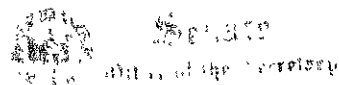


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



DEC 22 P4:14

SENATE
S. B. No. 2537

Introduced by Senator Miriam Defensor Santiago

AN ACT
GRANTING IMMUNITY FROM PERSONAL CIVIL LIABILITY, UNDER
CERTAIN CIRCUMSTANCES, TO VOLUNTEERS WORKING ON BEHALF
OF NON-PROFIT ORGANIZATIONS AND GOVERNMENTAL ENTITIES

EXPLANATORY NOTE

The Constitution, Article 2, Section 2 provides that:

The Philippines adheres to the policy of peace, equality, justice, freedom, cooperation, and amity 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 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 interests 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.¹

Miriam Defensor Sanitago
MIRIAM DEFENSOR SANITAGO
7P

¹ This bill was originally filed during the Thirteenth Congress, First Regular Session.

Introduced by Senator Miriam Defensor Santiago

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

AN ACT
GRANTING IMMUNITY FROM PERSONAL CIVIL LIABILITY, UNDER
CERTAIN CIRCUMSTANCES, TO VOLUNTEERS WORKING ON BEHALF
OF NON-PROFIT ORGANIZATIONS AND GOVERNMENTAL ENTITIES

1 SECTION 1. *Short Title.* – This Act shall be known as the “Volunteer Protection
2 Act of 2014.”

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

7 SECTION 3. *Definition of Terms.* – As used in this Act, the term:

8 (A) “Volunteer” means an individual performing services for a non-profit
9 organization or a government entity who does not receive compensation, or
10 any other thing of value in lieu of compensation, for such services, and such
11 term includes a volunteer serving as a director, officer, trustee, or direct
12 service volunteer;

13 (B) “Non-profit Organization” means any organization whose purpose is not to
14 gain profit but to provide social services; and

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

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

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

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

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

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

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

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

20 (D) *Exceptions to Volunteer Liability Protection.* – The State may impose one or
21 more of the following conditions on and exceptions to the granting of liability protection
22 to any volunteer of an organization or entity required by paragraph (A):

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

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

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

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

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

19 SECTION. 6. *Separability Clause.* – If any provisions or part hereof, is held
20 invalid or unconstitutional, the remainder of the law or the provision shall remain valid
21 and subsisting.

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

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

3 Approved,

/dpmNov2014