



Republic of the Philippines
House of Representatives
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1643


INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

EXPLANATORY NOTE

It is the policy of the State to inculcate patriotism and nationalism, and encourage the involvement of the people in public, social, and civic affairs that promote the welfare of the nation. Volunteerism strengthens the natural Filipino trait of '*Malasakit*' and enables individuals and communities to take an active role in nation-building. The spirit of volunteerism reflects the ability of a people to put the interests of the community before their own, and the foresight and maturity to appreciate the value of short-term sacrifice for long-term gain. The willingness to work for a cause, and not just for compensation, brings out the best in the Filipino.

Volunteerism is a value that the State should recognize, promote, and develop among its people. However, the willingness of volunteers to offer volunteer services is deterred by the potential legal liability that may arise out of their endeavor. Because of the legitimate fear of volunteers about frivolous, arbitrary, and capricious legal action against them, the protection of volunteers, through the clarification and limitation of liability, is, therefore, an important and appropriate subject matter for legislation. This bill, thus, seeks to protect volunteers from liability in the performance of volunteer services for a governmental entity, non-profit organization, or the Philippine Red Cross as long as the volunteer acted within the scope of responsibilities; the volunteer was properly licensed, certified, or authorized; and 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 another.

Urgent approval of this bill is earnestly sought.


REP. ALFRED VARGAS
Fifth District, Quezon City

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1643

HOUSE BILL NO. _____

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

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 of 2019."

Section 2. Policy. - It is the policy of the State to encourage volunteerism by protecting volunteers from liability in the performance of volunteer services for a governmental entity, non-profit organization, or the Philippine Red Cross.

Section 3. Definitions. - For purposes of this Act,

(1) Governmental entity shall refer to any branch, office, or instrumentality of government.

(2) Non-profit organization" shall refer to any organization, which is organized and conducted for public benefit, operated primarily for charitable, religious, educational, professional, cultural, fraternal, literary, scientific, social, welfare, civic service, or similar purposes, and not for profit.

(3) Philippine Red Cross" shall refer to the voluntary, independent, and autonomous non-governmental society auxiliary to the authorities of the Republic of the Philippines in the humanitarian field, to assist said authorities in discharging the obligations set forth in the Geneva Conditions and the Statutes of the International Red Cross and Red Crescent Movement under Republic Act No. 10072.

(4) Volunteer shall refer to an individual performing volunteer services who does not receive compensation or any other thing of value in lieu of compensation, other than reasonable reimbursement or allowance for expenses actually incurred.

(5) Volunteer Services" shall refer to services rendered by a volunteer for a governmental entity, non-profit organization, or the Philippine Red Cross.

Section 4. *Liability Protection for Volunteers.* - No volunteer shall be liable for harm caused by an act or omission if;

(1) the volunteer was acting within the scope of the volunteer's responsibilities in a governmental entity, non-profit organization, or the Philippine Red Cross 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 or practice in the volunteer services in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the governmental entity, non-profit organization, or the Philippine Red Cross at the time of the act or 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 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.

Section 6. *Selection and Supervision of Volunteers.* - A governmental entity, nonprofit organization, or the Philippine Red Cross shall exercise due diligence in the selection and supervision, including training, of volunteers to competently perform the volunteer services.

Section 7. *Implementing Rules and Regulations.* - The Philippine National Volunteer Service Coordinating Agency, in consultation with relevant governmental entities, nonprofit organizations, and the Philippine Red Cross, shall promulgate rules and regulations to implement the provisions of this Act within ninety (90) days from its effectivity.

Section. 8. *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 9. *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 10. *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.