



## **SANGGUNIANG BAYAN**

EXCERPT FROM THE MINUTES OF THE 37<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 15<sup>th</sup> DAY OF OCTOBER 2018 AT THE SB SESSION HALL, LEGISLATIVE BUILDING

**PRESENT:**

HON. JAIME O. DUQUE	.. VICE MAYOR/PRESIDING OFFICER
HON. RODOLFO A. ESPEJO	.. PRO - TEMPORE
HON. EDWARD V. TOLENTINO	.. MEMBER
HON. ALBERTO C. MARZAN, JR. , MD	.. MEMBER
HON. JANIUS M. YASAY	.. MEMBER
HON. THELMAFLOR A. ESPEJO	.. MEMBER
HON. RUBEN V. GAMBOA, JR	.. MEMBER
HON. GEORGE MICHAEL P. AGUILAR	.. MEMBER
HON. CLEOFE D. FAVIS	.. MEMBER
HON. GEORGE R. CUCHAPIN, MD	.. LnB PRESIDENT
HON. EZEKIEL C. RIVERA	.. SKF PRESIDENT

**ABSENT:**

NONE

### **MUNICIPAL ORDINANCE NO. 04**

Series of 2018

*Main Proponent: Coun. Thelmaflor A. Espejo*

**AN ORDINANCE REQUIRING POOL/RESORT OWNERS AND SIMILAR BUSINESSES TO ENSURE THE SAFETY AND SECURITY OF THE PATRONIZING PUBLIC IN THEIR FACILITY AND PROVIDING PENALTIES FOR FAILURE THEREOF.**

WHEREAS, the United Nations Children's Fund (UNICEF) data shows that drowning is the fourth leading cause of death among Filipino children - 14 years old and below;

WHEREAS, statistics and other related information reveal that drowning occurs:

- When there is no trained lifeguard/s to perform an emergency rescue;
- When there is no one skilled in Cardio-Pulmonary Resuscitation (CPR);
- When one disregards the exigency;
- When notice of warning is not provided at the danger zones;
- When there is no proper supervision by the operators over the swimming or bathing areas.

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 lifesaving equipment by pool/resort owners are indispensable;

WHEREAS, along with the Municipality's progress is the rise of businesses engaged in tourism related development, such as in pool or resort ventures, whereby local or foreign tourists frequently came for recreational activities;



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WHEREAS, Section 16 of the Local Government Code 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 lifesaving equipment falls within this provision;

NOW, THEREFORE,

BE IT ENACTED by the Sangguniang Bayan of Moncada, Tarlac in session assembled:

-THAT-

**Section 1. Short Title.** – This Ordinance shall be known as the "SAFE RESORTS ORDINANCE OF THE MUNICIPALITY OF MONCADA 2018".

**Section 2. Definition of Terms.** – For purposes of this Ordinance, the following shall refer to:

- (a) Barrier – means a fence, dwelling wall, or non-dwelling wall, or any combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool, especially access from residence or from the yard outside the barrier.
- (b) Basic Life Support Course – is an aspect of basic lifesaving training primarily composed of rescuing or helping the drowned victim to recover his/her breathing and consciousness characterized by Cardio-Pulmonary Resuscitation procedure (CPR).
- (c) Cardiopulmonary Resuscitation (CPR) – is the process of mouth to mouth respiration and chest compression to enable the drowned victim recover his/her breathing allowing oxygenated blood to circulate to vital organs such as the brain and the heart.
- (d) Certificate of Safety Compliance – a document issued by the Resort Safety Team to resort owners/operators that shall serve as pre-requisite for issuance of Business Permit.
- (e) Drowning – is the condition wherein a person is submerged into the water experiencing respiratory impairment as a consequence.
- (f) Duly Certified Lifeguards – men and women possessing lifesaving skills (Standard First Aid Course, Basic Life Support, and Water Safety Search and Rescue Course) as having been well trained by training organizations duly certified and accredited either by the Philippine Red Cross, Ecumenical Christian College or the Provincial Disaster Risk Reduction Management Office.
- (g) First Aid Kit – a collection of supplies and equipment for use in giving first aid, and can be put together for the purpose.
- (h) Lifesaving Tools – is a set of equipment, materials and instruments essential for rescue and other forms of lifesaving procedures.
- (i) Ocular Inspection – an activity conducted by the Resort Safety Team (RST) on resorts and public bathing places that serves as a basis for the issuance of Certificate of Safety Compliance, a pre-requisite for initial application or renewal of business permit.





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- (j) Owners and Operators – are person or persons whether natural or juridical in nature that own and run the beach or swimming resorts that are open to public for recreation and swimming.
- (k) Philippine Red Cross – a voluntary independent and autonomous non-governmental society auxiliary to the authorities of the Republic of the Philippines in the humanitarian field.
- (l) Resort – A place that is a popular destination for recreation, which is frequented for a particular purpose such as swimming pools and other similar structures and facilities for bathing and/or recreations.
- (m) Resort Safety Team – a multi-agency group composed of representatives from Municipal Disaster Risk Reduction Management Office, Municipal Health Office, Bureau of Fire Protection and Engineering Office that are tasked to perform Ocular Inspection, Monitoring and issue Certificate of Safety Compliance to resort owners.
- (n) Signages – are safety signs and symbols displayed in the resort to inform the public of possible hazards and dangers in the area as well as serve as a sort of instructions and precautions to make people safe and secured while in the area.
- (o) Swimming pool – A structure often a concrete-lined excavation of rectangular or oval shape that is filled with water and used for swimming activities.

**Section 3. Statutory Requirements.** – Before a business permit is issued, owners/operators shall comply with safety requirements set forth in this Ordinance for the operation of a safe resort.

Provided further, that resorts constructed before this Ordinance should comply with same requirements before business permit is renewed.

The following shall be required of resort owners/operators:

(a) **Duly Certified Lifeguard** – Resort operators shall have one (1) or two (2) trained lifeguards, as the case may be, who are duly certified either by the Philippine Red Cross, Ecumenical Christian College, Provincial Disaster Risk Reduction Management Office or any of its accredited training providers in the systematic methods and trainings on Standard First Aid Course, Basic Life Support and Water Safety Search and Rescue Course.

(b) **Lifesaving tools** – A set of equipment and instruments such as first aid kit, ropes, ring buoys (floaters), cardiac board and similar equipment shall be made available at the resort and safekeeping thereof shall be ensured by the trained lifeguards.

(c) **Barriers** – Residential and public swimming pools shall be required to install barriers that will effectively prevent small children from gaining unsupervised and unfettered access to the pool.

(d) **Signages** – Prior to its installation posting, a risk assessment of the swimming pool must be carried out by the authorized representatives from the Municipal Disaster Risk Reduction Management Office (MDRRMO), Bureau of Fire Protection (BFP), Municipal Engineer's Office (MEO) and Municipal Health Office (MHO). Provided further, that safety signages shall be placed in strategic and highly





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visible parts of the swimming pool area. Resort owners shall also be required to put up a marker indicating the depth of the swimming pool. House rules of resort shall be placed in a highly noticeable area and should be well-lighted during night time.

(e) **Safety Cover** – Swimming pools shall be equipped with devices and systems such as safety cover designed to prevent entrapment by pool drains.

(f) **Security Officer** – Owners and Operators of public swimming pools shall employ a security officer who shall secure the premises from unruly resort goers and shall exercise such other functions that will maintain the safety and order in the resort.

(g) Pool ground, resort pavements, and pathways shall be made of non-skid surface and flooring materials to prevent accidents and injuries resulting therefrom.

**Section 4. Monitoring.** – The Resort Safety Team (RST) shall conduct unannounced spot monitoring activities in resorts to determine extent of compliance with the provisions of this Ordinance as basis for imposition of fines and penalties and revocation/suspension of business permit and subsequently the issuance of closure order as the case may be.

### **Section 5. Implementing Office. –**

(a) This Ordinance shall be implemented by the following offices:

- i. Municipal Disaster Risk Reduction Management Office
- ii. Municipal Health Office
- iii. Municipal Engineering Office
- iv. Bureau of Fire Protection (Local Fire Station)
- v. Barangay Disaster Risk Reduction Management Committee (BDRRMC)

(b) The foregoing offices shall jointly formulate the Implementing Rules and Regulations (IRR) thirty (30) days after the approval of this Ordinance and shall develop the corresponding checklist of requirements based on existing national law (PD 856, where applicable) and all prevailing provisions herein, for the effective and efficient enforcement of this Ordinance.

**Section 6. Penalties for Non – Compliance.** – The Following penalties shall be imposed for violation of any provision of Section 3 of this Ordinance:

- a. 1st Offense – A fine of P 1,500.00 and suspension of Business License to Operate for 15 days
- b. 2nd Offense – A fine of P 2,000.00 and suspension of Business License to Operate for 30 days
- c. 3rd Offense – A fine of P 2,500.00, issuance of Closure Order and filing of case in the court.

### **Section 7. Authority. –**

- a. This Ordinance is passed pursuant to the following laws and statements:
- b. Local Government Code of 1991;
- c. 1987 Philippine Constitution, Article II Section 5
- d. Presidential Decree 856 otherwise known as "The Code on Sanitation of the Philippines" section 52 par.(3)
- e. Other related laws and issuances



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**Section 8. Repealing Clause.** – Upon effectivity of this Ordinance, all other local laws and issuances that are deemed inconsistent hereto, or in conflict with any of the provisions of this Ordinance shall be considered repealed.

**Section 9. Effectivity.** – This Ordinance shall take effect fifteen (15) days after its publication in newspaper of local circulation or posting hereof in at least three (3) conspicuous places, this Municipality.


**Approved.**

**Enacted** by the affirmative votes of Espejo, Rodolfo; Marzan; Tolentino; Yasay; Espejo, Thelmaflor; Gamboa; Aguilar; Favis; Cuchapin; Rivera  
Negative: None  
Abstained: None

X-----X  
I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance which was enacted by the Sangguniang Bayan of Moncada, Tarlac during its 37<sup>th</sup> Regular Session held on the 15<sup>th</sup> day of October 2018.

  
**VICTOR SANDINO S. MOLINA, MPA**  
Secretary to the Sanggunian (designate)

**ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:**

  
**HON. JAIME O. DUQUE**  
Vice-Mayor & Presiding Officer

**APPROVED:**

  
**HON. ESTELITA M. AQUINO**  
Municipal Mayor

Date: OCTOBER 24, 2018