

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5145



Introduced by
REPRESENTATIVE FRANZ S. PUMAREN

EXPLANATORY NOTE

This measure was approved on the third and final reading of the House of Representatives during the 18th Congress.

As enshrined in the Constitution, the State encourages people's involvement and participation in public and civic affairs. Culturally, volunteerism, specifically the unique trait *malasakit*, is ingrained in the values and virtues of Filipinos. The concept of *malasakit* in our culture is similar to the nature of individuals, called "good samaritans", who offer themselves to help others in times of emergency.

A good samaritan is a person who voluntarily gives help to those in distress. This is in reference to the "Parable of the Good Samaritan," who willingly and unselfishly helps a wounded stranger in dire need, as told in the Bible in Luke 10:30-37.

This measure aims to protect and exempt from any subsequent liability any Good Samaritan acting in good faith to provide reasonable assistance to anyone who is in danger, is wounded, or requires immediate medical attention, in so far as the good samaritan is acting in an emergency, and that no harm is caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of another.

Given the foregoing, the passage of this measure is earnestly sought.


FRANZ S. PUMAREN
3rd District, Quezon City

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AN ACT
TO ENCOURAGE GOOD SAMARITANS WHO PROVIDE REASONABLE ASSISTANCE IN
EMERGENCY SITUATIONS BY PROTECTING THEM FROM LIABILITY

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

SECTION 1. *Short Title.* – This Act shall be known as the “Good Samaritan Act of 2022.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to provide priority measures that can help ensure that good samaritans, who act in aid or assistance of others, shall be protected from civil or criminal liability as the result of their actions in rescuing or otherwise providing medical or non-medical assistance to those who are ill, or otherwise unconscious and in dire need of assistance.

SECTION 3. *Definition of Terms.* For the purposes of this Act, the following terms are defined as follows:

- a. “Good Samaritan” – refers to an individual performing volunteer services who does not receive compensation to reasonably assist a person in an emergency.
- b. “Emergency” – refers to a situation requiring immediate attention and remedial action involving a sudden, unexpected, and impending threat to life, health, or safety of a person.

- c. "Volunteer Sectors" – refers to those sectors that organize themselves into volunteers, to take advocacy and action primarily for local and national development as well as international cooperation and understanding;
- d. "Spontaneous Volunteer" – refers to an individual who may either be a trained volunteer whose trainings may be from a volunteer service organization (VS), or volunteer or volunteer sector, or an untrained volunteer who performs volunteering as necessitated by an emergency situation and without the supervision or management of the VSO or the volunteer sector;

SECTION 4. *Liability Protection for Good Samaritans.* – No good samaritan shall be liable for harm caused by an act or omission if:

- a. The good Samaritan was acting in an emergency at the time of the act or omission;
- b. If appropriate or required, the good Samaritan was properly licensed, certified, or authorized by the appropriate authorities for the activities undertaken in an emergency at the time of the act or omission; and
- c. The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or conscious, flagrant indifference to the rights or safety of the individual harmed by the good Samaritan.

SECTION 5. *Exceptions.* – The liability protection for good samaritans under this Act shall not apply to the following conditions:

- a. If the misconduct constitutes a crime under the Revised Penal Code or an offense in any special penal law;
- b. If the misconduct was performed by the volunteer under the influence of intoxicating liquor or any dangerous drug at the time of the act or omission;
- c. If the volunteers are from business organizations that employ volunteers for pecuniary purposes; and
- d. If volunteers receive compensation for volunteering at a nonprofit organization. However, the nonprofit organization shall not be liable if it exercised due diligence in the selection and supervision of the volunteer.

SECTION 6. *Accreditation of Volunteers.* – Unless properly licensed, certified, or authorized by the appropriate government authorities, other government entities, and nongovernment organizations, volunteers must be accredited by and registered with the Philippine National Volunteer Service Coordinating Agency (PNVSCA) prior to deployment to be exempted from liability.

SECTION 7. *Implementing Rules and Regulations.* – The ONVSCA, in consultation with relevant government entities and nonprofit organizations, shall promulgate rules and regulations to implement to provisions of this Act within ninety (90) days from its effectivity.

SECTION 8. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 9. *Repealing Clause.* – All other laws, decrees, executive orders, proclamations, other issuances, rules, and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

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

Approved,