

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8085



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

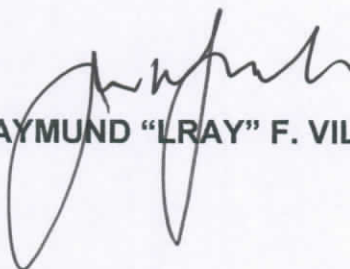
The distinguishing mark of the Filipino spirit is its unparalleled optimism that is in full display during the merriment and revelry of each New Year's Eve. Whether it is to drive away evil spirits or just for the sheer thrill of it, firecrackers have long been a part of the Filipino way of doing the annual celebration.

However, the joy of celebrating the New Year with firecrackers is sometimes done with reckless abandon. The joy suddenly turns into horror when the use of firecrackers results into injuries, dismembered bodies, burned houses or death. Most of the time, the victims of the irresponsible use of firecrackers are innocent children.

This proposal therefore seeks to improve the present law RA 7183 entitled, "An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices." Under this proposed measure, manufacturers, dealers, wholesale distributors are now required to indicate the names and addresses of all their accredited retail stores, outlets, 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.

Moreover, 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. 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 recommended.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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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 2018."

SECTION 2. *Declaration of Policy.* – The maintenance of peace and order, 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 firecracker and other pyrotechnic devices and specifying the areas where firecrackers and pyrotechnic devices may be used.

SECTION 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 and being sold without prejudice to the penalties provided herein.

SECTION 4. *Limit on Purchase.* – Manufacturers, sellers, distributors of firecrackers and other pyrotechnic devices shall only be allowed on 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.

SECTION 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 identity a zone or designated an area in their respective territorial jurisdiction, where residents may use firecrackers or conduct a fireworks display.

The City or Municipality 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.

SECTION 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.

SECTION 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 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 (10,000.00).

SECTION 8. *Administration and Enforcement.* – The Department of 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.

SECTION 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.

SECTION 10. *Separability Clauses.* – 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.

SECTION 11. *Repealing Clauses.* – 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.

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

Approved,