



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
1st Regular Session
HOUSE BILL 2672



Introduced by Rep. Elisa T. Kho and Rep. Antonio T. Kho

EXPLANATORY NOTE

This bill seeks to exempt emergency medical responders from criminal or civil liabilities for their acts or omissions that result to injuries, death or damage to property of the patient or other persons while rendering emergency medical responses.

A competent emergency medical services system (EMSS) is essential to a strong health care structure of a country. In the Philippines, however, there is no comprehensive EMSS in place as every public, private, and non-government organization's emergency medical group has their own set of rules and regulations to follow.

One of the crucial needs to improve EMSS in the Philippines, therefore, is the passage of a law that will institutionalize a comprehensive EMSS to harmonize and standardize the different and fragmented EMS protocols and procedures, with the end in view of maximizing the capabilities and protecting the rights of the EMS personnel.

Complementary to the goal of institutionalizing and strengthening the EMSS are legislative measures aimed at eliminating the liability deterrent that may discourage emergency medical responders from providing voluntary services in times of emergencies.

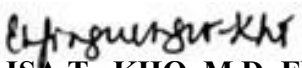
Several measures were filed during the past Congresses towards the improvement of the present state of the country's EMSS. During the 17th and 18th Congresses, Senate Bill No. 1416, or the "*Good Samaritan Act of 2017*" and Senate Bill No. 972, or the "*Good Samaritan Act of 2019*," were filed respectively to protect good Samaritans from liability while providing assistance during emergencies.

This 19th Congress, House Bill No. 1949 entitled, "*An Act To Encourage Good Samaritans Who Provide Reasonable Assistance In An Emergency By Protecting Them From Liability*" has been filed to protect "Good Samaritans" from subsequent civil and criminal liabilities for the injuries, loss of life, or damage to property sustained by the injured person while being assisted during an emergency.

Protecting the emergency medical responders from civil and criminal liabilities while assisting ill or injured persons, in good faith and without expectation of compensation during

emergencies, will definitely encourage these emergency medical personnel to further improve their capabilities through trainings and lend their voluntary services, thereby promoting voluntary participation especially in relief efforts in times of emergencies or accidents caused by man-made or natural disasters.

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


REP. ELISA T. KHO, M.D.,FPCCP


REP. ANTONIO T. KHO



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AN ACT
EXEMPTING EMERGENCY MEDICAL RESPONDERS FROM CRIMINAL OR
CIVIL LIABILITIES FOR ACTS OR OMISSIONS THAT RESULT TO INJURIES,
DEATH OR DAMAGE TO PROPERTY WHILE RENDERING EMERGENCY
MEDICAL RESPONSE

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 “*Emergency Medical Responder’s Protection Act.*”

SEC. 2. ***Declaration of Policy.*** – It is the policy of the State to adopt an integrated and comprehensive approach to health development. Towards this end, the State shall initiate measures to protect emergency medical responders from civil or criminal liability as a result of their actions or omissions while providing medical assistance to those who are injured or rendered unconscious during emergencies, thereby encouraging their active participation in rendering medical assistance during emergencies and strengthening the country’s emergency medical services system as a whole.

SEC. 3. ***Emergency Medical Responders.*** – Emergency medical responders (EMRs) are individuals trained to provide immediate lifesaving medical aid and intervention who come to the aid of critically ill or injured person from the site of an accident until its turnover to a proper medical facility.

For purposes of this Act, emergency medical services refer to the systematically organized and coordinated aid and medical assistance provided by EMRs to a person who falls ill or critically injured as a result of an accident caused by man-made or natural disaster, which include the stabilization of the patient while at the site of the accident, treatment while mobile and in the pre-hospital setting, and referral and transportation to the appropriate medical facility.

SEC. 4. ***Protection from Liability.*** – An EMR who, in good faith and without compensation, renders emergency medical services at the scene of an accident caused by a man-made or natural disaster, shall not be held criminally or civilly liable for an act or omission resulting to injuries, loss of lives, or damage to properties while rendering such emergency medical services: *Provided*, that the EMR acted with due diligence and is properly licensed, certified, or authorized by the appropriate authorities to render emergency medical services during an accident caused by a man-made or natural disaster.

SEC. 5. ***Exceptions.*** – The protection from liability of the EMR under this Act shall not apply to any of the following:

- a. Act or omission that constitutes a crime under existing laws;
- b. Act or omission carried out while under the influence of intoxicating alcohol or any prohibited drug; and
- c. Resulting injury, death, or damage to property is caused by the EMR's willful or criminal misconduct, gross negligence, reckless imprudence, or conscious and flagrant indifference to the rights or safety of the critically ill or injured individual.

SEC. 6. ***Implementing Rules and Regulations.*** – Within sixty (60) days from the effectivity of this Act, the Chairperson of the National Disaster Risk Reduction and Management Council shall, in coordination with the Secretaries of Health, Justice and National

Defense, formulate and promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 7. ***Repealing Clause.*** – All laws, decrees, proclamations, issuances or ordinances inconsistent with any provision of this Act are hereby amended, repealed or modified accordingly.

SEC. 8. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,