



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

23 JAN 19 P5 :30

SENATE
S.B. No. 1711

RECEIVED BY:

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT
TO ENCOURAGE GOOD SAMARITANS WHO PROVIDE REASONABLE
ASSISTANCE DURING AN EMERGENCY BY PROTECTING THEM FROM
LIABILITY**

EXPLANATORY NOTE

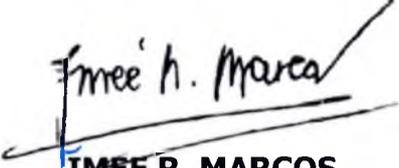
The Filipino value of "*malasakit*" or compassion is manifest in the way our countrymen readily reach out to help others in times of calamity, disaster, and social unrest, even when the act of helping may put the one seeking to assist in harm's way. This character of altruism is perhaps best illustrated in the well-known parable of the Good Samaritan whereby a Samaritan, in a time of deep hate and antagonism between Jews and Samaritans existed, went out of his way to feed, clothe, and bring a robbed and heavily-injured Jewish traveler to an inn after the same man was ignored and abandoned at the side of the road by those expected to help by virtue of their professions – a priest and a Levite. Surely, the Good Samaritan's behavior should be emulated and encouraged in today's struggling society.

Under current law, we have the New Civil Code provision (Article 2167) which requires an injured or seriously-ill person, treated or helped while he is not in a condition to give consent to a contract, to pay for the services of a physician or other person aiding him, unless the service has been rendered out of pure generosity (an implied contract). Under the Revised Penal Code (Article 275), the penalty of *arresto mayor* shall be imposed on any person "who shall fail to render assistance to any person whom he shall find in an uninhabited place wounded or in danger of dying, when he can render such assistance without detriment to himself, unless such omission shall constitute a more serious offense."

Under these provisions, the lives and safety of persons are sought to be protected by (1) ensuring that one who renders assistance is compensated for any

expense he or she paid for a stranger who is seriously ill or injured, and (2) punishing a person who abandons another while the latter is in danger when he or she is capable to render such assistance. Both provide for a positive externality (giving compensation or imposing punishment) to reinforce the desired behavior (helping others). This bill seeks to provide a negative externality (removal of liability) to further encourage the desired act of altruism among Filipinos. Specifically, this bill seeks to exempt any Good Samaritan acting in good faith to assist another who is in danger, wounded, or requires immediate medical assistance, from any subsequent liability due to injury, loss of life, or damage to property as a result of such act.

For the foregoing reasons, the passage of this bill is earnestly sought.


IMEE R. MARCOS



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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 "*Good Samaritan Act*".
- 2
- 3 **SEC. 2. Declaration of Policy.** — Section 11, Article II of the 1987 Philippine
- 4 Constitution provides that the State shall value the dignity of every human person and
- 5 guarantees full respect for human rights. To augment this principle, Section 1, Article
- 6 XIII of the 1987 Constitution provides that Congress must give the highest priority to
- 7 the enactment of measures that protect and enhance the right of all the people to
- 8 human dignity, reduce social, economic and political inequalities, and remove cultural
- 9 inequalities by equitably diffusing wealth and political power for the common good.
- 10
- 11 It is hereby declared as the policy of the State to provide measures that ensure
- 12 that those who act in aid or assistance to others in good faith shall be protected from
- 13 civil or criminal liability for any event resulting from their act of rescuing or otherwise
- 14 providing medical or other emergency assistance to those who are wounded, seriously
- 15 ill, or in danger of dying or severe injury.
- 16
- 17
- 18 **SEC. 3. Definitions.** - For purposes of this Act, the following shall be defined as
- 19 follows:
- 20
- 21 (1) "**Good Samaritan**" shall refer to an individual performing volunteer
- 22 services who does not receive compensation to reasonably assist a person in an
- 23 emergency; and

1 (2) "**Emergency**" shall refer to a situation requiring immediate attention and
2 remedial action involving a sudden, unexpected, and impending threat to life, health,
3 or safety of a person.
4

5
6 **SEC. 4. Liability Protection for Good Samaritans.** — No good Samaritan shall
7 be liable for any harm caused by an act or omission if:
8

9 (1) The Good Samaritan was acting in good faith in an emergency at the time
10 of the act or omission;
11

12 (2) if appropriate or required, the Good Samaritan was properly licensed,
13 certified, or authorized by the appropriate authorities for the activities undertaken in
14 an emergency at the time of the act or omission; and
15

16 (3) the harm was not caused by willful or criminal misconduct, gross negligence,
17 reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the
18 individual harmed by the Good Samaritan.
19

20 **SEC. 5. Exceptions.** - The liability protection for Good Samaritans under this Act
21 shall not apply to any misconduct that:
22

23 (1) constitutes a crime; or
24

25 (2) was performed under the influence of intoxicating alcohol or any dangerous
26 drugs at the time of the misconduct
27

28 **SEC. 6. Separability Clause.** -If for any reason, any provision of this Act is
29 declared invalid or unconstitutional, the remaining parts or provisions not affected shall
30 remain in full force and effect.
31

32 **SEC. 7. Repealing Clause.** - All laws, ordinances, rules, regulations, other
33 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or
34 modified accordingly.
35

36 **SEC. 8. Effectivity.** - This Act shall take effect fifteen (15) days after its
37 publication in the Official Gazette or in a newspaper of general circulation.
38
39

Approved,