



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
J. 2024

SANGGUNIANG PANLALAWIGAN
RECEIVED
JUL 29 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
July 19, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 24-06 of Sangguniang Bayan of Burauen, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 24-06 entitled: **An Ordinance Mandating All Tourism Establishments with Swimming Facilities to Provide in Their Operation, Duly Certified and Accredited Lifeguards, and Security Guards as a Requirement to Secure Business Permit and Renewal.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

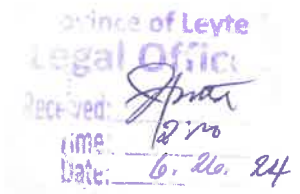
This office is of the opinion that the subject Ordinance is within the powers of the local government unit particularly covered under Section 16 - General Welfare Clause to ensure and support, among other things, the xxxx, promote health and safety, xxxx, encourage and support the development of appropriate and self-reliant scientific and technological capabilities,xxxx promote full employment among their residentsxxx, and preserve the comfort and convenience of their inhabitants, and Section 447(3)(ii)¹ of the Local Government Code of 1991 (R.A 7160). Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents as presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 447(3)(ii) Regulate any business xxxx and conditions under which the license for said business or practice of profession may be issued or revoked.


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
26 June 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 24-06**, of the **Municipality of Burauen, Leyte**, entitled: **An Ordinance Mandating All Tourism Establishments with Swimming Facilities to Provide in Their Operation, Duly Certified and Accredited Lifeguards, and Security Guards as a Requirement to Secure Business Permit and Renewal.**


FLORINDA JIL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN

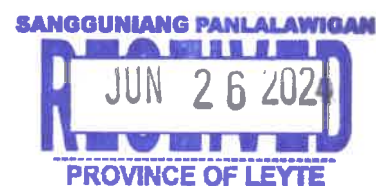


OFFICE OF THE SANGGUNIANG BAYAN

June 25, 2024

THE HONORABLE MEMBERS
Sangguniang Panlalawigan
Province of Leyte

ATTENTION: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte
Palo, Leyte



Ladies/Gentlemen:

We transmit herewith 15 copies of **Municipal Ordinance No. 24-06**, of the Sangguniang Bayan of Burauen, Leyte, entitled "**Lifeguards and Security Guards in Swimming Facilities Ordinance of the Municipality of Burauen, Leyte**", for review and approval of the body.

Thank you and please acknowledge receipt hereof.

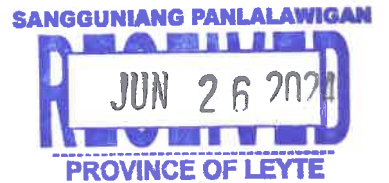
Respectfully yours,


CHARITY C. BARBOSA
Board Secretary II



Republic of the Philippines
 Province of Leyte
 Municipality of Burauen

OFFICE OF THE SANGGUNIANG BAYAN



**MUNICIPAL ORDINANCE NO. 24-06
 SERIES OF 2024**

AN ORDINANCE MANDATING ALL TOURISM ESTABLISHMENTS WITH SWIMMING FACILITIES TO PROVIDE IN THEIR OPERATION, DULY CERTIFIED AND ACCREDITED LIFEGUARDS AND SECURITY GUARDS AS A REQUIREMENT TO SECURE BUSINESS PERMIT AND RENEWAL

AUTHOR: HON. VINCENT G. ENERLAN

Chairman, Committee on Peace and Order, Human Rights, Public Safety, and Crisis and Disaster Management

WHEREAS, Section 16 of the Local Government Code or Republic Act No. 7160, also known as the General Welfare clause provides in part that, “every local government unit shall ensure and support the promotion of health and safety within their respective territorial jurisdiction”;

WHEREAS, a study on epidemiology of child drowning injury in the Philippines, states that “On the average, at least three thousand (3,000) Filipinos of all ages die annually from drowning injury (0.43% of deaths for all age groups), more than a third (35.6%) affect children under 14 years (3.2% of deaths among children 0-14 years);

WHEREAS, information reveals that drowning occurs (1) when there is no trained lifeguard/s to perform an emergency rescue, (2) when there is no one skilled in Cardio-Pulmonary Resuscitation (CPR), (3) when one disregards the exigency, (4) when notice or warning is not provided at the danger zones, (5) when there is no proper supervision by the operators over the swimming or bathing area, and (6) when swimmer or bather fails to cope with a strong wave or the current water;

WHEREAS, to prevent swimming accidents in pools and river resorts within the municipality, and along with the rise of tourism related development such as the mentioned resorts, the provision of duly certified and accredited lifeguards is indispensable;

WHEREAS, as equally essential as the lifeguards, the need for security guards in establishments with swimming facilities play an integral part to ensure safety of properties and maintain peace and order especially with person/s’ misbehaviour under the influence of excessive alcohol intake, among other reasons;

NOW THEREFORE, BE IT ORDAINED, by the Sangguniang Bayan of Burauen, Leyte, in regular session assembled, that:

SECTION 1 – Title. This ordinance shall be known as, “LIFEGUARDS AND SECURITY GUARDS IN SWIMMING FACILITIES ORDINANCE OF THE MUNICIPALITY OF BURAUEN, LEYTE”

SECTION 2 – Scope and Application. All swimming facilities in the municipality which are applying for business permit to operate and for its renewal.

MUNICIPAL ORDINANCE NO. 24-06, SERIES OF 2024; APRIL 1, 2024

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SECTION 3 – Definition of Terms. For purposes of implementation of this Ordinance, terms used in this ordinance are defined as follows:

- a) **Certified Lifeguard** – a person who has been trained in life saving and water safety by a qualified instructor from Philippine National Red Cross (PNRC) or Philippine Coast Guard (PCG) or accredited Local Disaster Risk Reduction Management Office on water life-saving trainings; or any other recognized organization by the government which awards a certificate upon completion of the training.
- b) **Security Guard** – a duly licensed security officer employed to maintain peace and order and protect the swimming facilities' premises against intruders and damage, which includes buildings, structures, properties and people.
- c) **License/Business Permit** – also known as Mayor's Permit, is a government license secured from the Local Government Unit of Burauen through the Business Permit and Licensing Office (BPLO).
- d) **Pool/Swimming Pool** – refers to any structure, basin, chamber, tank, or any receptacle which is capable containing an artificial body of water for swimming, diving and/or bathing.
- e) **River resort** – a type of leisure facility or accommodation located alongside a river, offering amenities such as lodging, dining, recreational activities, and relaxation opportunities for guests.
- f) **Hot Spring** – a spring of naturally hot water, typically heated by subterranean volcanic activity.
- g) **Water Park** – a large outdoor area with swimming pools, water slides, and similar attractions.
- h) **Swimming Facility** – a swimming pool, spa, public bathing beach, or aquatic feature and its appurtenances, singular or aggregated together, that exists for the purpose of providing recreation or therapeutic services to the public.

SECTION 4 – Requirements. All businesses engaged in swimming facilities including but not limited to pool/swimming pools, river resorts, hot springs and water parks shall provide certified lifeguards with a ratio of 1:25 guests. Such businesses shall also provide security guard/s if the establishment allows alcoholic beverages, to maintain peace and order.

SECTION 5 – Administrative Provisions. All businesses engaged in swimming facilities shall comply Section 4 of this ordinance before securing a Business Permit and also the renewal. Failure to comply shall be denied to the issuance of business permit and renewal.

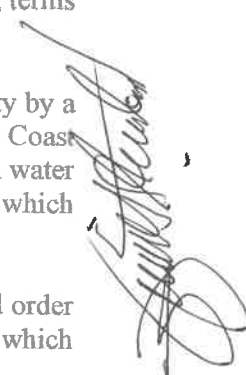
SECTION 6 – Regulating Office. The Municipal Tourism Office shall implement the provisions of this ordinance and subsequently issue a compliance recommendation to the BPLO, as part of the requirements to secure a Business Permit.

SECTION 7 – Repealing Clause. All ordinances, resolutions, executive orders and all other issuances inconsistent herewith are deemed to be repealed or modified accordingly.

MUNICIPAL ORDINANCE NO. 24-06, SERIES OF 2024; APRIL 1, 2024

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Burauen



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SECTION 8 – Separability Clause. If any of the provisions of this ordinance is declared invalid and unconstitutional, other parts or provisions hereof shall continue to be in full force and effect.


SECTION 9 – Effectivity. This ordinance shall take effect upon its approval.

CARRIED UNANIMOUSLY, this 1st day of April 2024, in regular session assembled.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

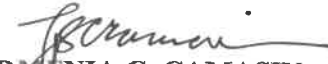

CHARITY C. BARBOSA
Board Secretary II
Acting Secretary to the Sanggunian

ATTESTED:


HON. NOEL P. ALPINO
Vice Mayor
Presiding Officer


HON. VINCENT G. ENERLAN
Sangguniang Bayan Member


HON. CIPRIANO R. RELATORRES, JR.
Sangguniang Bayan Member


HON. HERMENIA C. CAMASIN
Sangguniang Bayan Member

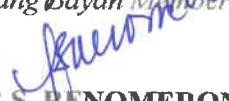

HON. BRYAN R. CINCO
Sangguniang Bayan Member


HON. DEXTER R. SENO
Sangguniang Bayan Member


HON. ROBERT G. DEL PILAR
Sangguniang Bayan Member


HON. EVAFF A. CORAL
Sangguniang Bayan Member

(absent)
HON. OSCAR A. CAGARA
Sangguniang Bayan Member


HON. FE S. RENOMERON
LnB President/ Ex-Officio SB Member

(absent)
HON. JUSTINE MERP G. ANDRADE
SK Federation President/ Ex-Officio Member

APPROVED:


HON. JUANITO E. RENOMERON
Mayor



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **Municipal Ordinance No. 24-06**, of the Sangguniang Bayan of Burauen, Leyte, entitled, “**Lifeguards and Security Guards in Swimming Facilities Ordinance of the Municipality of Burauen, Leyte**”, was enacted on April 1, 2024, approved on even date, and has been posted in two (2) conspicuous and publicly accessible places of the municipality from *April 3, 2024 to April 12, 2024*, in compliance with Section 59, paragraph (b) of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”.

Burauen, Leyte, April 17, 2024.


HON. NOEL P. ALPINO
Municipal Vice-Mayor