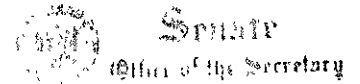


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 APR 23 P2:03

SENATE
S. No. 2733

Office of the Secretary

Introduced by Senator Miriam Defensor Santiago

AN ACT
PENALIZING THE LACK OF LIFEGUARDS, TRAINED FIRST AID PERSONNEL,
AND FIRST AID EQUIPMENT IN ALL COASTAL AND BEACH RESORTS, AND
RESORTS WITH POOLS

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 states: The State shall protect and promote the right to health of the people and instill health consciousness among them.

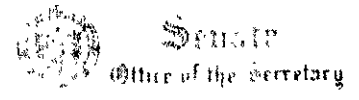
The Philippines is an archipelagic country popular for its beaches and other tourist spots. In 2014, it was estimated that more than four million foreigners visited the country. Local tourism has also flourished in the past few years due to the lowering of air fares for domestic travel. With the increasing number of tourists who visit the country, it is incumbent upon the State to ensure the safety of not just foreign tourists but local tourists as well.

In 1992, the Department of Tourism enacted the Hotel Code providing for the rules and regulations governing the accreditation of hotels and other accommodation establishments. The Philippine Coast Guard also issued Memorandum Circular No. 3-14 in 2014 prescribing the guidelines and procedures for the safety and security requirements of coastal and beach resorts, and vessels pool facilities, including qualification and requirements of lifeguards for the promotion of safety of life at sea. The penalties prescribed under these laws, however, are minimal and lack teeth.

This bill seeks to increase the penalties prescribed in the issuances of the Department of Tourism and Philippine Coast Guard in order to ensure compliance from coastal and beach resorts, and resorts with pools.


MIRIAM DEFENSOR SANTIAGO
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SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



'15 APR 23 P2:03

SENATE
S. No. **2733**

RECEIVED BY. *J*

Introduced by Senator Miriam Defensor Santiago

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

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AN ACT
PENALIZING THE LACK OF LIFEGUARDS, TRAINED FIRST AID PERSONNEL,
AND FIRST AID EQUIPMENT IN ALL COASTAL AND BEACH RESORTS, AND
RESORTS WITH POOLS

SECTION 1. *Short Title.* – This Act shall be known as the “First Aid in Resorts Act.”

SECTION 2. *Definition of “resort”.* – Any place with a pleasant environment and atmosphere conducive to comfort, healthful relaxation and rest, offering food, sleeping accommodation and recreational facilities, including swimming pools, to the public for a fee or remuneration. “Resort” shall also refer to a coastal and beach resort located on the beach and not just accessible to a beach that have amenities and activities to indicate the beach as an anchor attribute.

SECTION 3. *Lifeguard and security.* – All resorts with pools and coastal and beach resorts shall provide the services of a sufficient number of well-trained lifeguards, the number of which shall be determined by the Department of Tourism and Philippine Coast Guard, and shall be duly accredited by either the Philippine Red Cross, the Water Life Saving Association of the Philippines or any recognized organization training or promoting safety objectives, and adequate security whenever there are guests. For coastal or beach resorts, there shall be one lifeguard for every 20 meters of length of beach coast line.

1 SECTION 4. *Medical Services.* – All resorts shall provide the services of a
2 physician, either on-call or on full-time basis, depending on their volume of operation
3 and accessibility to hospital or medical centers. In addition, resorts shall employ
4 adequately trained first aid personnel who have completed a course in first aid duly
5 certified by the Philippine Red Cross or any organization accredited by the same.
6 Adequate first aid medicines and necessary life-saving equipment shall be provided
7 within the premises. The Department of Tourism, in coordination with the Department of
8 Health and Philippine Red Cross shall determine the equipment and medicines necessary
9 for first aid in a resort.

10 SECTION 5. *Penalties.* – Resort operators or owners and their managers shall be
11 held liable for the following violations:

- 12 a. Failure to comply with Sections 3 and 4 of this Act shall be issued a first
13 warning and shall be fined ₱10,000.
- 14 b. Failure to comply with Sections 3 and 4 of this Act within six months after the
15 receipt of the first warning shall be fined ₱30,000 and shall suffer three months
16 operational suspension.
- 17 c. Failure to comply with Sections 3 and 4 of this Act within six months after
18 receipt of the second warning shall be fined ₱50,000 and shall suffer six
19 months operational suspension.
- 20 d. Negligence or failure to immediately provide first-aid to a guest staying at the
21 resort shall result in a fine of ₱5,000.
- 22 e. Negligence or failure to immediately provide first-aid to a guest staying at the
23 resort, who suffered physical injuries due to the use of resort facilities, shall
24 make the owner or operator liable to pay for the hospital expenses of the
25 injured guest.

1 f. Negligence or failure to immediately provide first aid to a guest staying at the
2 resort, who suffered physical injuries due to the use of resort facilities, shall
3 make the owner or operator liable to pay for the hospital expense of the injured
4 guest. If the negligence or failure to provide first aid was due to non-
5 compliance with either Sections 3 or 4 of this Act, then the resort shall suffer
6 six months operational suspension and the owner or operator shall pay a fine of
7 ₱50,000.

8 g. Negligence or failure to immediately provide first aid to a guest staying at the
9 resort, resulting in his death, shall make the owner or operator liable to
10 reimburse the deceased's family his expense while staying on the resort and to
11 pay for the actual burial expense of the deceased, in addition to moral damages
12 of ₱75,000.

13 h. Negligence or failure to immediately provide first aid to a guest staying at the
14 resort, resulting in his death, shall reimburse the deceased's family his expense
15 while on the resort, and shall pay for the actual burial expense of the deceased,
16 in addition to moral damages of ₱75,000. If the death was due to non-
17 compliance with either Sections 3 or 4 of this Act, then the license of the resort
18 shall be revoked and the owners or operators shall pay a fine of ₱50,000.

19 SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid
20 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
21 remain valid and subsisting.

22 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance,
23 executive order, letter of instruction, administrative order, rule or regulation contrary to
24 or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
25 accordingly.

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

Approved,

/mat17April2015