



SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]

'16 SEP 13 P6:34

RECEIVED BY: 

SENATE

S.B. No. 1140

Introduced by SEN. WIN GATCHALIAN

AN ACT

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

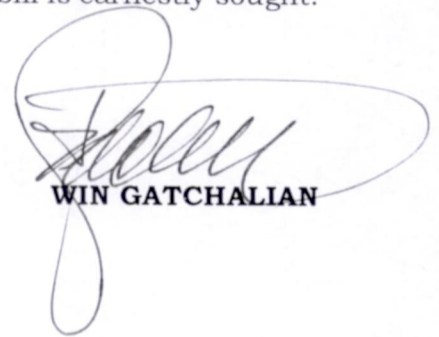
EXPLANATORY NOTE

To quote from a report of the Department of Health, there were a total of 1,018 firework-related injuries at the beginning of the year 2014, owing to the end of the year revelry. This is 73 cases or 8% higher than the five-year (2008-2012) average and 87 cases or 9% higher compared to the same period last year. Majority of the cases, or 58%, were from NCR, followed by Region 4-A with 80 cases and Region 6 (Western Visayas) with 73 cases. In NCR, Manila had 215 cases or an equivalent of 37%, in Quezon City 130 cases or an equivalent of 22%, in Mandaluyong 45 or 8%, Marikina with 37 or 6%, and Las Pinas 36 or 6% reported the most number of injuries. Of this number, 250 cases or an equivalent of 25% were children less than 10 years old and 376 cases or 38% were caused by the banned piccolo.

Every year, we endure 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?

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 ban the sale and uses of the firecrackers and pyrotechnics except for authorized fireworks displays.

We do not wait for another year and some more injuries to stress the importance to revisit the relevance of the law today. We must protect our people from traditions that are inimical to public health and safety. Hence, support for this bill is earnestly sought.



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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 “Firecracker
2 Prohibition Act of 2016.”
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 for the enjoyment by all the people of the blessings of democracy. To this
7 end, the State aims to ensure the safety of the people by regulating sale, distribution,
8 and use of firecrackers and other pyrotechnic devices and specifying the areas where
9 firecrackers and pyrotechnic devices may be used.
10

11 SEC. 3. **Prohibited Acts.** – Except as provided for under Section 4 of this Act;
12 a) It shall be unlawful for any person or business establishment to manufacture,
13 sell or offer for sale, distribute, possess or use any firecracker or pyrotechnic
14 device or such other similar devices.

1 b) It shall likewise be unlawful for any person to discharge or explode, or cause
2 to discharge or to explode, any firecracker, or any other explosive or to use
3 any pyrotechnic device or any such other similar device.
4

5 SEC. 4. **Exception on the prohibition of Firecrackers.** –Any corporation or
6 entity that requires the use of fireworks and other pyrotechnic devices for its
7 fireworks display shall apply for a special permit from the PNP-FEO.

8 Upon presentation of the special permit, the Local Government Unit (LGU)
9 concerned may only allow fireworks in areas specifically designated and authorized
10 by the Local Government Unit (LGU) where it will be held. *Provided*, That the
11 fireworks display shall be done only by professionals who are technically equipped
12 with skills and knowledge on the use of firecrackers.
13

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

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

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

30 In addition to the foregoing penalties, the business permit of the
31 business establishment shall be cancelled by the City Mayor of the LGU where
32 it is located, upon the commission of the third offense.
33

34 SEC. 6. **Implementing Rules and Regulations.** – Within sixty (60) days from
35 the effectivity of this Act the Secretary of the Interior and Local Government shall,
36 after public hearing and consultation with the various stakeholders in the

1 firecrackers and pyrotechnic industry and representatives of LGUs, promulgate the
2 necessary rules and regulations for the effective implementation of this Act.

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

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

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

Approved,