



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao



SEVENTH CITY COUNCIL

EXCERPTS FROM THE MINUTES OF THE 55th REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON SEPTEMBER 12, 2017, 9:00 A.M., TUESDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Regular Presiding Officer
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member
Hon. Jude T. Bayona	-do-
Hon. Kendrick S. Calubaquib	-do-
Hon. Maila Rosario T. Que	-do-
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Raymund P. Guzman	-do-
Hon. Grace B. Arago	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Jose G. Velasco	-do-

CITY ORDINANCE NO. 41-2017

ORDINANCE REGULATING THE SALE, DISTRIBUTION, POSSESSION AND USE OF FIRECRACKERS, PYROTECHNIC DEVICES AND OTHER SIMILAR EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF TUGUEGARAO CITY.

Introduced by: **HON. DANILO L. BACCAY**

WHEREAS, Republic Act No. 7183, otherwise known as "*An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and other Pyrotechnic Devices,*" aims to regulate and control the manufacture, sale, distribution and use of firecrackers and other pyrotechnic devices consistent with, and in furtherance of, public safety, order and national security;

WHEREAS, Joint Memorandum Circular No. 1 series of 2016 was issued to enjoin the coordinative efforts of the Department of the Interior and Local Government, Philippine National Police, Bureau of Fire Protection, Department of Health, Department of Trade and Industry, Department of Finance, Bureau of Customs and Local Government Units to strictly implement the provisions of R.A No. 7183;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the *Local Government Code of 1991*, mandates all LGUs to promote peace and order and public safety in order to secure the comfort of the people in their respective jurisdictions;

WHEREAS, there is a need for the Local Government Unit of Tuguegarao City to take great steps to regulate the sale, manufacture, distribution and use of firecrackers, pyrotechnic devices and other similar explosives in order to minimize, if not to eradicate, accidents that may result to injury and even death;

WHEREFORE, The Seventh City Council in session duly assembled, hereby ordains:

SECTION 1. TITLE. AN ORDINANCE REGULATING THE SALE, DISTRIBUTION, POSSESSION AND USE OF FIRECRACKERS, PYROTECHNIC DEVICES AND OTHER

SIMILAR EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF TUGUEGARAO CITY.

SECTION 2. PURPOSE. It is the purpose of this Ordinance to regulate and control the manufacture, sale, distribution and use of firecrackers and other pyrotechnic devices consistent with, and in furtherance of, public safety, order and security of the community.

SECTION 3. TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES ALLOWED IN THIS ACT. The following common types of firecrackers and pyrotechnic devices may be manufactured, sold, distributed and used:

A. Firecrackers:

- (1) Baby rocket — A firecracker with a stick so constructed that lighting of the wick will propel the whole thing to lift a few meters before exploding. The firecracker is about 1 ½ inches in length by 3/8 inch in diameter while the stick is about a foot in length;
- (2) Bawang — A firecracker larger than a triangulo with 1/3 teaspoon of powder packed in cardboard tied around with abaca strings and wrapped in shape of garlic;
- (3) Small triangulo — A firecracker shaped like a triangle with powder content less than the bawang and usually wrapped in brown paper measuring ¾ inch length in its longest side;
- (4) Pulling of strings — A firecracker consisting of a small tube about an inch in length and less than ¼ of an inch in diameter with strings on each end. Pulling both strings will cause the firecracker to explode;
- (5) Paper caps — Minute amount of black powder spread in either small strips of paper on a small sheet used for children's toy guns;
- (6) El diablo — Firecrackers tubular in shape about 1 ¼ inches in length and less than ¼ inch in diameter with a wick; also known as labintador;
- (7) Watusi — Usually reddish in color about 1 ½ inches in length and 1/10 inch in width usually ignited by friction to produce a dancing movement and a crackling sound;
- (8) Judah's belt — A string of firecrackers consisting of either diablos or small triangulos that can number up to a hundred or thereabout and culminating in large firecracker usually a bawang;
- (9) Sky rocket (kwitis) — A large version of a baby rocket designed to be propelled to a height of forty (40) to fifty (50) feet before exploding; and,
- (10) Other types equivalent to the foregoing in explosive content.

B. Pyrotechnic Devices:

- (1) Sparklers — Pyrotechnic devices usually made of black powder on a piece of wire or inside a paper tube designed to light up and glow after igniting;
- (2) Luces — Any of several kinds of sparklers;
- (3) Fountain — A kind of sparkler conical in shape which is lighted on the ground and designed to provide various rising colors and intermittent lights upon being ignited;
- (4) Jumbo regular and special — A kind of sparkler similar to a "fountain" but bigger in size;
- (5) Mabuhay — Sparklers bunched into a bundle of a dozen pieces;
- (6) Roman candle — A sparkler similar to a "fountain" but shaped like a big candle;
- (7) Trompillo — A pyrotechnic device usually fastened at the center and designed to spin first clockwise and then counter-clockwise and provides various colored lights upon being ignited;

- (8) Airwolf — A kind of sky rocket shaped like an airplane with a propeller to rise about forty (40) or fifty (50) feet and provide various kinds of light while aloft;
- (9) Whistle device — Any of the various kinds of firecrackers or pyrotechnic devices designed to either simply emit a whistle-like sound or explode afterwards upon being ignited;
- (10) Butterfly — Butterfly-shaped pyrotechnic device designed to lift above ground while providing light;
- (11) All kinds of pyrotechnic devices (pailaw); and,
- (12) Other types equivalent to the foregoing devices.

SECTION 4. PROHIBITED TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES. The sale, distribution and use of other types of firecrackers and pyrotechnic devices not mentioned in the foregoing section, of such explosive content that could endanger life and limb, such as atomic big triangulo and super lolo and their equivalents are hereby prohibited.

The Manufacture of all types of firecrackers and pyrotechnic devices are strictly prohibited within the Territorial Jurisdiction of Tuguegarao City.

SECTION 5. LICENSE OR PERMIT REQUIREMENTS. License or permit to manufacture, sell and distribute firecrackers and other pyrotechnic devices shall be granted for the manufacture, sale and distribution of firecrackers and other pyrotechnic devices enumerated in Section 3 hereof. Under no circumstances shall a license or permit be granted for the manufacture, sale and/or distribution of prohibited firecrackers and other pyrotechnic devices mentioned in Section 4 hereof.

Any person desiring to manufacture, sell or distribute fireworks and other pyrotechnic devices shall file his/her application for the issuance of license business permit with the Local Government Unit of Tuguegarao City. Other rules and regulations relevant with the application for the issuance of license or business permit shall be in accordance with the provisions of Republic Act No. 7183.

Reasonable fees may be charged for the issuance of said licenses or permits to defray the cost of regulating the manufacture, sale and distribution of firecrackers and pyrotechnic devices.

SECTION 6. RESPONSIBLE USE AND SAFETY GUIDELINES. Strict compliance to the following safety precautions shall be observed by all wholesalers, retailers, and users of firecrackers and pyrotechnic devices:

- A. The display and sale of firecrackers and pyrotechnic devices by any vendor, retail, or wholesale, shall EXCLUSIVELY be at the left side before and after the Pinacanauan Overflow Bridge located at Barangay Capatan, Tuguegarao City.
- B. Within the area of display and sale of firecrackers, no testing and use of the firecrackers shall be allowed and their use will be strictly prohibited
- C. Selling hours shall be strictly regulated. Seller shall only be allowed to operate from 8:00 in the morning to 8:00 in the evening except on December 24 and 29 where they shall be allowed to open up to 11:00 in the evening. Selling of firecrackers and pyrotechnic devices during the yuletide season shall only be for a limited number of days, the commencement of which shall be on the 15th of December up to the 31st of the same month.
- D. Inventory of firecrackers and pyrotechnic devices to be sold shall only be limited to 50 kilos at any time during the selling period. Anything in excess shall be stored in their registered bodegas, registered and inspected by the Bureau of Fire Prevention.
- E. Selling of firecrackers and pyrotechnic devices to minors shall be strictly prohibited.
- F. Minors shall also be prohibited to handle and use firecrackers and pyrotechnic devices.



SECTION 7. DESIGNATED PLACE OF USE OF FIRECRACKERS AND PYROTECHNIC DEVICES. The use and display of firecrackers and/or pyrotechnic devices in Tuguegarao City will be limited to open spaces pursuant to the Zoning Ordinance of Tuguegarao City.

SECTION 8. SPECIAL CASES. — No Person or any business entities shall be allowed to use or sell any kind of firecrackers or Pyrotechnic pursuant to Section 3 of this Code within the Jurisdiction of Tuguegarao City except on the following cases:

- a. Christmas Day Celebration;
- b. New Year's Day Celebration;
- c. Patronal Fiesta Celebration;
- d. Wedding day and Anniversary Celebration;
- e. Any kind of Celebration relative to traditional and cultural practices.

In cases of fireworks and/or pyrotechnic exhibition, regulated fireworks and/or pyrotechnic shall be allowed provided that:

- a) A clearance to conduct fireworks exhibition from the Tuguegarao City Fire Marshal be secured;
- b) A permit to possess and display fireworks shall be first secured from the Tuguegarao City Police Station and the payment of necessary fees and charges provided by the Local Government Code of 1991;
- c) Fireworks be fired at a distance of one hundred feet (100 ft) away from people;
- d) Fireworks shall be projected upwards;
- e) A responsible person of at least twenty one (21) years old and with adequate knowledge of handling fireworks shall be assigned to supervise fireworks exhibition;
- f) Sufficient approved type of first aid fire protection equipment shall be on hand at the site during fireworks exhibition;
- g) The Tuguegarao City fire station shall be notified of such exhibition; and,
- h) The said parties shall apply for a permit and the payment of necessary fees and charges provided by the Local Government Code of 1991.

SECTION 9. CREATION OF TASK FORCE ANTI-FIRECRACKERS. The creation and composition of the Task Force Anti-Firecrackers shall be made through a memorandum circular issued by the City Mayor.

SECTION 10. CONFISCATION. All confiscated firecrackers and pyrotechnic devices will be destroyed under the supervision of the City Mayor and the Members of the Task Force Anti-Firecrackers.

SECTION 11. PENAL PROVISIONS. —

A. For Minors:

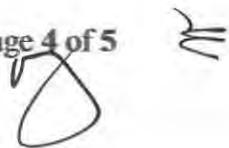
Counselling by the City Social Welfare and Development Office (CSWDO) and appropriate community service.

B. For Adults:

A fine of Five Thousand Pesos (P5,000.00)

C. For Distributors and Sellers

- a) For the first offense, a fine of Three Thousand Pesos (P3,000.00) 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. In addition thereto, the concerned business establishment's business permit shall be



suspended and it shall be ordered to be closed by the City Government for a period of not less than three (3) months but not more than six (6) months.

- b) For the second offense, a fine of Four Thousand Pesos (Php 4,000.00) or imprisonment or not more than Three (3) months but not less than one (1) Month or both fine and imprisonment, at the discretion of the Court. In addition thereto, the concerned business establishment's business permit shall be suspended and it shall be ordered to be closed by the City Government for a period not less than six (6) months and One (1) day but not more than twelve (12) months.
- c) For the third offense, a fine of Five Thousand Pesos (Php 5,000.00) or imprisonment or not more than Six (6) months but not less than Three (3) Month or both fine and imprisonment, at the discretion of the Court. In addition thereto, the concerned business establishment's business permit shall be immediately revoked by the City Government and it shall be ordered permanently closed.

D. For Manufacturers

A Fine of (Php 5,000.00) or imprisonment of not less than (6) months at the discretion of the proper courts.

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

SECTION 12. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portions not so declared shall remain in full force and effect.

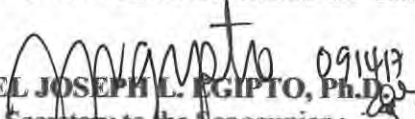
SECTION 13. REPEALING CLAUSE. All existing ordinances inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 14. EFFECTIVITY. This ordinance shall take effect fifteen (15) days after its publication and posting.

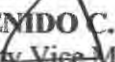
On motion of Hon. Danilo L. Baccay and without any objection, **CITY ORDINANCE NO. 41-2017** was **APPROVED** on its Second, Third and Final Reading under suspended rules.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sanggunian

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor
Presiding Officer
Date: 09/15/17

APPROVED:


HON. ATTY. JEFFERSON P. SORIANO
City Mayor
Date: 09/15/17

cd