

SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

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SENATE

S.B. No. 997

Introduced by SEN. WIN 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 areas.

¹ Pazzibugan, D. (2009, December 15). Drowning 2nd top cause of kids deaths. *Philippine Daily Inquirer*. Retrieved January 20, 2015, from <http://newsinfo.inquirer.net/topstories/topstories/view/20091215-2:2104/Drowning-2nd-top-cause-of-kid-deaths>

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.



WIN GATCHALIAN

SEVENTEENTH CONGRESS OF THE]
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Senate
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*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

1 SECTION 1. **Short Title.** - This Act shall be known as the "Lifeguard
2 Act of 2016".

3 SEC. 2. **Definition of Terms.** - The following terms, for the purposes of
4 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
12 b) *Lifeguard* refers to an expert swimmer trained in lifesaving techniques
13 who is employed by the pool operator to protect bathers and
14 swimmers, prevent drowning and related water injuries, and ensure

15 orderly and safe use of the facilities.

16 c) *Operator* refers to the owner, manager, administrator, or actual holder
17 of sanitary permit of the facility.
18

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

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

28 **SEC. 4. Role of the Local Government Unit.** - Pursuant to the
29 provision of the Local Government Code, LGUs shall ensure the compliance of
30 all public swimming pools with this Act through periodic local inspections
31 coordinated by the Local Health Officers, or other personnel as it may see fit to
32 assign. The respective LGUs shall not approve or renew the operating permit of
33 the pool unless it has verified the certification and supporting documents
34 mentioned in the preceding section of this Act.

35 **SEC. 5. Penal Provisions.** - The following penalties shall be imposed:
36 a) A pool operator who fails to employ the required number of lifeguards
37 as specified under Sec. 3 of this Act shall pay a fine of Twenty
38 Thousand Pesos (P20,000.00) and the operating permit of the facility
39 suspended for a period not exceeding sixty (60) days. Upon the second
40 violation of this Act, the operator shall pay a fine of Fifty Thousand
41 Pesos (P50,000.00) and the operating permit of the facility shall be
42 suspended for a period not exceeding one-hundred-and-twenty (120)
43 days. Upon the third violation of this Act, the operator shall pay a fine
44 of One Hundred Thousand Pesos (P100,000.00) and the operating permit
45 of the facility shall be revoked.
46

- 47 b) In the event of serious injury or death of any person as a result of the
48 use of the pool facilities, a pool operator who fails to employ the
49 required number of lifeguards under Sec. 3 of this Act shall pay a fine
50 of Two Hundred Thousand Pesos (P200,000.00) and shall be sentenced to
51 not more than six (6) months of imprisonment.
- 52 c) In the case mentioned in the preceding paragraph of this. Section, the
53 LGU official responsible for the inspection of the shall be held administratively
54 liable if the pool facility was able to continue its
55 operations due to refusal, omission, or neglect to fulfil his or her duty.
- 56 d) In the event of serious injury or death of any person as a result of the
57 use of the pool facilities, any on-duty lifeguard who through gross
58 negligence or imprudence fails to protect said person from injury or
59 death shall pay a fine of Two Hundred Thousand Pesos (P200,000.00) and
60 shall be sentenced to not more than one (1) year of imprisonment. The
61 pool operator and the lifeguard shall be held jointly and solidarily
62 liable for any civil liabilities imposed as a result of the negligent or
63 imprudent act.

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

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

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

Approved,