COMMITTEE REPORT NO. 664

Submitted by the Committee on Tourism on DEC 11 2020
Re : House Bill No. 8216
Recommending its approval in substitution of House Bill No. 5523
Sponsor : Representative Sol Aragones

Mr. Speaker:

The Committee on Tourism, to which was referred House Bill No. 5523, introduced by the undersigned, entitled:

AN ACT
MANDATING HOTELS AND RESORTS WITH SWIMMING POOLS AND BEACHFRONTS TO EMPLOY THE SERVICES OF LIFEGUARDS

has considered the same and recommends that the attached House Bill No. 8216, entitled:

AN ACT
MANDATING OWNERS OR OPERATORS OF HOTELS AND RESORTS WITH SWIMMING POOLS AND BEACHFRONT FACILITIES TO EMPLOY THE SERVICES OF CERTIFIED LIFEGUARDS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

be approved in substitution of House Bill No. 5523, with the undersigned and Representatives Angelo Marcos Barba, John Marvin “Yul Servo” C. Nieto, Eduardo “Bro. Eddie” C. Villanueva, and Domingo C. Rivera as authors thereof.

Respectfully submitted,

[Signature]

REP. SOL ARAGONES
Chairperson
Committee on Tourism

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
Republic of the Philippines

HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8216
(In substitution of House Bill No. 5523)

Introduced by Representative Sol Aragones

AN ACT
MANDATING OWNERS OR OPERATORS OF HOTELS AND RESORTS WITH SWIMMING POOLS AND BEACH FRONT FACILITIES TO EMPLOY THE SERVICES OF CERTIFIED LIFEGUARDS, AND PROVIDING PENALTIES FOR THE 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 "Swimmer’s Protection and Safety Act."

SEC. 2. Declaration of Policy. – It is the declared policy of the State to safeguard the life, health, property, and the general welfare of the people. Towards this end, the State shall regulate the operation of swimming pools and beachfront facilities of hotels and resorts by providing safety protocols and mandating its owners or operators to engage the services of certified lifeguards to prevent swimming accidents, ensure the safety of the pool or beach-going public, and to maintain the state of readiness of the swimming area.

SEC. 3. Employment of Lifeguard Services. – The owner or operator of a hotel or resort with a swimming pool or located on a beachfront shall be required to employ at least
one (1) certified lifeguard for every two hundred fifty (250) square meters of swimming pool or beachfront area during all hours of operation.

The hotel and resort owners or operators mentioned in the preceding paragraph shall provide their respective local government units (LGUs) with a certification and other supporting documents proving that they are employing the services of certified lifeguards as required under this Act.

SEC. 4. Role of LGUs. – In order to ensure the strict compliance with the provisions of this Act, the LGUs shall conduct regular inspection of the swimming pools and beachfront facilities of the hotels and resorts mentioned in this Act.

No LGU shall approve or renew the operating permit of a hotel or resort with a swimming pool or which is located on a beachfront unless the LGU has verified the certification and other supporting documents of compliance by the hotel or resort with the requirements of this Act.

SEC. 5. Training and Certification of Lifeguards. – Lifeguards employed by hotels and resorts shall, prior to employment, undergo training from an accredited training institution and shall be certified by the Philippine Coast Guard, the Department of Health or the Philippine Red Cross. A certification shall only be issued upon submission of proof that the lifeguard has undergone the proper training and acquired the necessary expertise and skill required under this Act.

SEC. 6. Penalties. – The following penalties shall be imposed for violations of this Act:

a. Any hotel or resort owner or operator who fails to employ the required number of certified lifeguards as specified under Section 3 of this Act shall be punished with a fine of
not less than Twenty thousand pesos (P20,000.00) but not more than Fifty thousand pesos (P50,000.00), and suspension of the operating permit of the facility for a period not exceeding sixty (60) days, for the first offense; a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00), and suspension of the operating permit of the facility for a period not exceeding one hundred twenty (120) days, for the second offense; and a fine of not less than One hundred twenty thousand pesos (P120,000.00) but not more than One hundred fifty thousand pesos (P150,000.00), and revocation of the operating permit of the facility, for the third offense;

b. In the event of a serious injury or death of any hotel or resort guest while using the swimming pool, or while swimming in the lake, river or sea fronting a hotel or resort which failed to employ the required number of certified lifeguards under this Act, such hotel or resort owner or operator shall, upon conviction, be punished with imprisonment of not less than three (3) months but not more than six (6) months and a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Two hundred fifty thousand pesos (P250,000.00);

c. In the case of death of a guest of a hotel or resort which has failed to employ the required number of certified lifeguards, the LGU official or employee responsible for the inspection of the hotel or resort shall be held administratively liable if the hotel or resort was able to continue its operations due to the LGU official or employee’s omission or negligence; and

d. In the event of serious injury or death of any guest while swimming in the pool, or in the lake, river or sea fronting the hotel or resort, any lifeguard on duty who fails to protect the guest from injury or death, due to gross negligence or imprudence shall, upon conviction, be punished with imprisonment of not less than six (6) months but not more than one (1) year or a fine of not less than Two hundred thousand pesos (P200,000.00) but not
more than Two hundred fifty thousand pesos (P250,000.00) or both, at the discretion of the
court. The hotel or resort owner or operator and the lifeguard shall be held jointly and
solidarily liable for any civil liability imposed as a result of the negligent or imprudent act.

In case the hotel or resort is a corporation, partnership or association, the board of
directors, partners, officers or employees responsible for the act or omission shall be
criminally liable.

SEC. 7. Implementing Rules and Regulations. – Within ninety (90) days from the
effectivity of this Act, the Secretary of Tourism shall, in coordination with the Secretary of
the Interior and Local Government, the Secretary of Health, and the Commandant of the
Philippine Coast Guard, promulgate the necessary rules and regulations implementing the
provisions of this Act.

SEC. 8. Repealing Clause. – All laws, rules, regulations, proclamations, executive
orders or parts thereof inconsistent with the provisions of this Act are hereby amended or
repealed accordingly.

SEC. 9. Separability Clause. – If any part or provision of this Act is declared
unconstitutional or invalid, the other parts or provisions not affected thereby shall continue to
be in full force and effect.

SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication
in the Official Gazette or in any newspaper of general circulation.

Approved,
House of Representatives
Committee Affairs Department

FACT SHEET
House Bill No. 8216
(In substitution of House Bill No. 5523)

AN ACT
MANDATING OWNERS OR OPERATORS OF HOTELS AND RESORTS WITH
SWIMMING POOLS AND BEACHFRONT FACILITIES TO EMPLOY THE SERVICES OF
CERTIFIED LIFEGUARDS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

Introduced by: Reps. Sol Aragones, Angelo Marcos Barba, John Marvin
“Yul Servo” C. Nieto, Eduardo “Bro. Eddie” C. Villanueva and Domingo C. Rivera

Committee Referral: Committee on Tourism
Chairperson: Rep. Sol Aragones

OBJECTIVE:
To ensure the protection and safety of hotel and resort guests using swimming
pools and beachfront facilities by mandating hotel and resort owners or
operators to engage the services of certified lifeguards, and prescribing penalties
for violation of the law.

KEY PROVISIONS:

- Mandates the owners or operators of hotels and resorts with swimming
  pools or beachfront facilities to employ the services of lifeguards, who will
  have to undergo training and be properly certified by the Philippine Coast
  Guard, the Department of Health or the Philippine Red Cross;
• Mandates local government units (LGUs) to include the employment of lifeguards as a prerequisite for the approval or renewal of permits to operate for hotels or resorts with swimming pools or beachfront facilities;

• Mandates concerned LGUs to ensure proper compliance of the law by concerned hotels and resorts through the conduct of regular inspections;

• Prescribes penalties for violation of the provisions of the law.

RELATED LAWS:

• Republic Act No. 9593, or the “Tourism Act of 2009”
• Republic Act No. 9993, or the “Philippine Coast Guard Law of 2009”
• Republic Act No. 10072, or the “Philippine Red Cross Act of 2009”