

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. B. No. 1231

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 2 provides that the State shall adhere to the policy of cooperation with all nations.

This policy is carried out when there is mutual assistance between the volunteers and government agencies or other organizations working together to promote the welfare of the nation.

Many non-profit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civic programs, substantially depend on the services of volunteers.

Unfortunately, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they put their personal assets at risk in the event of liability actions against the organization they serve.

This bill seeks to promote the interest of social service program beneficiaries and taxpayers and to sustain the availability of programs of non-profit organizations and governmental entities, which depend on volunteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving in good faith on behalf of such organizations.


MIRIAM DEFENSOR SANTIAGO

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**AN ACT
GRANTING IMMUNITY FROM PERSONAL CIVIL LIABILITY, UNDER CERTAIN
CIRCUMSTANCE, TO VOLUNTEERS WORKING ON BEHALF OF NONPROFIT
ORGANIZATIONS AND GOVERNMENTAL ENTITIES**

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."

SECTION 2. *Declaration of Policy.* - It is declared policy of the state to develop and promote self-reliance by encouraging the spirit of self-help and mutual assistance between government agencies or other organizations and the people themselves who volunteer their services for the promotion of the welfare of the nation.

SECTION 3. *Definition of Terms.* - For purposes of this Act, the term:

(1) "Volunteer" means an individual performing services for a non-profit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

(2) "Non-profit Organization" means any organization whose purpose is not to gain profit but to provide social services; and

(3) "Damage or Injury" includes physical, nonphysical, economic and non-economic damage.

SECTION 4. *No Preemption of Tort Law.* - Nothing in this Act shall be construed to preempt the laws governing tort liability actions.

SECTION 5. *Limitation of Liability for Volunteers.* -

(A) Liability Protection for Volunteers - Except as provided in subsection (B) and (D), any volunteer of a non-profit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if:

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties in the organization or entity, and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(B) Concerning Responsibility of Volunteers with Respect to Organizations. - Nothing in this section shall be construed to affect any civil action brought by any non-profit organization or any governmental entity against any volunteer of such organization or entity.

(C) No Effect on Liability of Organizations. - Nothing in this section shall be construed to affect the liability of any non-profit organization or governmental entity with respect to injury caused to any person.

(D) Exceptions to Volunteer Liability Protection. - The State may impose one or more of the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers;

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the law, for the acts or omission of its employees;

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required;

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of the State or local government to enforce a national or local law; and

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SECTION 6. *Separability Clause* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause*: Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.