

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH (19TH) CONGRESS
First Regular Session

House Bill No. 1391



Introduced by: Rep. Bernadette Herrera-Dy

AN ACT EXEMPTING 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 PROVIDING ASSISTANCE TO SUCH PERSON

EXPLANATORY NOTE

No less than the 1987 Constitution provides that "The State values the dignity of every human person..." (Sec. 11, Art. II)

It further provides that "The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good. (Sec. 1, Art. XIII)

The New Civil Code provides that "When through an accident or other cause a person is injured or becomes seriously ill, and he is treated or helped while he is not in a condition to give consent to a contract, he shall be liable to pay for the services of the physician or other person aiding him, unless the service has been rendered out of pure generosity. (Article 2167)

It further provides that "When during a fire, flood, storm, or other calamity, property is saved from destruction by another person without the knowledge of the owner, the latter is bound to pay the former just compensation." (Article 2168)

The Revised Penal Code, imposes the penalty of arresto mayor to any person who abandons another person in dire need. It states "Any one 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." (Article 275 par. 1)

All of these legal provisions point to a policy that seeks to protect the lives and property of others, especially where the assistance was due to the actions of a person who was under no obligation to act. Clearly, there is an underlying policy protecting, even compensating, good Samaritans.

The parable of the Good Samaritan is a biblical story of a Jewish traveler who had been robbed, beaten, stripped of clothing, and left bloodied along the side of the road. A priest had first chanced upon the traveler, yet offered no assistance. A Levite had next passed, and likewise ignored the man in need. Finally, a Samaritan finds the injured traveler, provides assistance, clothing, brings the man to an inn, and even paid the costs. All during a time when Jews and Samaritans had a genuine and deep-rooted hatred of each other. It is arguably the prime example of human empathy.

Unfortunately, empathy for others is no longer as widespread. A common sight during an accident is that people flock towards the sight to see what has occurred. In some of our neighbors, the common mentality is to simply ignore the incident, for fear that if you provide assistance, the "Good Samaritan" ends up being sued by the rescued party.

One such instance in 2006, Peng You, a young student in China, chanced upon an elderly lady who had fallen off a bus and fractured her leg. Mr. Peng assisted the lady, brought her to hospital, and gave some money towards the expenses. The elderly lady sued Mr. Peng, accusing him of causing her to fall. The court awarded damages to the elderly lady, upon the reason that "no one would in good conscience help someone unless they felt guilty".

In 2011, an incident was caught on camera involving two year-old Xiao Yueyue who was run over by two vehicles in the middle of a busy market road. The video showed 18 passers-by seeing and ignoring the injured child, who died later in the hospital.

In 2004 in the United States, Ms. Lisa Torti rescued her friend Alexandra Van Horn, by pulling her out of the wreckage of a car accident. The incident caused Ms. Van Horn to become a paraplegic, and later sued Ms. Torti for aggravating the injuries through the manner Ms. Torti pulled Ms. Van Horn out of the crashed vehicle. A divided Supreme Court of California ruled in favor of the victim Ms. Van Horn.

In Canada in 2014, a person witnessing a car crash rushed out to help. The person driving the crashed car stole the Good Samaritan's vehicle instead.

In 2010 in New York, Hugo Alfredo Tale-Yax tried to help a woman being threatened by a person wielding a knife, and ended up stabbed. More than 25 people passed by him as he bled out for over 80 minutes. He died prior to the arrival of the paramedics.

These are only a few of the reported cases where seemingly Good Samaritans become the victims. The chilling effect is the widespread mentality that people now have, to simply not help others in need. This is not a mentality we Filipinos are known for.

We, the representatives of the people, are responsible to ensure that the rights of our constituents are protected. We must maintain the common sense of empathy and care toward our fellow human beings.

It is for these purposes, that this bill seeks to exempt any good Samaritan acting in good faith to assist another who is in danger, is wounded, or requires immediate medical assistance, from any subsequent liability due to injury, loss of life, or damage to property as a result of providing assistance to such person.

It is my earnest hope that my colleagues in the House of Representatives and the Senate see the virtue of this proposal, and approval of this bill is highly and earnestly recommended.



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

SECTION 1 Short Title. This Act shall be known as the "Good Samaritan Act of 2022"

SECTION 2. Declaration of Policy.

Section 11, Article II of the 1987 Constitution provides that "The State values the dignity of every human person and guarantees full respect for human rights.

Section 1, Article XIII of the same Constitution mandates Congress to "... give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic and political inequalities, and remove cultural inequalities by equitably diffusing wealth and political power for the common good.

It is hereby declared as the policy of the State to provide priority measures that can help ensure that those who act in aid or assistance of others shall be protected from civil or criminal liability as the result of their actions in rescuing or otherwise providing medical or nonmedical assistance to those who are ill, injured, or otherwise unconscious and in dire need of assistance.

SECTION 3. Definition of Terms. - For purposes of this Act, the following terms are hereby defined:

- a) "BFP" — refers to the Bureau of Fire Protection.
- b) "Good Samaritan" - refers to any person who acts to rescue another or renders emergency medical or nonmedical services or assistance to an ill, injured, or unconscious person, at the scene of an accident or emergency that has caused the illness, injury, or unconsciousness.
- c) "PAF" - refers to the Philippine Armed Forces.
- d) "PNP"— refers to the Philippine National Police.

e) "PCG" refers to the Philippine Coast Guard.

SECTION 4. Exemption of Good Samaritans from liability.

A Good Samaritan who acts in good faith to any emergency where other persons are in danger, without guilt, misconduct, or compensation, takes steps to provide help or assistance to any person who is in danger, is wounded, or otherwise requires immediate medical treatment, shall not be held civilly or criminally liable for any injury, loss of life, or damage to property that may occur due to the Good Samaritan's actions in providing assistance.

Provided that in the event the victim to be rescued or assisted is conscious and above the age of majority, that consent to be assisted or rescued be first obtained, verbally or through gestures.

Provided further, that the exemption from liability does not apply if the person rescuing or rendering assistance was the cause of the accident, incident, or emergency, is doing so with a view or intent to gain, or has otherwise acted with willful or wanton negligence in the performance of the act of rescuing or assisting another.

SECTION 5. Separability Clause. In the event that any provision of this Act is declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of the remainder of the provisions of this Act shall not be affected thereby.

SECTION 6. Repealing Clause. All laws, presidential decrees, letters of instructions, executive orders, administrative orders, rules, regulations, and other issuances or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby revoked, repealed or modified accordingly.

SECTION 7. Effectivity. This Act shall take effect fifteen (15) days following the completion of its publication in any two (2) national newspapers of general circulation.

Approved,