

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 2036

Introduced by: **HON. "KUYA" JOSE ANTONIO R. SY-ALVARADO**

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

EXPLANATORY NOTE

Volunteering is said to be an inherent part of thriving civil society, essential to the development and prosperity of a Nation. International bodies, such as the United Nations General Assembly, European Parliament or Parliamentary Assembly of Europe encourage Governments to recognize the value of volunteering and promote volunteerism.

In our country, it is well known that "Bayanihan" is a core essence of the Filipino Culture. The tradition of Filipino volunteering by helping out one's neighbor as a community without expecting anything in return should be re-established and re-affirmed. One way of showing Bayanihan in modern times is by rendering emergency aid to injured person on a voluntary basis.

Therefore, in order to further encourage individuals from volunteering, this bill aims to reduce reluctance of people in helping out during emergency situations from fear of incurring liability for unintentional injury or wrongful death.

In view of the foregoing, the approval of this bill is earnestly sought.

"KUYA" JOSE ANTONIO R. SY-ALVARADO ✓
Representative
First District of Bulacan

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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."

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 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. Definitions of Terms. – As used in this Act.

(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 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.

(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 sector 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.

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.

SECTION 4. Liability Protection for Volunteer. – 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.

SECTION 5. Exceptions. – The liability protection for volunteers under this Act shall not apply to the following conditions:

(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 act or omission;

(3) If the volunteers are from business organizations that employ volunteers for pecuniary purpose; 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.

(5) the harm was not caused by willful or criminal misconduct, gross negligence, or

SECTION 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.

SECTION 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.

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

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