

## Undue Influence: The Sobriety of the Presumption of Regularity Doctrine in the Determination of the “Under the Influence of Alcohol” Requirement in the Anti- Drunk and Drugged Driving Act of 2013

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*SUBJECT(S): ANTI-DRUNK AND DRUGGED DRIVING ACT OF 2013,  
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The National Statistics Office (NSO) reported a rise in vehicle-related accidents in the Philippines. Among those included were caused by human error, over speeding, using cellular phones while driving, and drunk driving. According to the Author, drunk driving is different from the other causes of accidents because, in drunk driving, the lapse of judgment begins even before the inebriated person takes the wheel. Therefore, the need arises for a law that specifically tackles drunk driving.

On 27 May 2013, President Benigno S. Aquino III signed into law the Anti-Drunk and Drugged Driving Act of 2013 (R.A. No. 10586). The need for such law cannot be emphasized given the lack of sufficient and adequate laws that specifically tackle driving while under the influence of alcohol. However, the law is far from perfect.

Section 6 of R.A No. 10586 enumerates the punishable acts involved. One of the tests is the application of “field sobriety tests.” The law states that after the law enforcement officer and deputized local traffic enforcement officer have administered the said tests and the driver failed the same, it shall be the duty of the law enforcement officer to implement the mandatory determination of the driver’s blood alcohol concentration level through the use of a breath analyzer or similar measuring instrument. The law, thus, hinges mainly upon the *subjectiveness* of a police officer — it is up to the police officer to determine the existence of probable cause.

The problem, as the Author states, is the fact that the R.A. No. 10586 lacks sufficient standards for the police officer in determining probable cause. This problem is aggravated by the presumption of regularity enjoyed by such officers.

After a thorough analysis, the Author concludes that there is a need for the legislature to enact Implementing Rules and Regulations for R.A No.

10586 in order to limit the wide latitude given to the police officers. The Author concluded that given the subjective nature of the law and the presumption of regularity enjoyed by the police officers, there should be a strict compliance rule. All in all, the Author admits that the law is very much needed in Philippine society. But R.A. No. 10586 should not be used to abuse and to harass civilians — it is just a matter of balancing the rights of individuals and the duty of the government to protect its citizens against drunk drivers.