

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



'22 DEC -5 P1 :15

SENATE
S. No. 1581

RECEIVED BY:

Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

Presidential Decree No. 856, or the "*Code on Sanitation of the Philippines*", was promulgated on December 23, 1975. Chapter VIII of the said Code provides for guidelines for public swimming or bathing places. Section 52 mandates the Department of Health (DOH) to protect the health and safety of persons who use public swimming or bathing places by promulgating rules and regulations concerning: 1) correct sanitary practices for persons swimming or bathing to prevent the transmission of communicable diseases; 2) correct sanitary procedures for personnel working in those places to maintain their adequate sanitation and cleanliness of accessories used by customers; 3) adequate number of trained personnel and necessary equipment needed for lifesaving and rescue work; and 4) post conspicuous signs to warn the public of the presence of artificial or natural hazards.

Pursuant to the Code of Sanitation, the DOH issued on January 30, 1998 the Implementing Rules and Regulations (IRR) of Chapter VIII of the Code on Sanitation of the Philippines. Section 2.10 of the said IRR defines the term "lifeguard" as "an expert swimmer trained in lifesaving procedures employed at a public bathing place to safeguard bathers and to prevent drowning". Meanwhile, the requirement of lifeguards in such places are also required in the said IRR. Section 5.1.2 regarding the Safety Precautions at Public Swimming Pools or Bathhouses provides that, "A

swimming pool or bathing place shall have an adequate number of lifeguards in constant attendance when in use." Section 5.1.7 further states that, "A competent lifeguard trained for lifesaving and artificial resuscitation shall always be present during all swimming periods." For public natural bathing places, Section 5.2.4.a requires that, "Public bathing beaches and other public natural bathing places shall have one or more lifeguards on duty during the bathing hours. He must be a holder of a nationally recognized lifesaving certificate." It specifically requires that "There shall be an assigned lifeguard for every 100 bathers in a confined area with one (1) guard in a tower for every 90 meters (300 feet) of beach plus one (1) guard in a boat for every 180 meters (600 feet) in the swimming area." Lastly, Section 10.5 of the IRR provides that it is the responsibility of the operator of public swimming or bathing places to "employ a competent and trained lifeguard who shall be on duty at all times when the swimming or bathing place is in operation."

The "*Lifeguard Act of 2022*" seeks to provide a legislation for the implementation of these rules and regulations to ensure the safety of the public. Apart from requirements and guidelines, the proposed measure also provides for penalties for violators of the same.

This measure was reported out by the Committee on Trade, Commerce and Entrepreneurship in the 18th Congress.

For the safety of the public, the swift passage of this measure is highly recommended.


RAMON BONG REVILLA, JR.

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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 2022".
2 Sec. 2. *Definition of Terms.* – For purposes of this Act, the following terms
3 shall be defined as follows:
4 a. *Swimming pool* refers to a tank or large structure that is filled with water
5 intended for educational, training, recreational, or competitive swimming or
6 diving and its adjunct bathing facilities, if any;
7 b. *Public swimming pool* refers to any swimming pool operated for public or
8 collective use, either for commercial purposes or free-of-charge, including, but
9 not limited to, pools operated in hotels, inns, motels, condominium buildings
10 and complexes, village clubhouses, and any other public setting, or residential
11 setting other than a single-family home;
12 c. *Lifeguard* refers to an expert swimmer trained in lifesaving techniques who is
13 employed by the pool operator to protect bathers and swimmers, prevent
14 drowning and related water injuries, and ensure orderly and safe use of the
15 swimming pool facilities;
16 d. *Operator* refers to the owner, manager, or administrator of the public swimming
17 pool.

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

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

11 *Sec. 4. Role of the Local Government Units (LGUs).* – The LGUs shall ensure
12 the compliance of all public swimming pools with this Act through periodic local
13 inspections, coordinated by the Local Health Officers, or other personnel as it may see
14 fit to assign. The respective LGUs shall not approve or renew the operating permit of
15 the pool operator unless it has verified the certification and supporting documents
16 mentioned in the preceding Section of this Act.

17 *Sec. 5. Penal Provisions.* – The following penalties shall be imposed on the
18 following:

19 a. A pool operator who fails to employ the required number of lifeguards as
20 specified under Section 3 of this Act shall pay:

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

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

27 iii. Third Offense: A fine of One Hundred Thousand Pesos (P100,000.00)
28 and the revocation of the facility's permit to operate.

29 b. In the event of serious injury or death in a public swimming pool, the pool
30 operator who fails to employ the required number of lifeguards under Section
31 3 of this Act shall be punished by imprisonment of not more than six (6) months
32 and shall pay a fine of Two Hundred Thousand Pesos (P200,000.00).

1 c. In cases mentioned in the immediately preceding paragraph, the LGU official
2 responsible for the inspection of the public swimming pool shall be held
3 administratively liable if caused by the LGU official's omission or neglect to fulfill
4 its duty.

5 d. In the event of serious injury or death of any person in a swimming pool, the
6 on-duty lifeguard who, through gross negligence or imprudence, fails to protect
7 said person from injury or death shall be punished by imprisonment of not more
8 than one (1) year and shall pay a fine of Two Hundred Thousand Pesos
9 (P200,000.00). The pool operator and the lifeguard shall be held jointly and
10 solidarily liable for any damages and civil liabilities imposed as a result of the
11 negligent or imprudent act.

12 Sec. 6. *Separability Clause.* – If any part or provision of this Act shall be
13 declared or held invalid or unconstitutional, other provisions hereof which are not
14 affected thereby shall continue to be in full force and effect.

15 Sec. 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive
16 order, letter of instruction, administrative order, rule, or regulation contrary to, or
17 inconsistent with, the provisions of this Act are hereby repealed, modified, or amended
18 accordingly.

19 Sec. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its
20 publication either in the *Official Gazette* or in at least two (2) newspapers of general
21 circulation in the Philippines.

Approved,