

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City
17th CONGRESS
First Regular Session

House Bill No. **4556**



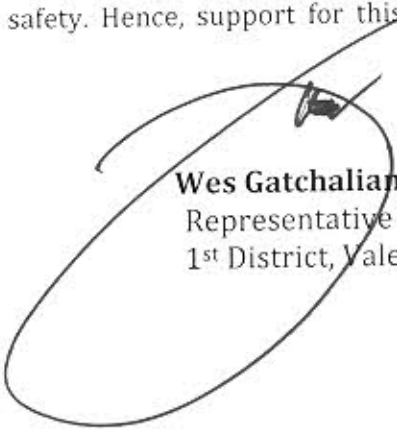
Introduced by Representative Wes Gatchalian

EXPLANATORY NOTE

This bill proposes to amend Republic Act 7183, also known as "An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and other Pyrotechnic Devices", to provide stricter regulations on the sale and uses of the firecrackers and pyrotechnics'. Among other provisions, it mandates upon the Local Government Units to designate a common area for firecracker/pyrotechnic use to avoid unnecessary fire and injuries to residents.

The Department of Health reports a total of 1,018 firework-related injuries at the beginning of the year 2014. This is not an isolated figure for every year, we endure from the pollutants caused by the use of firecrackers to welcome the new year, we see news flashes of countless injuries, especially to the hapless children. Until when should we allow this cycle of perils to our health and environment? Yes it is true that our citizens are guaranteed their autonomy and freedom to celebrate and express their happiness as they desire, but when these expressions have perennially led to a considerable number of injuries, some even life threatening, worse, occasioned on innocent by-standers not even handling the firecrackers, the government must step in.

We do not wait for another year and some more injuries to stress the point of the importance to revisit the relevance of the law today. The introduction of these amendments does not entirely do away with time-honored merry-making that involves the use of firecrackers and pyrotechnics' but enforces to provide stricter regulations in an effort to protect our people from traditions that are inimical to public health and safety. Hence, support for this bill is earnestly sought


Wes Gatchalian
Representative
1st District, Valenzuela City

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AN ACT
REGULATING THE SALE, DISTRIBUTION, AND USE OF FIRECRACKERS AND OTHER
PYROTECHNIC DEVICES, PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

SECTION 1. **Short Title.** – This Act shall be known as the “*Firecracker Regulation Act of 2016.*”

SEC. 2. **Declaration of Policy.** – The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. To this end, the State aims to ensure the safety of the people by regulating sale, distribution, and use of firecrackers and other pyrotechnic devices and specifying the areas where firecrackers and pyrotechnic devices may be used.

SEC. 3. **Permit to Sell.** – Manufacturers, dealers and wholesale distributors of firecrackers and other pyrotechnic devices shall provide the names and addresses of all its accredited stores, outlets, dealers, distributors or re-sellers to the Firearms and Explosives Office of the Philippine National Police (PNP-FEO) as a pre-requisite for the approval of the manufacturer’s or a dealer’s license permit.

Stores, outlets, dealers, distributors and resellers shall also apply for a permit to sell from the PNP before they can engage in the sale or distribution of firecrackers and pyrotechnic devices. There shall be a “one-store, one-permit” policy. Selling of firecrackers

and pyrotechnic devices in places other than those indicated by the licensed manufacturers, dealers, or wholesale distributors in their application for a license permit with the PNP-FEO and without the requisite permit shall be considered illegal and shall be cause for the confiscation of the products being sold without prejudice to the penalties provided herein.

SEC. 4. ***Limit on Purchases.*** – Manufacturers, sellers, distributors of firecrackers and other pyrotechnic devices shall only be allowed to sell a maximum amount of Five thousand pesos (P5,000.00) for a single-purchase of any firecracker or other pyrotechnic device, not otherwise prohibited by law. Any corporation or entity that requires a larger number of fireworks and other pyrotechnic devices shall apply for a special permit from the PNP-FEO for its fireworks display, subject to regulations which the PNP-FEO may impose.

SEC. 5. ***Common Firecracker and Pyrotechnic Zone.*** – The use of firecrackers or pyrotechnic devices shall not be allowed in densely populated residential areas; hence, 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 a fireworks display.

The City or Municipal Government shall, in coordination with the barangays in their jurisdiction, conduct massive advocacy and information dissemination in the observance of the safety guidelines for fireworks or pyrotechnic use and exhibition. It shall conduct roving inspections and confiscate and destroy firecrackers and other pyrotechnic devices being sold to the public which are prohibited by law.

SEC. 6. ***Prohibition on the Sale to Minors.*** – No firecrackers or other pyrotechnic devices shall be sold to any person below eighteen (18) years of age. Children using firecrackers and other pyrotechnic devices must be strictly under adult supervision.

SEC. 7. ***Penalties.*** – a) Any person who violates Section 3 of this Act shall be punished with a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or imprisonment of not less than six (6) months but not more than three (3) years, or both, at the discretion of the court, without prejudice to other civil or criminal liability that may arise therefrom;

b) A manufacturer, dealer, distributor or seller who violates the provision on the limitation on purchases under Section 4 of this Act and the prohibition on the sale of firecrackers or pyrotechnic devices to minors under Section 6 of this Act shall be punished

with a fine of One hundred thousand pesos (P100,000.00) and the revocation of its license permit;

c) Parents and guardians who shall knowingly instigate the purchase of fireworks or pyrotechnic devices by their minor child or ward shall be punished with a fine of Ten thousand pesos (P10,000.00).

SEC. 8. **Administration and Enforcement.** – The Department of the Interior and Local Government thru the Philippine National Police shall be primarily responsible for the administration and enforcement of this Act. It shall transmit all cases for prosecution arising from violations of this Act to proper government prosecutors for appropriate action.

SEC. 9. **Implementing Rules and Regulations.** – Within sixty (60) days from the effectivity of this Act the Secretary of the Interior and Local Government shall, after public hearing and consultation with the various stakeholders in the firecrackers and pyrotechnic industry and representatives of LGUs, promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 10. **Separability Clause.** – If any provision or part thereof is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 11. **Repealing Clause.** –All laws, presidential decrees or issuances, executive orders, letter of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provision of this Act are hereby repealed, modified, or amended accordingly.

SEC. 12. **Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,