


**NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*First Regular Session*

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**SENATE**

RECEIVED BY



**S.B. No. 1142**

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**Introduced by SEN. WIN GATCHALIAN**

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**AN ACT  
REQUIRING FOR THE EMPLOYMENT OF QUALIFIED LIFEGUARDS IN 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. The World Health Organization (WHO) considers drowning as a public health challenge. The drowning rate in a low-and-middle income country like the Philippines is six times higher than in high-income countries, with rates of 7.8% and 1.2%, respectively. Due to the nation's island-based geography, interaction with water is commonplace with significant water-based transportation between islands and water recreation-based tourism. Despite this fact, no research comprehensively documents prevention strategies implemented by government and non-government agencies at a national or local level in the Philippines.<sup>1</sup>

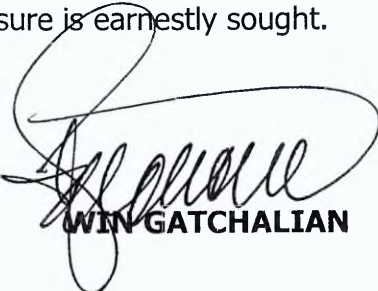
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<sup>1</sup> "I Want to See a Drowning-Free Philippines": A Qualitative Study of the Current Situation, Key Challenges and Future Recommendations for Drowning Prevention in the Philippines by Jonathan P. Guevara, et. al, National Library of Medicine (January 6, 2021)

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.

Accordingly, this measure establishes a formula, based on the World Health Organization's standards, for the number of lifeguards required to be on-duty at all times at public swimming pools. It also mandates the strict enforcement of the lifeguard requirement by the Department of Health. Lastly, this measure increases the criminal liabilities for pool operators who fail to comply with the requirement, and penalizes negligent lifeguards whose actions, or lack thereof, result in the death or serious injury of persons.

In view of the foregoing, the passage of this measure is earnestly sought.



**WIN GATCHALIAN**

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

1

2 SECTION. 1. *Short Title.* - This Act shall be known as the "Lifeguard Act of  
3 2022."

4

5 SEC. 2. *Definition of Terms.* - For the purposes of this Act, the following terms  
6 shall be defined as follows:

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

10 b) *Public swimming pool* refers to any swimming pool operated for public or  
11 collective use, either for commercial purposes or free-of-charge, including  
12 but not limited to pools operated in hotels, inns, motels, condominium

1 buildings and complexes, clubhouses, and any other public setting, or  
2 residential setting other than a single-family home.

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

7 d) *Operator* refers to the owner, manager, or administrator of the public  
8 swimming pool.

9  
10 SEC. 3. *Lifeguard Requirement.* - Each public swimming pool shall employ at  
11 least one (1) certified lifeguard during the entire duration of its operations. In excess  
12 of every two hundred fifty (250) square meters of swimming pool, an additional  
13 lifeguard shall be employed by the pool operator. Said lifeguard shall be duly certified  
14 as such by any nationally-recognized organization accredited by the Department of  
15 Health.

16 The pool operator shall provide the appropriate local government unit (LGU)  
17 with a certification and supporting documents proving that the employment or  
18 engagement of the required number of certified lifeguards at the pool based on the  
19 formula given in the preceding paragraph.

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

27  
28 SEC. 5. *Penal Provisions.* - The following penalties shall be imposed:

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

- 1 i. First Offense: A fine of Twenty Thousand Pesos (P20,000.00) and the  
2 suspension of the facility's operating permit for a period not exceeding  
3 sixty (60) days.
- 4 ii. Second Offense: A fine of Fifty Thousand Pesos (P50,000.00) and the  
5 suspension of the facility's operating permit for a period not exceeding  
6 one-hundred-and-twenty (120) days;
- 7 iii. Third Offense: A fine of One Hundred Thousand Pesos (P100,000.00)  
8 and the revocation of the facility's permit to operate.
- 9 b) In the event of serious injury or death in a public swimming pool, the pool  
10 operator who fails to employ the required number of lifeguards under Sec.  
11 3 of this Act shall be punished by imprisonment for not more than six (6)  
12 months and shall pay a fine of Two Hundred Thousand Pesos  
13 (P200,000.00), without prejudice to other criminal, civil or administrative  
14 liabilities.
- 15 c) In the case mentioned in the preceding paragraph, the LGU official  
16 responsible for the inspection of the public swimming pool shall be held  
17 administratively liable if caused by his or her omission or neglect to fulfill  
18 his or her duty.
- 19 d) In the event of serious injury or death of any person in a swimming pool,  
20 the on-duty lifeguard who, through gross negligence or imprudence, fails  
21 to protect said person from injury or death shall be punished by  
22 imprisonment for not more than one (1) year and shall pay a fine of Two  
23 Hundred Thousand Pesos (P200,000.00). The pool operator and the  
24 lifeguard shall be held jointly and solidarily liable for any damages and civil  
25 liabilities imposed as a result of the negligent or imprudent act.
- 26

27 SEC. 6. *Separability Clause.* - If any provision of this Act is held invalid or  
28 unconstitutional, the other provisions not affected thereby shall remain in full force  
29 and effect.



1           SEC. 7. *Repealing Clause.* - All laws, decrees, executive orders, proclamations,  
2 rules and regulations, and issuances or parts thereof which are inconsistent with this  
3 Act, are hereby repealed, amended, or modified accordingly.

4

5           SEC. 8. *Effectivity.* - This Act shall take effect fifteen (15) days after its  
6 publication in the Official Gazette or in at least two (2) national newspapers in general  
7 circulation in the Philippines.

*Approved,*