

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 4347

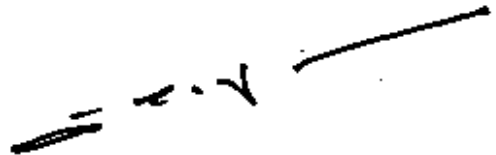
Introduced by: Representative **AUGUSTO Boboy SYJUCO, Ph.D.**

EXPLANATORY NOTE

A Good Samaritan Law aims to protect those who choose to serve and tend to others who are injured or ill. This kind of law is intended to reduce bystanders' hesitation to assist, for fear of being sued or prosecuted for unintentional injury or wrongful acts. It is a legal principle that prevents a rescuer who has voluntarily helped a victim in distress from being successfully sued for "wrongdoing." Its purpose is to keep people from being reluctant to help a stranger in need for fear of legal repercussions should they make some mistake in treatment.

Just as this bill exempts hospitals and medical practitioners from liability when treating persons in emergency cases, it also enjoins these hospitals to accept all emergency cases without exceptions. Most often, we heard of persons dying without having been accepted initially and treated by the first or second hospital that it went to, thereby immediately putting the life of the person in danger.

It is in this light that this legislative measure is being filed and the approval of which is earnestly sought.


AUGUSTO BOBOY SYJUCO, Ph.D

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AN ACT
EXEMPTING AN INDIVIDUAL WHO VOLUNTARILY RENDERS AID
TO ANOTHER IN IMMINENT DANGER FROM ANY LIABILITY AND
FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known and cited as the “*Good Samaritan Act.*”

SEC. 2. *Declaration of Principles.* – It is hereby declared the principle of the State that every individual has a duty to rescue, serve and tend to others who are injured or ill.

SEC. 3. *Good Samaritan Act.* – Any person who gratuitously and in good faith, renders emergency care or treatment to a person who is in need of immediate medical attention and who is outside of a hospital, doctor’s office, or other place having no proper medical equipment and without objection of the injured victim or his immediate relative shall not, as a result of an act or omission in providing such emergency care or treatment, be liable for civil damages, unless the act or omission constitutes gross negligence or wilful misconduct.

The immunity from civil damages also applies to health care personnel, physicians, hospitals or emergency health care facility unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another.

For purposes of this Act, "reckless disregard" means conduct that a health care personnel knew or should have known, at the time such services were rendered, created an unreasonable risk of injury so as to affect the life or health of another, and such risk was substantially greater than that which is necessary as to make the conduct negligent.

The immunity provided under this paragraph applies to damages as a result of any act or omission or providing medical care or treatment, including diagnosis:

a) Which occurs prior to the time the patient is stabilized and is capable of receiving medical treatment as a non-emergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the immunity provided by this paragraph applies to any act or omission of providing medical care or treatment which occurs prior to the stabilization of the patient following the surgery; and

b) Which is related to the original medical emergency.

SEC. 4. *Emergency Health Care Facility.* – Every emergency health care facility granted immunity under this Act shall accept and treat all emergency care patients within the operational capacity of such facility without regard to ability to pay, including patients transferred from another emergency health care facility or other health care provider. The failure of an emergency health care facility to comply with this Act constitutes grounds for the Department of Health to initiate disciplinary action against the facility.

SEC. 5. *Exemption from Liability During Community Emergency Response.* – Any person whose acts or omissions are not otherwise covered by this Act and who participates in emergency response activities under the direction of or in coordination with a community emergency response team or local emergency management agency is not liable for any civil damages as a result of care, treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

SEC. 6. *Exemption from Liability When Treating an Animal.* – Any person who gratuitously and in good faith renders emergency care or treatment to an injured animal at the scene of an emergency on or adjacent to a roadway shall

not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

SEC. 7. *Implementing Rules and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Secretary of Health, in consultation with the Secretary of Justice, shall issue rules and regulations as maybe necessary for the effective implementation of this Act.

SEC. 8. *Separability Clause.* – If for any reason, any provision of this Act is declared invalid or unconstitutional, any other provisions not affected thereby shall remain in full force and effect

SEC. 9. *Repealing Clause.* – All laws, decrees, orders, rules and regulations and other issuances, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,