

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



COMMITTEE REPORT NO: 207

Submitted by the Committee on People's Participation on JAN 28 2020

Re : House Bill No. 6091

Recommending its approval in substitution of House Bills Numbered 1643, 2003, 2036, 2856, 3474, 3852, 4967 and 5200

Sponsors : Representatives Florida "Rida" P. Robes, Jose Antonio R. Sy-Alvarado, John Marvin "Yul Servo" C. Nieto, Bernadette Herrera-Dy and Shirlyn Bañas-Nogales

Mr. Speaker:

The Committee on People's Participation to which were referred House Bill No. 1643 introduced by Representative Alfredo D. Vargas III, entitled:

"AN ACT TO ENCOURAGE VOLUNTEERISM BY PROTECTING VOLUNTEERS FROM LIABILITY IN THE PERFORMANCE OF VOLUNTEER SERVICES "

House Bill No. 2003 introduced by Representative Alfredo D. Vargas III, entitled:

"AN ACT ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY PROTECTING VOLUNTEERS FROM LIABILITY"

House Bill No. 2036 introduced by Representative Jose Antonio R. Sy-Alvarado, entitled:

"AN ACT ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY PROTECTING VOLUNTEERS FROM LIABILITY"

House Bill No. 2856 introduced by Representative John Marvin "Yu Servo" C. Nieto, entitled:

"AN ACT ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY PROTECTING VOLUNTEERS FROM LIABILITY"

House Bill No. 3474 introduced by Representative Bernadette Herrera-Dy, entitled:

"AN ACT EXEMPTING ANY GOOD SAMARITAN ACTING IN GOOD FAITH TO ASSIST ANOTHER WHO IS IN DANGER, WOUNDED, OR REQUIRES IMMEDIATE MEDICAL ASSISTANCE, FROM ANY SUBSEQUENT LIABILITY DUE TO INJURY, LOSS OF LIFE, OR DAMAGE TO PROPERTY AS A RESULT OF PROVIDING ASSISTANCE TO SUCH PERSON"

House Bill No. 3852 introduced by Representative Tyrone D. Agabas, entitled:

"AN ACT ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY PROTECTING VOLUNTEERS FROM LIABILITY"

House Bill No. 4967 introduced by Representative John Marvin "Yul Servo" C. Nieto, entitled:

"AN ACT ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY PROTECTINF VOLUNTEERS FROM LIABILITY"

and House Bill No. 5200 introduced by Florencio Gabriel "Bem" G. Noel, entitled:

"AN ACT TO ENCOURAGE GOOD SMARITANS WHO PROVIDE REASONABLE ASSISTANCE IN AN EMERGENCY BY PROTECTING THEM FROM LIABILITY"

has considered the same and recommends that the attached **House Bill No. 6091**, entitled:

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

be approved in substitution of House Bills Numbered 1643, 2003, 2036, 2856, 3474, 3852, 4967 and 5200 with Representatives Alfredo D. Vargas III, Jose Antonio R. Sy-Alvarado, Jose Marvin "Yul Servo" C. Nieto, Bernadette Herrera-Dy, Tyrone D. Agabas and Florencio Gabriel "Bem" G. Noel, as authors and Representatives Florida "Rida" P. Robes, Shirlyn Bañas-Nogralles, Sandra Y. Eriguel, M.D., Solomon R. Chungalao, Macnell M.

Lusotan and Gabriel H. Bordado, Jr. as co-authors thereof.

Respectfully submitted,



FLORIDA "RIDA" P. ROBES
Chairperson
Committee on People's
Participation

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6091

(In substitution of House Bills Numbered 1643, 2003, 2036, 2856, 3474, 3852,
4967 and 5200)

Introduced by Representatives Alfredo D. Vargas III, Jose Antonio R. Sy-Alvarado,
John Marvin "Yul Servo" C. Nieto, Bernadette Herrera-Dy, Tyrone D. Agabas,
Florencio Gabriel G. Noel, Florida "Rida" P. Robes, Shirlyn Bañas-Nogralles, Sandra Y.
Eriguel, M.D., Solomon R. Chungalao, Macnell M. Lusotan and Gabriel H. Bordado, Jr.

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 the House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1. Short Title.** – This Act shall be known as the "Emergency Volunteer
2 Protection Act."
3

4 **SEC. 2. Declaration of Policy.** – It shall be the policy of the State to promote the
5 participation of Filipino citizens in public and civic affairs and strengthen the practice
6 of volunteerism as a strategy in order to attain national development. The inculcation
7 of volunteerism as a way of life rekindles in every Filipino the time-honored tradition
8 of *bayanihan* to foster social justice, solidarity and sustainable development. Towards
9 this end, the State shall encourage individuals to volunteer and provide reasonable
10 assistance during emergencies by protecting them from liability.
11

12 **SEC. 3. Definition of Terms.** – As used in this Act:
13

14 (1) *Volunteer* refers to an individual or group who provides reasonable
15 assistance and contributes time, service and resources in an emergency
16 situation and who does not receive compensation for rendering volunteer
17 service;
18

19 (2) *Emergency* refers to a situation requiring immediate attention and
20 remedial action involving an unforeseen occurrence, sudden, and
21 impending threat or danger to life, health, or safety of a person;
22

23 (3) *Volunteer Sectors* refer to those sectors that organize themselves into
24 volunteers, to take advocacy and action primarily for local and national
25 development as well as international cooperation and understanding; and
26

1 (4) *Spontaneous Volunteer* refers to an individual who may either be a trained
2 volunteer whose trainings may be from a volunteer service organization
3 (VSO), or volunteer or volunteer sector, or an untrained volunteer who
4 perform volunteering as necessitated by an emergency situation and
5 without the supervision or management of the VSO or the volunteer sector.
6

7 **SEC. 4. Liability Protection for Volunteers.** – No volunteer shall be liable for
8 harm caused by an act or omission if:
9

10 (1) the volunteer was acting in an emergency situation at the scene of an
11 accident ;
12

13 (2) the volunteer was properly licensed, certified, or authorized by the
14 appropriate authorities, either government entities or non-government
15 organizations, for the activities undertaken in an emergency at the time of
16 the act of omission; and
17

18 (3) the harm was not caused by willful or criminal misconduct, gross
19 negligence, reckless misconduct, or a conscious, flagrant indifference to the
20 rights or safety of the individual harmed by the volunteer.
21

22 **SEC. 5. Exceptions.** – The liability protection for volunteers under this Act shall
23 not apply to the following conditions:
24

25 (1) If the misconduct constitutes a crime under the Revised Penal Code or an
26 offense in any special penal law;
27

28 (2) If the misconduct was performed by the volunteer under the influence of
29 intoxicating liquor or any dangerous drug at the time of the act or omission;
30

31 (3) If the volunteers are from business organizations that employ volunteers
32 for pecuniary purposes; and
33

34 (4) If volunteers receive compensation for volunteering at a non-profit
35 organization. However, the non-profit organization shall not be liable if it
36 exercised due diligence in the selection and supervision of the volunteer.
37

38 **SEC. 6. Accreditation of Volunteers.**– Unless properly licensed, certified or
39 authorized by the appropriate government authorities, other government
40 entities, and non-government organizations, volunteers must be accredited by
41 and registered with the Philippine National Volunteer Service Coordinating
42 Agency (PNVSCA) prior to deployment to be exempted from liability.
43

44 **SEC. 7. Nationwide Public Information Campaign.** – The PNVSCA, in
45 consultation with relevant government entities and non-profit organizations,
46 shall undertake a nationwide information, education and communication
47 campaign for the attainment of the objectives of this Act.
48

49 **SEC. 8. Implementing Rules and Regulations.** – The PNVSCA, in consultation
50 with relevant government entities and non-profit organizations, shall

1 promulgate rules and regulations to implement the provisions of this Act within
2 ninety (90) days from its effectivity.
3

4 **SEC. 9. *Separability Clause*** - If any portion or provision of this Act
5 is declared unconstitutional, the remainder of this Act or any provision not
6 affected thereby shall remain in force and effect.

7 **SEC. 10. *Repealing Clause***. - All laws, decrees, orders, rules and regulations,
8 or other issuances or parts thereof inconsistent with the provisions of this Act are
9 hereby repealed or modified accordingly.
10

11 **SEC. 11. *Effectivity***. - This Act shall take effect fifteen (15) days after its
12 publication in the *Official Gazette* or in a newspaper of general circulation.
13

14 Approved.
15
16

FACT SHEET

6091

House Bill No. _____

(In substitution of House Bills Numbered 1643, 2003, 2036, 2856, 3474, 3852, 4967 and 5200)

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

Introduced by: **REPRESENTATIVES ALFREDO D. VARGAS III, JOSE ANTONIO R. SY-ALVARADO, JOHN MARVIN "YUL SERVO" C. NIETO, BERNADETTE HERRERA-DY, TYRONE D. AGABAS AND FLORENCIO GABRIEL G. NOEL**

Committee Referral : **COMMITTEE ON PEOPLE'S PARTICIPATION**

Committee Chairperson: **REPRESENTATIVE FLORIDA "RIDA" P. ROBES**

OBJECTIVE:

- To protect volunteers who provide assistance during emergencies against possible liability that may be caused by acts performed in line with volunteer work

KEY PROVISIONS:

- Provides the following conditions where a volunteer cannot be held liable for harm done during volunteering act:
 - a. the volunteer was acting in an emergency situation at the scene of accident;
 - b. the volunteer was properly licensed, certified, or authorized by the appropriate authorities, either government entities or non-government organizations; 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.
- Provides the following exceptions to the protection against liability of volunteers:
 - 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 under the influence of intoxicating liquor or any dangerous drug at the time of the act;
 - c. if the volunteers are from business organizations that employ volunteers for pecuniary purposes; and
 - d. if volunteers are receiving compensation for volunteering at a non-profit organization
- Requires accreditation of volunteers from the Philippine National Volunteer Service Coordinating Agency (PNVSCA) if they are not properly licensed or authorized by other government entities or non-government organizations.
- Mandates the PNVSCA, in consultation with relevant government entities and non-profit organizations, to promulgate rules and regulations to implement the provisions of this Act.

RELATED LAWS:

RA 9418 or the "*Volunteer Act of 2007*"

RA 10121 or the "*Philippine Disaster Risk Reduction and Management Act of 2010*"