

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4392



Introduced by REP. RODEL M. BATOCABE, REP. ALFREDO A. GARBIN, Jr.,
AND REP. CHRISTOPHER S. CO

EXPLANATORY NOTE

This bill seeks to regulate the use of firecrackers by imposing excise taxes on the sale thereof.

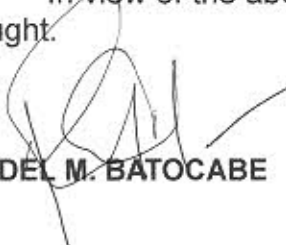
Notwithstanding the continuous and rigorous efforts of the Department of Health (DOH), Philippines National Police (PNP), and the media to warn the public about the dangers of fireworks, and to implement Republic Act No. 7183 or the Act Regulating the Sale, Manufacture, Distribution, and Use of Firecrackers and other Polytechnic Devices, the number of deaths and injuries each year, caused by firecrackers remain alarmingly high.

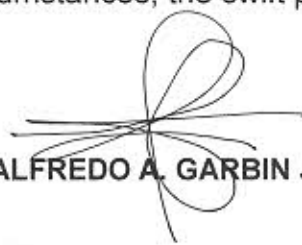
In January of this year, the Department of Health-Epidemiology Bureau (DOH-EB) reported that the number of fireworks-related injuries reached 839. While the injuries were reportedly less serious in nature than that of previous years, the number is still high. The DOH, the PNP, and other concerned government agencies, have suggested other ways of regulating the sale and use of fireworks and other similar devices.

The injuries, deaths, and destruction of property must be prevented by regulating the sale and use of firecrackers and fireworks. By exercising the power of taxation on the sale of firecrackers, Congress will be able to minimize, if not put an end, to the use of dangerous firecrackers.

The legislature has the inherent power to select the subjects of taxation and to grant exemptions. Taxation may also be made the implement of the state's police power (*Lutz v. Araneta*, G.R. No. L-7859, 1955; *Planters Products, Inc., v. Fertiphil Corporation*, G.R. No. 166006, 2008). Police power is the capacity of the government to regulate behavior and enforce order within their territory for the betterment of the general welfare, morals, health and safety.

In view of the above circumstances, the swift passage of the bill is earnestly sought.


RODEL M. BATOCABE


ALFREDO A. GARBIN Jr.


CHRISTOPHER S. CO

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Introduced by REP. RODEL M. BATOCABE, REP. ALFREDO A. GARBIN, Jr.,
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AN ACT
PROVIDING FOR AN EXCISE TAX ON THE SALE OF FIRECRACKERS AND
FIREWORKS, AMENDING THEREFOR REPUBLIC ACT NO. 8242, OTHERWISE
KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AND FOR
OTHER PURPOSES

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

Section 1. Chapter VI – Excise Tax on Miscellaneous Articles, under Title VI of the National Internal Revenue Code of 1997 is hereby amended to read as follows:

“SECTION 150-A. FIREWORKS AND FIRECRACKERS. – THERE SHALL BE LEVIED, ASSESSED AND COLLECTED, AGAINST PURCHASERS, A TAX EQUIVALENT TO TWENTY-PERCENT (20%) BASED ON THE MANUFACTURER'S SELLING PRICE, NET OF EXCISE TAX AND VALUE ADDED TAX OF FIREWORKS AND FIRECRACKERS.

A. DEFINITION OF TERMS.

- (1) FIREWORKS WHICH SHALL MEAN ANY COMPOSITION OR DEVICE THAT IS DESIGNED TO PRODUCE A VISIBLE EFFECT BY COMBUSTION, EXPLOSION, DEFLAGRATION, OR DETONATION, BY COMBINING OR USING ANY COMBUSTIBLE OR EXPLOSIVE SUBSTANCE, OR ANY SUBSTANCE WHICH WHEN COMBINED WITH OTHER SUBSTANCE OR ARTICLE, PRODUCES A VISIBLE EFFECT; AND
- (2) “FIRECRACKERS” WHICH SHALL MEAN ANY COMPOSITION OR DEVICE THAT IS DESIGNED TO PRODUCE A AUDIBLE EFFECT BY COMBUSTION, EXPLOSION, DEFLAGRATION, OR DETONATION, BY COMBINING OR USING ANY COMBUSTIBLE OR EXPLOSIVE SUBSTANCE, OR ANY SUBSTANCE WHICH

WHEN COMBINED WITH OTHER SUBSTANCE OR ARTICLE, PRODUCES AN AUDIBLE EFFECT.

- B. EXEMPTED DEVICES. THIS SECTION SHALL NOT APPLY TO DEVICES USED FOR THE FOLLOWING:
- (1) MARINE, RAILROAD, OR AVIATION PURPOSES;
 - (2) RADIO, TELEVISION, FILM, THEATER PRODUCTIONS, ATHLETIC EVENTS;
 - (3) INDUSTRIAL PURPOSES; AND
 - (4) GOVERNMENT, MILITARY PURPOSES
- C. THE EXCISE TAX IMPOSED BY THIS SECTION SHALL BE COLLECTED BY THE FIREWORKS OR FIRECRACKERS DEALER, RETAILER, OR SELLER, FROM THE FIREWORKS OR FIRECRACKERS CONSUMER OR PURCHASER.
- D. THE FIREWORKS OR FIRECRACKERS DEALER, RETAILER, OR SELLER SHALL BE RESPONSIBLE FOR THE COLLECTION OF THE TAX AND THE PAYMENT OF THE TAX TO THE COMMISSIONER.
- E. THE TAX ADVANCED AND PAID BY THE DEALER, RETAILER, OR SELLER AS PROVIDED IN THIS SECTION SHALL BE ADDED TO AND COLLECTED AS PART OF THE SALES PRICE OF THE CONSUMER FIREWORKS SOLD OR DISTRIBUTED. THE AMOUNT OF THE TAX SHALL BE STATED SEPARATELY FROM THE PRICE OF THE FIREWORKS OR FIRECRACKERS."

Section 2. *Implementing Rules and Regulations.* The Secretary of Finance shall, upon the recommendation of the Commissioner of Internal Revenue, promulgate the necessary rules and regulations to implement the provisions of this Act.

Section 3. *Repealing Clause.* All laws, decrees, ordinances, rules, and regulations, executive or administrative orders, and such other presidential issuances which are inconsistent with any of the provisions of this Act are hereby repealed, amended or otherwise modified accordingly.

Section 4. *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, whichever comes earlier.

Approved,