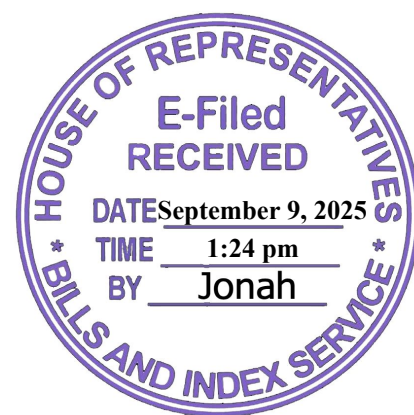


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4461



Introduced by **HONORABLE RAMON JOLO B. REVILLA III,**
HONORABLE LANI MERCADO-REVILLA, and
HONORABLE BRYAN B. REVILLA

AN ACT
PROVIDING PROTECTION FROM LIABILITY TO VOLUNTEERS
FOR ACTS OR OMISSIONS COMMITTED IN THE PERFORMANCE
OF THEIR DUTIES DURING EMERGENCIES

EXPLANATORY NOTE

The spirit of volunteerism is innate to the Filipinos. In fact, we have a unique term for it – “*bayanihan*” – that embodies our strong sense of community, selflessness, and genuine heart for humanity. Volunteers expand the reach and defy the limitations of our emergency response infrastructure. Volunteers sign up and show up quickly upon the onslaught of typhoons, after the ruin of earthquakes, and grief over natural disasters to aid the relief operations.

This bill recognizes the crucial role of voluntary endeavors in nation building. In conjunction with the Republic Act 9418 or the “*Volunteer Act of 2007*,” the bill creates an “enabling and conducive environment for volunteer work” by protecting them from liabilities for acts committed in the performance of their duties during emergency situations.

In this light, the immediate passage of this bill is highly recommended.



RAMON JOLO B. REVILLA III



LANI MERCADO-REVILLA



BRYAN B. REVILLA

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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 as the “*Emergency Volunteer Protection Act*”.

Sec. 2. *Declaration of Policy.* – It is a policy of the State to promote the participation of Filipino citizens in public and civic affairs, and harness and strengthen the practice of volunteerism as a strategy toward national development. The inculcation of volunteerism as a way of life rekindles in every Filipino the time-honored tradition of *bayanihan* to foster social justice, solidarity and sustainable development. Towards this end, the State shall encourage individuals to volunteer and provide reasonable assistance during emergencies by protecting them from liability.

Sec. 3. *Definition of Terms.* – As used in this Act:

- a. *Volunteer* refers to an individual or group who provides reasonable assistance and contributes time, service and resources in an emergency situation and who does not receive compensation for rendering volunteer service;
- b. *Emergency* refers to a situation requiring immediate attention and remedial action involving an unforeseen occurrence, sudden, and impending threat or danger 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; and
- d. *Spontaneous Volunteer* refers to an individual who may either be a trained volunteer whose trainings may be from a volunteer service organization (VSO), or volunteer or volunteer sector, or an untrained volunteer who perform volunteering as necessitated by an emergency situation and without the supervision and management of the VSO or the voluntary sector.

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

- a. The volunteer was acting in an emergency situation at the scene of an accident;
- b. The volunteer was properly licensed, certified or authorized by the appropriate authorities, either government entities or nongovernment organizations, for the activities undertaken in an emergency at the time of the act of omission; and,

c. The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights and safety of the individual harmed by the volunteer.

Sec. 5. *Exceptions.* – The liability protection for volunteers 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.

Sec. 6. *Accreditation of Volunteers.* – Unless properly licensed, certified or authorized by the proper 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.

Sec. 7. *Additional Incentives for Volunteers.* – The PNVSCA shall sponsor and/or facilitate the provision of the following incentives for volunteers, upon consultation and in coordination with relevant government agencies and nongovernment organizations:

- a. Insurance coverage;
 - 1. Disability benefit;

- i. Hospitalization, medical treatment and rehabilitation therapy;
 - ii. Death benefit
- b. Trainings, seminars and similar avenues for further education and skills improvement;
- c. Additional special privilege leave benefits;
- d. Employment merits commensurate to the length, kind and quality of volunteer work and service rendered that may translate to appointment, promotion, salary increase, regularization, or similar career and professional advancement.

Sec. 8. *Nationwide Public Information Campaign.* – The PNVSCA, in consultation with relevant government entities and nonprofit organizations, shall undertake a nationwide information education and communication campaign for the attainment of the objectives of this Act.

Sec. 9. *Implementing Rules and Regulations.* – Within thirty (30) days after the effectivity of this Act, The PNVSCA, in consultation with relevant government entities and nonprofit organizations, shall issue the rules and regulations for its effective implementation.

Sec. 10. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder hereof not otherwise affected shall remain in full force and effect.

Sec. 11. *Repealing Clause.* – All laws, presidential decrees, executive orders, letter of instructions, proclamations or administrative regulations that are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,