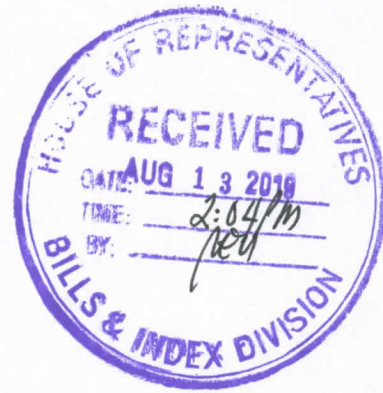


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3852

Introduced by Representative **TYRONE D AGABAS**

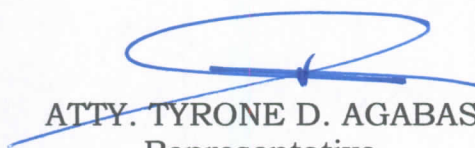
EXPLANATORY NOTE

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 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.



ATTY. TYRONE D. AGABAS
Representative
6th District, Pangasinan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
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HOUSE BILL NO. 3852

Introduced by Representative **TYRONE D. AGABAS**

“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:*

1 SECTION 1. *Short title.* – This Act shall be known as the “Emergency Volunteer
2 Protection Act”

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

11 SEC. 3. *Definitions of Terms.* – As used in this Act:

12 (a) *Volunteer* refers to an individual or group who provides reasonable
13 assistance and contributes time, service and resources in an emergency

14 situation and who does not receive compensation for rendering volunteer
15 service;

16 (b) *Emergency* refers to a situation requiring immediate attention and
17 remedial action involving an unforeseen occurrence, sudden, and impending
18 threat or danger to life, health, or safety of a person;

19 (c) *Volunteer Sectors* refers to those sectors that organize themselves into
20 volunteers to take advocacy and action primarily for local and national
21 development as well as international cooperation and understanding; and

22 (d) *Spontaneous Volunteer* refers to an individual who may either be a
23 trained volunteer whose trainings may be from a volunteer service organization
24 (VSO) or volunteer or volunteer sector, or an untrained volunteer who
25 performs volunteering as necessitated by an emergency situation and without
26 the supervision or management of the VSO or the volunteer sector.

27 SEC. 4. *Liability Protection for Volunteers.* – No volunteer shall be liable for harm
28 caused by an act or omission if;

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

31 (b) The volunteer is properly licensed, certified, or authorized by the
32 appropriate authorities, either government entities or non-government
33 organizations, for the activities undertaken in an emergency at the time of the
34 act or omission; and

35 (c) The harm was not caused by willful or criminal misconduct, gross
36 negligence, reckless misconduct, or a conscious, flagrant indifference to the
37 rights or safety of the individual harmed by the volunteer.

38 SEC. 5. *Exceptions.* – The liability protection for volunteers under this Act shall
39 not apply to the following conditions;

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

42 (b) If the misconduct was performed by the volunteer under the influence of
43 intoxicating liquor or any dangerous drug at the time of the act or omission;

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

46 (d) If volunteers receive compensation for volunteering at a non-profit
47 organization. However, the non-profit organization shall not be liable if it
48 exercised due diligence in the selection and supervision of the volunteer.

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

52 SEC. 7. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or
53 other issuances or parts thereof inconsistent with the provisions of this Act are
54 hereby repealed or modified accordingly.

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

57 Approved,