

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3963**

Introduced by HON. GLORIA MACAPAGAL ARROYO

EXPLANATORY NOTE

Filipinos are known for their resilience and optimism. On a yearly basis, Filipinos struggle and prevail over their share of natural and man-made calamities. Thus, it is no surprise that at the end of each year, Filipinos eagerly look forward to the coming of another year. Thus, it has been a long practice for Filipinos to welcome the New Year with much merriment and revelry.

One of the ways by which Filipinos celebrate this yearly event is through the use of firecrackers. It is believed that the loud noise created by firecrackers drive evil spirits away thus, ensuring good fortunes for the New Year.

Unfortunately, this practice has resulted in tragedy such as serious physical injuries even causing death and damage to properties. The overzealous revelry and wanton disregard of safety coupled with and ignorance have always resulted in maimed limbs, mangled bodies, burned houses and lives lost.

Statistics from the Department of Health (DOH) National Epidemiology Center reveal that there were 1,022 cases of fireworks injuries recorded in all 50 sentinel hospital sites of the country at the end of its surveillance period from December 21, 2010 to January 5 of this year. This is lower (1.4%) than the 2009 cases of 1,036 fireworks injuries. Of the 1,022 cases, 972 were fireworks injuries.

While the government campaign against the use of firecrackers seem to be working as firecracker injures are decreasing, the fact remains that year after year hundreds upon hundreds fall victim to firecrackers. The tragedy is that innocent children are the most vulnerable to these irresponsible acts in the name of merry making.

These senseless injuries, deaths and destruction of property can be and should be prevented by regulating the use of firecrackers. This measure seeks to regulate the use of firecrackers by ensuring that only trained professionals can use of supervise the use of firecrackers, designating areas where firecrackers can be used and punishing certain unlawful practices.

In view of the compelling public interest of this legislative measure, the passage of this bill is earnestly requested.


GLORIA MACAPAGAL ARROYO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
QUEZON CITY

First Regular Session
FIFTEENTH CONGRESS

House Bill No. **3963**

Introduced by HON. GLORIA MACAPAGAL ARROYO

AN ACT REGULATING THE USE OF FIRECRACKERS AND FOR
OTHER PURPOSES

SECTION 1. *Title.* - This Act shall be known as "The Firecracker Use Regulation Act of 2010."

SEC. 2. *Declaration of Policies.* It is hereby the declared policy of the State to promote the safety and well-being of its citizens, even in times of jubilation and merriment. Towards this end, the use of firecrackers during joyous occasions and celebrations shall be regulated under the provisions of this Act.

SEC. 3. *Scope and Application.* This Act shall apply to all events, activities and occasions that involve the use of firecrackers.

SEC. 4. *Regulation on the Use of Firecrackers.* When any event, activity or occasion shall involve the use of firecrackers, the following shall be observed:

- a. *Professional to Supervise and Use Firecrackers.* It shall be mandatory that the services of a professional shall be employed to use, and/or supervise the use of firecrackers.

For this purpose, the Bureau of Fire Protection shall accredit, after reasonable training, the professionals qualified to use and/or supervise the use of firecrackers.

- b. *Designation of Firecracker Areas.* Within six (6) months from the effectivity of this Act, each barangay shall identify its firecracker area or areas wherein the firecrackers can be lawfully used. The following factors shall be considered in the identification of such areas:

1. population within the area;
2. proximity to hospitals and other medical facilities;

3. proximity to fire stations;
 4. distance from establishments using, storing or selling highly flammable substances;
 5. distance from residential buildings and school buildings;
 6. distance from electrical and communication facilities and structures; and,
 7. such other factors relevant to safety of residents in the area.
- c. *Permits for Organized Activities.* For events, such as but not limited to concerts, rallies, programs, shows and other similar activities, involving the use of firecrackers outside of designated firecracker area, a Permit shall be required to be issued by the corresponding barangay within five (5) days upon completion of requirements.

SEC. 5. *Responsibility for compliance.* The organizer of any event or activity employing the use of firecrackers shall secure the services of a professional.

For domestic or informal activities the person who bought the firecrackers shall secure the services of a professional.

SEC. 6. *Absolute Prohibition for Minors.* Minors shall not be allowed to use fire crackers notwithstanding the presence of and supervision of adults and professionals.

SEC. 7. *Information Dissemination on the Use of Firecrackers.* The Department of Health (DOH), Bureau of Fire Protection (BFP) and the Department of Environment and Natural Resources (DENR) shall jointly undertake regular information dissemination on the dangerous results of firecrackers on health, safety and the environment.

SEC. 8. *Prohibited Acts and Punishment.* The following acts shall be unlawful and shall be punished accordingly:

- a. *Use of Firecrackers by a Non-professional or without the supervision of a Professional.* Anyone who not being a professional uses a firecracker or uses such without the supervision of a professional shall be fined by an amount of not less than Fifty Thousand Pesos (P50,000.00) but not to exceed One Hundred Thousand Pesos (P100,000.00) and imprisonment of not less than one (1) month and one (1) day but not to exceed one (1) year.
- b. *Use of Firecrackers outside of the Firecracker Area.* Anyone who uses a firecracker without the supervision of a professional shall be fined by an amount of not less than Ten Thousand Pesos (P10,000.00) but not to exceed Fifty Thousand Pesos (P50,000.00) and imprisonment of not

less than one (1) month and one (1) day but not to exceed one (1) year.

- c. *Use of Firecrackers in Organized Activity without Clearance.* The use of firecrackers in any organized activity outside of designated firecracker area without the corresponding clearance, shall be fined by an amount of not less than Fifty Thousand Pesos (P50,000.00) but not to exceed Two Hundred Thousand Pesos (P200,000.00) and imprisonment of not less than six (6) months and one (1) day but not to exceed one (1) year.

In the event that the organizer is a juridical entity, the President, Chief Executive Officer, General Manager or its equivalent shall serve the punishment.

- d. *Induce, Direct, Instruct or Allow a Minor to Use a Firecracker.* Anyone who induces, directs, instructs or allows a minor to use a firecracker shall be fined by an amount of not less than Fifty Thousand Pesos (P50,000.00) but not to exceed Two Hundred Thousand Pesos (P200,000.00) and imprisonment of not less than six (6) months and one (1) day but not to exceed one (1) year.

The above punishments shall be without prejudice to the prosecution under relevant Sections of the Revised Penal Code and Civil Code should the use of the firecracker result in other crimes and destruction of property.

SEC. 9. *Implementing Rules and Regulations.* Within six (6) months from the effectivity of this Act, the Bureau of Fire Protection (BFP) in coordination with the Department of Health (DOH) and Department of Interior and Local Government (DILG) shall promulgate the Implementing Rules and Regulations.

SEC. 10. *Appropriations.* The funding requirement to implement the provisions of this Act shall be sourced from the regular appropriations of the agencies concerned.

SEC. 11. *Applicability and Repealing Clause.* - All laws, presidential decrees, executive orders, issuances, rules and regulations, and part thereof which are contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.