwise known as the **"Anti-Drunk and Drugged Driving Act of 2013"**, is a statute making it unlawful for any person to drive a motor vehicle while under the influence of alcohol, dangerous drugs and/or other similar substances. **(Section 5, RA No 10586)**

### Is there a need for deputation before any PNP member may enforce these laws?

RA No 10586, particularly Section 10 thereof, specifically requires that PNP members must be duly deputized before they can enforce the said law. The law says: **"Section 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.*"

The IRR of RA No 10913 however, is couched in this manner:

*"Section 10. Enforcement and Assistance by Other Agencies*

*The Metropolitan Manila Development Authority (MMDA), the Philippine National Police (PNP), and other concerned government agencies and instrumentalities, such as, but not limited to, the respective provincial/local government units and special economic zone authorities, shall also be responsible for the enforcement of the foregoing provisions and shall render such assistance as may be required by the DOTr-LTO in order to effectively implement the provisions of this IRR."*

It appears that no further deputation is required.

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