



Republic of the Philippines
City of Bago
OFFICE OF THE SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 19-16

AN ORDINANCE REGULATING THE SALE, DISTRIBUTION, POSSESSION AND USE OF FIRECRACKERS, PYROTECHNIC DEVICES AND OTHER SIMILAR EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF BAGO CITY.

WHEREAS, in the past years, the City of Bago has experienced incidents which resulted to loss of properties and lives due to irresponsible and indiscriminate manufacturing, sale and use of firecrackers and pyrotechnic devices;

WHEREAS, there is a need for us to take great steps to regulate the use of firecrackers in order to minimize, if not eradicate accidents that might result to loss of lives and destruction of properties;

WHEREAS, our social and cultural practice of using firecrackers and pyrotechnics must be regulated in order to achieve social stability.

On motion of SP Member Sergio T. Piansay, duly seconded by SP Member Jorge Agustin A. Araneta, the Sangguniang Panlungsod

Be it ordained by the Sangguniang Panlungsod of the City of Bago, that:

SECTION 1. TITLE. AN ORDINANCE REGULATING THE SALE DISTRIBUTION, POSSESSION AND USE OF FIRECRACKERS, PYROTECHNIC DEVICES AND OTHER SIMILAR EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF BAGO CITY.

SECTION 2. OBJECTIVE. It is the objective of this ordinance to regulate the sale, distribution, possession and use of firecrackers and other pyrotechnic devices consistent with, and in furtherance of public safety, order, and security laws, as well as the enhancement of cultural traditions.

SECTION 3. TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES ALLOWED IN THIS ORDINANCE.

A. Firecrackers

1. Baby Rocket - A firecracker with a stick so constructed that a lighting of the wick will propel the whole thing to lift a few meters before exploding. The firecracker is about 1 1/2 inches in length by 3/8 inches in diameter while the stich is about a foot in length.
2. Small Triangulo - A triangle shape firecracker with powder content less than the bawang and usually wrapped in brown paper measuring % inch length in its longer side.
3. Pulling of Strings - A firecracker with a small tube about an inch in length and less than 1/4 of an inch in diameter with strings on each end. Pulling both strings will cause the firecracker to explode.
4. Paper caps - Minute amount of black powder spread in either small strips of paper on a small sheet used for children's toy guns.
5. El Diablo - Firecracker tubular in shape about 1 1/4 inches in length and less than 1/4 inch in diameter with a wick; this is also known as labintador;
6. Judah's Belt - A string of firecrackers consisting of either diablos or small triangulos that can number up to a hundred or thereabout and culminating in large firecracker usually a bawang;

7. Sky Rocket (kwitis) - A large version of a baby rocket designed to be propelled to a height of forty (40) to fifty (50) feet before exploding.
8. Other types equivalent to the foregoing in explosive content.

B. Pyrotechnic Devices:

1. Sparklers - Pyrotechnic devices usually made of black powder on a piece of wire or inside a paper tube designed to light up and glow after igniting;
2. Luces - Any of several kinds of sparklers;
3. Fountain - A kind of sparkler conical in shape which is lighted on the ground and designed to provide various rising colors and intermittent lights upon being ignited;
4. Jumbo regular and special - A kind of sparkler similar to a "fountain" but bigger in size;
5. Mabuhay - Sparklers bunched into a bundle of a dozen pieces;
6. Roman Candle - A sparkler similar to a "fountain" but shaped like a big candle;
7. Trompillo - A pyrotechnic device usually fastened at the center and designed to spin first clockwise and then counter-clockwise and provides various colored lights upon being ignited;
8. Airwolf - A kind of sky rocket shaped like an airplane with a propeller to rise about forty (40) or fifty (50) feet and provide various kinds of lights while aloft;
9. Whistle Device - Any of the various kinds of firecrackers or pyrotechnics designed to either simply emit a whistle-like sound and explode afterwards upon being ignited;
10. Butterfly - A butterfly-shaped pyrotechnic device designed to lift above ground while providing light;
11. All kinds of pyrotechnic devices (pailaw); and
12. Other types equivalent to the foregoing devices.

SECTION 4. PROHIBITED TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES.

The sale, distribution and use of any firecrackers and pyrotechnic devices not mentioned in Section 3, with explosive content that could endanger life and limb, such as but not limited to atomic big triangulo and super lolo and their equivalent are strictly prohibited. Determination of what constitute prohibited firecrackers and pyrotechnics in relation to this Ordinance shall be vested with the Head of the Bureau of Fire Protection of the City.

SECTION 5. LICENSE AND PERMIT REQUIREMENTS.

- a. License and permit to sell, and distribute firecrackers and pyrotechnic devices shall only be granted if the same shall be in accordance with Section 3 of this Ordinance. In no case that a license and permit to sell shall be issued for the sale and distribution of firecrackers and pyrotechnic devices as provided for under Section 4 hereof;
- b. Wholesalers and dealers of firecrackers and pyrotechnic devices shall comply with all the requirements of the Firearms and Explosive Division of the Philippine National Police;
- c. Wholesalers, dealers and retailers of firecrackers and pyrotechnic devices shall be required to secure a Special Business Permit and to pay a reasonable amount of

Three Thousand Pesos (P3,000.00) for the privilege of engaging in the selling of firecrackers and to defray the cost of its regulation. This is without prejudice to the regular Mayor's Permit to be issued.

SECTION 6. QUALIFICATION S OF RETAILERS AND DEALERS.

A license or permit to deal in wholesale or retail of firecracker and pyrotechnic devices shall be issued only to the following:

1. Corporations or partnerships, 100% of ownership shall be Filipinos.
2. Single proprietorship, who shall be a Filipino citizen of good moral character;
3. The entity must be licensed and registered with the Department of Trade and Industry;
4. The entity shall be certified by the Bureau of Fire Protection as to their compliance with Republic Act 7183;
5. Permits secured with the Firearms and Explosives Division of the PNP shall be non transferable.

SECTION 7. RESPONSIBLE USE AND SAFETY GUIDELINES.

Strict compliance to the following safety precautions shall be observed by all the wholesalers, retailers, and users of firecrackers and pyrotechnic devices;

- a. Ordinance Number 3, Series of 2012, states that "Section 1. - No person, natural or juridical, shall make, manufacture or sell pyrotechnics within a radius of three hundred (300) meters away from residential areas.
- b. Within the area of designated zone, no testing and use of the firecrackers shall be allowed.
- c. Selling hours in the zone shall be strictly regulated. They shall only be allowed to operate from 8:00 in the morning to 8:00 in the evening except on December 24 and 29 when they shall be allowed to open up to 11:00 in the evening. Selling of firecrackers and pyrotechnic devices during the yuletide season shall only be for a limited number of days the commencement of which shall be on the 15th of December up to the 31st of the same month.
- d. Inventory of firecrackers and pyrotechnic devices to be sold in the zone shall only be limited to fifty (50) kilos at any time during the selling period. Anything in excess shall be stored in their registered bodegas, registered and inspected by the Bureau of Fire Protection.
- e. Selling of firecrackers and pyrotechnic devices to minors shall be strictly prohibited.
- f. Minors shall also be prohibited to handle and use any firecracker and pyrotechnic device.
- g. The designated area for the sale and distribution of firecrackers and pyrotechnic materials shall be designated by the Local Chief Executive, through the recommendation of the Bureau of Fire.

SECTION 8. SPECIAL CASES. Any person or entity desiring to use firecrackers or pyrotechnic devices by reason of traditional and cultural practices shall apply for a permit as provided for in the Revenue Code of the City of Bago.

SECTION 9. PENALTIES. Any person or entity who shall sell, distribute and use firecrackers and pyrotechnic devices in violation of this Ordinance shall be penalized in the amount of Five Thousand Pesos (P5,000.00) and/or thirty (30) days imprisonment or both at the discretion of the court. In addition, any violation of any of the provisions of this Ordinance shall cause the cancellation of the entity's business license and the confiscation of their inventory. In the case of children or minors, they shall be dealt with pursuant to the provisions of PD. 603, Family Courts Law and other pertinent national statutes including Ordinance No. 12-04, entitled, The Bago City Children's Welfare and Development Code.

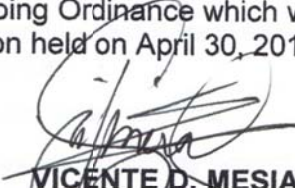
SECTION 10. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portions not so declared shall remain in full force and effect.

SECTION 11. REPEALING CLAUSE. All existing ordinances inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 12. EFFECTIVITY. This ordinance shall take effect 15 days after its publication and posting.

Enacted, April 30, 2019.

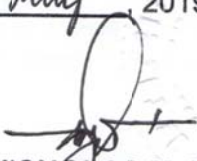
I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held on April 30, 2019.


VICENTE D. MESIAS
Supervising Environmental Management Specialist/
City Secretary-Designate

Attested:


RAMON D. TORRES
City Vice Mayor/Presiding Officer

Approved this 8th day of May, 2019.


NICHOLAS M. YULO
City Mayor