



Republic of the Philippines
Province of Pangasinan
Lingayen

—oOo—

OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on March 1, 2002 at Lingayen, Pangasinan, the following provincial ordinance was approved:

Introduced by SP Member John Agerico B. Rosario

PROVINCIAL ORDINANCE NO. 96-2002

AN ORDINANCE PROHIBITING THE USE OF HANDHELD ELECTRONIC/DIGITAL DEVICES WHILE DRIVING OR OPERATING TRANSPORTATION VEHICLES WITHIN THE PROVINCE OF PANGASINAN AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, recent technological developments have given rise to the proliferation and general use of various forms of handheld electronic/digital devices among the inhabitants of the Province of Pangasinan;

WHEREAS, it has been observed that even persons who are operating transportation vehicles use such handheld electronic/digital devices;

WHEREAS, the use of such handheld electronic/digital devices engenders negligence as it distracts from the full and complete concentration necessary for the proper diligence of persons driving or operating transportation vehicles;

WHEREAS, this practice poses danger not only to the driver/operator but also to their passengers and the general public and has been identified as a major cause of vehicular accidents both in the Philippines and abroad;



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WHEREAS, the Province of Pangasinan, in the exercise of its police powers as provided in Section 16 of R.A. 7160, otherwise known as the Local Government Code of 1991, has been granted authority to regulate the affairs of its inhabitants in order to promote their health, safety, well-being and general welfare;

NOW, THEREFORE, THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF PANGASINAN, by virtue of the powers vested in it by law, do hereby enacts the following:

SECTION 1. *Prohibition* – The use of various forms of handheld electronic/digital devices while driving/operating transportation vehicles within the Province of Pangasinan is hereby prohibited.

SECTION 2. *Definition of Terms* –

- a. “Handheld electronic/digital devices” is any device, gadget or equipment used for personal convenience including, but not limited, to cellular phones, pagers, personal digital assistants, radio transceivers, computers, and similar contraptions;
- b. “Use” shall mean employment or operation of such devices by receiving or making calls, texting, inputting or accessing data, communicating, computing, recording, or otherwise making use thereof;
- c. “Driving and operating” shall mean any activity which shall entail having control and operation of a moving vehicle;
- d. “Transportation vehicles” shall include any motorized or human powered transportation regardless of weight, load capacity or number of wheels.

SECTION 3. *Penalties* – any person found violating this Ordinance shall be penalized as follows:



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First Offense – a fine of P500.00 or imprisonment for a period of not more than seven (7) days, or both, at the discretion of the court;

Second Offense – a fine of P1,000.00 or imprisonment for a period of not more than thirty (30) days, or both, at the discretion of the court;

Third and Subsequent Offense – a fine of P2,000.00 or imprisonment for a period of not more than sixty (60) days, or both, at the discretion of the court.

SECTION 4. Exemptions – the following are exempted from his Ordinance:

- a) Persons who use the devices referred to in Section 2 paragraph (a) with accouterments that allow hands-free operation thereof;
- b) Police or law enforcement personnel and those employed by protective service agencies while in actual pursuit of their official duties;
- c) Doctors and medical practitioners while taking part in actual emergency cases.

SECTION 5. Liability under other Laws – Prosecution under this Ordinance shall be without prejudice to any liability which may arise for the acts herein prohibited under other pertinent laws.

SECTION 6. Separability Clause – If any provision of this Ordinance be declared *ultra vires* or unconstitutional, the remaining provisions shall continue to be in force.




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SECTION 7. Effectivity – This Ordinance shall take effect fifteen (15) days after publication in any newspaper of general circulation within the province and its being posted in at least two (2) conspicuous places in the province.


MARCIANA P. GONZALES
Asst. Secretary to the Sanggunian

ATTESTED:


SP MEMBER MANUEL D. ANCHETA
Temporary Presiding Officer

APPROVED:


VICTOR E. AGBAYANI
Governor