



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
18th City Council

PO2010-84

27th Regular Session

ORDINANCE NO. SP- 2064, S-2011

AN ORDINANCE PENALIZING ANY PERSON DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF LIQUOR AND/OR ANY INCAPACITATING SUBSTANCE WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY.

Introduced by Councilor LAQUEL S. MALAÑGEN.

Co-Introduced by Councilors Francisco A. Calalay, Jr., Dorothy A. Delarmente, Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Joseph P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Alfredo D. Vargas III, Eden "Candy" A. Medina, Julianne Alyson Rae V. Medalla, Roderick M. Paulate, Godofredo T. Liban II, Julian ML. Coseteng, Allan Benedict S. Reyes, Jaime F. Borres, Jose Mario Don S. De Leon, Gian Carlo G. Sotto, Eufemio C. Lagumbay, Edcel B. Lagman, Jr., Jesus Manuel C. Suntay, Jessica Castelo Daza, Vincent DG. Belmonte, Marvin C. Rillo, Ranulfo Z. Ludovica and John Ansell R. De Guzman.

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 implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, x x x promote health and safety, x x x maintain peace and order, and preserve the comfort and convenience of their inhabitants";

WHEREAS, studies proved that drunk drivers have a significantly higher risk of meeting accident than those who have not consumed alcohol;

WHEREAS, driving under the influence of liquor is the cause of a great percentage of road accidents;

WHEREAS, with the upsurge of vehicular accidents, it is high time to penalize drivers under the influence of alcohol and/or any incapacitating substance.



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NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN
REGULAR SESSION ASSEMBLED:

SECTION 1. It shall be unlawful for any person to drive any motor vehicle while under the influence of liquor and/or any incapacitating substance within the territorial jurisdiction of Quezon City.

SECTION 2. The law enforcer may, in his discretion, cause the suspected driver to undergo any or a combination of the following preliminary field sobriety tests, prior to the initial test for blood alcohol concentration:

- a. Walk a straight line test
- b. Finger to nose test
- c. Stand on one leg test
- d. Horizontal gaze nystagmus (follow the penlight)

For the purpose of this Ordinance, a driver is considered to be under the influence of liquor if at the time of the abovementioned examination performed within the period of apprehension of said person, a 0.06% level of alcohol content is present in his blood; in case of incapacitating substance, if it is reasonably apparent based on his gestures or behavior that his motor and mental faculties are impaired due to the ingestion or intake of incapacitating substance as those prohibited by existing laws such that exposing himself or other persons in danger of accident.

SECTION 3. In the event that there is a strong reason to believe that the driver is intoxicated and/or the suspected intoxicated driver failed in any of the above preliminary sobriety test, the law enforcer is mandated to subject the suspected intoxicated driver to undergo the initial Blood Alcohol Concentration Test with a portable breath analyzing device or any modification thereof; as for those persons found to be under the influence of incapacitating substance, said person shall likewise be brought to the proper institution, clinic or hospital for action pursuant to existing laws, rules and regulations without prejudice to the enforcement of this Ordinance.

SECTION 4. Any person found guilty of driving under the influence of liquor shall be penalized as follows: X

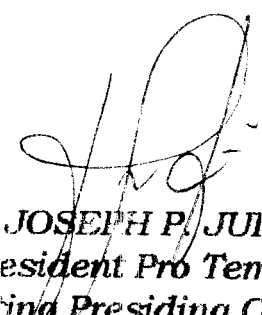
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- First Offense:** a fine of Two Thousand Pesos (P2,000.00)
- Second Offense:** a fine of Three Thousand Pesos (P3,000.00)
- Third Offense:** a fine of Five Thousand Pesos (P5,000.00) and a completion of a counseling course from a competent authority.

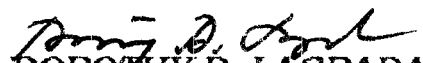
SECTION 5. The Quezon City Department of Public Order and Safety shall promulgate rules and regulations for the proper implementation of this Ordinance.

SECTION 6. This ordinance shall take effect after fifteen (15) days from its approval and publication in a newspaper of general circulation.

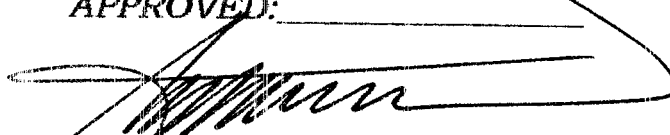
ENACTED: May 23, 2011.


JOSEPH P. JUICO
President Pro Tempore
Acting Presiding Officer

ATTESTED:


DOROTHY D. LAGRADA, DPA
City Secretary

APPROVED: _____


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on May 23, 2011 and was PASSED on Third/Final Reading on May 30, 2011.