

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8108



Introduced by **Rep. ANGELO MARCOS BARBA**
2nd District, Ilocos Norte

EXPLANATORY NOTE

The Philippine Statistics Authority recorded an average of 3,276 accidental drowning and submersion annually in the Philippines from 2006 to 2013.¹ It is the second-leading cause of death among children aged 14 years and below.²

A Philippine Drowning Prevention Council report, on the other hand, revealed that, based on drowning surveillance, there were 265 fatal drowning incidents affecting both foreign and domestic tourists in 2012.³

Drowning deaths were due to aquatic activities such as beach swimming, boating, scuba diving, snorkeling, waterfall swimming, and in swimming pools.⁴ Of the 265 fatal drowning incidents, 40.85% occurred in rivers, 32.62 in beaches, 4.7% in lakes/waterfalls, and 2.44% in swimming pools.⁵ All drowning incidents happened during daylight.⁶

Drowning remained to be a deathtrap to both foreign and local tourists with high exposure to water activities.⁷ Thus, it is imperative that the State create a safe environment and maintain standards of excellence in all tourism aquatic facilities/resorts and services.

Lifeguards play a key role in ensuring a safe environment in pools and beaches. They ensure compliance with water safety guidelines and policies. Qualified lifeguards also prevent water-related emergencies and more importantly, they provide on-site emergency rescue or response.

Hence, this bill.

¹ Uy, M.R.S. Z. PowerPoint Presentation. Drowning Prevention in the Philippines Retrieved November 26, 2020 from https://www.who.int/violence_injury_prevention/media/events/Maria-Uy-Philippines.pdf

² Tacio, H.D. (28 March 2019) Don't Die of Drowning. Retrieved November 26, 2020 from <https://businessmirror.com.ph/2019/03/28/dont-die-of-drowning/>

³ Navarra, A. 2 December 2012. PDPC Tourist Drowning Report 2012. Retrieved on November 26, 2020 from <http://www.philippinelifesaving.org/2012/12/02/pdpc-tourist-drowning-report-2012/>

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

This proposed measure seeks to mandate the employment of qualified lifeguards in all aquatic facilities, beach resorts, and other similar establishments or tourist spots. Employment of lifeguards shall be a requirement prior to the issuance of operating permits. Appropriate penalties for violation of any provisions of the proposed act are provided to ensure strict compliance and proper implementation of the proposed law.

It is high time we promote the country not only as a fun tourist destination, but also as a safe tourist destination.

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



ANGELO MARCOS BARBA

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AN ACT REQUIRING THE EMPLOYMENT OF QUALIFIED LIFEGUARDS IN ALL AQUATIC FACILITIES AND BEACH RESORTS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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

SECTION 1. Short Title. – This Act shall be known as “Lifeguard Act”.

SECTION 2. Declaration of Policy. – It is hereby declared the policy of the State to maintain standards of excellence in all tourism facilities and services, and to promote the country as a safe tourist destination.

To this end, the State shall require the employment of qualified lifeguards in all aquatic facilities and beach resorts to ensure the safety of all local and international tourists and/or guests.

SECTION 3. Definition of terms. – For purposes of this Act, the following terms shall be defined as follows:

- a. Aquatic facilities – man-made or natural bodies of water used for sports, recreation, tourism, education or therapeutic water activities, operated for public or collective use, either for commercial purpose or free-of-charge.
- b. Beach resort - a full service lodging facility, located at the seaside, with access to private or public beach and offers a wide range of services and amenities that typically includes entertainment and recreational activities;
- c. Lifeguard – refers to an expert swimmer trained in lifesaving techniques who is employed by the operators of private and public resorts or swimming facilities; and
- d. Operator – refers to the owner, manager, or administrator of the aquatic facilities and beach resorts.

SECTION 4. Lifeguard requirement. – All aquatic facilities and beach resorts shall be required to employ at least one (1) certified lifeguard for every two hundred fifty (250) square meters of swimming area during all hours of operation.

The operator of the resort or swimming facility shall provide the appropriate local government unit (LGU) with a certification and supporting documents proving the hiring and current employment of the required number of certified lifeguards at the aquatic facility or beach resort as provided in the preceding paragraph.

SECTION 5. Role of Local Government Units. – All LGUs shall ensure the compliance of all aquatic facilities and beach resorts with this Act through periodic local inspections. No operating permits shall be approved or renewed unless there is a certification that the facility or resort has complied with the requirements provided in this Act.

SECTION 6. Certification of Lifeguards. – A lifeguard shall be duly certified by a nationally-recognized organization accredited by the Department of Health (DOH), Philippine Coast Guard (PCG), and Technical Education and Skills Development Authority (TESDA).

SECTION 7. Penal Provisions. – The following penalties shall be imposed:

- a. An aqua facility or beach resort operator who fails to employ the required number of lifeguard(s), as specified under Section 4 of this Act shall pay:
 - i. First Offense – a fine of Twenty thousand pesos (PhP20,000.00) and the suspension of the facility/resort's operating permit for a period not exceeding sixty (60) days;
 - ii. Second Offense – a fine of Fifty thousand pesos (PhP50,000.00) and the suspension of the facility/resort'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 (PhP100,000.00) and the revocation of the facility/resort's permit to operate.
- b. In the event of serious injury or death in a public swimming pool, the operator who fails to employ the required number of lifeguards under Section 4 of this Act shall be punished by imprisonment for not more than six (6) months and shall pay a fine of Two hundred thousand (PhP200,000.00).
- c. In the case mentioned in the immediately preceding paragraph, the LGU official responsible for the inspection of the facility/resort shall be held administratively liable for his or her omission or neglect to fulfill his or her duty.

- d. The lifeguard on-duty who, through his or her own gross negligence or imprudence, fails to protect any 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 (PhP200,000.00). The operator and lifeguard shall be jointly and solidarily liable for any damages and civil liabilities imposed as a result of the negligent or imprudent act.

SECTION 8. *Implementing Rules and Regulations.* – Within ninety (90) days from the enactment of this Act, the Department of Tourism (DOT), in coordination with the Department of Interior and Local Government (DILG), Department of Trade and Industry (DTI) and the DOH, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SECTION 9. *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.

SECTION 10. *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.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation,

Approved,