

**REPUBLIKA NG PILIPINAS**  
**TANGGAPAN NG SANGGUNIANG PANLUNGSOD**  
**LUNGSOD NG BAKOLOD**  
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**CITY ORDINANCE NO. 08-15-749**  
**July 15, 2015**

**AN ORDINANCE REQUIRING POOL/RESORT OWNERS AND SIMILAR BUSINESSES TO PROVIDE DULY CERTIFIED LIFEGUARDS AND LIFEGUARDING EQUIPMENT IN THEIR OPERATION, PROVIDING PENALTIES FOR VIOLATION THEREOF AND OTHER PURPOSES.**

**WHEREAS**, UNICEF's data shows, that drowning is the fourth leading cause of death among Filipino children - 14 years old and below;

**WHEREAS**, information reveals that drowning occurs:

- a. When there is no trained lifeguard/s to perform an emergency rescue;
- b. When there is no one skilled in Cardio-Pulmonary Resuscitation(CPR);
- c. When one disregards the exigency;
- d. When notice or warning is not provided at the danger zones;
- e. When there is no proper supervision by the operators over the swimming or bathing area; and
- f. When swimmer or bather fails to cope with a strong wave or the current of water.

**WHEREAS**, in order to prevent swimming accidents, ensure the safety of pool/resort goers; preserve the state of the readiness of the swimming or bathing area, particularly, in times of emergencies, the provision of lifeguards and lifeguarding equipment by pool/resort owners are indispensable;

**WHEREAS**, along with the City's progress is the rise of businesses that engaged in tourism related development, such as: in pool or resort ventures, which, may either be, a beach, an inland or mountain resorts, whereby, local or foreign tourists frequently came to relax and enjoy;

**WHEREAS**, Section 16 of the Local Government Code of 1991 empowers local government unit, particularly, "powers that are considered essential to promote the general welfare" of its constituents, whereby, requiring pool/resort owners of lifeguards and lifeguarding equipment falls within this category;

**NOW THEREFORE, BE IT ORDAINED** by the Sangguniang Panglungsod of Bacolod City in session assembled, that:

**Section 1. Short Title.** - This ordinance shall be known as, "Lifeguards for Pool/Resort Ordinance of Bacolod City."

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**Section 2. Definition of Terms.** – Terms used in this ordinance are defined as follows:

- a. Beach – refers to an extensive area or shingle slopping down to a sea or lake, especially the area between the high-and- low-water marks on a seacoast.
  - b. Bouy – refers to a floating object that is anchored to warn of danger or to mark a location.
  - c. Children - refer to those pool/resort goers below eleven (11) years old.
  - d. Craft - refers to a boat, a barge, a canoe or any water instruments (under this ordinance) that may be used for rescue and emergencies.
  - e. Designated area – refers to a swimming or bathing area at the sea fronting beach resort, provided with an adequate number of bouys, wherein boats, bancas and other crafts are prohibited to enter.
  - f. Lifeguard/ certified lifeguard – refers to an experienced swimmer trained in water safety, rescue and life-saving techniques by the Philippine Red Cross (PRC) or thru a training certified by the Philippine Coast Guard.
  - g. Paddle - refers to an implement with a flat blade at one or both ends used to propel a canoe or any craft.
  - h. Pole - refers to a long rod, which may either be a bamboo or wood (under this ordinance) used during emergencies.
  - i. Pool/ or swimming pool – refers to any structure, basin, chamber, tank, or any receptacle which is capable of containing an artificial body of water for swimming, diving and/or bathing, which have a depth at any point of more than 18 inches.
- Such terms shall include, but not limited to a permanent swimming pool, a permanent wading or reflection pool or a permanent hot tub or spa.
- j. Public pool – refers to any swimming pool, plunge pool, spa pool, tank or similar structure with the primary purpose of holding a person/s that include school pool, council pool, subdivision club house pools and commercially operated pools, including, but not limited to hotels, motels and other places of accommodation, fitness centers, gymnasiums, and whether or not the primary purpose of the premises is the operation of a public but does not include pools in conjunction with private residential accommodation.
  - k. Resort – refers to a place frequented by people for relaxation/recreation, attracting visitors for vacations and/or tourism.
  - l. Spa – refers to a pool designed for recreational or therapeutic use or physiological or relaxation that is not drained, cleaned and refilled for each user.

Such pool includes, but not limited to hydroject circulation, hot water or cold water mineral baths, air induction bubbles, or any combination thereof. Common terminology for spa includes therapeutic pool, hydro-therapy pool, whirlpool, hotspa or hottub.

m. Skis - refer to a pair of long narrow pieces of wood, metal or plastic that curve upward slightly in-front, attached to a shoes used for gliding over a snow or water.

n. Spinal board - refers to a device (under this ordinance) is used by lifeguards, primarily, to provide support for patient who is suffering from spinal injuries.

o. Wading pool – refers to any special purpose pool or receptacle set primarily for the use of children.

p. Water park – refers to an amusement park featuring swimming pools, water slides, wave pools, fountains or other attraction involving water.

**Section 3. Scope of Application.** – This ordinance shall be applicable on the following:

a. Owners and operators of public swimming pools, including subdivision pools , resorts, water parks, spas, wading pools, and all other similar structures and accommodations that provide bathing and recreational facilities, except private residential swimming pools.

**Section 4. Requirements.** – As pre-requisite for the issuance of business permits, beach/resort owners are required to provide for the following:

a. Equipment for rescue, such as craft, paddle, skis, pole, lifebuoy, spinal boards.

b. Accessories/equipment for first responders, such as saline solution, bandages, antiseptics, antihistamines, oxygen kits, splints, rescue blankets and first aid kits.

c. Sufficient signage at the strategic areas that warn customers/tourists of the hazards and danger posed.

d. Adequate provision of buoys along the swimming/bathing area of the beach/resort.

e. Other instruments that would catch public attention, such as, but not limited to portable chair/watch tower, flags, whistles, and the like.

f. Certification of employment of certified lifeguard/s who is responsible over the area at the beach or resort.



**Section 5. Functions of DRRMO.** - The Disaster Risk Reduction and Management Office (DRRMO) shall issue a certification of compliance with the afore-cited requirements, which shall also be the basis for the issuance of business permits.

Notwithstanding the issuance of business permits, the DRRMO shall recommend to the Permits and Licensing Office for the suspension of business permits of a certain business entity after finding (in a regular inspection) that it is not complying with any of the afore-cited mandated requirements. Nevertheless, after compliance, the Permits and Licensing Office shall renew the permits of the same business entity.

**Section 6. Exemption.** - Wading /or kiddie pools, with an area of not more than 4m x 4m, and not more than three (3) feet in depth are exempted from the above-stated requirements, provided that:

- a. They have liability insurance to take full responsibility in case of any untoward accident;
- b. Have a written procedure or instructions in times of emergencies posted at the pool or bathing area; and
- c. Have enough competent workers trained in administering first-aid treatment as certified by the Philippine Red Cross or any entity accredited by the Philippine Coast Guard.

**Section 7. Punishable Acts.** - The following acts/actuations are fined/penalized under this ordinance:

- a. At no time shall any pool, beach/resort, water park, spa or wading pool be made open without a certified lifeguard. Employment of medic or para-medic duly trained in Cardio-Pulmonary Resuscitation (CPR) shall be discretionary on the part of any pool/resort management;
- b. Hotels, motels and spa with swimming or bathing facilities shall not allow children (below eleven(11) years old) without adult companion; and
- c. Night swimming shall not be allowed beyond 10:00 o'clock in the evening, unless certified lifeguards on duty are present and lightings are adequately provided.

**Section 8. Fines/Penalty.** – Offenders shall be fined/penalized based on the following:

*1st Offense* – An imprisonment of five (5) to ten (10) days or a fine of Two Thousand (P2,000.00) Pesos or both at the discretion of the Court;

*2nd Offense* – An imprisonment of eleven (11) to fifteen (15) days or a fine of Three Thousand (P3,000.00) Pesos or both at the discretion of the Court;

*3rd Offense* – An imprisonment of sixteen (16) to thirty (30) days or a fine of Five Thousand (P5,000.00) or both at the discretion of the Court. And, cancellation of business permits.

- If violator is a single proprietor, the owner shall be liable for the afore-cited fines/penalty.

- If violator is a juridical entity, such as:

a. In the case of the Partnership, the Managing Partner shall be liable for fines/penalty, and

b. In the case of the Corporation, the President/Chairman of the Board shall be liable for fines/penalty.

**Section 9. Separability Clause.** – If any provision of this Ordinance is held invalid, provisions which are not affected shall remain in force and effect.

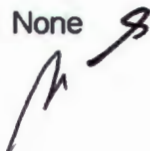
**Section 10. Effectivity Clause.** – This Ordinance shall take effect after fifteen (15) days after publication in the newspapers of local circulation.

**CARRIED BY THE VOTE OF:**

Affirmative :

Councilors : El Cid M. Familiaran, Roberto M. Rojas, Em L. Ang, Carlos Jose V. Lopez, Claudio Jesus Raymundo A. Puentevella, Caesar Z. Distrito, Archie S. Baribar, Wilson C. Gamboa, Jr., Alex A. Paglumotan, Sonya M. Verdeflor, Ana Marie V. Palermo and Noli B. Villarosa.

Absent : None

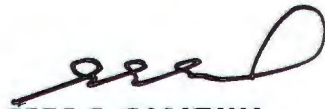


Main Author: Councilor El Cid M. Familiaran

Passed: July 15, 2015  
106<sup>th</sup> Regular Session

Comment: P a s s e d. Councilor Jocelle Batapa-Sigue was out of the session hall  
when this ordinance was passed.

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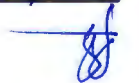
**GREG G. GASATAYA**  
Vice Mayor  
Presiding Officer


ATTESTED:



**ATTY. VICENTE C. PETIERRE III**  
Secretary to the Sanggunian

APPROVED:

Aug 3, 2015  




**MONICO O. PUENTEVELLA**  
City Mayor

VCP/HPL/jpb

