

19 December 2019

SENATOR AQUILINO PIMENTEL III

Chairperson

Committee on Trade, Commerce and Entrepreneurship

Senate of the Philippines

Roxas Blvd., Pasay City

Dear **Senator Pimentel**:

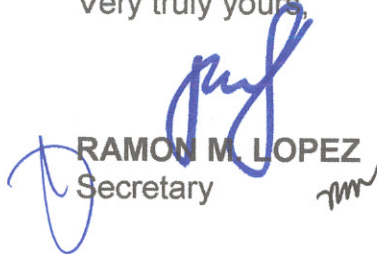
We are pleased to submit the Department's position on Senate Bill No. 748, entitled:

“An Act Providing for the Employment of Qualified Lifeguards at All Public Swimming Pools and Bathing Facilities, and Providing Penalties for Violation Thereof”

This is without prejudice to the Department's submission of additional inputs.

With my best regards.

Very truly yours,



RAMON M. LOPEZ
Secretary

OFFICE OF THE SECRETARY

DTI Position on

House Bill No. 748

“An Act Providing for the Employment of Qualified Lifeguards at All Public Swimming Pools and Bathing Facilities, and Providing Penalties for Violation Therefor”

The Department welcomes the intention of the proposed bill to ensure consumer safety in public swimming pools. We note that the Philippine Coast Guard (PCG), as empowered by Republic Act (RA) No. 9993, otherwise known as the *Philippine Coast Guard Law of 2009*, issued Memorandum Circular No. 03-14 to make it mandatory the presence of lifeguards in coastal and beach resorts, as well as vessels with pool facilities. The same document prescribes the qualifications of lifeguards, particularly for training and certification to be undergone with PCG accredited organizations such as the Philippine Red Cross (PRC) and the Philippine Life Saving (PLS). However, PCG Memorandum Circular No. 03-14 does not cover swimming pools, water parks, and freshwater bodies (e.g., lakes, rivers, streams, etc.), found inland (i.e., non-maritime), which are open to the public for recreational activities.

The Technical Education and Skills Development Authority (TESDA) has made lifeguard training and certification more accessible by promulgating regulations for “Lifeguard Services NC II and NC III.” NC II qualification is restricted to still waters that are artificial and bounded such as swimming pools, while NC III qualification is competent for large resorts and open waters, whether onshore or offshore.

In view of the foregoing, the DTI forwards the following recommendations vis-à-vis specific provisions of the proposed bill, to wit:

SBN 748	DTI Position
<p>Section 2. Definition of Terms</p> <p>“SEC. 2. Definition of Terms. – The following terms, for the purposes of this Act, shall be defined as follows:</p> <p>a) Public swimming pool refers to any swimming pool or bathing facility operated for public or collective use XXX</p> <p>b) Lifeguard refers to an expert swimmer trained in lifesaving techniques XXX</p> <p>c) Operator refers to the owner,</p>	<p>The Department recommends the inclusion of the following terms and definitions¹:</p> <p>“Public freshwater resort refers to any resort operated for public or collective use, either for commercial purposes or free-of-charge, that is located within the zone of a surface freshwater body, and offers amenities and activities contingent on the accessibility and/or utilization of the freshwater body or the immediate land next to it”</p>

¹ Adopted from the proposed bill’s definition of “public swimming pools,” as well as existing legal terms and definitions such as RA 9275, otherwise known as the Philippine Clean Water Act of 2004, and PCG Memorandum Circular No. 03-14

<p>manager, administrator, or actual holder XXX”</p>	<p>“Public water park refers to any water park operated for public or collective use, either for commercial purposes or free-of-charge”</p>
<p>Section 3. Lifeguard Requirement</p> <p>“SEC. 2. Lifeguard Requirement. – Each public swimming pool shall employ at least one (1) certified lifeguard for every two-hundred-and-fifty (250) square meters of pool during all hours of operation. Said lifeguard shall be duly certified as such by any nationally-recognized organization accredited by the Department of Health.</p> <p>XXX”</p>	<p>The DTI recommends for the proposed bill’s coverage to be expanded so as to include all inland bodies of water that would also need lifeguards for risk mitigation and public safety. This would then complement PCG Memorandum Circular No. 03-14 by prescribing lifeguard presence to those not covered by the latter. Moreover, we recommend for the certifying body to either be the PCG or TESDA, given their respective existing processes.</p> <p>“SEC. 2. Lifeguard Requirement. – Each public swimming pool, <i>PUBLIC FRESHWATER RESORT, AND PUBLIC WATER PARK</i> shall employ at least one (1) certified lifeguard for every two-hundred-and-fifty (250) square meters of pool <i>OR TWENTY (20) METERS OF FRESHWATER SHORE LINE</i> during all hours of operation. Said lifeguard shall be duly certified as such by any nationally-recognized organization accredited by the <i>Department of Health PHILIPPINE COAST GUARD (PCG) OR THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA)</i>.</p> <p>XXX”</p>
<p>Section 5. Penal Provisions</p> <p>“SEC. 5. Penal Provisions. – The following penalties shall be imposed:</p> <p>XXX”</p>	<p>The DTI recommends for the proposed bill to include public freshwater resorts and public water parks alongside all references to public swimming pools in this section.</p>

The Department supports the reflection of its specific views and recommendations in the proposed bill, for consideration. Furthermore, we opine that the PCG and the Department of the Interior and Local Government (DILG) must also be solicited for comments on the proposed bill.

Rayapin Chay

Bureau of Trade and Industrial Policy Research

19 December 2019

Ref: BTIPR-122019-184

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