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INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT
PREVENTING, MITIGATING, AND RESPONDING TO RISKS AFFECTING
CHILDREN WHILE ON VACATION, ENGAGING IN LEISURE, OR
PARTICIPATING IN ANY OTHER ACTIVITIES RELATED TO THE TOURISM
INDUSTRY

EXPLANATORY NOTE

The Philippines, as an archipelago, is popular for its beaches and other tourist destinations. In 2023, the country was hailed as the World's Leading Dive Destination, and World's Leading Beach Destination at the World Travel Awards¹. According to Department of Tourism ("DOT"), tourism contributed an 8.6 percent share amounting to 2.09 trillion pesos to the gross domestic product in 2023². However, visitors to tourist destinations – particularly children - face risks associated with accidental drownings, jellyfish stings and animal bites, spinal injuries, and infectious diseases while on vacation.

According to the Philippine Statistics Authority ("PSA"), out of the 3,604 deaths by accidental drowning or submersion in 2021, 1056 – or roughly a third - of the victims were children 1 to 14 years of age. In that year, drowning was the second leading cause of death among children 5 to 9 years old.

On October 30, 2023, a 6-year-old Sandy O. Garovillas succumbed to a box jellyfish sting at a resort after failing to receive immediate medical attention due to the failure of the resort's staff to provide first aid for the child, difficulties in contacting emergency services, and the distance of the resort from health facilities in the locality. Due to the absence of trained responders at the resort Sandy and her family were staying at, first aid had to be administered by passers-by: a French medical student, and a United States Army medic. Pharmacies and hospitals in the vicinity of the resort also lacked the medical equipment and supplies necessary to treat Sandy – despite

¹ <https://www.pna.gov.ph/articles/1229430>


² Ibid.

the Philippines being described as "ground zero" for these lethal jellyfish stings by biochemist Angel Yanagihara, a world renowned-expert on the topic. Just 2 years previously on June 8, 2021, a 7-year-old girl died, while two others were seriously injured, after they came in contact with a box jellyfish at a beach resort in Del Gallego, Camarines Sur.

Tourism has been a remarkable economic industry for the country. It is then imperative to not just enhance the experience and stay of foreign and local tourists, but also to ensure their protection and safety. There must be facilities that will serve as an emergency response mechanism for any potential accidents or injuries for all tourists.

Fortunately, the risk of death or injury to children on vacation can be mitigated by the presence trained lifeguards and other first responders, ready access to emergency services such as ambulances, and the presence of health facilities and supplies in localities frequented by tourists. This bill seeks to prevent, mitigate and respond to risks affecting children and other visitors to Philippine tourist destinations by ensuring that they have access to adequate medical and emergency services as well as life-saving equipment, medicine, and facilities.

In view of the foregoing, the passage of this bill is earnestly sought.


RISA HONTIVEROS
Senator

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)**

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SENATE
S.B. No. 2971

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Be It enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. Short Title. – This Act shall be known as “Child Tourist Safety Act”
2 or “Sandy’s Act.”

3 Sec. 2. Declaration of Policy. – It shall be the policy of the state to ensure the
4 safety of children while on vacation, engaging in leisure, or participating in any other
5 activities related to the tourism industry, consistent with the Constitutional mandate
6 to safeguard their right to assistance, including proper care and nutrition, and special
7 protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions
8 prejudicial to their development. Furthermore, there is also a need to study and
9 determine the appropriate safety measures for children participating in the
10 aforementioned activities.

11 Sec. 3. Covered Establishments. – This Act shall apply to all individuals,
12 partnerships, cooperatives, corporations, or other legal entities operating tourism
13 industry-related facilities, attractions, and accommodations such as, but not limited
14 to, hotels, resorts, water parks, and surfing camps, accepting minors as guests,
15 customer, clients, or patrons.

16 Sec. 4. Access to Medical Services & First Aid. - Covered Establishments, in
17 accordance with rules and regulations to be promulgated by the Department of

1 Tourism and National Authority for Child Care, shall ensure that minors and other
2 visitors, guests or patrons are provided with adequate and age-appropriate access to
3 medical, emergency, and other health care services. This shall include the services of
4 health care professionals, either on-call or on full-time basis, depending on volume of
5 operation, as well as means of transport to the nearest hospital or medical facility. In
6 addition, they shall ensure that there are, at all times, staff members on their premises
7 adequately trained in first aid. The Department of Tourism, in coordination with the
8 Department of Health, shall specify the facilities, equipment, and medicine a Covered
9 Establishment shall be required to provide, store, or maintain within its premises.

10 Sec. 5. Life Guards. – Covered Establishments operating swimming pools, or
11 those in close proximity to beaches, lakes, rivers, and other bodies of water used for
12 recreational activities, shall ensure that there are an adequate number of duly-certified
13 lifeguards on duty, in accordance with the rules and regulations to be promulgated by
14 the Department of Tourism and Philippine Coast Guard.

15 Sec. 6. Permits Issued by Local Government Units. – Local Government Units
16 shall ensure that Covered Establishments are in compliance with the provisions of this
17 Act prior the issuance or renewal of any license or permit necessary for such Covered
18 Establishment to operate.

19 Sec. 7. Penal Clause. – Any person who violates any of the provisions of this
20 Act or its Implementing Rules & Regulations shall, upon conviction by final judgment,
21 be punished by imprisonment of not less than six (6) months nor more than two (2)
22 years, or a fine of not less than One Hundred Thousand pesos (PhP100,000), nor more
23 than Five Hundred Thousand pesos (PhP500,000), or both, at the discretion of the
24 court. If the violation is committed by a juridical person, the officer responsible
25 therefor shall serve the imprisonment when imposed. If violation is committed by an
26 alien, he or she shall be immediately deported after service of sentence, without need
27 of further proceedings.

28 Negligence or failure to immediately provide first-aid to a minor who suffers
29 physical injuries due to the use of a Covered Establishment's facilities, shall make the
30 Covered Establishment liable for any hospital expenses incurred. In the event that
31 these injuries result in death, a Covered Establishment shall also shoulder the burial
32 expense of the deceased. If the death was due to non-compliance with this Act, the

1 permits or licenses of the Covered Establishment shall also be revoked in accordance
2 with this Act's Implementing Rules & Regulations.

3 Sec. 8. Implementing Rules & Regulations. – The Department of Tourism, National
4 Authority for Child Care, Department of Health, and the Philippine Coast Guard, shall
5 issue the Implementing Rules & Regulations necessary for the effective
6 implementation of this Act within ninety (90) days from the effectivity thereof.

7 Sec. 9. Separability Clause. - If any provision or part hereof, is held invalid or
8 unconstitutional, the remainder of the law or the provision not otherwise affected shall
9 remain valid and subsisting.

10 Sec. 10. Repealing Clause. - Any law, presidential decree or issuance, executive
11 order, letter of instruction, administrative order, rule or regulation contrary to or
12 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
13 accordingly.

14 Sec. 11. Effectivity Clause. - This Act shall take effect fifteen (15) days after its
15 publication in at least two (2) newspapers of general circulation.

Approved,