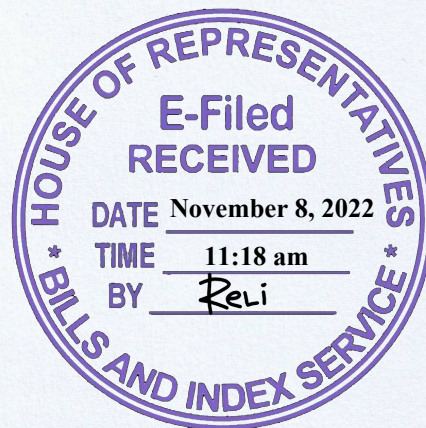


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5914



Introduced by Representative Rex Gatchalian

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

EXPLANATORY NOTE

Several regulations have been enacted to regulate the sale, manufacture, distribution, and use of firecrackers and other pyrotechnic devices, such as Republic Act No. 7183 and Executive Order No. 28, s. 2017. Data from the Department of Health (DOH) shows that these have been effective in minimizing fireworks-related injuries. From 21 December 2021 to 1 January 2022, such injuries were lowered by 11% compared to the same period in 2021.¹ Furthermore, cases for the year of 2021 was 85% lower than the 340 total cases reported in 2020 and that the number of cases in 2021 is 89% lower than the five-year average (2015-2019).²

Nonetheless, minors and young adults between 11 to 30 years old were still injured the most, and prohibited firecrackers, such as Boga, 5-Star, and Piccolo, still caused a significant number of cases. It is also worth noting that 58% of the cases were passive spectators or bystanders, and more than half of the cases (i.e., 58%) occurred at home and 45% happened in the streets.

¹ Department of Health, DOH: FILIPINOS ENJOYED A SAFER AND HEALTHIER NEW YEAR CELEBRATION WITH LOWER FIREWORKS-RELATED INJURIES (1 January 2022), available at <https://doh.gov.ph/Press-release/DOH-FILIPINOS-ENJOYED-A-SAFER-AND-HEALTHIER-NEW-YEAR-CELEBRATION-WITH-LOWER-FIREWORKS-RELATED-INJURIES>

² Department of Health, DOH REPORTS 85% DECREASE IN FIREWORKS INJURIES FOR 2021 (01 January 2020), available at <https://doh.gov.ph/press-release/DOH-REPORTS-85%25-DECREASE-IN-FIREWORKS-INJURIES-FOR-2021>

This bill proposes a total ban of the sale, distribution, and use of firecrackers and other pyrotechnic devices – under the pain of imprisonment, fine, or both – in order to further reduce and even eliminate fireworks-related injuries. The bill nonetheless includes an exception to this ban, in recognition of the value of fireworks in specific instances and occasions. The corporation or entity availing of this exception must first apply for a special permit from the Philippine National Police – Fire and Explosives Office (PNP-FEO). Furthermore, upon presentation of the special permit, the local government unit concerned may only allow fireworks in areas designated areas. The fireworks display shall also be done only by professionals who are technically equipped with skills and knowledge on the use of fireworks.

In view of the foregoing, the passage of this bill is earnestly sought.



HON. REX GATCHALIAN
Representative
1st District, Valenzuela City

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

1 **SECTION 1.** *Short Title.* – This Act shall be known as the “Firecrackers
2 *Prohibition Act of 2022.*”
3

4 **SEC. 2.** *Declaration of Policy.* – The maintenance of peace and order, the
5 protection of life, liberty, and property, and promotion of the general welfare are
6 essential principles that allow the people to fully enjoy the blessings of democracy.
7 To this end, the State aims to ensure the safety of the people by regulating the sale,
8 distribution, and use of firecrackers and other pyrotechnic devices, and specifying
9 the areas where firecrackers and pyrotechnic devices may be used.
10

11 **SEC. 3.** *Prohibited Acts.* – Except as provided under Section 4 of this Act, it
12 shall be unlawful for any person, natural or juridical, to:

- 13 a) Manufacture, sell or offer for sale, distribute, possess, or use any
14 firecracker or pyrotechnic device or such other similar devices; and
15 b) Discharge or explode, or cause to discharge or to explode, any firecracker,
16 or any other explosive or to use any pyrotechnic device or any such other
17 similar device.
18

19 **SEC. 4.** *Exception on the prohibition of Firecrackers.* –Any corporation or entity
20 that requires the use of fireworks and other pyrotechnic devices for its fireworks

display shall apply for a special permit from the Philippine National Police – Fire and Explosives Office (PNP-FEO).

Upon presentation of the special permit, the Local Government Unit (LGU) concerned may only allow fireworks in areas specifically designated and authorized by the LGU where it will be held; *Provided*, That the fireworks display shall be done only by professionals who are technically equipped with skills and knowledge on the use of firecrackers.

SEC. 5. Penalties. – Violation of any of the provisions of Section 3 of this Act shall be penalized as follows:

- a) For the first offense, a fine of One Thousand Pesos (P1,000.00) or imprisonment of not more than One (1) month but not less than twenty (20) days, or both fine and imprisonment at the discretion of the Court;
- b) For the second offense, a fine of Three Thousand Pesos (P3,000.00) or imprisonment of not more than Three months but not less than One (1) month, or both fine and imprisonment, at the discretion of the Court;
- c) For the third offense, a fine of Five Thousand Pesos (P5,000.00) or imprisonment of not more than Six (6) months but not less than Three (3) months, or both fine and imprisonment, at the discretion of the Court.

If the violation is committed by a business establishment, the President or General Manager or the person, acting in behalf of either the President or General Manager shall be held liable in the case of corporation or partnership, or the owner or proprietor or the person acting in his behalf shall be held responsible in the case of a single proprietorship or a One Person Corporation.

In addition to the foregoing penalties, the business permit of the business establishment shall be cancelled by the City Mayor of the LGU where it is located, upon the commission of the third offense.

SEC. 6. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Secretary of the Interior and Local Government, the Director-General of the PNP, and the Chief of the Bureau of Fire Protection, 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.

1 **SEC. 7. Separability Clause.** – If any provision or part thereof is held invalid
2 or unconstitutional, the remaining parts or provisions not affected shall remain in
3 full force and effect.

4
5 **SEC. 8. Repealing Clause.** – All other laws, presidential decrees or issuances,
6 executive orders, letter of instruction, administrative orders, rules, and regulations
7 contrary to or inconsistent with the provision of this Act are hereby repealed,
8 modified, or amended accordingly.

9
10 **SEC. 9. Effectivity.** – This Act shall take effect fifteen (15) days after its
11 publication in the *Official Gazette* or in a newspaper of general circulation in the
12 Philippines.

Approved,