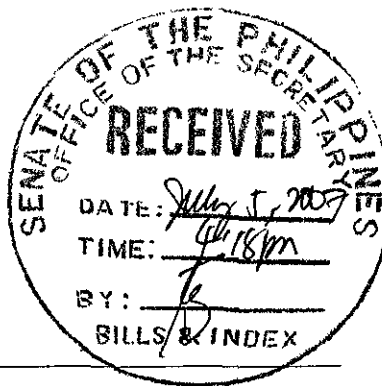


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
S. B. No. 1203



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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

The Constitution, Article II, 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 agencies, educational institutions, local governments, foundations, and other civic programs, substantially depend on the services of volunteers.

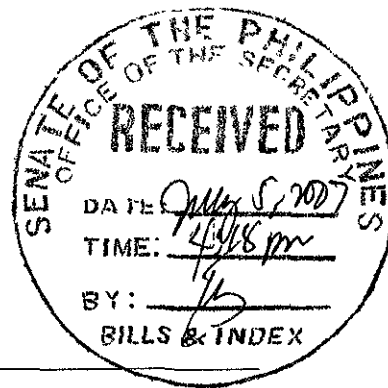
Unfortunately, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they put their personal assets at risk in the event of liability actions against the organization they serve.

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.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANITAGO  
*sdh*

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



SENATE  
S. B. No. 1203

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

5 *Be in enacted by the Senate and the House of Representatives of the Philippines in*  
6 *Congress assembled:*  
7

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

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

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

- 14 (A) “Volunteer” means an individual performing services for a non-profit organization  
15 or a government entity who does not receive compensation, or any other thing of  
16 value in lieu of compensation, for such services, and such term includes a volunteer  
17 serving as a director, officer, trustee, or direct service volunteer;
- 18 (B) “Non-profit Organization” means any organization whose purpose is not to gain  
19 profit but to provide social services; and
- 20 (C) “Damage or Injury” includes physical, nonphysical, economic, and non-economic  
21 damage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           Approved,