

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 3122



INTRODUCED BY: Representative ABRAHAM KAHLIL B. MITRA

EXPLANATORY NOTE

Sports and recreational activities indeed contribute to the physical fitness and well-being of the citizenry. The ever-growing awareness and popularity of physical fitness has paved the way for the rediscovery of the importance of sports among our citizenry. The emergence of sports facilities and the holding of sports clinics are a testimony to this phenomenon. The popularity of sports and recreational activities has tremendously increased. Some even venture into what is called extreme sports.

Alongside this rise in popularity, however, is the concurrent rise in the alarming number of malpractices and accidents, as a direct result in the lack of supervision and control over the different sports and the organizations governing the same. These malpractices or even simple accidents have resulted in death and other serious injuries. Pursuant to its duty to safeguard the life of its citizens, the State has to interfere and control if necessary some sports and recreational activities such as scuba sports and technical diving.

It is in this light that we are compelled to scrutinize further our sports industry and provide measures/safeguards to ensure the well-being of all concerned.

This proposed bill, which brings into fore scuba sports and technical diving, aims to provide standard basic dive rules to all levels/kinds of divers, regulate the sport and expand the powers of the existing governmental agencies in order to further promote the sport and protect the safety of its enthusiasts through the formulation of policies and the imposition of sanctions and penalties for violations thereunder.

Passage of this bill is thus earnestly sought.


ABRAHAM KAHLIL B. MITRA
Second District, Palawan



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Introduced by **Representative ABRAHAM KAHLIL B. MITRA**

**AN ACT AMENDING LOI 745
ON THE CREATION OF THE PHILIPPINE COMMISSION
ON THE PROMOTION AND DEVELOPMENT OF SCUBA SPORTS &
TECHNICAL DIVING AND PRESCRIBING THE PENALTIES FOR VIOLATIONS
THEREFOR**

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

Section 1. Short Title – This Act shall be known as “An Act Amending LOI 745 and Prescribing the Penalties Therefor”.

Section 2. Declaration of Policy. It is hereby declared the policy of the State to undertake measures to provide the standard basic dive rules to all levels/kinds of divers, regulate Scuba Sports & Technical Diving in the country and ensure the safety of the sports through the enactment of laws pursuant thereto, including the regulation of the accredited scuba sports & technical diving establishments, with the end view of developing the sport, the safety of its divers, and the imposition of the proper penalties for violations herein. Our country has been blessed with beautiful dive sites all over the country and tourists, both local and foreign, have been flocking to these destinations. However, in view of the growing popularity of the scuba sport & technical diving, there have been occurrences of injuries, accidents and deaths in connection therewith as a result of improper training and lack of guidance/supervision, which emphasize the need to provide standard basic dive rules, regulations and the appropriate sanctions for violations in order to

promote and encourage the development and safety of the sport and prevent unnecessary injuries and deaths arising there from.

Section 3. Expansion of Functions and Powers of the Philippine Commission on Sports and Scuba Diving Commission (PCSSD). In addition to the regulatory functions provided for under Section 2(A) of LOI 745, the PCSSD shall have jurisdiction, supervision and control to hear and decide cases involving:

- (a) Proper Licensing of Divers;
- (b) Accreditation of Dive Groups, Resorts, Shops, Filling Stations and the like;
- (c) Licensing of Dive Masters, Instructors and the like;
- (d) Diving Malpractices; and
- (e) Other violations

Sec. 4. Powers of PCSSD. In order to exercise such jurisdiction, the PCSSD shall possess and exercise the following powers:

- (a) To create and appoint a committee upon petition or motu proprio to undertake the investigation of divers, diving groups/associations in appropriate cases where there is imminent danger of violation of diving rules and procedures which may be prejudicial to the interest of the sport and the general public.

The committee shall have the power to receive complaints and violations, and thereafter evaluate the feasibility of continuing operations or holding/revoking licenses to protect the interest of the general public.

The committee shall not be subject to any action, claim or demand in the exercise of its powers, or in connection with any act done or omitted to be done by it in good faith in the exercise of or in connection with its functions herein conferred.

- (b) To pass upon the validity of the issuance and use of diving licenses issued by the appropriate organizations, whether local or foreign;

(c) After proper notice and hearing and without prejudice to the filing of criminal and/or civil cases before the regular courts, to impose the proper sanctions for violations pursuant to its findings, such as, but not limited to the imposition of fines/penalties and the suspension and revocation of licenses, upon any of the grounds provided by law, including the following:

- i) Serious misrepresentation or fraud in the procurement of licenses and/or accreditation with the appropriate governmental agency;
- ii) Failure to comply with the Standard Basic Diving Procedures pursuant to the rules and regulations of the Philippine Commission on the Development and Promotion of Sports Scuba & Technical Diving;
- iii) Failure or refusal to comply with any lawful order of the PCSSD;
- iv) Other causes analogous to the foregoing.

(d) To issue preliminary or permanent injunctions, whether prohibitory or mandatory, in all cases over which it has jurisdiction;

(e) To exercise such other powers as may be provided by law, including those which may be implied from, or which may be necessary or incidental to carrying out the express powers granted hereunder.

In this regard, the PCSSD is hereby directed to formulate the procedural rules and guidelines on the orderly conduct of the hearings falling within its jurisdiction.

Section 5. Penalties. Any violation of this Act shall be punished with a fine of not less than Pesos: Five Thousand (P 5,000.00) but not more than Pesos: Fifty Thousand (50,000.00) or imprisonment of not less than three (3) months but not more than two (2) years or both at the discretion of the PCSSD. If the offense is

committed by a member of a duly licensed corporation, firm, partnership or organization conducting business related herewith, the penalty shall be imposed upon the guilty member/s or officer/s of such corporation, firm, partnership or organization.

Section 6. The PCSSD shall submit an annual report to the Philippine Sports Commission at the end of each calendar year with such recommendations as it may deem necessary.

Section 7. Repealing clause. All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules or regulations contrary or inconsistent with this Act are hereby repealed, modified or amended accordingly.

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

Approved.