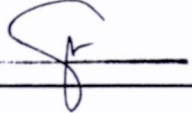


20 JAN 21 A11 :01

SENATE

S. No. 1285

RECEIVED BY: 

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY
PROTECTING VOLUNTEERS FROM LIABILITY AND PROVIDING
MANDATORY INSURANCE COVERAGE TO THE VOLUNTEERS

EXPLANATORY NOTE

In recent years, there has been an increasing trend towards enacting legislation on volunteerism across jurisdictions.

In the Philippines, there are already laws in place promoting volunteerism. In 1964, Executive Order No. 134 created the Philippine National Volunteer Service Coordinating Office under the Office of the President. In 1980, Executive Order No. 635 was issued renaming the agency into Philippine National Volunteer Service Coordinating Agency (PNVSCA) and strengthening the agency to be able to effectively formulate guidelines, policies, organize and coordinate volunteer service programs in the country. In 2006, Republic Act No. 9418, or the Volunteer Service Act of 2007, was enacted which created Multi-Sectoral Advisory Bodies to assist the PNVSCA in its mandate.

However, the current body of legislation does not provide safeguards which can protect the volunteers from liability which may range from fines, detention and even criminal liability, depending on the gravity of the act or omission done by the volunteer in responding to an emergency situation.

This bill seeks to protect the properly licensed, certified or authorized or accredited volunteers from liability in their performance of duties during emergency situations. This measure also seeks to grant mandatory insurance to the volunteers.

By setting up a conducive and enabling legal environment for volunteers, it is hoped that this will encourage more volunteers to participate and to take an active role in nation-building.

These volunteers deserve to be protected and be given due recognition because of their contribution to society, especially in crisis situations.

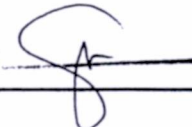
Early approval of this measure is earnestly sought.


WEILA M. DE LIMA

SENATE

20 JAN 21 A11 :01

S. No. 1285

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AN ACT
ENCOURAGING VOLUNTEERISM DURING EMERGENCIES BY
PROTECTING VOLUNTEERS FROM LIABILITY AND PROVIDING
MANDATORY INSURANCE COVERAGE TO THE VOLUNTEERS

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 “Emergency Volunteer
2 Protection Act of 2020.”

3 Sec. 2. *Declaration of Policy.* – It shall be the policy of the State to provide a
4 conducive and enabling legal environment for volunteers by placing mechanisms that
5 will protect their rights and award them with privileges for their contribution to
6 society.

7 Sec. 3. *Definition of Terms.* – As used in this Act:

8 (a) “*Emergency*” refers to situations requiring immediate attention and
9 remedial action involving unforeseen occurrence, sudden, and impending
10 threat or dangers to life, health, or safety of a person;

11
12 (b) “*Volunteer*” refers to an individual or group who provides reasonable
13 assistance and contributes time, service and resources in an emergency
14 situation and who does not receive compensation other than reasonable
15 reimbursement or allowance for expenses actually incurred for rendering
16 volunteer service.

1 The volunteers shall be duly licensed, certified or authorized by appropriate
2 government entities or nongovernment organizations, or accredited by and
3 registered with the Philippine National Volunteer Service Coordinating
4 Agency (PNVSCA) prior to deployment;

5 (c) “*Volunteer sectors*” refer to those sectors that organize themselves into
6 volunteers to take advocacy and action primarily for local and national
7 development as well as international cooperation and understanding; and

8 (d) “*Spontaneous volunteer*” refers to an individual who may either be trained
9 volunteers from accredited training institutions, or an untrained person
10 who performs voluntary work as necessitated by an emergency situation.

11 Sec. 4. *Liability Protection for Volunteers.* – No volunteer shall be liable for
12 harm caused by an act or omission done in performance of his or her duties or
13 functions as volunteers if:

14 (a) The volunteer was acting in an emergency situation;

15 (b) The volunteer was properly licensed, certified or authorized by the
16 appropriate government authorities, either government entities or non-
17 government organizations, or accredited by and registered with the
18 PNVSCA prior to deployment;

19 (c) The volunteer acted within the scope of his/her responsibilities in the
20 governmental entity, non-profit organization, or the PNVSCA;

21 (d) The volunteer acted under orders or direction of appropriate government
22 authority;

23 (e) A spontaneous volunteer acted in an emergency situation, where there are
24 no government authority or trained volunteers present, in order to assist or
25 care for persons who are:

26 (i) in serious and imminent danger, or apparently in serious and
27 imminent danger, of being injured or further injured;

28 (ii) injured or apparently injured; or

29 (iii) suffering or apparently suffering, from an illness.

30 Sec. 5. *Exceptions.* – The liability protection for volunteers under this Act shall
31 not apply to the following:

32 (a) Where the acts constitute a crime;

1 (b) Where the volunteer caused damage or harm by willful or criminal
2 misconduct, gross negligence, reckless misconduct, or a conscious, flagrant
3 indifference to the rights or safety of the individual harmed by the volunteer;
4 or

5 (c) Where the acts were performed under the influence of intoxicating alcohol
6 or any dangerous drug at the time of the misconduct.

7 *Sec. 6. Mandatory Insurance.* – The PNVSCA shall provide an additional
8 insurance coverage to all volunteers as defined in this Act which shall give the
9 following minimum benefits:

10 (a) Disability Benefits for volunteers who shall suffer total or partial disability,
11 whether permanent or temporary, as a result of any injury sustained during
12 performance of duty;

13 (b) Death benefits for volunteers who shall perish in the line of duty; and

14 (c) Reimbursement of actual medical costs for volunteers who shall be
15 hospitalized or who shall require medical attendance for injuries sustained
16 while in the performance of duty.

17 *Sec. 7. Trainings.* – The PNVSCA shall conduct mandatory trainings of all their
18 registered and potential volunteers.

19 *Sec. 8. Accreditation of Volunteers.* – Unless properly licensed, certified or
20 authorized by the appropriate government authorities, other government entities or
21 nongovernment organizations, volunteers must be accredited by and registered with
22 the PNVSCA prior to deployment to be exempted from liability.

23 *Sec. 9. Nationwide Public Information Campaign.* – The PNVSCA, in
24 consultation with relevant governmental entities and non-profit organizations, shall
25 undertake a nationwide information, education and communication campaign for the
26 attainment of the objectives of this Act.

27 *Sec. 10. Implementing Rules and Regulations.* – The PNVSCA, in consultation
28 with relevant governmental entities and non-profit organizations, shall promulgate
29 rules and regulations to implement the provisions of this Act within ninety (90) days
30 from its effectivity.

1 Sec. 11. *Separability Clause.* – If any provision of this Act shall be declared
2 unconstitutional, any other provision not affected thereby shall remain in full force
3 and effect.

4 Sec. 12. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or
5 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
6 repealed or amended accordingly.

7 Sec. 13. *Effectivity.* – This Act shall take effect fifteen (15) days following its
8 publication in at least two (2) newspapers of general circulation.

Approved,