

'19 JUL 24 A11 :57

SENATE

S.B. No. 748

RECEIVED



Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT
**PROVIDING FOR THE EMPLOYMENT OF QUALIFIED LIFEGUARDS AT ALL
PUBLIC SWIMMING POOLS AND BATHING FACILITIES, AND PROVIDING
PENALTIES FOR VIOLATION THEREOF**

EXPLANATORY NOTE

Aquatic activities, although certainly enjoyable, pose a serious threat to life and limb when the proper safety protocols are not established and observed. The safety risks of aquatic activities are even larger for children. In fact, a 2009 report identified drowning as the second- leading cause of death among Filipino children¹. According to the same article, drowning rates among children have remained at the same level for decades, indicating that it is an issue that has been inadequately addressed by public policy.

One area in which public policy can address this issue is the regulation of public swimming pools and bathing areas. Currently, some regulations do exist, but they are often not followed. One essential requirement - the presence of a lifeguard at all times - is often forgotten or disregarded by the operators of these public water

¹ Pazzibugan, D. (2009, December 15). Drowning 2nd top cause of kids deaths. *Philpine Daily Inquirer*. Retrieved January 20, 2015, from <http://newsinfo.inquirer.net/topstories/topstories/view/20091215-242104/Drowning-2nd-top-cause-of-kid-deaths>

areas.

This legislation seeks to address these concerns by accomplishing the following:

1. Establishing a formula, based on World Health Organization standards, for the number of lifeguards required to be on-duty at all times at public swimming pools;
2. Mandating strict enforcement of the lifeguard requirement by the Department of Health; and,
3. Increasing the criminal liabilities for pool operators who fail to comply with the requirement, and penalizing negligent lifeguards whose actions, or lack thereof, result in the death or serious injury of persons.

Support for the passage and approval of this legislation is earnestly sought.



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

1 SEC. 1. **Short Title.** - This Act shall be known as the "*Lifeguard*
2 *Act of 2019*".

3 SEC. 2. **Definition of Terms.** - The following terms, for the purposes
4 of this Act, shall be defined as follows:

5 a) *Public swimming pool* refers to any swimming pool or bathing facility
6 operated for public or collective use, either for commercial purposes
7 or free-of-charge, including but not limited to pools operated in hotels,
8 inns, motels, condominium buildings and complexes, village
9 clubhouses, and any other public setting, or residential setting other
10 than a single-family home.

11 b) *Lifeguard* refers to an expert swimmer trained in lifesaving techniques
12 who is employed by the pool operator to protect bathers and
13 swimmers, prevent drowning and related water injuries, and ensure

1 orderly and safe use of the facilities.

2 c) *Operator* refers to the owner, manager, administrator, or actual holder
3 of sanitary permit of the facility.

4 SEC. 3. ***Lifeguard Requirement.*** - Each public swimming pool shall
5 employ at least one (1) certified lifeguard for every two-hundred-and-fifty
6 (250) square meters of pool during all hours of operation. Said lifeguard shall
7 be duly certified as such by any nationally-recognized organization accredited
8 by the Department of Health.

9 The pool operator shall provide the appropriate local government unit
10 with a certification and supporting documents proving that he or she has
11 hired and is currently employing the required amount of certified lifeguards at
12 the pool based on the formula given in the preceding paragraph.

13 SEC. 4. ***Role of the Local Government Unit.*** - Pursuant to the
14 provision of the Local Government Code, LGUs shall ensure the compliance of
15 all public swimming pools with this Act through periodic local inspections
16 coordinated by the Local Health Officers, or other personnel as it may see fit
17 to assign. The respective LGUs shall not approve or renew the operating
18 permit of the pool unless it has verified the certification and supporting
19 docents mentioned in the preceding section of this Act.

20 SEC. 5. ***Penal Provisions.*** - The following penalties shall be
21 imposed:

22 a) A pool operator who fails to employ the required number of lifeguards
23 as specified under Sec. 3 of this Act shall pay a fine of Twenty
24 Thousand Pesos (P20,000.00) and the operating permit of the facility
25 suspended for a period not exceeding sixty (60) days. Upon the second
26 violation of this Act, the operator shall pay a fine of Fifty Thousand
27 Pesos (P50,000.00) and the operating permit of the facility shall be
28 suspended for a period not exceeding one-hundred-and-twenty (120)
29 days. Upon the third violation of this Act, the operator shall pay a fine
30 of One Hundred Thousand Pesos (P100,000.00) and the operating

1 permit of the facility shall be revoked.

2 b) In the event of serious injury or death of any person as a result of the
3 use of the pool facilities, a pool operator who fails to employ the
4 required number of lifeguards under Sec. 3 of this Act shall pay a fine
5 of Two Hundred Thousand Pesos (P200,000.00) and shall be
6 sentenced to not more than six (6) months of imprisonment.

7 c) In the case mentioned in the preceding paragraph of this. Section, the
8 LGU official responsible for the inspection of the shall be held
9 administratively liable if the pool facility was able to continue its
10 operations due to refusal, omission, or neglect to fulfil his or her duty.

11 d) In the event of serious injury or death of any person as a result of the
12 use of the pool facilities, any on-duty lifeguard who through gross
13 negligence or imprudence fails to protect said person from injury or
14 death shall pay a fine of Two Hundred Thousand Pesos (P200,000.00)
15 and shall be sentenced to not more than one C I) year of
16 imprisonment. The pool operator and the lifeguard shall be held jointly
17 and solidarily liable for any civil liabilities imposed as a result of the
18 negligent or imprudent act.

19 SEC. 6. **Separability Clause.** - Should any part of this Act be
20 declared unconstitutional, the rest of the provisions of this Act shall continue
21 to be in effect and subsisting.

22 SEC. 7. **Repealing Clause.** - The provisions of other laws, decrees,
23 executive orders, rules and regulations inconsistent with this Act are hereby
24 repealed, amended, or modified accordingly.

25 SEC. 8. **Effectivity.** - This Act shall take effect fifteen (15) days after
26 its publication in the *Official Gazette* and/or in at least two (2) national
27 newspapers in general circulation.

Approved,