

HOUSE OF REPRESENTATIVES

H. No. 8216

BY REPRESENTATIVES ARAGONES, BARBA, NIETO, VILLANUEVA (E.), AND RIVERA, PER COMMITTEE
REPORT NO. 664

AN ACT
MANDATING OWNERS OR OPERATORS OF HOTELS AND RESORTS WITH
SWIMMING POOLS AND BEACH FRONT FACILITIES TO EMPLOY THE
SERVICES OF CERTIFIED LIFEGUARDS, AND PROVIDING PENALTIES FOR
THE 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 "*Swimmer's Protection*
2 *and Safety Act.*"

3 **SEC. 2. *Declaration of Policy.*** - It is the declared policy of the State to safeguard
4 the life, health, property, and the general welfare of the people. Towards this end, the State
5 shall regulate the operation of swimming pools and beachfront facilities of hotels and resorts
6 by providing safety protocols and mandating its owners or operators to engage the services of
7 certified lifeguards to prevent swimming accidents, ensure the safety of the pool or beach-
8 going public, and to maintain the state of readiness of the swimming area.

9 **SEC. 3. *Employment of Lifeguard Services.*** - The owner or operator of a hotel or
10 resort with a swimming pool or located on a beachfront shall be required to employ at least

1 one (1) certified lifeguard for every two hundred fifty (250) square meters of swimming pool
2 or beachfront area during all hours of operation.

3 The hotel and resort owners or operators mentioned in the preceding paragraph shall
4 provide their respective local government units (LGUs) with a certification and other
5 supporting documents proving that they are employing the services of certified lifeguards as
6 required under this Act.

7 **SEC. 4. *Role of LGUs.*** – In order to ensure the strict compliance with the provisions
8 of this Act, the LGUs shall conduct regular inspection of the swimming pools and beachfront
9 facilities of the hotels and resorts mentioned in this Act.

10 No LGU shall approve or renew the operating permit of a hotel or resort with a
11 swimming pool or which is located on a beachfront unless the LGU has verified the
12 certification and other supporting documents of compliance by the hotel or resort with the
13 requirements of this Act.

14 **SEC. 5. *Training and Certification of Lifeguards.*** – Lifeguards employed by hotels
15 and resorts shall, prior to employment, undergo training from an accredited training
16 institution and shall be certified by the Philippine Coast Guard, the Department of Health or
17 the Philippine Red Cross. A certification shall only be issued upon submission of proof that
18 the lifeguard has undergone the proper training and acquired the necessary expertise and skill
19 required under this Act.

20 **SEC. 6. *Penalties.*** – The following penalties shall be imposed for violations of this
21 Act:

22 a. Any hotel or resort owner or operator who fails to employ the required number
23 of certified lifeguards as specified under Section 3 of this Act shall be punished with a fine of

1 not less than Twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos
2 (P50,000.00), and suspension of the operating permit of the facility for a period not
3 exceeding sixty (60) days, for the first offense; a fine of not less than Fifty thousand pesos
4 (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), and suspension
5 of the operating permit of the facility for a period not exceeding one hundred twenty (120)
6 days, for the second offense; and a fine of not less than One hundred thousand pesos
7 (P100,000.00) but not more than One hundred fifty thousand pesos (P150,000.00), and
8 revocation of the operating permit of the facility, for the third offense;

9 **b.** In the event of a serious injury or death of any hotel or resort guest while using
10 the swimming pool, or while swimming in the lake, river or sea fronting a hotel or resort
11 which failed to employ the required number of certified lifeguards under this Act, such hotel
12 or resort owner or operator shall, upon conviction, be punished with imprisonment of not less
13 than three (3) months but not more than six (6) months and a fine of not less than Two
14 hundred thousand pesos (P200,000.00) but not more than Two hundred fifty thousand pesos
15 (P250,000.00);

16 **c.** In the case of death of a guest of a hotel or resort which has failed to employ
17 the required number of certified lifeguards, the LGU official or employee responsible for the
18 inspection of the hotel or resort shall be held administratively liable if the hotel or resort was
19 able to continue its operations due to the LGU official or employee's omission or negligence;
20 and

21 **d.** In the event of serious injury or death of any guest while swimming in the
22 pool, or in the lake, river or sea fronting the hotel or resort, any lifeguard on duty who fails to
23 protect the guest from injury or death, due to gross negligence or imprudence shall, upon
24 conviction, be punished with imprisonment of not less than six (6) months but not more than
25 one (1) year or a fine of not less than Two hundred thousand pesos (P200,000.00) but not

1 more than Two hundred fifty thousand pesos (P250,000.00) or both, at the discretion of the
2 court. The hotel or resort owner or operator and the lifeguard shall be held jointly and
3 solidarily liable for any civil liability imposed as a result of the negligent or imprudent act.

4 In case the hotel or resort is a corporation, partnership or association, the board of
5 directors, partners, officers or employees responsible for the act or omission shall be
6 criminally liable.

7 **SEC. 7. *Implementing Rules and Regulations.*** – Within ninety (90) days from the
8 effectivity of this Act, the Secretary of Tourism shall, in coordination with the Secretary of
9 the Interior and Local Government, the Secretary of Health, and the Commandant of the
10 Philippine Coast Guard, promulgate the necessary rules and regulations implementing the
11 provisions of this Act.

12 **SEC. 8. *Repealing Clause.*** – All laws, rules, regulations, proclamations, executive
13 orders or parts thereof inconsistent with the provisions of this Act are hereby amended or
14 repealed accordingly.

15 **SEC. 9. *Separability Clause.*** – If any part or provision of this Act is declared
16 unconstitutional or invalid, the other parts or provisions not affected thereby shall continue to
17 be in full force and effect.

18 **SEC. 10. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
19 in the *Official Gazette* or in any newspaper of general circulation.

20 Approved,