

Research Article

Alejandro S. Bernardo* and Angeli P. Albaña-Garrido

Disambiguating Philippine Republic Acts: the case of RA 10913

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Abstract: This paper analyzes the ambiguities in a Republic Act (RA) promulgated in the Philippines as its way of contributing to the gradually growing number of forensic and legal linguistics research in the country. In particular, it aims to disambiguate the different categories of ambiguities, e.g., lexical, semantic, syntactic, referential, cross-textual and pragmatic, in Republic Act 10913 or the Anti-Distracted Driving Act enacted in 2016. Following a purely qualitative design and a predominantly theoretical approach in the analysis of the ambiguities in the said Republic Act, this paper hopes to offer a potential source of guidance to minimize difficult issues pertinent to the interpretation of the law. This paper also attempts to discuss the basic rationale behind the choice or presence of ambiguous language in a setting such as the drafting of RA 10913 and proposes that there be a ‘cross-fertilization’ between the readings of legal drafters and linguists.

Keywords: ambiguous language; analysis of legal texts; forensic (and legal) linguistics; language and law; linguistic ambiguities; Republic Acts

1 Introduction

In the Philippines, forensic linguistics, even if it “has now come of age as a discipline” (Coulthard 2010: 15) remains a relatively new area of intellectual inquiry and thus not much empirical investigations about and through it have been conducted in the country to date. In fact, the International Conference on Forensic Linguistics was held for the first time in the Philippines just recently, September 18, 2021 to be exact. After having been staged a number of times outside Asia, the 16th Biennial

*Corresponding author: Alejandro S. Bernardo, Department of English, Research Center for Social Sciences and Education, University of Santo Tomas, Manila, The Philippines,
E-mail: asbernardo@ust.edu.ph. <https://orcid.org/0000-0002-2996-4589>

Angeli P. Albaña-Garrido, Supreme Court of the Philippines, Branch 32, Metropolitan Trial Court – Quezon City, The Philippines, E-mail: j.anjgarrido@gmail.com

Conference of the International Association of Forensic and Legal Linguistics shall be held in the Philippines – also for the first time – on June 4–6, 2023. This points to the fact the Philippines was hardly regarded as a promising site for forensic linguistics studies in the previous years.

One of the main goals of forensic (and legal) linguistics as a discipline is to provide careful and systematic analysis of language, and, in doing so, both written and spoken discourses are examined, e.g., regional, national, and international laws, transcripts of interviews, criminal messages, translations of legal documents, notes, phone messages, handwritten letters, social media posts, and witness, suspect, and victim interviews. It should be noted, however, that not all cases analyzed in forensic linguistics involve criminal acts; legal texts or statutory documents such as legislative acts have also become objects and subjects of scrutiny in forensic linguistics analysis.

One common but often unnoticed feature of language is ambiguities, and forensic linguistics analyzes these ambiguities, for example, in Republic Acts (henceforth RA), in order to resolve contradictory interpretations. Because forensic linguistics is in the infancy stage in the country, it is unsurprising that relatively very few studies that tackle linguistic ambiguities particularly in Philippine RAs have been initiated to date. RAs remain to be a fertile ground for analysis coming from the forensic linguistics point of view, and, therefore, it is against this backdrop where the present study is set.

Outside the Philippine context, linguistic ambiguities in legal documents have been explored: contract ambiguity (Torbert 2014); contemporary English legal language (Witzak-Plisiecka 2009); legal interpretation: (Farnsworth et al. 2010; Poscher 2011; Singh 2013); ambiguity of “and/or” in legal drafting (Adams and Kaye 2007); legislative texts (Anesa 2014); statutory texts (Zeller 2018); regulatory requirements (Massey et al. 2014); translation ambiguities within the legal language nomenclature (Otat 2015) and peace agreements (Pehar 2001). Abiola et al. (2019) analyzed eight purposively selected court judgments in Nigeria and found that these court judgments contained lexical and contextual ambiguities. In the said study, it was argued that contextual ambiguities, if not properly dealt with by the judiciary, may result in critical socio-political, economic and security issues. Massey et al. (2014) analyzed ambiguities in legal texts, i.e. HITECH Act by conducting a case study involving graduate students enrolled in a privacy class. Using a researcher-made ambiguity taxonomy as a guide, the respondents identified ambiguities in analyzing the legal text given to them. This study forwarded some implications for software engineers who are supposed to identify and classify ambiguities in laws and regulations pertinent to their disciplines. Singh (2013) examined ambiguity in law by analyzing court cases namely *Frigaliment Importing co. v. B.N.S. International sales Corp*, *Raffles v. Wichelhaus* and *Interstate*

Commerce Commission v. Allen E. Kroblin, Inc., cases that involve latent ambiguity and patent ambiguity. The study observed that ambiguities are prevalent in language and argues that if "... ambiguities arise in the field of law, it becomes a matter of serious concern, as it gives rise to the possibility of overturning the decisions of the courts in cases of key importance, or affect the process of rendering of justice in such a manner that may result in unfair, unjust and unreasonable decisions by the court" (p. 125). Singh underscored the need for the removal of ambiguity through a purposive rule of interpretation.

Solan (2004), on one hand, discusses pernicious ambiguity in detail and provided situations where pernicious ambiguity surfaces in both statutory and contractual interpretations. To Solan, pernicious ambiguity "... occurs when the various actors involved in a dispute all believe a text to be clear, but assign different meanings to it" (p. 859). In the same article, he explains how pernicious ambiguity arises from a linguistic point of view by examining some cases where problems are faced by the courts when there is no meeting of the minds among key players in the legal system and when they hardly recognize the fact that ambiguities have arisen. Zeller (2018: 42), on the other hand, opines that ambiguity is "an integral feature of human language." In view of this, he developed a system that detects and filters scopal, coordination, and prepositional phrase ambiguities in statutory texts. Elieba (2020), more recently, analyzed the textuality features and thematic structures within the Egyptian Supreme legal texts and determined the key causes of ambiguities in the said texts. The analysis of three criminal cases with lexical and structural ambiguities led the study to argue that ambiguity ensues in the legal language when the meaning of terms is unclear brought about by language deficiency and limited capabilities of legal texts drafters. The study also identified polysemy and homonymy and sentence construction as key factors for lexical ambiguity and structural ambiguity, respectively.

In the Philippines, forensic linguistics studies have only explored, to a minimum extent, courtroom discourse (Ceballos and Sosas 2018; Madrunio 2014; Villanueva and Madrunio 2015), readability and comprehensibility of labels of nonprescription drugs (Cabanillas and Madrunio 2020), comprehensibility of product warnings (Dacumos and Madrunio 2017, 2018), simplifying analyzing the lexical structures Philippine consumer finance contract (Lintao and Madrunio 2014, 2017), linguistic analysis of police reports (Sumaljag 2018), linguistic features of memoranda of agreements (Madrunio 2022) and forensic-stylistic analysis of supreme court decisions (Hernandez 2017). None, to the proponents' knowledge, has been conducted insofar as linguistic ambiguities in RAs is concerned. Hence, this paper, takes a purely theoretical approach in analyzing ambiguities and thus falls within this distinct area of forensic linguistics investigation: *the language of written legal texts* where "... linguists are interested in both the arcane vocabulary, complicated

and infrequent, punctuation which typifies many legal texts and the consequent problems lay readers have with these texts ..." (Coulthard 2010: 16). Put more succinctly, this study analyzes the potential ambiguities in a Philippine Republic Act, specifically R.A. 10193.

The growing number of vehicular accidents in the major thoroughfares in the Philippines prompted the government solons to promulgate what they call "Anti-Distracted Driving Act", a six-page Act lapsed into a law on July 21, 2016. The law has the primary singular aim of minimizing vehicular mishaps due to distractions caused by irresponsible use of mobile communication devices. It was chosen as a case in point for several reasons: (1) it is a relatively new law enacted in the Philippines; (2) as stated earlier, the number of vehicular accidents in the country caused by the improper use of electronic devices while driving is on a continuous increase; (3) it is a controversial RA for no less than the Congress, being the authors of the said law, together with the Department of Transportation (DOT), Land Transportation Office (LTO), Land Transportation Franchising and Regulatory Board (LTFRB), Metro Manila Development Authority (MMDA), and the Philippine National Police (PNP) Highway Patrol Group took heed to defer its enforcement and (4) motorists still have confusion over some of its provisions, and even netizens have not ceased complaining about the law's unclear rules. The analysis of the said RA might then become a potential source of guidance to minimize difficult issues pertinent to the interpretation of the law. An initial analysis of RA 10913 suggests possible sources of linguistic ambiguities, and thus a more systematic scrutiny is needed to establish this preliminary observation.

This paper, therefore, seeks answers to the following research questions:

1. What categories of ambiguities are apparent in RA 10913? What constructions hint at these ambiguities?
 - a. lexical
 - b. syntactic
 - c. semantic
 - d. unintentional
 - e. referential
 - f. cross-textual
 - g. pragmatic
2. How may the ambiguities in RA 10913 and its implementing rules and regulations be disambiguated?
3. What is the basic rationale behind the choice or presence of ambiguous language in a setting such as the drafting of RA 10913 and other national laws?

Disambiguating RA 10913 may facilitate the interpretation of the law and the promulgation of its implementing rules and regulations and may provide a reference

when differences in understanding the act seem irresolvable by offering any aid for its interpretation, although, admittedly, this construal may not be regarded as authoritative at all times. It should also be noted that the implementation of RA 10913 was put on hold for quite some time because of the confusion, e.g. what 'line of sight', 'entertainment devices' and 'motor vehicles' really mean, surrounding its implementation. The revised IRR was only implemented on July 6, 2017 after it has been published on June 21, 2017 on page 12 of the Philippine Star, but, even until now, there have been criticisms waged against it.

In contexts outside the Philippines, distracted driving cases (see Hunter John Sangret and Patrick Tannhauser cases) were resolved after clarifying that 'seeing' an electronic device does not necessarily mean 'using' it. This suggests that there might be similar ambiguities in RA 10913 which need to be resolved. Moreover, it is important that ambiguities in the laws are settled for fair administration of justice and to implement the laws in their true spirit. Findings of this study may be a basis when the RA's implementing rules and regulations (IRR) are amended or repealed or, at least, offer any aid for the interpretation of the words that comprise the act when faced with indeterminacies. Lawyers and law makers, said Schane (2016: 4) should "use language that is clear, certain, unequivocal, and to the point", otherwise the law becomes ambiguous and may not rightly benefit everyone most especially if there is no 'meeting of the minds' and if cases are decided wrongly because of misinterpretations of the law.

The Bill of Rights occupies a position of primacy in the fundamental law of the Philippines.¹ It is thus sacrosanct in this jurisdiction that no person shall be deprived of life, liberty or property without due process of law.² However, linguistic ambiguities in RAs, more specifically in RA 10913, would necessarily lead to a deprivation of property without due process of law since the law imposes fines on uncertain acts, caused by these ambiguities. A statute that lacks comprehensible standards that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the due process clause, for failure to accord persons fair notice of the conduct to avoid.³ According to Philippine jurisprudence, the test in determining whether a criminal statute is void for uncertainty is whether the language conveys a sufficiently definite warning as to the proscribed conduct when measured by common understanding and practice.⁴ However,

¹ People v. Tudtud, G.R. No. 144037, 26 September 2003.

² Section 1, Article III, Constitution.

³ People v. Nazario, G.R. No. L-44143, 31 August 1988, 165 SCRA 186, 195; citing L. Tribe, *American Constitutional Law* 718 (1978). See also Connally v. General Construction Co., 269 U.S. 385, 391. Such statute also violates the Constitution for leaving law enforcers unbridled discretion in carrying out its provisions and becoming an arbitrary flexing of the government muscle.

⁴ Estrada v. Sandiganbayan, G.R. No. 148560, 19 November 2001, citing State v. Hill, 189 Kan 403, 369 P2d 365, 91 ALR2d 750.

without resolving the confusion in RAs caused by linguistic ambiguities, the public will not be properly informed of the adequate contrast between the innocent acts, as opposed to the prohibited acts.

Ambiguity is a condition of admitting two or more meanings, of being understood in more than one way, or of referring to two or more things at the same time. A statute is ambiguous if it is admissible of two or more possible meanings, in which case, the Court is called upon to exercise one of its judicial functions, which is to interpret the law according to its true intent.⁵ The Philippine courts, as it is, is already burdened by its court dockets. By resolving linguistic ambiguities even before the publication of the law, the need for interpretation by the courts can be avoided and thus reduce court cases filed due to these ambiguities.

2 Theoretical framework

2.1 Linguistic ambiguities: definitions and classifications

Linguistics and other social sciences ground the investigation of language and law, and in this study, the focus is on language and “the law provides relevant data for linguistic analysis and the testing of theories about language” (Schane 2006: 4). The present study centers on the language of a Philippine RA to examine the ambiguities in its provisions. In particular, it analyzes linguistic ambiguities in RA 10913 in order to disambiguate the seemingly unclear specifications in this restricted domain of legal texts. Abrahamson (1999 as cited in Solan 2004: 876) posits:

When numerous courts disagree about the meaning of language, the language cannot be characterized as having plain meaning. Rather, the language is ambiguous; it is capable of being understood in two or more different senses by reasonably well-informed persons even though one interpretation might on careful analysis seem more suitable

Schane (2006) intimates the ambiguities arise when clarity and certainty are lacking. Ambiguity, “has more than one interpretation: a highly general sense that pertains to language use, and a more restricted meaning that deals with some fundamental properties about language itself” (p. 3). Boyarskaya (2019: 83) posits that “[in] common parlance, ambiguity suggests more than two interpretations, more than two senses of a word.” Similarly, a word could have several meanings or definitions, and without a context which tells which of the potential meaning is conveyed, a word will be construed as ambiguous. In the context of RAs, provisions in these legal documents, therefore, are ambiguous if they may be interpreted in

⁵ Abella et al., v. CIR and Court of Appeals, G.R. No. 120721, February 23, 2005.

more than one way. This definition of ambiguity, however, is used rather loosely in this study as “ambiguities are difficult to define precisely because of their ambiguous nature” (Pehar 2001: 164). Pehar further argues that for an expression to be regarded as ambiguous, it must generate not only “at least two different meanings, but also two incompatible and unrelated meanings” (p. 164). Moravcsik (2006 as cited in Slocum 2010) provides the following sentence as an example of a syntactically ambiguous sentence: “Lizards are green and brown” which may have the following interpretations: (1) lizards are a color that falls between green and brown; (2) some parts of the bodies of lizards are green and other parts are brown; (3) some types of lizards are green and other types are brown; and (4) lizards look green under some conditions, but look brown under other conditions. However, there are other forms of ambiguities which may fall in any of the categories discussed in the next section.

2.2 Classifications of ambiguities and disambiguating ambiguities

Ambiguities need to be disambiguated or resolved. Boyarskaya (2019) forwarded that there are at least ten considerations before one resolves ambiguities: 1. What type of ambiguity is it? 2. How it is achieved? 3. Is the ambiguity intended or not? 4. If the ambiguity is intended, is it constructive or purely manipulative? 5. Is it intended ambiguity of the author or intended ambiguity of the text as a whole? 6. Is the whole text ambiguous or are there only separate elements, which are perceived as ambiguous? 7. If the ambiguity is unintended, why does it occur? 8. Does the unintended ambiguity need disambiguation? 9. Are there linguistic means in the target language to express the source language ambiguities? 10. What conceptual, linguistic and extralinguistic information is needed to approach the problem? While these considerations are originally intended for translating legal texts, the present study adapted the said framework as it very well aids in the analysis of ambiguities in legal texts from the lens of production and typology, perception, and resolution or disambiguation.

With respect to production and typology, Table 1 presents several classifications of ambiguities: *lexical, semantic, syntactic or structural, contextual, unintended, referential, cross-textual, and pragmatic*. How these ambiguities are produced and how they arise, and some examples are succinctly described in the same table. From the perspective of perceptions and effect, ambiguities may result in communication breakdown because of incorrect reference and inferences, the readers’ inadequate knowledge to resolve ambiguities and the readers’ failure to notice ambiguities (Boyarskaya 2019).

Table 1: Types of ambiguities.

Classification of ambiguities	Sources and production	Subtypes and examples
Lexical	<ul style="list-style-type: none"> <li data-bbox="334 304 586 391">– Arises every time a word has several objectives or dictionary meanings (Schane 2016) <li data-bbox="334 391 586 478">– A word or phrase with a number of acceptable meanings (Massey et al. 2014) 	Hyponymy, homonymy, auto-antonyms, polysemous words, lower-use-frequency idioms
Semantic	<ul style="list-style-type: none"> <li data-bbox="334 460 586 547">– An uncertainty of multiple meanings of a single word (Torbert 2014) <li data-bbox="334 547 586 634">– A type of uncertainty of meaning brought about by using a multiple-meaning word (Conway 2012) <li data-bbox="334 634 586 704">– Pertains to a sentence with several interpretations in the context where it occurs (Massey et al. 2014) 	Scopal ambiguity, anaphoric ambiguity,
Syntactic or structural	<ul style="list-style-type: none"> <li data-bbox="334 773 586 860">– “Ambiguity as to what modifies what; unclear use of modifiers or reference” (Torbert 2014: 10) <li data-bbox="334 860 586 1121">– “Arises not from the range of meanings of single words, but from the location of the words in sentences and often from the interpretation of the structural words expressing relationships between semantic words” (Conway 2012: 7) <li data-bbox="334 1121 586 1208">– A sentence is regarded syntactically ambiguous if two or more potential sentence structures can be ascribed to it (Zeller 2018) 	Prepositional phrase attachment, relative clause attachment, coordination; phrasal, quantifier and operator scope; pronouns
Contextual	<ul style="list-style-type: none"> <li data-bbox="334 1191 586 1278">– “Concerns consistency of language use throughout a document” (Torbert 2014: 10) <li data-bbox="334 1278 586 1399">– “Arise in two distinct ways: (1) when two or more statements or clauses in the same agreement or in related agreements are inconsistent; (2) juxtaposition of terms, so that the language of one affects the meaning of another” (Sepinuck 2016: 1) 	Interaction of two different sentences; juxtaposition of terms
Unintended	– Arises because of lexical variations between the source and target languages (Otat 2015)	Use of words in wrong contexts, use of words in wrong meanings

Table 1: (continued)

Classification of ambiguities	Sources and production	Subtypes and examples
Referential	<ul style="list-style-type: none"> – May be brought about by a low degree of language proficiency (Boyarskaya 2019) – A grammatically acceptable sentence consisting of a reference that confuses the reader based on the context provided (Massey et al. 2014) – “The meaning of the expression does not allow the hearer to refer to, or to pick out correctly” (Pehar 2001: 166) 	Pronouns, common nouns, substitution items, a noun and its appositives, compound nouns
Cross-textual	<ul style="list-style-type: none"> – “Rests not on a discrete phrase or sentence, but on a larger body of a text comprising many sentences. This type is thus more complicated, involving not only semantics of phrases or semantics of propositions and sentences, but also semantics of texts; semantics of sets of interrelated sentences” (Pehar 2001: 16) 	Semantics of phrases, semantics of propositions and sentences, semantics of sets of inter-related sentences, open-ended provisions
Pragmatic	<ul style="list-style-type: none"> – Arises when the statement is not specific, and the context does not provide the information needed to clarify the statement (Walton 1996 as cited in Al-Sulaimaan and Khoshaba 2018) 	Several sentence meanings, deictic ambiguity, unspecific statements

Disambiguating ambiguities may be complex and daunting. To Sennet (2021: Ch. 4) “... there are tests and considerations but no firm answers and probably a lot depends on what the ‘best theories’ in linguistics etc. end up looking like.” Zwicky and Sadock (1975), however, proposed ambiguity tests found useful in disambiguating ambiguities. These include: (1) conjunction reduction; (2) ellipsis; (3) contradiction tests; and (4) definitional tests (Sennet 2021). Allen (1957 as cited in Conway 2012) devised a procedure which aids in the systematic detection of unintended syntactic ambiguity. The systematic and analytic method has the following stages: (1) separation of the natural-language statements into their constituent elements, (2) determining whether conditional statements or bi-conditional statements are rather intentional, (3) identification of the constituent element parts of the natural-language statements which represent the conditions of the natural-language statements and the consequences of the natural-language statements, (4) re-arranging the

constituent elements in terms of conditional statements and bi-conditional statements and (5) re-writing the natural-language statements in a horizontal form diagram, then in an arrow diagram, and using the arrow diagram for assistance in a clear normalized form (Allen 1957). Yang (2014: 330) proposed “several efficient paths” in disambiguating ambiguities. These include adoption of punctuation marks, change of vocabulary collocation and order, complement of the omitted parts, use of the stress and stop of spoken language, change of structure of sentences, and dependence on linguistic environment. In analyzing ambiguities brought about by the use of ‘and’, ‘or’ and ‘and/or’, Adams and Kaye (2007), provided an effective way of revisiting the ambiguity of ‘and’ and ‘or’ in legal writing by closely looking into the following: (1) subject ambiguity, (2) direct-object ambiguity, (3) subject-and-direct-object ambiguity, (4) multiple verb phrases, (5) object-predicative ambiguity, (6) the effect of adjectives, and (7) the ambiguity of every x and y . Zeller (2018: 14) indicated that the legal parlance has developed a set of criteria that aids in the interpretation of statutory texts: (1) word sense or grammatical interpretation, i.e. interpretation using common language meaning; (2) systematic interpretation which underscores the significant relationship between an expression and its legal context; (3) historical interpretation which involves looking into the drafter’s normative values and intention through historical evidence, and (4) teleological interpretation which underlines the significance of the objective of the law by “abstracting away from the creator.”

The abovementioned strategies are found useful in interpreting the ambiguities in RA 10913. It must be noted, though, that this study limits itself to word sense or grammatical interpretation. Guided by an understanding of what ambiguities are and their different types and how they arise in legal texts and the various disambiguation strategies outlined above, the present study is able to detect and categorize apparent ambiguities in RA 10913 and, eventually, to resolve them so as to provide insights into both thought and interpretation.

3 Methods

This purely qualitative investigation commences with a line-by-line analysis of the provisions and entries stipulated in RA 10913 otherwise known as the Anti-Distracted Driving Act. Every entry – both micro and macro linguistic items, e.g., word, phrase, clause, sentence, and paragraphs – that makes up the text, from the title down to the last word in the printed pages of the RA and its IRR was analyzed to identify potential (sources of) ambiguities. It follows that unit of analysis would be the lexical, phrasal, clausal, sentential, and paragraph levels to uncover and disambiguate lexical, syntactic, semantic, referential, unintended, pragmatic, and cross-textual ambiguities.

In understanding the basic rationale behind the choice or presence of ambiguous language RA 10913, online interviews with 10 Filipino lawyers were conducted. These lawyers who studied statutory construction provided insights into why RAs bear ambiguities (and sources of ambiguities) and how these may be minimized. Consent was sought from each of the interviewees, and, in the presentation of findings, their identities were anonymized.

RA 10913 is comprised of six pages and has the following sections: Section 1: Short Title, Section 2: Declaration of Policy, Section 3: Definition of Terms, Section 4: Distracted Driving, Section 5: Extent of Coverage, Section 6: Exemptions, Section 7: Nationwide Public Information Campaign, Section 8: Penalties, Section 9: Liability of Owner and/or Operator of the Vehicle Driven by the Offender, Section 10: Section 10: Enforcement and Assistance by Other Agencies, Section 11: Implementing Rules and Regulations, Section 12: Repealing Clause, Section 13: Separability Clause, and Section 14: Effectivity.

The RA 10913 revised implementing rules and regulations (IRR) has six pages which contain the following sections: Rule 1: Preliminary Provisions (Section 1: Short Title and Purpose, Section 2: Declaration of Policy and Section 3: Definition of Terms); Rule 2: Prohibition, Coverage, and Exemptions (Section 4: Distracted Driving, Section 5: Extent of Coverage and Section 6: Exemptions); Rule 3: Public Information Campaign (Section 7: Nationwide Public Information Campaign); Rule 4: Penalties (Section 8: Penalties, Section 9: Liability of Owner and/or Operator of the Vehicle Driven by the Offender); Rule 5: Enforcement (Section 10: Enforcement and Assistance by Other Agencies); Rule 6: Final Provisions (Section 11: Repealing Cause, Section 12: Separability Clause and Section 13: Effectivity).

The said act was passed by the Senate of the Philippines as Senate Bill No. 3211 on May 30, 2016, and adopted by the House of the Representatives as an amendment to House Bill No. 4531 on June 6, 2016. Three senators filed Senate Bill No. 3211 at the Philippine Senate Committee on Public Services and a similar legislation was filed at the House of Representatives as House Bill No. 4531 by 11 congressmen. It was implemented on May 18, 2017, under the administration of Pres. Rodrigo Duterte.

4 Results

4.1 Lexical ambiguity

The analysis commences with a linguistic examination of the title of the act: *Anti-Distracted Driving Act*. A survey of the literature would show that anti-distracted driving is defined as driving while doing another activity that veers one's attention away from driving. The National Center for Statistics and Analysis (2019) declares

that oftentimes, discussions regarding distracted driving center around cell phone use and texting, but distracted driving also includes other activities such as eating, talking to other passengers, or adjusting the radio or climate controls. As defined by the National Highway Traffic Safety Administration's Driver Distraction Program (2017), distraction is a specific type of inattention that occurs when drivers divert their attention from the driving task to focus on some other activity instead. The report likewise clarifies distraction as "a subset of inattention (which also includes fatigue, and physical and emotional conditions of the driver)."

In the context of the Philippine act in question, the title of the act restricts itself to basically prohibiting the use of electronic gadgets referred to as *electronic entertainment and computing devices* such as cellular phones while driving on the road. Distraction, as pointed out earlier, comes in various forms and thus it could have been explicitly indicated in the title of the act that it is about the prohibition of the use of cellular phones and other electronic gadgets while driving. The act could have been renamed into something that reflects the proscription of the use of electronic devices while on the road (Figure 1).

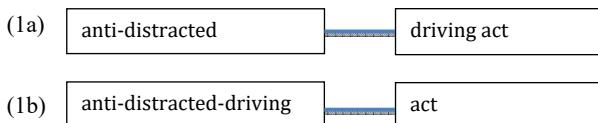


Figure 1: Disambiguation of the title of RA 10913.

It is also unclear if *anti-distracted driving* modifies *act*, i.e., an act or a law penalizing distracted driving, or that *anti-distracted* modifies *driving* alone and not the act. Here, hyphenating the compound pre-modifier *anti-distracted driving*, i.e., *anti-distracted-driving* may minimize linguistic ambiguities (see Figure 1). In the noun phrase *anti-distracted-driving act* (1b) (as opposed to *anti-distracted driving act* (1a), which may be construed as a driving act that is anti-distracted) *act* is taken as a noun described as *anti-distracted driving*. In the present form of the act, however, it is possible that the drafters meant that it is distracted driving that the law is against and that the act is not a kind of a driving act that is anti-distracted, which presumes that there are driving acts that already exist and that there is one driving act now that is particularly anti-distraction. The hyphenated compound modifier or phrasal adjective *anti-distracted-driving* (1b) may clarify meaning, straightaway telling the reader that the words modify the noun jointly, not independently and that this hyphenated phrasal modifier expresses a single thought (i.e., all words together modify the noun *act*). The ambiguity results from the lack of representation of scope in the sentence,

since it is unclear if the noun phrase *driving act* is modified by *anti-distracted* in its specifier or if the adjective *anti-distracted-driving* is the specifier of the noun *act*.

Furthermore, as reflected in the topmost section of the act, Republic Act No. 10913, is “an act defining and penalizing distracted driving.” One may therefore presuppose that it is distracted driving (which is the offshoot or the repercussion) that is penalized rather than the use of ‘electronic entertainment and communication devices’ (the cause of distraction) while driving on the road. In addition to this ambiguity issue is the question of whether a collective body promulgated the act or two separate government legislative bodies deliberated and approved of the act. As it is, the document says: “Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled”. The absence of the determiner *the* before *House of Representatives* implies that the Senate and the House of Representatives constitute only one institution, which ever since has not been the case as far as the Philippine government structure is concerned.

(1) Another term defined in RA 10913 is *motorist*. It says: *motorist – a person driving a motor vehicle*; (p. 2).

Motorist is defined as a person driving a motor vehicle. It is logical to say and it seems easy to understand that a motorist is someone who drives a motor vehicle. What makes the definition seemingly ambiguous is the absence of the exact qualities or merits ascribed to the “motorist” driving a motor vehicle. It may be posited that the “motorist” cannot simply be a person. Oxford Dictionary defines “person” as any human being regarded as an individual. Cambridge Dictionary equates person with “human” and refer to it as a man, woman, or child. In the Act, it is reasonable to say that the person being referred to is not simply an individual or a human being, not simply a man, a woman or a child. That person is an individual, in general, and a motorist who has legal rights and obligations, in particular.

In the Philippines, for a motorist to be considered a professional or a non-professional driver, he/she should be issued a license after passing the driver’s examination administered by a government agency, e.g., the Land Transportation Office. The other requirements which must be met include: (1) must be at least eighteen (18) years old; (2) must be physically and mentally fit to operate a motor vehicle; (3) must be able to read and write Filipino, English or the applicable local dialect; (3) must be a holder of a valid SP (student permit) issued at least thirty (30) days prior to the application; and (4) in addition, for foreigners, the applicant must have been in the Philippines for at least one (1) month with proof that he/she will stay in the country for at least one (1) year from date of application (see lto.gov.ph).

Since penalties include “a fine of fifteen thousand pesos (P15,000.00) and suspension of driver’s license for three (3) months for the third offense,” (RA 10913, p. 4), it should be assumed that only those licensed motorists are liable in case of an offense

and motorists who were not issued any license are not. The term *motorist*, therefore, has to be disambiguated to mean that it is a person driving a motor vehicle, and regardless of age, gender, status in life, and whether he/she is licensed or not, is covered in the act. If an offender is a non-license holder, neither a professional nor a non-professional driver, it has to be made that s/he falls within the definition of *motorist* and thus should be apprehended.

Finally, the term *motor vehicle* is also ambiguous. In the above line of argument, (considering that the penalty involves suspension of driver's license) then the motor vehicles referred to should be specified, which should be limited to those motor vehicles that require a license to be driven. E-bikes, for instance, are motorized but one does not need a license to drive one. A similar case is that of Section 2(e) of R.A. No. 10883 "New Anti-Carnapping Act of 2016", which states: (e) Motor vehicle refers to any vehicle propelled by any power other than muscular power using the public highways, except road rollers, trolley cars, street sweepers, sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks, and cranes if not used on public highways; vehicles which run only on rails or tracks; and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle, shall be classified as a separate motor vehicle with no power rating.

4.2 Ambiguities engendered by "and"

Torbert (2014) posits that the conjunction "and" exhibits semantic ambiguity. It may have three senses: several sense, joint sense, and combined joint and several sense. In the phrase: "charitable and educational institutions," these senses may be illustrated through the following:

- (1) the several sense of "and" is "institutions that are either charitable or educational,"
- (2) the joint sense is "institutions that are both charitable and educational,"
- (3) the combined joint and several sense is "institutions that are charitable, educational, or both."

The anti-distracted-driving act penalizes motorists who are caught using electronic entertainment and computing devices while in motion on the road. Terms used in the act include:

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, laptop, computers, tablets, video game consoles and calculators; (p. 2).

The ambiguity associated with *and* seems to be that which springs from (1) adjectives that modify a noun and are linked by *and* as in *electronic entertainment and computing devices* and (2) nouns that are modified by adjectives and linked by *and* as in *electronic entertainment devices and computing devices*.

Here is an example of the basic possible meanings of the noun *devices* modified by two adjectives culled from the act (see Figure 2):

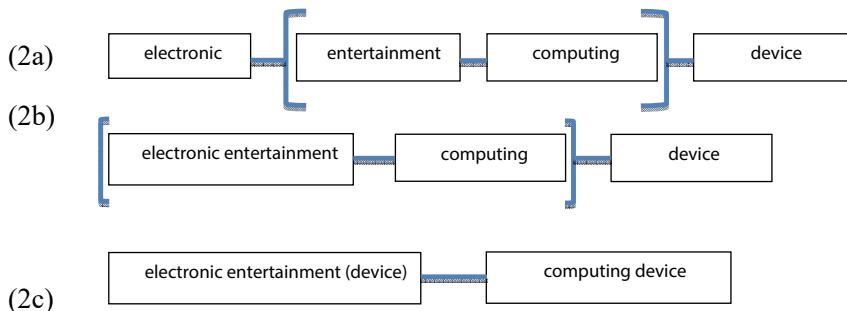


Figure 2: Disambiguation of “electronic entertainment and computing device”.

- (2) electronic entertainment and computing device (sic)
- (2a) electronic devices which are used both for entertainment and computing
- (2b) devices, each of which is both used for electronic entertainment and for computing
- (2c) devices which are used for electronic entertainment and devices which are used for computing, i.e., *electronic entertainment devices and computing devices*

The ambiguity lies in this premise: whether a device which is used both for electronic entertainment and for computing would fall within both the group of electronic entertainment devices and the group of computing devices or would be excluded from each group for having both attributes. In the act, it is unclear whether the provision may be construed as either:

- (a) a driver who is caught using a device which is used both for electronic entertainment and computing (2b) will be apprehended or
- (b) a driver who is caught using a device used either only for computing, e.g., calculator, and not for entertainment or a driver who is caught using a device used for entertainment only and not for computing, e.g., video game consoles (2a), will be penalized or
- (c) a driver who is caught using a device that can hardly do both functions of providing entertainment and performing calculations will be apprehended

The question that arises, therefore, is that if a person used a computing device such as a calculator while on the road (whether the use of it did not cause them or caused them to be distracted from driving) may they argue that they should not be apprehended because a calculator is not a device capable of providing entertainment if the interpretation of *device* mentioned in the act is a device capable of performing two functions: electronic entertainment and computing. The law is not explicit as regards which category of devices is covered.

Disambiguation may be engendered if *devices* is understood as two separate categories: (1) *electronic entertainment devices*, e.g., tablets capable of producing entertainment (music, videos, and movies) and (2) *computing devices*, e.g., calculators, (2c). If this will be the case, a driver who deliberately used their calculator, a computing device not capable of providing entertainment, while driving will be apprehended. Similarly, a driver caught using their video game console, an electronic entertainment device not capable of computing, while driving will likewise be apprehended. Otherwise, if (2a) is taken as the true definition of *devices*, only those drivers who used devices capable of performing computations and capable of providing electronic entertainment at the same time, e.g. cellular phones, while driving will be apprehended.

Furthermore, in the following provisions (3), it seems uncertain if the conjunction 'and' should be read conjunctively or disjunctively. If the construction is that 'and' is conjunctive, then the motor vehicle held liable in case of legal disputes must be owned by individuals, i.e. legal entities, and, at the same time, and must be owned by juridical persons, i.e., non-human legal entities such as a corporation or a partnership (3b) (see Figure 3). If the appropriate construction is that 'and' is disjunctive, a motor vehicle that is owned by individuals who are not juridical persons and a motor vehicle owned by juridical persons who are, by definition, not regarded as human legal entities, and not by the so-called *individuals* (which by the way the act hardly qualifies) at the same time (3a) may not be considered accountable.

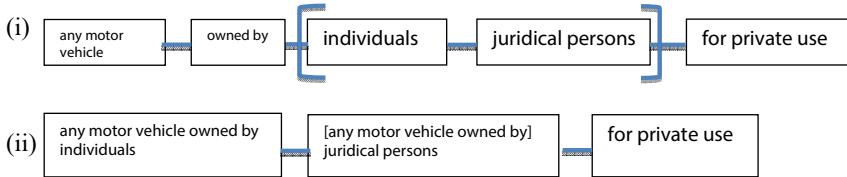


Figure 3: Disambiguation of “any motor vehicle owned by individuals and juridical persons for private use”.

- (3) any motor vehicle owned by individuals and juridical persons for private use
- (3a) any motor vehicle which is owned by individuals and any motor vehicle owned by juridical persons for private use
- (3b) any motor vehicle owned for private use by individuals, who, at the same time, are juridical persons

Possible interpretations of (3) may be represented as follows where (i) is taken to mean a motor vehicle which is both individual-owned and juridical-owned, in other words, the conditions connected by ‘and’ must be each fulfilled to produce the consequence stipulated in the RA and where (ii) is held to mean a motor vehicle which is owned by individuals only and any motor vehicles owned by juridical persons only.

4.3 Syntactic ambiguity

Shown below are two competing interpretations of the following definitions provided in RA 10913:

- (4) any handheld electronic device capable of digital information processing, recording, capturing, displaying, and computing operations such as but not limited to ...
- (4a) any handheld electronic device capable of [digital] information processing, [digital] recording, [digital] capturing, [digital] displaying, and [digital] computing operations such as but not limited to ...
- (4b) any handheld electronic device capable of [digital information] processing, [digital information] recording, [digital information] capturing, [digital information] displaying, and computing operations such as but not limited to

(4a) and (4b) may be represented, respectively, as follows (see Figure 4):

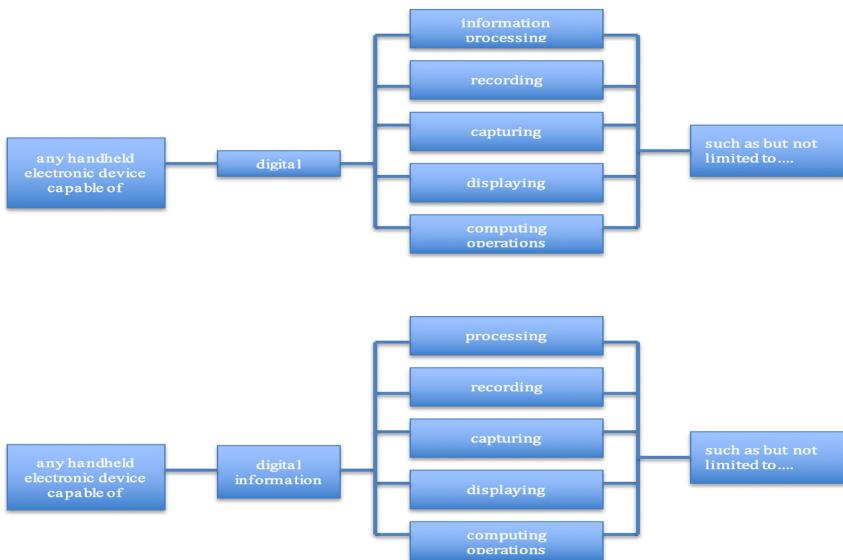


Figure 4: Example of two competing interpretations of definitions in RA 10913.

In (4), the ambiguity lies on the use of ‘digital’ (4a) and ‘digital information’ (4b) as modifiers. In (4a), digital is used as an attributive modifier because it attributes a quality or characteristic to each of the nouns that follows, i.e. digital information processing, digital recording, digital capturing, digital displaying, and digital computing operations. In other words, in the case of RA 10913, the law covers devices that are capable of doing digital information processing, digital recording (but not necessarily digital information), digital capturing (but not necessarily digital information), etc. The modifier ‘digital’ describes each of the processes that comes after it.

In (4b), however, it is ‘digital information’ that is taken as the phrasal attributive modifier, i.e. digital information processing, digital information recording, digital information capturing, digital information displaying and digital information computing operations. Put in another way, the RA takes into account devices that can process digital information, record digital information, capture digital information etc. The focus is on the object of the processes involved, that is, information.

Furthermore, the definition in (4) contains a modifier which makes it difficult for the readers to keep the modifiers straight. It is rather ambiguous because of a relation between parts of the statement. It makes use of a modifier defined as a “subordinate element in an endocentric structure. It is a word group that affects the meaning of a headword in that it describes, limits, intensifies, and/or adds to the meaning of the head” (Berry 2018). In (4), it is uncertain if the headword being

modified is ‘information processing’ or ‘processing’ alone. As it is, a kind of information processing that is digital is different from processing of digital information. Modification, however, may no longer be an issue in the case of (4) had the RA said: *any handheld electronic device capable of [digital information processing], recording, capturing, displaying, and computing operations in which a predictive modifier is used, i.e. digital information processing device, recording device, capturing device and so on which do not necessarily deal with digital information.*

4.4 Ambiguities engendered by “or”

Or introduces alternatives but at times, it can be “inclusive,” meaning A or B, or both, or it can be “exclusive,” meaning A or B, but not both. Dickerson (1965 as cited in Adams and Kaye 2007) avers that “in most cases ‘or’ is used in the inclusive rather than the exclusive sense” and that, therefore, in the absence of special circumstances, drafters can rely on *or* to convey the sense of “A or B or both” (p. 1172). In the case of the following provision from RA 10913, one may intuit that there is a need to disambiguate if a vehicle which may be involved in an offense is one that is leased or one that is owned or one that is both leased and owned by a foreign mission and its staff. In some instances, however, one would feel that the provision is sufficiently clear.

Diplomatic motor vehicle – any motor vehicle leased or owned by a foreign mission and its staff for their official use

Allen (1957 as cited in Conway 2012) recommends using ‘OR₁’ as the within-sentence connector, and ‘OR₂’ as the between-sentence connector. On this analysis the natural-language sentence ‘*Andrew wants chocolates or chips.*’ when meaning ‘*Andrew wants [chocolates or chips]*’ would be written as ‘*Andrew wants chocolates OR₁ chips*; when the drafter wants to mean ‘*[Andrew wants chocolates] or [Andrew wants chips]*’ the drafter writes ‘*Andrew wants chocolates OR₂ chips*’. This tool for analyzing ambiguity engendered by *or* is applied in the following RA 10913 provision:

(5) *Diplomatic motor vehicle – any motor vehicle leased or owned by a foreign mission and its staff for their official use (p. 2)*

(5a) *any motor vehicle [leased or owned], by a foreign mission and its staff for their official use, i.e., any motor vehicle leased OR₁ owned by a foreign mission and its staff for their official use.*

(5b) When the drafter means [any motor vehicle leased] or [any motor vehicle owned] by a foreign mission and its staff for their official use, the drafter writes any motor vehicle leased OR₂ owned.

Finally, in the above provision, ‘or’ may be read as meaning a motor vehicle that is ‘either leased or owned’ but ‘not a motor vehicle that is both leased and owned.’ The phrase ‘a motor vehicle leased or [a motor vehicle] owned’ is an example of exclusive disjunction where both alternatives, i.e. vehicle leased and vehicle owned, cannot be tenable.

4.5 Ambiguities engendered by “and/or”

RA 10913 states:

(6) *Section 9. Liability of Owner and/or Operator of the Vehicle Driven by the Offender.* —*The owner and/or operator of the 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 has exercised extraordinary diligence in the selection and supervision of his or her drivers in general and the offending driver in particular. This section shall principally apply to the owners and/or operators of public utility vehicles and commercial vehicles such as delivery vans, cargo trucks, container trucks, school and company buses, hotel transports, cars or vans for rent, taxi cabs, and the like.*

The literal sense of *and/or* in the above extract is “both or either,” so that *owners and/or operators* means (1) “owners,” (2) “operators,” or (3) “both owners and operators.” This makes the drafter’s intent quite difficult to discern. The ambiguity relates to the question of (1) when and under what conditions will both the owner and the operator together with the offender be charged and (2) when and under what conditions will only the owner and the offender be penalized and (3) when and under what conditions will only the operator and the offender be apprehended. Confusion may not arise if, in actuality, the owner and the operator of the vehicle involved are one and the same person. However, when the owner and the operator are two different individuals, it is indeterminate if only one of them shall be penalized. As it is, RA 10913 hardly indicates any circumstantial elements or a semantic ground that would help one discern that *and/or* should be construed as *both or either*.

In the case of the above provision, two alternatives may be forwarded to engender clarity. The first is to replace *and/or* with *owners or operators or both*. The second is to simply use *or* and depend on the context to determine whether the *or* is intended to be inclusive or exclusive. For instance:

Inclusive *or*: This section shall principally apply to the owners and/or operators of ... (the owners, the operators, or both)

Exclusive *or*: This section shall principally apply to the owners and/or operators of ... (the owners or the operators, but not both.)

The word *either* in this case may also be used to convey mutual exclusivity. However, if the function of *or* is clear and discernible from the context, it is not necessary to use *either* as a conjunction. As an additional note, *and/or* is generally used when either one or both of the options may be true. The following examples may be considered:

- (6a) This section shall principally apply to the owners and the operators of ...
- (6b) This section shall principally apply to the owners or the operators of ...
- (6c) This section shall principally apply to both the owners and/or the operators of ...

In (6a), the act intends to apprehend both owners and operators. In contrast, (6b) specifies that the act shall apprehend only one of them. Finally, (6c) combines these two and specifies that the violation of the act may result in apprehending one or the other – or both. A further look into the provision leads one to recognize the absence of the determiner *the* before *operators*, which would mean that the owner who is being referred to is also the operator at the same time. The non-repetition of *the* before *operators* emphasizes that one and the same person is objectified. If this is the case, then there is nothing to disambiguate. However, from a syntactic point of view, the article *the* is needed before *operators* since the act is talking about separate coordinate nouns, i.e., owners and operators.

4.6 Vagueness

Another potential cause of ambiguity in RA 10913 is the term “motion”. Section 4 of the Act says:

- (7) Subject to the qualifications in Sections 5 and 6 of this Act, 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, which are hereby declared unlawful. (pp. 2–3)

Vagueness and incompleteness of information stem from the fact that the term *motion* is insufficiently qualified in the above provision. If a motorist is caught using an electronic device while the car is “slowly in motion” because of heavy traffic or

other reasons, the question of whether he should be regarded as a violator or not has to be addressed. Vehicular motion, in a layman's term, may be very fast, fast, slow, very slow and so forth (more technical terms associated with vehicular motion are acceleration, speed and velocity) hence it has to be made clear that as long as the vehicle is not in a stationary position, the motorist driving the vehicle is subject to penalty.

The physical space where the vehicular movement takes place likewise needs clarification. As it is, the Act suggests that it covers vehicles and other forms of conveyances which are "operated or driven along public thoroughfares, highways or streets or under circumstances where public safety is under consideration" (p. 3). It may be intuited that private spaces, such as subdivisions, mall parking lots and the like are not covered in the provision since the modifier *public* describes all the nouns that come after it, i.e., thoroughfares, highways, streets. More so, thoroughfares, highways or streets are hardly categorized as major roads or minor roads, hence the physical space intuited in the Act does not refer to "everywhere and anywhere" to mean that the anti-distracted driving act covers the entire geographical location or country. Another categorization of the term *public* is publicly owned and operated, covered public service concessionaires (such as skyways, all tolls), or public-private partnership.

Another part of Section 4 which needs clarification is the phrase *temporarily stopped at a red light*. Synonymous with the term *temporarily* are *momentarily* and *briefly*. If an alleged driver-offender temporarily stopped at a red light for only about a minute or less (if a minute or less is a calculable equivalent of *temporarily*), for example, and after a minute (which may no longer be calculated as a numerical equivalent of *temporarily*), he is still stuck before the red light and he decided to use his cellular phone for some reason while the car is in a stationary position, a potential question has to do with whether he is liable for the offense even if the car is no longer in motion and the stop is no longer momentary. The vehicle remains motionless, and that public safety is probably uncompromised because the car no longer in motion may not pose any danger to others. It is therefore possible that the motorist would argue that the provision does not say that he should be accountable.

4.7 Referential ambiguity

Referential ambiguity is illustrated in the following provision:

(8) Section 4. Distracted Driving.—Subject to the qualifications in Sections 5 and 6 of this Act, distracted driving refers to the performance by a motorist of any of the following acts in a motor vehicle in motion or *[in a motor vehicle which was]* temporarily stopped at a red light, whether diplomatic, public or private, which are hereby declared unlawful;

The absence of the phrase *in a motor vehicle which was* as shown above renders the statement ambiguous or rather puzzling because of its ungrammaticality. *Temporarily stopped* (or the correct form: **in a motor vehicle which was temporarily stopped**) at a red light, at first glance, is construed to be an adjective clause that modifies the noun vehicle. Obviously, in the statement, ‘vehicle’ is the inanimate object that is capable of stopping and thus the noun being modified by the supposed to be an adjective clause “temporarily stopped.” A deeper analysis of the statement, however, could lead one to conclude that, referential ambiguity is engendered since it is possibly unclear if ‘temporarily stopped’ refers to a vehicle or a motorist who may also be considered diplomatic, public or private. Moreover, the adjective clause *which are hereby declared unlawful*, because of the complexity or lengthiness of the statement may be associated with either the performance of a motorist of any of the act in the provision or the acts in a motor vehicle in motion or (in a motor vehicle which was) temporarily stopped. Unsurprisingly, *which are hereby declared unlawful*, a non-restrictive clause may be construed as something that refers to the idea of the entire preceding sentence, i.e., performing distracted driving or to the motor vehicle which temporarily stopped at a red light. This further engenders referential ambiguity because the context of the above RA provisions hardly allows the readers to refer to or pick out properly what it purportedly intends.

4.8 Cross-textual ambiguity

Section 8 of RA 10913 states:

(9) Section 8. Penalties. – Any person who shall violate any provision of this Act shall be penalized with:

- (a) A fine of five thousand pesos (P5,000.00) for the first offense;
- (b) A fine of ten thousand pesos (P10,000) for the second offense;
- (c) A fine of fifteen thousand pesos (P15,000.00) and suspension of driver’s license for three (3) months for the third offense; and
- (d) A fine of twenty thousand pesos (P20,000.00) and revocation of driver’s license:

Provided, That the implementing agency may increase the amount of fine herein imposed once every five (5) years in the amount not exceeding ten percent (10 %) of the existing rates sought to be increased which shall take effect only upon publication in at least two (2) newspapers of general circulation: Provided, further. 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 herein as distracted driving within a fifty (50)-meter radius from the school premises shall be subject to a penalty of thirty thousand pesos (P30,000.00) and suspension of one’s driver’s license for three (3) months.

While it is clear in (a), (b), and (c) that there is a corresponding penalty for the first, second and third offense, it seems indeterminate to who, when, and to what degree of offense will the fine of P20,000 and suspension of driver's license be imposed. What engenders cross-textual ambiguity here is the 'open-endedness' of (d). Furthermore, it also seems ambiguous if the P30,000 fine and suspension of driver's license shall be imposed upon "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 herein as distracted driving within a fifty (50)-meter radius from the school premises" during the first, or second or third offense and so on.

4.9 Pragmatic ambiguities

RA 10913 states that:

- (a) *Using a mobile communications device to write, send, or read a text-based communication or to make or receive calls, and other similar acts.*
- (b) *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.*

What requires disambiguation in the above provision is the phrase "and other similar acts." What one can do with a mobile communications device is as many as the applications (or app) in it. The said phrase was used twice in the Act and is poorly contextualized. The said phrase may be construed as other unspecified things of the same class and the brevity of the provision is rather daunting. An Act which requires imposition of penalties could have been more specific as far as instructions or coverage for its application are concerned. If one argues that changing one's cellular phone's settings or looking at the time in one's mobile device do not fall within "and other similar acts", the drafters could have anticipated that such acts are not necessarily similar to playing games, watching movies, surfing the internet, composing messages, reading e-books, and performing calculations.

- (c) *The provisions of this Act shall not apply to motorists of motor vehicles which are not in motion, except those which are stopped momentarily at a red light, or are pulled over to the side of the road in compliance with a traffic regulation.*

The above provisions seem to exempt motorists of motor vehicles which are not in motion because they are in the middle of heavy traffic (heavy traffic in the Philippine major roads such as EDSA would mean cars are not moving at all for a period of time).

Motorists inside a vehicle which is at a full stop distant from the traffic lights, may therefore not be apprehended since only those which stopped (or are stopped) momentarily at a red light are covered in the Act. The passive construction “are stopped at a red light” likewise engenders ambiguity for the action verb “stop” requires an agent or a doer. It is unclear whether motorists “who *are stopped* at a red light” (which implies someone or something caused them to stop) or “motorists who *stopped* at a red light” (which means motorists who intentionally or advertently stopped before the red traffic light and motorists who used their mobile devices while on a full stop) are the ones to be apprehended. On the other hand, while the use of the passive construction “or are pulled over to the side of the road in compliance with a traffic regulation” is grammatically sound, what remains uncertain is the question of why motorists whose vehicles are pulled over to the side of the road are to be apprehended if they are already parked on the roadsides and are in compliance with a traffic regulation.

5 Discussion

Republic Acts are enacted through bill proposals originating from either of the two houses of the Congress or both, the House of Representatives or the Senate. In the case of RA 10913, both houses had their own version of the anti-distracted bill proposal, Senate Bill No. 3211 and House Bill No. 4531. The legislative process is the same in both houses.

It is first introduced to the house by the author/s of the bill, who are members of Congress. During the first reading of a bill, the Speaker referred the same to the appropriate committee. For RA 10913, the House Bill was referred to the Committee on Transportation, while the Senate Bill was referred to the Committee on Public Service. The committee, along with the authors, then organized a Technical Working Group (TWG) by sending letters of request to all government agencies, organizations, and stakeholders which would be affected by the proposed bill to appear before Committee hearings. In RA 10913, those invited to attend were government agencies such as the DOT, MMDA, LTO, and the LTFRB. Also invited were representatives from various organizations such as the Automobile Association Philippines (AAP), the Chamber of Automotive Manufacturers of the Philippines, Inc. (CAMPI), the Philippine Global Road Safety Partnership (PGRSP), Imagine Law, Uber Philippines, Grab Philippines, and the World Health Organization (WHO). It was during the committee hearings where the bill was polished, with inputs from non-members of the Congress. The Legal Department had to run through the bill to check for any unconstitutionality or legal impediment. After which, all subsequent amendments were done only by members of the Congress.

With this overview, it is seen that the entire process of a legislative enactment is lacking any participation from a linguistic perspective. The authors, drafters, committee members, members of the TWG, and the membership of the Congress focus mainly on the substance and often, if not always, neglect on the use of words and phrasing in the actual text of the law. As necessary as the inclusion of a review by the Legal Department, a linguistic review can provide the much needed context for a clearer and more precise provisions in the law. Since it is imperative that all stakeholders are involved in the drafting of laws, the contribution of linguists is proven to be of valuable asset in reviewing the same for any ambiguities in its wordings.

Furthermore, what the foregoing analysis has shown so far is that legal texts such as RA 10913 are occasionally (in)advertently ambiguous, and that disambiguating ambiguities should be attempted at to minimize faulty comprehension or interpretation. Whether the ambiguities of some provisions in RA 10913 are intended or unintended, the analysis has shown that it becomes an environment for ambiguous constructions which, at times, may be 'a hard nut to crack'. While it is tenable to say that ambiguities are built into the very structure of language, the ambiguities in RA 10913, from the point of view of word sense and grammatical interpretation, seem to have been caused simply by improper usage. Lawyer participants in the present study affirm that these improper constructions may be caused by any of the following: verbosity, indirectness, use of too much legalese, wrong choice of words, poor crafting and poor editing, and missing out important details. In view of this, a lawyer (L1) remarked that "lawmakers can resort to better sentence construction to mitigate these ambiguities." This was seconded by another (L3) who said that "lawmakers must improve the way sentences are constructed and their choice of words." A rather radical recommendation was forwarded by (L5) who averred that the drafters of RAs should "hire experts in subject[s] of law ... hire litigators who are more aware of the nuances in the interpretation of laws." Finally, (L7) posits that to minimize ambiguities in RAs, "lawmakers should have foresight. They should look to making the law all-encompassing and clear so that there would be no doubt as to its application in all situations, present and future."

The analysis so far echoes what Pehar (2001: 169) asserts that ambiguities are "a normal and recurring phenomenon" and that "a third reading or a third formula" (p. 189) or interpretation that helps resolve contradictory readings is always possible. What was endeavored in the foregoing is to help decipher the ambiguities in RA 10913 which may be minimized if right from the beginning, there is, borrowing the words of Pehar (2001), a 'cross-fertilization' between the readings of legal drafters and linguists. As how Tiersma (2008: 7) eloquently put it: "While a lawyer or a legal practitioner is mainly concerned with the understanding of law, a linguist and, similarly, a translator are concerned with how to give meaning of law

in communication.” Because the ambiguities in RA 10913 seem to be unintended due to ‘grammatical or usage error’, a term used in prescriptive grammar “to describe an instance of faulty, unconventional, or controversial usage” (Nordquist 2020: para. 1), RA drafting would require mixing of ideas, interaction or interchange between fields of knowledge such as law and linguistics (Bouvier and Wu 2021; Cheng 2010). The integration of law and linguistics gives birth to a space for explanatory theories that elucidate and help minimize the presence of ambiguous language in a setting such as RA 10913. Blending legal drafting and linguistics provides interpretive tools which lessen the shades of grey in statutory texts such as Republic Acts.

Ambiguities in the language used in the drafting of Philippine laws can somehow be attributed to the history of the Philippine legal system. The Philippine legal system is predominantly a mixture of civil law and common law regimes, which was a direct result of the successive occupation of the country by Spain and the United States during the late 19th century and early 20th century, respectively. The current Philippine laws are immensely patterned to the original text of laws from Spain and the United States. In criminal law, the first penal code of the Philippines is the 1870 Spanish Código Penal, which was later on supplanted by the Revised Penal Code of 1930. The 1930 Revised Penal Code, the present penal code of the Philippines, serves as the primary basis in enacting Special Penal Laws to adopt to the changing times, such as RA 10913. While Philippine penal laws have been amended overtime, most terminologies from the original Spanish text have remained. In fact, the degrees of penalties of imprisonment in the Philippines are still in Spanish terms and have never been changed. With this backdrop, it can be readily seen upon perusal of RA 10913 that the legal jargon used in the provisions of the law and the manner the sentences are constructed are somewhat archaic as it uses the same voice as its base law – the 1930 Revised Penal Code. To counter these ambiguities, the Philippine Constitution empowered the courts of law the exclusive power to interpret laws with finality.⁶ Under the American system of constitutional government, where the Philippine Constitution was based, among the most important functions entrusted to the judiciary are the interpretation of laws and acts of the legislature.⁷ Given such

⁶ G.R. No. 210500, 02 April, 2019. KILUSANG MAYO UNO, represented by its Secretary General ROGELIO SOLUTA; REP. FERNANDO HICAP for himself and as representative of the ANAKPAWIS PARTY-LIST; CENTER FOR TRADE UNION AND HUMAN RIGHTS, represented by its Executive Director DAISY ARAGO; JOSELITO USTAREZ and SALVADOR CARRANZA, for themselves and in representation of the NATIONAL FEDERATION OF LABOR UNIONS-KMU; NENITA GONZAGA, PRESCILA A. MANI QUIZ, RED EN ALCANTARA, Petitioners versus Hon. BENIGNO SIMEON C. AQUINO III, Hon. PAQUITO N. OCHOA, JR., SOCIAL SECURITY COMMISSION, SOCIAL SECURITY SYSTEM, AND EMILIO S. DE QUIROS, JR., Respondents.

⁷ Article III of the U.S. Constitution.

power to interpret laws, the legislative department entrusts to the courts the duty to give meaning to the provisions of the law, regardless of its ambiguities. The task then in ensuring that the legislative intent of the statute is correctly expressed is thus left to the judiciary. However, even judges are confounded on the proper approach in statutory interpretation to exact fairness in its construction.

As posed by Aalto-Heinila (2016), she asks whether judges, in interpreting written statutes, should in the name of fairness and justice, adhere strictly to the text, or should they be ready to disregard the text and revert to the intentions and purposes of legislators? A comparison is thus made between *textualism* – the doctrine that “the text is the law, and it is the text that must be observed” (Scalia 1997: 22) and *purposivism* wherein “the first question the interpreter asks is: [W]hat is the purpose of the statute as a whole?” (Radin 1942: 422). Justice Scalia (1997)⁸ “believes that the American federal courts are, in reality, civil law courts as they are supposed to decide cases based on the text of the Constitution and of statutes, and not on extraneous considerations.” Dean Agabin (2018)⁹ proffered that “in the Philippines, it is submitted that the textual method should be the preferred approach to interpreting the Constitution aside from the fact that we are essentially a civil law country.” He added that … “our Supreme Court has to abide by originalism, which specifies textualism and helps our justices arrive at definite interpretations of the text even when it is ambiguous.”

Even assuming that textualism provides a better approach in the interpretation of statutes, the above discussion on RA 10913 demonstrates the existing conundrum that the words used in the law are tainted with ambiguities which cannot be easily resolved by interpreting the statutory text in its plain meaning or even by taking into consideration its background purpose. As a default, words in a statute are afforded their “ordinary meaning.” (see e.g., Eskridge 2016; Scalia and Garner 2012; Slocum 2015; Solan 2010). However, even determining the ordinary meaning of a text in a law is subject for debate. Solan and Gales (2016) posit that there are three ways to determine the ordinary meaning of a word. The first approach is to rely on linguistic intuitions about both grammaticality and meaning in creating theories about the structure and functioning of language. The second is the referral to a neutral source – the dictionary. The third approach is to seek assistance from a subfield called “corpus linguistics” (Cheng and Cheng 2014; Wu and Cheng 2023), wherein courts must determine whether a possible meaning is within the ordinary understanding and usage of individuals in a community.

⁸ A Matter of Interpretation, Antolin Scalia. See <https://www.degruyter.com/document/doi/10.1515/9781400882953/pdf> (accessed 20 November 2021).

⁹ Taking Text and Structure Seriously: Two Approaches to Constitutional Interpretation 2018, Pacifico A. Agabin. See <https://philja.judiciary.gov.ph/most.php> (accessed 13 June 2022).

With these contradicting approaches in statutory interpretation, judges and justices are overburdened in construing the proper meaning of the ambiguous provisions of a law, whether based on its literal meaning or in consideration of the legislative intent and purpose. It must be noted that members of the judiciary take no part in the drafting and deliberation of laws and yet they are expected to interpret the same based on those parameters. The focus of judicial interpretation of laws should be primarily with the objective of determining the validity, constitutionality, and fairness of the law. While it is agreeable that as a civil law nation, the textualist approach is indeed suitable, such can only be made possible if the text in the law is free from any form of linguistic ambiguities to exact fairness and due process to an ordinary layman. Any improvements then should be done in the drafting stage of the law to ensure that the words used in a statute is clear and plainly understandable in a linguistic perspective.

6 Conclusions

The ambiguities in RA 10913, in the present study, were analyzed from a linguistic perspective. As earlier mentioned, forensic (and legal) linguistics also concerns itself with the understanding of the written law. Hence, this study which aims to disambiguate the linguistic ambiguities in RA 10913 provides an impetus to look into other RAs in the country which, when construed, may pose contradictory interpretations brought about by lexical, syntactic, referential, unintended, cross-textual and pragmatic ambiguities. These ambiguities, as shown above, may simply be a result of grammatical or usage errors.

While the judiciary has the important role of interpreting statutes, a third reading provided by a cross-fertilization between readings of legal drafters and linguists cannot be underestimated. A determination of ambiguities may be aided by interpretive tools grounded on a linguistic perspective. Interpretive tools such as “legislative history, canons, dictionaries, legislative purpose and pragmatic judgments provide context that courts consider when determining whether statutory language is ambiguous” (Slocum 2010: 795). A linguistic analytic tool for determining ambiguities, however, may assist in reducing disagreements in interpretations.

While it is posited that ambiguities have important roles to play in legal drafting, e.g. “Congress sometimes drafts linguistically indeterminate language that intentionally leaves unanswered questions in an effort to delegate issues to other actors” (Slocum 2010: 805), ambiguities may also lead to faulty comprehension or reading, which may place individuals at a disadvantage. Disambiguation of RAs in the Philippines is undertheorized and scholarship focusing on this area of forensic and legal linguistics remains paramount.

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Bionotes

Alejandro S. Bernardo

Department of English, Research Center for Social Sciences and Education, University of Santo Tomas, Manila, The Philippines
asbernardo@ust.edu.ph
<https://orcid.org/0000-0002-2996-4589>

Alejandro S. Bernardo is an associate professor at the Department of English, University of Santo Tomas, Manila (UST), the Philippines. He served as president of the Linguistic Society of the Philippines (LSP) from 2018 to 2020. He is a research associate at the Research Center for Social Science and Education (RCSSED), UST, and the editor-in-chief of the Asian Journal of English Language Studies.

Angeli P. Albaña-Garrido

Supreme Court of the Philippines, Branch 32, Metropolitan Trial Court – Quezon City, The Philippines
j.anjgarrido@gmail.com

Angeli P. Albaña-Garrido is the Presiding Judge of Branch 32, Metropolitan Trial Court – Quezon City, Supreme Court of the Philippines. She is a law professor at Bulacan State University and Tarlac State University. She is also a review lecturer for Criminology Licensure Examinations at the Center for Technical Professions.