



Republic of the Philippines
MUNICIPALITY OF SAN ROQUE
Province of Northern Samar
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OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 82 S, 2024

AN ORDINANCE REGULATING THE SALE, DISTRIBUTION, USE AND MANUFACTURE OF FIRECRACKERS AND PYROTECHNIC DEVICES IN THE MUNICIPALITY OF SAN ROQUE, NORTHERN SAMAR, PROVIDING PENALTY FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

Sponsored by: Ex – Officio Member/ABC Pres. Freddie F. Jarito
Co – Sponsored by: Unanimous

EXPLANATORY NOTES

WHEREAS, to prevent injuries, damage to properties, and other health effects, as a matter of public safety, there is a need to regulate the use of firecrackers and pyrotechnic devices;

WHEREAS, Section 16 and 17, Title I, Book I of the Republic Act No. 7160, otherwise known as “Act Providing for A Local Government Code of 1991” provides for the powers of the Local Government Unit to exercise in promoting the general welfare and such other functions incidental and necessary to carry out the provision on the basic services and facilities enumerated in the code.

WHEREAS, Section 447 of RA No. 7160 empowers the Sangguniang Bayan to enact ordinance and resolutions for the general welfare of the people such as ordinance that promotes strict compliance to law.

WHEREAS, Republic Act No. 7183 and its Revised Implementing Rules and Regulations provides for the regulation and control of firecrackers and pyrotechnic devices.

WHEREAS, Joint Memorandum Circular No. 1 dated 4th of /December 2014 of the Department of Interior and Local Government (DILG), Department of Health, Department of Finance and the Department of Trade and Industry directed the coordination of government agencies for the implementation of Republic Act No. 7183 (An Act Regulating the sale, manufacture, distribution and use of firecrackers and other pyrotechnic devices) and adoption of advocacy campaigns and measures for the prevention of injuries, death and damage to properties caused by firecrackers.

WHEREAS, in consideration of the premises mentioned and consistent with the Policy of the Local Government Unit of San Roque on safety, order, and security laws, the Sanggunian recognizes the importance of formulating an Ordinance that would regulate the safe use of firecrackers and related devices in the Municipality of San Roque, N. Samar

BE IT ENACTED, by the Sangguniang Byan of San Roque, Northern Samar during its regular session duly assembled, that:

SECTION 1. SHORT TITLE – This Ordinance shall be known and cited as the “**FIRECRACKERS AND OTHER PYROTECHNIC DEVICES CONTROL AND REGULATION ORDINANCE**”

SECTION 2. DECLARATION OF POLICY. – It is the declared policy of the Municipal Government of San Roque to control and regulate the manufacture, making, assembling, sale, distribution, use and possession of firecrackers or pyrotechnic devices and such other similar explosive devices within the territorial jurisdiction of the Municipality of San Roque consistent with, and in furtherance of, public safety, public order and security, and public health.

[Handwritten signatures]

SECTION 3. DEFINITION OF TERMS. –

- a. **FIRECRACKERS** – is a small explosive device primarily designed to produce a large amount of noise, especially in the form of a loud bang; any visual effect is incidental to this goal. They have fuses, and are wrapped in a heavy paper casing to contain the explosive compound.
- b. **FIREWORKS** – are a class of explosive pyrotechnic devices used for aesthetic, cultural and religious purposes. Fireworks take many forms to procedure the four primary effects: noise, light, smoke and floating materials (confetti for example.) They may be designed to burn with flames and sparks of many colors, typically red, orange, yellow, green, blue, purple, silver and gold.
- c. **COMMUNITY FIREWORKS DISPLAY** – refers to the use of firecrackers and pyrotechnic devices contained in the designated FireWorks Zone, and conducted on the occasion or a part of a celebration, competition or similar events, authorized by the Local Chief Executive through a permit, in coordination with the PNP and Bureau of Fire Protection (BFP), specifying the date and time of fireworks display and the specific area in which the display will be conducted, in conformity with national standards, rules and regulations;
- d. **FIREWORKS ZONES** – refers to the designated area/zone where the Community Fireworks Display can be suitably conducted;
- e. **PYROTECHNIC DEVICES** – refer to fireworks which utilize visual such as colored lights, flames, smoke, sparks, flashes, etc., as primary effects, and any sound effect thereto is merely incidental to the nature of their effects and purpose, including but not limited to sparkles, luces and fountain.

SECTION 4. SCOPE. This Ordinance shall cover the entire Municipality of San Roque, Northern Samar.

SECTION 5. BAN ON INDIVIDUAL, PERSONAL OR HOUSEHOLD USE OF FIRECRACKERS

- A. The individual, personal or household use of firecrackers of any kind shall be banned. Firecrackers shall be allowed only within Community FireWorks Displays as defined above.
- B. Pursuant to Executive Order No. 28, series of 2017, this firecrackers ban shall not cover pyrotechnic devices, which may be used within or outside Community Fireworks Displays, subject to applicable laws and regulations.

SECTION 6. TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES ALLOWED IN THIS ORDINANCE.

A. FIRECRACKERS

- 1.) **Baby Rocket** – A firecracker with a stick so constructed that a 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 inches in diameter while the stick is about a foot in length.
- 2.) **Small Triangulo** – A triangle shape firecracker with powder content less than the bawang and usually wrapped in brown paper measuring ¾ inch length in its longer side.
- 3.) **Pulling of Strings** – A firecracker with 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.
- 4.) **Paper Caps** – Munite amount of black power spread in either small trip of paper on a small sheet used for children’s toy guns.
- 5.) **El Diablo** – Firecrackers tubular in shape about 1 ¼ inches in length and less than ¼ inches in diameter with a wick; this is also known as labintador;
- 6.) **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;



7.) Other types equivalent to the foregoing in explosive content.

C. 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 lighting;
2. **Luces** – Any of several kinds of sparklers;
3. **Fountain** – A kind of sparkle 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 sparkle similar to a “fountain” but bigger in size;
5. **Mabuhay** – Sparkles bunched into a bundle of a dozen pieces.
6. **Roman Candle** – A sparkle 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 lights while aloft.
9. **Whistle Device** – Any of the various kinds of firecrackers or pyrotechnic designed to either simply emit a whistle-like sound and explode afterwards upon being ignited;
10. **BUTTERFLY** – A 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 7. PROHIBITED TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES.

The sell and distribution of the following firecrackers and pyrotechnic devices are strictly prohibited

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|-------------------------|------------------|
| 1.) Atomic Bomb | 9.) Napoles |
| 2.) BOGA | 10.) Pacquiao |
| 3.) Five Star | 11.) Pla-Pla |
| 4.) Giant Whistle Bomb | 12.) Super Lolo |
| 5.) Goodbye Philippines | 13.) Trianggulo |
| 6.) Goodbye World | 14.) Watusi |
| 7.) Judas Belt | 15.) Sky Lantern |
| 8.) Lolo Thunder | |

The Bureau of Fire Protection, Municipal Fire Maershall of the Municipality of San Roque shall be vested with the authority to determine what constitutes prohibited firecrackers and pyrotechnic devices that are not specifically mentioned under this Section.

SECTION 8. LICENSE AND PERMIT REQUIREMENTS.

- A. License and permit to sell and distribute firecrackers and pyrotechnic devices shall only be granted if the same shall be in accordance with Section 8 of this Ordinance. In no case that a license and permit to sell shall be issued for the sale and distribution of firecrackers and pyrotechnic devices, as provided for under Section 8 hereof.
- B. Wholesalers and dealers of firecrackers and pyrotechnic devices shall comply with all the requirements of the Firearms and Explosive Division of the Philippines National Police.
- C. Wholesalers, dealers and retailers of firecracker and pyrotechnic devices shall be reuired to secure a Special Business Permit and to pay the amount of Three Thousand Peos (Php. 3,000.00) for the privilege of engaging in the selling of firecrackers and to defray the cost of its regulation. This is without prejudice to the regular Mayor’s Permit to be issued.

SECTION 9. QUALIFICATIONS OF RETAILERS AND DEALERS

A license or permit to deal in wholesale or retail of firecrackers and pyrotechnic devices shall be issued only to the following:

- A. Single proprietorship, who shall be a Filipino Citizen of good moral character;

- B. The entity must be licensed and registered with the Department of Trade and Industry (DTI) of the Securities and Exchange Commission (SEC).
- C. The entity shall be certified by the Bureau of Fire Protection as to the compliance with Republic Act 7183;
- D. Permits secured with the Firearms and Explosives Division of the PNP shall be nontransferable.
- E. Have 100% Filipino Ownership.

SECTION 10. REGULATED ACTS –

Firecrackers use shall only be allowed during the following; unless such falls under special cases, as prescribed under Section 12 of this Ordinance-

- A. Christmas – December 24 and 25
- B. New Year – December 31 and January 1
- C. Town Fiesta
- D. On the eve of the Barangay Fiesta and on the day of the Barangay Fiesta
- E. On the celebration of Parayan Festival/Anniversary of the Municipality of San Roque
- F. Other days that may be allowed by the LCE

SECTION 11. RESPONSIBLE USE AND SAFETY GUIDELINES

Strict compliance to the following safety precautions shall be observed by all the wholesalers, retailers, and users of firecrackers and pyrotechnic devices;

- A. The Local Chief Executive shall, upon the recommendation of the Bureau of Fire, Philippine National Police and the Public Safety Division, designate a zone for the exclusive selling of firecrackers and pyrotechnic devices during yuletide season.
- B. Within the area of the designated zone, no testing and use of the firecrackers shall be allowed and its use will be strictly prohibited
- C. Selling hours in the zone shall be strictly regulated. They shall only be allowed to operate from 8:00 in the morning and 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 December up to the 31st of the same month.
- D. Inventory of firecrackers and pyrotechnic devices to be sold in the zone 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 Protection (BFP).
- E. Selling of firecrackers and pyrotechnic devices to minors shall be strictly prohibited. Any store caught selling to minors shall be penalized under the terms prescribed in this Ordinance.

SECTION 12. FIRECRACKERS ZONE. The Local Chief Executive shall designate a firecrackers zone in every Barangay in close coordination with its respective e Barangay Captains. The use of firecrackers outside the designated zone shall be strictly prohibited and offenders penalized under this Ordinance.

SECTION 13. SPECIAL CASES. Any person or entity desiring to use firecrackers or pyrotechnic devices outside Section 9 of this Ordinance and outside the designated firecrackers zone shall apply for a Mayor's Permit. In case of Barangay Poblacion, permit must be secured from the Barangay Captain and the Chief of Police. All the other Barangays must secure a permit their respective Barangay Captains.

SECTION 14 PENALTIES.

- A. Any person or entity who shall sell, distribute and use firecrackers and other pyrotechnic devices in violations of this Ordinance shall be penalized in the amount of Two Thousand Five Hundred Pesos (Php.2,500.00) and/or 30days imprisonment or both at the discretion of the court. In addition, any violations of any of the provisions of this Ordinance shall cause the cancellation of the entity's business license and the confiscation of their inventory.
- B. Any person or entity who shall use firecrackers outside the designated firecrackers zone except those which fall under special cases as enumerated in Section 12 shall be penalized with Five Hundred Pesos (Php.500.00) for the first offense, One Thousand Pesos (Php.1,000.00) for the

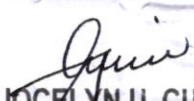
second offense and Two Thousand Five Hundred Pesos (Php.2,500.00) for the third and succeeding offense

SECTION 15. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared unconstitutional or illegal by any court, the portions not so declared shall remain in full force and effect.

SECTION 16. REPEALING CLAUSE. – All other previous local enactment, resolutions, memoranda, circulars and other issuances inconsistent with this ordinance are hereby repealed or modified accordingly.

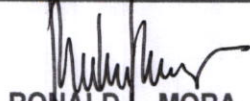
SECTION 17. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval and be posted at prominent places in the Pamunuan Hall, Balaudnan Building and 3 conspicuous places in the Municipality of San Roque, Northern Samar.

DONE and APPROVED, this **23rd** day of December 2024 at the Sangguniang Bayan Session Hall, 2nd Floor, Balaudnan Building, San Roque, Northern Samar, Philippines.


JOCelyn U. CURSO
SB Member



ENR. DANTE C. TAN
SB Member


FIEDIE F. JARITO
SB Member


RONALD L. MORA
SB Member


GIO S. GALVEZ
SB Member (On Leave)


HILARIO JOHN FRANCIS L. ACEBUCHÉ
SB Member


DEMETRIO S. AVALON, JR.
SB Member


ENGR. DEODATO L. BANTILO
SB Member


FREDDIE F. JARITO
Ex-Officio Member/ABC President


REYMOND J. BERE
Ex-Officio Member/PPSK Pres.

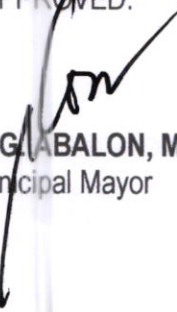
I HEREBY CERTIFY, as to the correctness of the foregoing Resolution.


MARIENEL B. AVALON
OIC - Secretary to the Sangguniang Bayan

ATTESTED:


ETHEL O. RAMIREZ
Municipal Vice Mayor/Presiding Officer

APPROVED:


MARIA ANA G. ABALON, MD, MPH
Municipal Mayor

