Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2856

Introduced by Hon. John Marvin "Yul Servo" C. Nieto

EXPLANATORY NOTE

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this bill, which has constantly been receiving support from the past and present Congress.

The "Volunteer Protection Act" will encourage people to participate in public and other civic affairs by eliminating the fear of being subsequently punished for any possible unintentional harm they could inflict unto others.

Moreover, this bill seeks to promote and strengthen volunteerism in the country by protecting volunteers from liability when providing reasonable assistance as long as they were acting in the event of an emergency. This also serves as a strategy towards sustainable development of the state as it takes advantage of the available human capital and at the same time, upholds the Filipino tradition of bayanihan.

Hence, it is upon us, as legislators, to encourage volunteerism by giving our volunteers protection from liabilities through the passage of this bill.

In view of the foregoing, the passage of this measure is earnestly sought.

JOHN MARVIN "YUL SERVO" C. NIETO
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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."

Sec. 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 rekindle 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,

Section 3. Definition of Terms – Whenever used in this Act, the following terms shall mean or be understood as follows:

(1) "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;

(2) "Emergency" shall refer 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;
(3) “Volunteer Sectors” refer 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

(4) “Spontaneous Volunteer” refers to 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 volunteers who perform 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:

(1) The volunteer was acting in an emergency situation at the scene of an accident;

(2) the volunteer was 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 of omission; and

(3) 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 any misconduct that:

(1) If the misconduct constitutes a crime under the Revised Penal Code or an offense in any special penal law;

(2) 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;

(3) If the volunteers are from business organizations that employ volunteers for pecuniary purposes; and

(4) 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 this 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. 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,