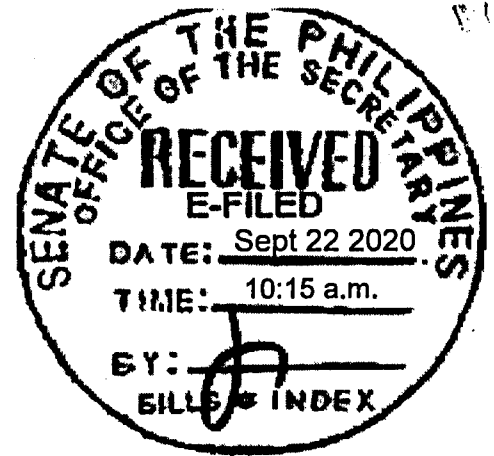


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

COMMITTEE REPORT No. 114

Submitted by the Committees on Trade, Commerce and Entrepreneurship; and Local Government on Sept 22 2020.

Re: Senate Bill No. 1839 Prepared by the Committees

Recommending its approval in substitution of Senate Bill No. 748.

Sponsor: Senator Aquino "Koko" Pimentel III

MR. PRESIDENT:

The Committees on Trade, Commerce and Entrepreneurship; and Local Government, to which was referred **Senate Bill No. 748**, introduced by Senator Win Gatchalian, *entitled*:

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

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached **Senate Bill No. 1839** prepared by the Committees, *entitled*:

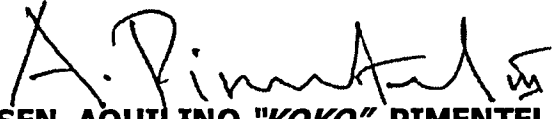
**"AN ACT
REQUIRING THE EMPLOYMENT OF QUALIFIED LIFEGUARDS IN ALL
PUBLIC SWIMMING POOLS AND BATHING FACILITIES, AND PROVIDING
PENALTIES FOR VIOLATION THEREOF"**

be approved in substitution of Senate Bill No. 748 with Senators Gatchalian and Pimentel III, as authors thereof.

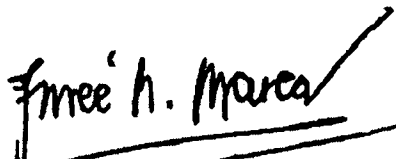
Respectfully submitted:

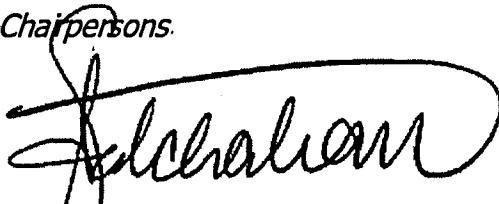
Chairpersons

SEN. FRANCIS "Toi" N. TOLENTINO
Committee on Local Government


SEN. AQUILINO "KOKO" PIMENTEL III
Committee on Trade, Commerce and Entrepreneurship
Member, Committee on Local Government

Vice-Chairpersons

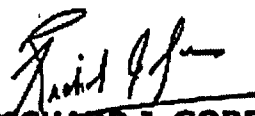

SEN. IMEE R. MARCOS
Committee on Local Government


SEN. WIN GATCHALIAN
Committee on Trade, Commerce and Entrepreneurship
Member, Committee on Local Government


SEN. GRACE POE
Committee on Trade, Commerce and Entrepreneurship

Members


SEN. RONALD "Bato" DELA ROSA
Committee on Local Government


SEN. RICHARD J. GORDON
Committee on Trade, Commerce and Entrepreneurship


SEN. CHRISTOPHER BONG GO
Committee on Local Government


SEN. CYNTHIA A. VILLAR
Committee on Trade, Commerce and Entrepreneurship
Committee on Local Government

SEN. RAMON BONG REVILLA JR.
Committee on Local Government

SEN. MARIA LOURDES NANCY S. BINAY
Committee on Trade, Commerce and Entrepreneurship
Committee on Local Government

SEN. PANFILO M. LACSON
Committee on Local Government

SEN. SONNY ANGARA
Committee on Trade, Commerce and Entrepreneurship

SEN. JOEL VILLANUEVA
Committee on Local Government

SEN. FRANCIS "KIKO" PANGILINAN
Committee on Trade, Commerce and Entrepreneurship
Committee on Local Government

SEN. RISA HONTIVEROS
Committee on Local Government

SEN. LEILA M. DE LIMA
Committee on Trade, Commerce and Entrepreneurship

Ex-Officio Members:

SEN. RALPH G. RECTO
President Pro-Tempore

SEN. JUAN MIGUEL F. ZUBIRI
Majority Floor Leader

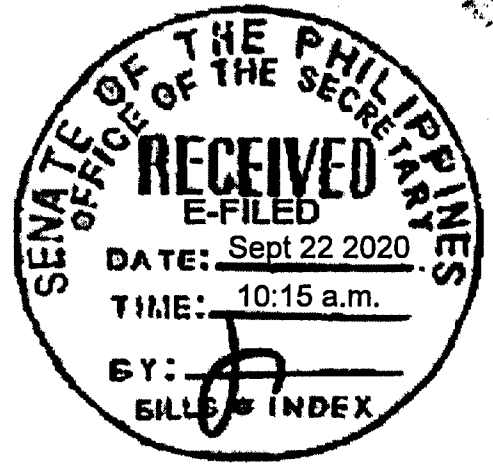
May amend.

SEN. FRANKLIN M. DRILON
Minority Floor Leader

HON. VICENTE SOTTO III

Senate President
Senate of the Philippines
Pasay City

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



SENATE
S. No. 1839

(In Substitution of SB No. 748)

Prepared by the Committee on Trade, Commerce and Entrepreneurship joint with the Committee on Local Government, with Senators Gatchalian and Pimentel III, as authors thereof

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

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 "Lifeguard Act of
2 2020".

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

5 a) Swimming Pool refers to a tank or large structure that is filled with water
6 intended for educational, training, recreational, or competitive swimming or
7 diving and its adjunct bathing facilities, if any.

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

1 c) Lifeguard refers to an expert swimmer trained in lifesaving techniques who is
2 employed by the pool operator to protect bathers and swimmers, prevent
3 drowning and related water injuries, and ensure orderly and safe use of the
4 swimming pool facilities.

5 d) Operator refers to the owner, manager, or administrator of the public swimming
6 pool.

7 **Sec. 3. Lifeguard Requirement.** - Each public swimming pool shall employ at
8 least one (1) certified lifeguard during all hours of operation. In excess of every two
9 hundred fifty (250) square meters of swimming pool, an additional lifeguard shall be
10 employed by the pool operator. Said lifeguard must be duly certified by any nationally-
11 recognized organization accredited by the Department of Health (DOH), Philippine
12 Coast Guard or Technical Education and Skills Development Authority (TESDA).

13 The pool operator shall provide the appropriate local government unit (LGU)
14 with a certification and supporting documents proving that he or she has hired and is
15 currently employing the required number of certified lifeguards at his or her pool
16 facilities based on the formula given in the preceding paragraph.

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

23 **Sec. 5. Penal Provisions.** - The following penalties shall be imposed:

24 a) A pool operator who fails to employ the required number of lifeguards as
25 specified under Sec. 3 of this Act shall pay:

26 i. First Offense: A fine of Twenty Thousand Pesos (P20,000.00) and
27 the suspension of the facility's operating permit for a period not
28 exceeding sixty (60) days;

29 ii. Second Offense: A fine of Fifty Thousand Pesos (P50,000.00) and
30 the suspension of the facility's operating permit for a period not
31 exceeding one-hundred-and-twenty (120) days; and

- 1 iii. Third Offense: A fine of One Hundred Thousand Pesos
2 (P100,000.00) and the revocation of the facility's permit to operate.
- 3 b) In the event of serious injury or death in a public swimming pool, the pool
4 operator who fails to employ the required number of lifeguards under Sec.
5 3 of this Act shall be punished by imprisonment for not more than six (6)
6 months and shall pay a fine of Two Hundred Thousand Pesos
7 (P200,000.00).
- 8 c) In the case mentioned in the immediately preceding paragraph, the LGU
9 official responsible for the inspection of the public swimming pool shall be
10 held administratively liable if caused by his or her omission or neglect to
11 fulfill his or her duty.
- 12 d) In the event of serious injury or death of any person in a swimming pool,
13 the on-duty lifeguard who, through gross negligence or imprudence, fails to
14 protect said person from injury or death shall be punished by imprisonment
15 for not more than one (1) year and shall pay a fine of Two Hundred
16 Thousand Pesos (P200,000.00). The pool operator and the lifeguard shall
17 be held jointly and solidarily liable for any damages and civil liabilities
18 imposed as a result of the negligent or imprudent act.

19 **Sec. 6. Separability Clause.** - If any provision of this Act is held invalid or
20 unconstitutional, the other provisions not affected thereby shall remain in full force
21 and effect.

22 **Sec. 7. Repealing Clause.** - All laws, decrees, executive orders, proclamations,
23 rules and regulations, and issuances or parts thereof which are inconsistent with the
24 provisions of this Act, are hereby repealed, amended or modified accordingly.

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

Approved,