

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
2nd Regular Session

HOUSE BILL NO. 6323



Introduced by: HON. JOSE ANTONIO "KUYA JONATHAN" R. SY-ALVARADO

EXPLANATORY NOTE

Volunteering is said to be an inherent part of thriving civil society, essential to the development and prosperity of a Nation. International bodies, such as the United Nations General Assembly, European Parliament or Parliamentary Assembly of Europe encourage Governments to recognize the value of volunteering and promote volunteerism.

In our country, it is well known that "Bayanihan" is a core essence of the Filipino Culture. The tradition of Filipinos volunteering by helping out one's neighbor as a community without expecting anything in return should be re-established and re-affirmed. One way of showing Bayanihan in modern times is by rendering emergency aid to an injured person on a voluntary basis.

Therefore in order to further encourage individuals from volunteering, this bill aims to reduce reluctance of people in helping out during emergency situations from fear of incurring liability for unintentional injury or wrongful death.

In view of the foregoing, the approval of this bill is earnestly sought.

JOSE ANTONIO "KUYA JONATHAN" R. SY-ALVARADO

*Representative
First District of Bulacan*

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AN ACT
TO ENCOURAGE EMERGENCY VOLUNTEERING BY PROTECTING
VOLUNTEERS FROM LIABILITY

Be it adopted by the Senate and the House of Representatives of the Philippines in Congress assembles:

SECTION 1. Short Title. – This Act may be cited as the “Lingkod Bayanihan Act”

Sec. 2. Declaration of Policy. – It is the policy of the State to encourage emergency volunteering by protecting from liability any person who in good faith render reasonable assistance at the scene of an accident or emergency to the victim without remuneration or expectation of remuneration.

Sec. 3. Definitions. – For purposes of this Act.

- (1) “Volunteer” refers any person who gratuitously and in good faith renders emergency care or treatment at the scene of an emergency or accident to the victim.
- (2) “Emergency” shall refer to a situation requiring immediate attention and remedial action involving a sudden, unexpected, and impending threat to life, health, or safety of a person.

Sec. 4. Liability Protection for Volunteers. – No volunteer shall be liable for harm caused by an act or omission if:

- (1) the volunteer was acting in good faith and such person was acting as an ordinary reasonably prudent person would have acted under the same or similar circumstances;
- (2) was acting at the scene of an accident or in an emergency at the time of the act or omission; and
- (3) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for activities undertaken in an emergency at the time of the act of omission.

Sec. 5. Exceptions. – The liability protection for volunteers under this Act shall not apply to misconduct that:

- (1) constitutes a crime; or

- (2) was performed under the influence of intoxicating alcohol or any dangerous drug at the time of the misconduct.
- (3) result from gross negligence or wanton acts or omissions.

Sec. 6. Repealing Clause. – All laws decrees, orders, rules and regulations, or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 7. Separability Clause. If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Sec. 8. Effectivity. – This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved.

