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

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 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 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

(d) Spontaneous Volunteer refers to an individual who may either be a trained volunteer whose training 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 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 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 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 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 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. 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.