



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

ORDINANCE NO. 22-08 S. 2023

AN ORDINANCE PROHIBITING DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUNK DRIVING WITHIN THE CITY OF BATANGAS AND PROVIDING STRICT PENALTIES THEREOF

SPONSOR : COUNCILOR ARMANDO C. LAZARTE
Committee on Peace and Order and
Public Safety

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that: "every Local Government Unit shall exercise the powers expressly granted, those necessarily and implied therefrom, as well as power necessary, appropriate or incidental or its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdiction, Local Government Units ensure and support among other things, road safety through the observance of the citizenry of responsible and ethical driving standards";

WHEREAS, studies proved that drunk drivers have a significantly higher chance of meeting accident than those who have not consumed alcohol that the prevalence of accidents and mishaps attributable to drunk driving necessitates the adoption of stricter rules and penalties in order to deter the commission of the said act in the City's roads;

WHEREAS, Section 65 of Ordinance No. 23 S. 2019 states that "no person shall operate or drive a vehicle upon any street while under the influence of liquor or prohibited drugs" but there is a need to expand the scope to subject the suspected intoxicated or drunk driver to initial blood alcohol concentration test through the use of a portable breath analyzer or similar measuring instrument;

NOW THEREFORE, the Sangguniang Panlungsod in session assembled hereby ordains:

SECTION 1. SHORT TITLE. - This Ordinance shall be known and cited as: "Anti-Drunk Driving Ordinance of Batangas City".

SECTION 2. OBJECTIVES. - This Ordinance aims to (a) ensure road safety through the observance of the citizenry of responsible and ethical driving standards in order to protect the life and property of the people; and (b) to enable Law Enforcement Officers (LEOs) to use Breath Analyzer and to conduct sobriety test on drivers who they strongly believe as under alcohol intoxication.

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SECTION 3. SCOPE OF APPLICATION. - The Ordinance shall apply to all persons driving and/or operating their vehicles on any road and in any place within the territorial jurisdiction of Batangas City.

SECTION 4. DEFINITION OF TERMS. - For the purpose of this ordinance, the following terms and phrases shall mean:

- 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 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.
- d. **Driver** shall mean every and any licensed operators of a motor vehicle.
- e. **Driving under the Influence of Alcohol (DUIA)** refers to the act of operating a motor vehicle while the driver's BAC level has, after having subjected to an ABA test, reached the level of intoxication, as established jointly by the Department of Health (DOH), the National Police Commission (NAPOLCOM) and the Department of Transportation and Communication (DOTC) in Implementing Rules and Regulation (IRR) of Republic Act No. 10586.
- f. **Field Sobriety Tests** refer to the three (3) standardized tests to initially assess and determine intoxication, namely: the eye test (horizontal gaze nystagmus), the walk-and-turn and one leg stand determined jointly.
 - 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 per of the tip of the penlight held by the LEO from a distance of about one (1) Foot away from the face of the drivers.

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- 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.
- g. Law Enforcement Officers (LEOs)** refer to the active PNP members of Batangas City Police Station and of the Transportation Development Regulatory Office, Batangas City who are occupying permanent positions and whose present work assignment are directly and actually related to traffic management and control.
- h. 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 450kg and above.
- ii. Motorcycles are two (2) wheeled vehicles powered by a motor and has no pedals
- iii. Tricycles are motor vehicle with issued City franchise engaged in ferrying passengers or cargoes for a fee, composed of a motorcycle fitted with a single wheel side car, or a motorized three-wheeled vehicle.
- iv. Electric Vehicle refers to a vehicle with at least one electric drive for vehicle propulsion for purposes of this Ordinance, it includes a Battery Electric Vehicle (BEV), hybrid - electric vehicle, light electric vehicle, and plug-in hybrid - electric vehicle.
- v. 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.

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i. Probable Cause shall mean that the LEOs personally witness the traffic offense or otherwise has reasonable ground to believe that the person driving the motor vehicle is under the influence of alcohol upon committing a traffic offense or a reasonable ground to believe that a crime has been committed by means of lane straddling, making sudden stops, over speeding, swerving or weaving in such an apparent way as to indicate that the driver is under the influence of alcohol and 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.

j. Public Utility Vehicles refers to every motor car, carriage, tricycle, other vehicles engaged in ferrying passengers for a fee.

SECTION 4. PROHIBITION. - No person shall drive a motor vehicle under the influence of alcohol. A driver is considered to be under the influence of alcohol when at the time of examination performed he reached the level of intoxication as follows:

- i. Driver of a private motor vehicle with gross vehicle weight not exceeding 4500 kilograms is found to have a Blood Alcohol Content (BAC) level of 0.05% or higher.
- ii. Driver of trucks, buses, motorcycles and public utility vehicles, a BAC level of 0.05% or higher.

SECTION 5. TESTS TO BE CONDUCTED. - The Law Enforcement Officer upon personal determination of probable cause shall direct the driver to undergo any or a combination of the following field sobriety tests prior to the initial examination for blood alcohol concentration.

- i. Eye Test (horizontal gaze nystagmus);
- ii. Walk- and- Turn; and
- iii. One-leg stand

In the event that the driver passes all of the three (3) Field Sobriety Tests, the driver shall be apprehended for the other traffic offenses he had committed only and not for violation of

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this Ordinance. However, if the driver fails in any of the above preliminary sobriety tests, the LEO shall proceed to determine the driver's Blood Alcohol Concentration (BAC) level, through the use of the Alcohol Breath Analyzer on site. If the driver is found to be under the influence of alcohol, he or she shall likewise be brought to the proper institution, clinic or hospital.

SECTION 6. PENALTIES. - Any person found guilty of driving under the influence of alcohol or in violation of section 5 of this Ordinance shall be penalized as follows:

First Offense: A fine of Two Thousand Pesos (Php 2,000.00) and impounding of vehicle;

Second Offense: A fine of Three Thousand Pesos (Php3,000.00) and impounding of vehicle; and

Third Offense: A fine of Five Thousand Pesos (Php 5,000.00), impounding of vehicle and completion of the counselling course from the competent authority.

Repeated violation shall constitute a ground for filing of suspension, revocation or cancellation of his/ her Driver's License at the Land Transportation Office in accordance with the Rules and Regulations Implementing this Ordinance.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS. - The City Mayor with the assistance of Traffic Development Regulatory Office (TDRO) and PNP Batangas City shall formulate and promulgate rules and regulations for the proper implementation of this Ordinance.

SECTION 8. APPROPRIATION OF FUNDS. - The City Mayor shall appropriate in the annual or supplemental budget sufficient funds for the efficient implementation of this Ordinance.

SECTION 9. SEPARABILITY CLAUSE. - In event or for any reason/s any part/s, section/s or provision/s of this Ordinance shall be held or declared unconstitutional or invalid, the remaining part/s thereof which are not affected thereby shall continue to be in full force and effect.

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Continuation of Ordinance No. 22-08 S. 2023

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OR DRUNK DRIVING WITHIN THE CITY OF BATANGAS AND PROVIDING
STRICT PENALTIES THEREOF

SECTION 10. REPEALING CLAUSE. - All ordinances, resolutions, local executive orders and/ or administrative regulations which are inconsistent with or contrary to any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 11. EFFECTIVITY. - This Ordinance shall take effect within fifteen (15) days from its approval and publication in a newspaper of general circulation.

ENACTED by the Sangguniang Panlungsod this 14th day of March, 2023.


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

APPROVED:


BEVERLEY ROSE A. DIMACUHA
City Mayor

Date Approved: MAR 24 2023

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Michael C. ...
H...
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**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON MARCH 14, 2023 AT THE SAMPAGUITA FARM,
SAMPAGA, BATANGAS CITY**

PRESENT:

Hon. Alyssa Renee A. Cruz,	Presiding Officer
Hon. Hamilton G. Blanco,	Councilor
Hon. Karlos Emmanjuel A. Buted,	“
Hon. Andrea Loise F. Macaraig,	“
Hon. Nestor E. Dimacuha,	“
Hon. Oliver Z. Macatangay,	“
Hon. Armando C. Lazarte,	“
Hon. Nelson J. Chavez,	“
Hon. Jose Jonash Luis F. Tolentino,	“
Hon. Zester Carlo M. Hernandez,	“
Hon. Isidra “Ched” M. Atienza,	“
Hon. Lorenzo A. Gamboa, Jr.,	“
Hon. Michael C. Villena,	“
Hon. Angelito Dondon A. Dimacuha,	(ABC-Rep.)
Hon. Marjorie A. Manalo,	(SK-Rep.)

“On motion of Councilor Lazarte duly seconded, the following Resolution was Adopted:

RESOLUTION NO. 22-132 S. 2023

**ADOPTING THE REPORT OF THE COMMITTEE ON PEACE AND ORDER AND
PUBLIC SAFETY AND APPROVING ON SECOND AND FINAL READING THE
ORDINANCE PROHIBITING DRIVING UNDER THE INFLUENCE OF ALCOHOL
OR DRUNK DRIVING WITHIN THE CITY OF BATANGAS AND
PROVIDING STRICT PENALTIES THEREOF**

RESOLVED, to adopt the report of the Committee on Peace and Order and Public Safety regarding the ordinance entitled: “An Ordinance Prohibiting Driving Under the Influence of Alcohol or Drunk Driving Within the City of Batangas and Providing Strict Penalties Thereof”.


RESOLVED FURTHER, to approve the aforementioned ordinance on its Second and Final Reading.

UNANIMOUSLY APPROVED.”


Continuation of Resolution No. 22-132 S. 2023

**ADOPTING THE REPORT OF THE COMMITTEE ON PEACE AND ORDER AND
PUBLIC SAFETY AND APPROVING ON SECOND AND FINAL READING THE
ORDINANCE PROHIBITING DRIVING UNDER THE INFLUENCE OF ALCOHOL
OR DRUNK DRIVING WITHIN THE CITY OF BATANGAS AND
PROVIDING STRICT PENALTIES THEREOF**

I hereby certify that the foregoing Resolution No. 22-132 S. 2023 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on March 14, 2023.


ROSEMARIE D. HERNANDEZ
Board Secretary IV

NOTED:


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

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COMMITTEE REPORT

DATE : March 13, 2023

TO : The Honorable Presiding Officer and Members of the Sangguniang Panlungsod

FROM : The Committee on Peace & Order and Public Safety

SUBJECT : A Proposed Ordinance Prohibiting Driving Under the Influence of Alcohol or Drunk Driving within the City of Batangas and Providing Strict Penalties Thereof.

Honorables:

The subject was referred to the Committee on Peace & Order and Public Safety for its consideration. The Committee held a hearing on February 28, 2023 and in attendance were the Chairman and members of the Committee on Peace & Order and Public Safety. Councilors N. Dimacuha, Chavez, Macatangay and Tolentino. Also present were the Vice Mayor and other Sangguniang Panlungsod members, Councilors Macaraig, Blanco, Hernandez, Atienza, Buted, Gamboa, Villena, A. Dimacuha and Manalo. The City Legal Office was represented by Ms. Caroline Gaba. Proponents present were Chief of Police PTCol. Dwight Fallurin Fonte, Jr., CESPO/Traffic PEMS Arnold A. Delos Reyes, Operation PNCO PCMS Dennis J. Gelizon.

FINDINGS:

The objective of the proposed Ordinance is to ensure road safety through the observance by the citizenry of responsible and ethical driving standards in order to protect the life and property of the people. Law enforcement officer shall be able to use a device called breath analyzer and to conduct sobriety test on drivers who they strongly reason to believe as under alcohol intoxication. The subject matter was carefully scrutinized. Inputs and suggestions were raised which were appreciated by the committee.

RECOMMENDATIONS:

Considering the foregoing, the Committee recommends the following:

1. Approval of the proposed ordinance prohibiting driving under the influence of alcohol or drunk driving within the City of Batangas and providing strict penalties thereof for second and final reading.
2. The adoption of this Committee Report.




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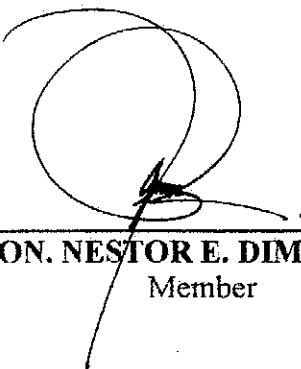
Tel. No. 722-0304

Respectfully submitted, March 13, 2023.


Committee on Peace & Order and Public Safety



HON. ARMANDO C. LAZARTE
Chairman



HON. NESTOR E. DIMACUHA
Member



HON. NELSON J. CHAVEZ
Member



HON. JOSE JONASH LUIS F. TOLENTINO
Member



HON. OLIVER Z. MACATANGAY
Member