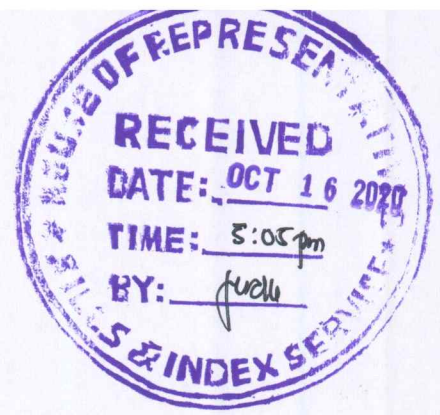


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7897



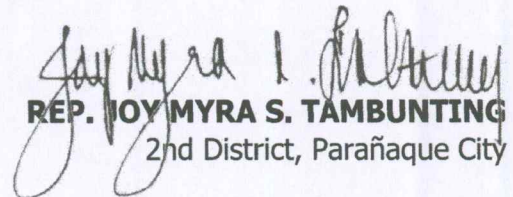
Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

A study the Philippine Statistics Office in 2013 showed that an average of 3726 cases of accidental drowning and submersion occurs annually in the Philippines. 40% of this number are children age 14 and below. Considering the alarming number of people dying due to drowning, it is the State's responsibility to reduce the drowning mortality of the country by introducing and enhancing interventions on drowning prevention especially in high risk groups.

In this regard, this proposed measure mandates establishments operating public swimming pools to employ at least one (1) certified lifeguard during all hours of operation. This proposed measure also enjoins local government units, through local health officers, to monitor the implementation of this measure and to ensure that establishments duly comply with the requirements set by this measure.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 7897

Introduced by **HON. JOY MYRA S. TAMBUNTING**

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

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

SECTION 1. Short Title. – This Act shall be known as the "Lifeguard Act of 2020".

Sec. 2. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

- a) Swimming Pool refers to a tank or large structure that is filled with water intended for educational, training, recreational, or competitive swimming or diving and its adjunct bathing facilities, if any.
- b) Public swimming pool refers to any swimming pool operated for public or collective use, either for commercial purposes or free-of-charge, including but not limited to pools operated in hotels, inns, motels, condominium buildings and complexes, village clubhouses, and any other public setting, or residential setting other than a single-family home.
- c) Lifeguard refers to an expert swimmer trained in lifesaving techniques who is employed by the pool operator to protect bathers and swimmers, prevent drowning and related water injuries, and ensure orderly and safe use of the swimming pool facilities.
- d) Operator refers to the owner, manager, or administrator of the public swimming pool.

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

The pool operator shall provide the appropriate local government unit (LGU) with a certification and supporting documents proving that he or she has hired and is currently employing the

required number of certified lifeguards at his or her pool facilities based on the formula given in the preceding paragraph.

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

Sec. 5. Penal Provisions. – The following penalties shall be imposed:

- a) A pool operator who fails to employ the required number of lifeguards as specified under Sec. 3 of this Act shall pay:
 - i. First Offense: A fine of Twenty Thousand Pesos (P20,000.00) and the suspension of the facility's operating permit for a period not exceeding sixty (60) days;
 - ii. Second Offense: A fine of Fifty Thousand Pesos (P50,000.00) and the suspension of the facility's operating permit for a period not exceeding one-hundred-and-twenty (120) days; and
 - iii. Third Offense: A fine of One Hundred Thousand Pesos (P100,000.00) and the revocation of the facility's permit to operate.
- b) In the event of serious injury or death in a public swimming pool, the pool operator who fails to employ the required number of lifeguards under Sec. 3 of this Act shall be punished by imprisonment for not more than six (6) months and shall pay a fine of Two Hundred Thousand Pesos (P200,000.00).
- c) In the case mentioned in the immediately preceding paragraph, the LGU official responsible for the inspection of the public swimming pool shall be held administratively liable if caused by his or her omission or neglect to fulfill his or her duty.
- d) In the event of serious injury or death of any person in a swimming pool, the on-duty lifeguard who, through gross negligence or imprudence, fails to protect said person from injury or death shall be punished by imprisonment for not more than one (1) year and shall pay a fine of Two Hundred Thousand Pesos (P200,000.00). The pool operator and the lifeguard shall be held jointly and solidarity liable for any damages and civil liabilities imposed as a result of the negligent or imprudent act.

Sec. 6. Separability Clause. – If any provision of this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Sec. 7. Repealing Clause. – All laws, decrees, executive orders, proclamations, rules and regulations, and issuances or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

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

Approved,