

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4709



Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

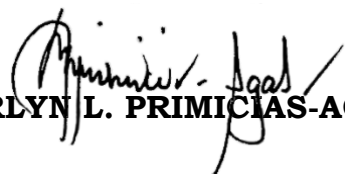
EXPLANATORY NOTE

This bill seeks to protect volunteers from liabilities arising from their acts or omissions caused by reasonable assistance, or voluntary contribution of time, service, or resources in emergency situations. This bill has already been approved by the House of Representatives on its 3rd and final reading in the 17th and 18th Congress. However, it has not yet ripened into a law. Hence, the filing of this bill to protect volunteers from unnecessary liability, and to encourage volunteerism in emergency situations.

Since time immemorial, Filipinos have always been proud of being identified with the rare tradition of volunteerism. It is a value common to Filipinos but peculiar to others. The passage of time however has gradually diminished the spirit of volunteerism. One of the primordial causes of the abdication of selflessness is the threat of criminal, civil, or administrative liability attendant to rescue operations. In road accidents, people tend to just drive past the victims for fear of being implicated or tagged by the police as the culprit or offender. Some would just circle around the victims without extending any help for the same reasons.

This bill will protect volunteer rescuers from liability save the instances where it will not apply. More importantly, the passage of this legislative measure will encourage and buoy up the spirit of volunteerism in every Filipino free from threat of liability.

This bill will save lives. Hence, the earnest need for its immediate approval.


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**“AN ACT
ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY PROTECTING
VOLUNTEERS FROM LIABILITY”**

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”

SECTION 2. Declaration of Policy. – It shall be the policy of the State to promote the participation of Filipino citizens in public and civic affairs and strengthen the practice of volunteerism as a strategy in order to attain 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. Definitions 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 performs volunteering as necessitated by an emergency situation and without the supervision or management of the VSO or the volunteer 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 is properly licensed, certified, or authorized by the appropriate authorities, either government entities or non-government organizations, 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 a conscious, flagrant indifference to the rights or 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 non-profit organization. However, the non-profit organization shall not be liable if it exercised due diligence in the selection and supervision of the volunteer.

SEC. 6. *Separability Clause.* – If any portion or provision of this Act is declared unconstitutional, the remainder of the Act or any provision not affected thereby shall remain in force and effect.

SEC. 7. *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. 8. *Effectively.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or any newspaper of general circulation.

Approved,