

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

NOV 24 P 3:30

SENATE
S. No. 1866

RECEIVED BY: _____

Introduced by **Senator Richard J. Gordon**

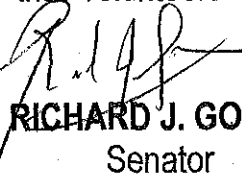
EXPLANATORY NOTE

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. As such, this proposed legislation seeks to encourage volunteerism, which is service without compensation in a non-profit organization or governmental entity, as a value that the State should recognize, promote and develop among its people.

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 positive experience of the people of Olongapo City regarding the conversion of the former Subic Naval Base into a self-sustaining industrial, commercial, financial and investment, and tourism and recreation center is a sterling example of the feat that volunteerism can achieve. The willingness to work for a cause and not just for compensation brings out the best in the Filipino, which must be encouraged and replicated, if the nation is to rise from the ashes of its present fiscal difficulty.

However, the willingness of volunteers to offer their services is deterred by the potential legal liability that may arise out of their endeavor. As a result, many non-profit organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, are adversely affected. The contribution of these non-profit organizations and governmental entities to specific communities, in particular, and the nation, in general, is thereby diminished, resulting in higher costs and fewer benefits than would be obtainable if volunteers were participating.

Because of the problems created by the legitimate fears of volunteers about frivolous, arbitrary and capricious legal actions against them, the protection of volunteers through the clarification and limitation of liability risks that they assume is, therefore, an appropriate and important subject for legislation. This bill also allows the grant of incentives to volunteers in the form of insurance for injury, sickness, disability, or death of the volunteer during his or her incumbency in a non-profit organization or governmental entity. It also allows the giving of a token of recognition after the accomplishment of volunteer work, to the volunteer, for services rendered in a non-profit organization or governmental entity. Such measures reflect the protection and importance that volunteers deserve for performing a service crucial to the development of the nation.



RICHARD J. GORDON
Senator

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**AN ACT TO ENCOURAGE VOLUNTEERISM BY PROVIDING PROTECTION FROM
LIABILITY OF VOLUNTEERS SERVING IN NON-PROFIT ORGANIZATIONS AND
GOVERNMENTAL ENTITIES AND ALLOWING THE GRANT OF INCENTIVES
THEREFOR**

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

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

2 Sec. 2. *Policy.* – It is hereby declared to be the policy of the State to encourage
3 volunteerism by providing protection from liability of volunteers serving in non-profit
4 organizations and governmental entities and allowing the grant of incentives therefor.

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

6 (1) “Volunteer” refers to an individual serving in a non-profit organization or a
7 governmental entity who does not receive compensation, other than reasonable
8 reimbursement or allowance for expenses actually incurred, or any other thing of value in
9 lieu of compensation.

10 (2) “Non-profit organization” refers to any organization, which is organized and
11 conducted not for profit but for public benefit and operated primarily for charitable, religious,
12 educational, professional, cultural, fraternal, literary, scientific, social, welfare, civic service,
13 or similar purposes.

14 (3) “Governmental entity” refers to any branch, office or instrumentality of
15 government.

16 (4) “Fraud” refers to a false representation of a fact, which deceives another person
17 to act upon it to his or her legal injury.

18 (5) “Gross Negligence” refers to such entire want of care in a way that shows
19 recklessness or willful disregard of the consequences as affecting another person and
20 causing him or her legal injury.

1 (6) "Crime" refers to an act or omission punishable by law.

2 Sec. 4. *Diligence in the Selection and Supervision of Volunteers.* – A non-profit
3 organization or governmental entity shall exercise the diligence of a good father of a family
4 in the selection and supervision of volunteers.

5 Sec. 5. *Liability Protection for Volunteers.* – No volunteer shall be liable for an act or
6 omission within the volunteer's scope of duties on behalf of the non-profit organization or
7 governmental entity, unless the act or omission of the volunteer constitutes fraud, gross
8 negligence, or crime.

9 Sec. 6. *Incentives.* – A non-profit organization or governmental entity may provide
10 insurance for injury, sickness, disability, or death to the volunteer during the volunteer's
11 incumbency in a non-profit organization or governmental entity.

12 After the accomplishment of volunteer work, a non-profit organization or
13 governmental entity may give a token of recognition to the volunteer for services rendered in
14 a non-profit organization or governmental entity.

15 Sec. 7. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or other
16 issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or
17 modified accordingly.

18 Sec. 8. *Separability Clause.* – If any portion or provision of this Act is declared
19 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
20 remain in force and effect.

21 Sec. 9. *Effectivity.* – This Act shall take effect after fifteen (15) days following the
22 completion of its publication in the Official Gazette or in a newspaper of general circulation
23 in the Philippines.

24 Approved,