

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4733



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.,**
HON. MIGUEL LUIS R. VILLAFUERTE, HON. TSUYOSHI ANTHONY "HORI" G.
HORIBATA AND HON. NICOLAS "NICK" ENCISO VIII

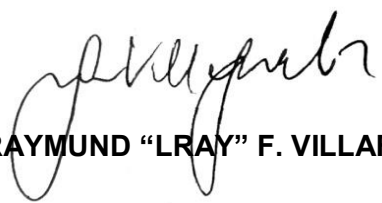
EXPLANATORY NOTE

Being in a tropical country, beaches, swimming pools, and other bodies of water are almost always in our consideration for rest and recreation. However, incidents of drowning are too common that we almost take them for granted. Drowning is dismissed as a natural consequence of having so many bodies of water around us. It is alarming to note that drowning is the second leading cause of death among Filipino children, and the rates of death have remained the same way for decades.

Accordingly, this measure proposes to improve our compliance with safety standards by (1) establishing a formula, based on World Health Organization standards, for the number of lifeguards required to be on duty at all times at public swimming pools; (2) mandating strict enforcement of the lifeguard requirement by the Department of Health; and (3) Increasing the criminal liabilities for pool operators who fail to comply with the requirement, and penalizing negligent lifeguards whose actions, or lack thereof, result in the death or serious injury of persons.

It only takes a moment. A child can drown in the time it takes to reply to a text or apply sunscreen. Having a watchful lifeguard can really spell the difference between life and death in unsuspecting circumstances.

In view of the foregoing, the immediate passage of this bill is most earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.


MIGUEL LUIS R. VILLAFUERTE


TSUYOSHI ANTHONY "HORI" G. HORIBATA


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**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*".

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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. 5 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 solidarily liable for any damages and civil liabilities imposed as a result of the negligent or imprudent act.

SECTION 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.

SECTION 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.

SECTION 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,