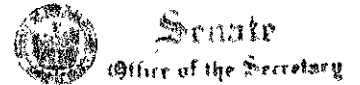


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



75 MAR -3 P4:21

SENATE
S. No. 2678

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

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

It is in the interest of the State to ensure that aquatic facilities and services offered by our local tourism comply with high standards of public safety. Owners and operators of these facilities must be charged with the responsibility of adopting necessary measures to manage and control risks in their services.

One of such measures is the hiring of trained and qualified lifeguards who shall monitor activities in and near the water through patron surveillance, prevent injuries by minimizing or eliminating hazardous situations or behaviors, enforce facility rules and regulations and educate patrons about them, recognize and respond quickly and effectively to all emergencies, and administer first aid and CPR, among others.¹

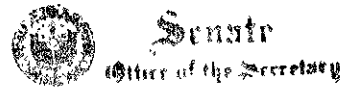
This bill guarantees that operators and owners of public swimming pools and bathing facilities meet the indispensable requirement of employing lifeguards by imposing penalties to those who fail to do so.²

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
70

¹ American Red Cross Lifeguarding Manual, 2012
<http://web.jhu.edu/recreation/aquatics/ARC%20Lifeguard%20Manual.pdf>.

² This bill was filed as House Bill 5378 by Rep. Sherwin T. Gatchalian during the Second Regular Session of the Sixteenth Congress.

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



15 MAR -3 P4:21

SENATE
S. No. 2678

RECEIVED BY: J

Introduced by Senator Miriam Defensor Santiago

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

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

5 SECTION 1. *Short Title.* - This Act shall be known as "Lifeguard Act."

6 SECTION 2. *Declaration of Policy.* - It is the policy of the State to ensure safety
7 of those participating in a variety of aquatic activities by providing for the employment of
8 lifeguards possessing skills necessary to prevent and respond to aquatic emergencies.

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

10 (A) "Public swimming pool" refers to any swimming pool or bathing facility
11 operated for public or collective use, either for commercial purposes or free-of-charge,
12 including but not limited to pools operated in hotels, inns, motels, condominium
13 buildings and complexes, village clubhouses, and any other public setting, or residential
14 setting other than a single-family home.

15 (B) "Lifeguard" refers to an expert swimmer trained in lifesaving techniques
16 who is employed by the pool operator to protect bathers and swimmers, prevent drowning
17 and related water injuries, and ensure orderly and safe use of facilities.

1 (C) "Operator" refers to the owner, manager, administrator, or actual holder of
2 sanitary permit of the facility.

3 SECTION 4. *Lifeguard requirement.* – Each public swimming pool shall employ
4 at least one certified lifeguard for every 250 square meters of pool during all hours of
5 operation. Said lifeguard shall be duly certified as such by any nationally-recognized
6 organization accredited by the Department of Health.

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

11 SECTION 5. *Role of the Local Government Unit (LGUs).* – Pursuant to the
12 provisions of the Local Government Code, LGUs shall ensure the compliance of all
13 public swimming pools with this Act through periodic local inspections coordinated by
14 the Local Health Officers, or other personnel as it may see fit to assign. The respective
15 LGUs shall not approve or renew the operating permit of the pool unless it has verified
16 the certification and supporting documents mentioned in the preceding section of this
17 Act.

18 SECTION 6. *Penal Provisions.* - The following penalties shall be imposed:

19 (A) A pool operator who fails to employ the required number of lifeguards as
20 specified under Sec. 3 of this Act shall pay a fine of ₱20,000 and the operating permit of
21 the facility suspended for a period not exceeding 60 days. Upon the second violation of
22 this Act, the operator shall pay a fine of ₱50,000, and the operating permit of the facility
23 shall be suspended for a period not exceeding 120 days. Upon the third violation of this

1 Act, the operator shall pay a fine of ₱100,000 and the operating permit of the facility
2 shall be revoked.

3 (B) In the event of serious injury or death of any person as a result of the use of
4 the pool facilities, a pool operator who fails to employ the required number of lifeguards
5 under Sec. 3 of this Act shall pay a fine of ₱200,000 and shall be sentenced to not more
6 than six months of imprisonment.

7 (C) In the case mentioned in the preceding paragraph of this Section, the LGU
8 official responsible for periodic local inspections shall be held administratively liable if
9 the pool facility was able to continue its operations due to his or her refusal, omission, or
10 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 use of
12 the pool facilities, any on-duty lifeguard who through gross negligence or imprudence
13 fails to protect said person from serious injury or death shall pay a fine of ₱200,000, and
14 shall be sentenced to not more than one year of imprisonment. The pool operator and the
15 lifeguard shall be held jointly and solidarily liable for any civil liabilities imposed as a
16 result of the negligent or imprudent act.

17 SECTION 7. *Separability Clause.* - If any provision or part hereof is held invalid
18 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
19 remain valid and subsisting.

20 SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance,
21 executive order, letter of instruction, administrative order, rule or regulation contrary to,
22 or inconsistent with, the provision of this Act is hereby repealed, modified, or amended
23 accordingly.

1 SECTION 9. *Effectivity Clause.* - This Act shall take effect 15 days after its
2 publication in at least two newspapers of general circulation.

Approved,

/tmdp20February2015