

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5529



Introduced by
Honorable Leopoldo N. Bataoil

EXPLANATORY NOTE

This bill seeks to strengthen the regulation of the manufacture, sale, distribution and use of firecrackers and pyrotechnic devices, repealing for the purpose Republic Act No. 7183 and providing penalties for violations thereof.

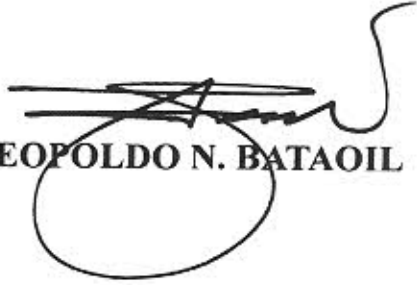
Republic Act No. 7183 entitled, "*An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices*" is the present law regulating the sale, manufacture, distribution and use of firecrackers and other pyrotechnic devices. The law was purposely enacted in consonance with the declared policy of the State to promote public safety, order and national security. Similarly, the proposed bill has for its purpose to ensure the safety of the people by regulating the sale, manufacture, distribution, and use of firecrackers and other pyrotechnic devices.

Under the proposed measure, manufacturers, dealers and wholesale distributors are now required to indicate the names and addresses of all their accredited retail stores, outlets, or re-sellers to the Firearms and Explosives Office of the Philippine National Police (PNP-FEO) as a pre-requisite for the grant of a license to engage in the manufacture and wholesale distribution of firecrackers and pyrotechnic devices. Likewise, retail stores, outlets, distributors and re-sellers shall also be required to apply for a permit to sell with the PNP-FEO. Thus, a "one-store, one-permit" policy is mandatory.

This bill also absolutely prohibits any minor from engaging in the sale or use of firecrackers or pyrotechnic devices notwithstanding the presence of, and supervision of adults and professionals. In any event, activity or occasion which

involves the use of firecrackers, the services of a professional is required to supervise the fireworks display. The local government units are mandated to identify a zone or designate an area in their respective territorial jurisdiction where residents may use firecrackers or conduct fireworks display. Finally, certain prohibited acts are subject to stiffer penalties in case of violation and non-compliance with the provisions of the proposed measure.

In view of the foregoing, approval of this bill is highly and earnestly recommended.



LEOPOLDO N. BATAOIL

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1
2 **AN ACT**
3 **STRENGTHENING THE REGULATION OF THE MANUFACTURE,**
4 **SALE, DISTRIBUTION AND USE OF FIRECRACKERS AND**
5 **PYROTECHNIC DEVICES, REPEALING FOR THE PURPOSE**
6 **REPUBLIC ACT NO. 7183 AND PROVIDING PENALTIES FOR**
7 **VIOLATION THEREOF**

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9
10 *Be it enacted by the Senate and House of Representatives of the Philippines in*
11 *Congress assembled:*

12
13 SECTION 1. *Short Title.* – This Act shall be known as the “*Revised*
14 *Firecracker Regulation Act.*”

15 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
16 State to promote the safety and well-being of its citizens, even in times of
17 jubilation and merriment. Toward this end, the State aims to ensure the safety
18 of the people by providing for a revised regulation in the manufacture, sale,
19 distribution and use of firecrackers and pyrotechnic devices.

20 SEC. 3. *Prohibited Types of Firecrackers and Pyrotechnic Devices.* –
21 The manufacture, sale, distribution and use of firecrackers and pyrotechnic
22 devices of such explosive content that endanger life and limb are hereby
23 prohibited. Determination of what constitutes prohibited firecrackers and

1 pyrotechnic devices shall be vested with the Firearms and Explosives Office of
2 the Philippine National Police (PNP-FEO).

3 SEC. 4. *License and Permit Requirements.* – Any person desiring to
4 engage in the manufacture and wholesale distribution of firecrackers and
5 pyrotechnic devices shall file an application for the issuance of a license to
6 manufacture and distribute firecrackers and pyrotechnic devices with the PNP-
7 FEO.

8 Under no circumstances shall a license be granted for the manufacture and
9 wholesale distribution of prohibited firecrackers and pyrotechnic devices
10 mentioned in Section 3 of this Act or other similar materials with the same or
11 greater explosive content.

12 As pre-requisite for the grant of a license, the manufacturers, dealers and
13 wholesale distributors of firecrackers and pyrotechnic devices shall provide the
14 names and addresses of all their accredited retail stores, outlets, distributors or
15 re-sellers to the PNP-FEO.

16 Retail stores, outlets, distributors and resellers shall also apply with the
17 PNP-FEO for a permit to sell before they can engage in the sale or distribution
18 of firecrackers and pyrotechnic devices. There shall be a “one-store, one-
19 permit” policy. Selling of firecrackers and pyrotechnic devices without the
20 requisite permit in places other than those indicated by the licensed
21 manufacturers and wholesale distributors in their application for a license with
22 the PNP-FEO shall be considered illegal and shall cause the confiscation of the
23 products being sold without prejudice to the penalties provided herein.

24 Reasonable fees may be charged for the issuance of licenses and permits
25 to defray the cost of regulating the manufacture, sale and distribution of
26 firecrackers and pyrotechnic devices.

27 SEC. 5. *Qualifications of Manufacturers or Dealers.* – A license to
28 engage in the manufacture and wholesale distribution of firecrackers and
29 pyrotechnic devices shall be issued only to:

30 (a) Filipino citizens of good moral character; and

(b) Entities duly registered with the Department of Trade and Industry or the Securities and Exchange Commission, one hundred per centum (100%) of the capitalization of which is owned by Filipino citizens.

SEC. 6. *Importation of Chemicals and Explosive Ingredients.* – The importation of finished firecrackers and pyrotechnic devices shall be prohibited. Only duly licensed manufacturers shall be allowed to import chemicals or explosive ingredients used in the manufacture of firecrackers and pyrotechnic devices.

Any person licensed to manufacture, or purchase chemical and explosive ingredients who desires to import explosive ingredients shall submit the necessary application to the PNP-FEO.

SEC. 7. *Absolute Prohibition to Minors.* – Firecrackers or pyrotechnic devices shall not be sold to any person below eighteen (18) years of age. Minors shall not be allowed to use firecrackers or pyrotechnic devices notwithstanding the presence of, or supervision of adults and professionals.

SEC. 8. *Safety Guidelines on the Manufacture of Firecrackers.* – Strict compliance of the following safety precautions shall be observed by manufacturers and distributors of firecrackers and pyrotechnic devices:

a) A zone shall be designated by the local government unit where a manufacturing complex may be established. The outer perimeter of this zone shall be at least three hundred (300) meters away from the nearest residential units. Once a zone has been defined, no residential unit shall be permitted to be constructed nearer than three hundred (300) meters from the perimeter of such zone;

b) The manufacturing complex shall be governed by, but not limited to, the following safety measures:

1) All buildings must have adequate ventilation, no concrete floors, must be leak-proof and furnished with necessary fire extinguishers;

2) The warehouse must be at least fifty (50) meters away from any processing station of the complex; and

3) The following processing stations of the complex shall be laid out according to the indicated minimum distance from each other with all sides open:

- i. Mixing, 50 meters;
- ii. Grinding, 40 meters;
- iii. Packaging, 40 meters;
- iv. Nagmimitsa, 20 meters; and
- v. Loading, 20 meters.

SEC. 9. *Regulation on the Use of Firecrackers.* – When any event, activity or occasion involves the use of firecrackers, the following must be observed:

a) The services of qualified professionals shall be employed to supervise the use of firecrackers. For this purpose, the PNP-FEO shall accredit, after reasonable training, the professionals qualified to use and supervise the use of firecrackers;

b) Permits for events or organized activities, including concerts, rallies, programs, shows and other similar activities involving the use of firecrackers outside of the designated firecracker area shall be filed with the corresponding barangay which will issue the permits within five (5) days from filing of application.

For domestic or informal activities, the organizer of the event or the person who bought the firecrackers shall be responsible for securing the services of an accredited professional handler of firecrackers and pyrotechnic devices;

c) The use of firecrackers or pyrotechnic devices shall not be allowed in densely populated residential areas. The local government units (LGUs) shall identify a zone or designate an area in their respective territorial jurisdiction where residents may use firecrackers or conduct fireworks display.

The LGUs shall consider the following factors in the identification of such areas:

- 1) Population of not more than 3,000 within the area;

2) Proximity of at least fifty (50) meters to the nearest hospitals and other medical facilities;

3) Proximity of at least fifty (50) meters to the nearest fire stations;

4) Distance of at least one hundred (100) meters away from establishments using, storing or selling highly flammable substances;

5) Distance of at least one hundred (100) meters away from residential and school buildings;

6) Distance of at least one hundred (100) meters away from electrical and communication facilities or structures; and

7) Such other factors relevant to the safety of the residents in the area.

SEC. 10. ***Labeling of Firecrackers and Pyrotechnic Packages.*** – Firecrackers and pyrotechnic devices shall bear labels indicating the name and address of their manufacturers and distributors, and warning instructions written in Filipino and English.

SEC. 11. ***Record.*** – Every person authorized to purchase and use explosives under this Act shall be required to keep a complete, itemized and accurate record showing:

a) Qualities and kinds of explosives; and

b) Purpose for which the explosives will be used.

SEC. 12. ***Reportorial Requirement.*** – At end of every month, licensees shall submit to the Director-General of the PNP, through the provincial director of the province where their businesses or projects are located, a monthly report for explosives in triplicate copies. After affixing comments, recommendations or notations, the provincial director shall retain the triplicate copy and forward the original and duplicate copies to the PNP-FEO.

SEC. 13. ***Prohibited Acts and Penalties.*** – The following penalties shall be imposed for the offenses enumerated in this Act.

a) Any person found guilty of using firecrackers without the

1 supervision of a professional shall suffer the penalty of imprisonment of not less
2 than one (1) month and one (1) day but not more than one (1) year and a fine of
3 not less than Ten thousand pesos (P10,000.00) but not more than Fifty thousand
4 pesos (P50,000.00);

5 b) Any person found guilty of using a firecracker outside the designated
6 firecracker zone shall suffer the penalty of imprisonment of not less than one (1)
7 month and one (1) day but not more than one (1) year and a fine of not less than
8 Fifty thousand pesos (P50,000.00) but not more than One hundred thousand
9 pesos (P100,000.00);

10 c) Any person found guilty of directing, instructing or allowing a minor
11 to purchase or use a firecracker or pyrotechnic device shall suffer the penalty of
12 imprisonment of not less than six (6) months and one (1) day but not more than
13 one (1) year and a fine of not less than Fifty thousand pesos (P50,000.00) but not
14 more than Two hundred thousand pesos (P200,000.00);

15 d) The use of firecrackers in any organized activity outside the designated
16 firecracker area without the corresponding clearance from the PNP-FEO shall be
17 prohibited and offenders shall suffer the penalty of imprisonment of not less than
18 six (6) months and one (1) day but not more than one (1) year and a fine of not
19 less than Fifty thousand pesos (P50,000.00) but not more than Two hundred
20 thousand pesos (P200,000.00);

21 If the offender is a juridical entity, the penalty shall be imposed upon the
22 president, chief executive officer, manager or any responsible officer who
23 knowingly permitted or failed to prevent the commission of the crime;

24 e) Any person who manufactures, sells or distributes firecrackers and
25 pyrotechnic devices in violation of Sections 4, 5 and 6 of this Act shall suffer
26 the penalty of imprisonment of not less than six (6) years but not more than
27 twelve (12) years, and a fine of not less than Five hundred thousand pesos
28 (P500,000.00) but not more than One million pesos (P1,000,000.00), in addition
29 to the cancellation of the license and the confiscation of the inventory or stock
30 of firecrackers and pyrotechnic devices by the government.

1 SEC. 14. *Administration and Enforcement.* – The Department of the
2 Interior and Local Government, through the PNP, shall be primarily responsible
3 for the administration and enforcement of this Act. The PNP shall transmit all
4 cases for prosecution arising from violations of this Act to the proper
5 government prosecutors for appropriate action.

6 SEC. 15. *Information Dissemination on the Use of Firecrackers.* – The
7 Department of Health (DOH), the PNP, the Bureau of Fire Protection (BFP) and
8 the Department of Environment and Natural Resources (DENR) shall jointly
9 undertake regular information dissemination on the dangerous results of
10 firecrackers on health, safety and the environment.

11 The city or municipal government, in coordination with the barangays in
12 their jurisdiction, shall conduct massive advocacy and information dissemination
13 in the observance of the safety guidelines for fireworks or pyrotechnic use and
14 exhibition. It shall conduct roving inspections and confiscate and destroy
15 prohibited firecrackers and other pyrotechnic devices which are being sold to the
16 public.

17 SEC. 16. *Implementing Rules and Regulations.* – Within six (6) months
18 from the effectivity of this Act, the Secretary of the Interior and Local
19 Government shall, in coordination with the BFP, PNP-FEO, and the Secretary of
20 Health, after public hearing and consultation with the various stakeholders of the
21 firecracker and pyrotechnic industry and LGU representatives, promulgate the
22 necessary rules and regulations necessary for the effective implementation of
23 this Act.

24 SEC. 17. *Repealing Clause.* – Republic Act No. 7183 is hereby repealed.
25 All other laws, decrees, orders, rules and regulations, or parts thereof,
26 inconsistent with any provision of this Act are hereby repealed or modified
27 accordingly.

28 SEC. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its
29 publication in the *Official Gazette* or in a newspaper of general circulation.

30 Approved,