

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
Second Regular Session

HOUSE BILL NO. **5842**



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**INTRODUCED BY REPRESENTATIVE ALFRED VARGAS**

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#### **EXPLANATORY NOTE**

As provided in the 1987 Constitution of the Republic of the Philippines, the State recognizes the role of every Filipino in nation-building and shall encourage their involvement in public and civic affairs.

Dr. Romulo A. Virola perfectly described the nature of Filipino volunteerism:

"In the Philippines, volunteerism has had a long, rich, diverse, cultural tradition. Under its many cultural names, guises, and dimensions, volunteerism remains embedded in the tradition of sharing, of helping. Notions of Filipino volunteerism employ various indigenous meanings such as *bayanihan*, *damayan*, *kawanggawa*, *pahinungod*, and *bahaginan*...Whether understood as *tulong*, *pakikipagkapwa-tao*, *pagbabahagi*, or *paghahandog*, volunteerism can bring significant benefits to individuals and communities in the Philippines and can help nurture and sustain a rich social texture and a strong sense of mutual trust and cohesion, essential to the stability of Philippine society."<sup>1</sup>

The spirit of Filipino volunteerism has always been evident especially during disasters and natural calamities. However, the willingness of volunteers to offer their services freely is hindered by the potential for liability actions against them. *Sila na nga ang tumutulong, sila pa ang mapapahamak.*

To further strengthen volunteerism in the country, this bill seeks to protect volunteers from liability in providing reasonable assistance as long as these volunteers were acting in an emergency; if appropriate or required, the volunteers were properly licensed, certified, or authorized by the appropriate authorities for the activities undertaken in an emergency; and the harm was not caused by willful or criminal misconduct.

In view of the foregoing, the approval of this measure is urged.



**ALFRED VARGAS**

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<sup>1</sup> Virola, R. (2010). *Volunteerism in the Philippines: Dead or Alive?* Philippine Statistics Authority. [[http://nap.psa.gov.ph/headlines/StatsSpeak/2010/121310\\_rav\\_cmr\\_volunteerism.asp](http://nap.psa.gov.ph/headlines/StatsSpeak/2010/121310_rav_cmr_volunteerism.asp)] Retrieved: 01 June 2017.

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

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. Short Title.** – This Act shall be known as the “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.

**Sec. 3. Definitions.** – For purposes of this Act.

- (1) “Volunteer” refers to an individual who provide reasonable assistance in an emergency and does not receive compensation.
- (2) “Emergency” shall refer to a situation requiring immediate attention and remedial action involving a sudden, unexpected, and impending threat to life, health, or safety of a person.

**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 at the time of the act or omission;
- (2) If appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities 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 misconduct that:

- (1) constitutes a crime; or
- (2) was performed under the influence of intoxicating alcohol or any dangerous drug at the time of the misconduct.

**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.