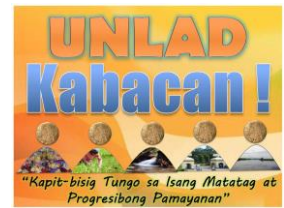




Republic of the Philippines
Region XII
Province of Cotabato
MUNICIPALITY OF KABACAN
LOCAL GOVERNMENT UNIT



EXCERPTS FROM THE MINUTES OF THE 57TH REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF KABACAN, COTABATO HELD ON NOVEMBER 23, 2017 IN THE DATU BUNDAS L. MAMALUBA SESSION HALL.

The session was called to order by the Presiding Officer at 9:10 in the morning and the following were:

PRESENT: Hon. Myra Dulay-Bade, Vice-Mayor/Presiding Officer
Hon. Herlo C. Guzman, SB Member
Hon. Rhosman S. Mamaluba, SB Member
Hon. Reyman L. Saldivar, SB Member
Hon. Manny K. Pedtamanan, SB Member
Hon. George E. Manuel, SB Member
Hon. Romeo G. Mantawil, SB Member
Hon. Ayesha J. Quilban-Flores, SB Member
Hon. Datuan L. Macalipat, SB Member
Hon. Raymundo B. Gracia, SB Member

ABSENT: NONE

RESOLUTION NO. 2017-142

RESOLUTION ENACTING AN ORDINANCE REGULATING THE USE OF FIRE CRACKERS, FIREWORKS AND OTHER PYROTECHNIC DEVICES IN THE MUNICIPALITY OF KABACAN, COTABATO AND PROVIDING PENALTIES THEREOF.

(Sponsored by the Joint Committee on Peace and Order/Public Safety/Human/Rights & Drug Abuse and Com on Health, Sanitation & Nutrition)

Hon. Raymundo B. Gracia- Chairperson, Com on Peace & Order

Hon. Romeo G. Mantawil - Vice-Chairperson

Hon. George E. Manuel - Member and Vice Chairperson, Com On Health

Hon. Ayesha J. Quilban-Flores-Chairperson, Com On Health

Hon. Herlo C. Guzman - Member

WHEREAS, Executive Order No. 28 signed by President Rodrigo R. Duterte, dated June 20, 2017 provides for the regulation and control of the use of firecrackers and other pyrotechnic devices;

WHEREAS, it is a Filipino tradition to use firecrackers and other pyrotechnic devices to celebrate events of personal, religious, cultural and national importance;

WHEREAS, Republic Act (RA) No. 7183 contains illustrations list of what comprises firecrackers and other pyrotechnic devices, and provides for the regulation and control of their manufacture, sale and distribution and use consistent with and in furtherance of public safety, order and national security, as well as the enhancement of cultural traditions;

WHEREAS, DILG Memorandum Circular No. 2013-147, dated December 17, 2013, DILG Memorandum Circular No. 01, s. 2014 dated December 4, 2014 and DILG Memorandum Circular No. 2016-176 dated December 14, 2016, reiterated in informing the public the rules and regulations on the sale, manufacture, distribution and use of firecrackers and other pyrotechnic devices in pursuance to RA 7183;

WHEREAS, the PNP are directed to confiscate types of firecrackers and pyrotechnic devices that are prohibited by RA No. 7183 and its 2012 Revised IRR;

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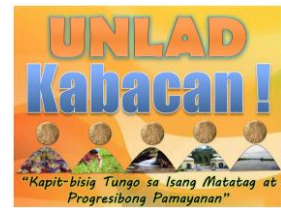
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Excerpts. Reso. No. 2017-142, embodying Ord. No. 45, s. 2017

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WHEREAS, Local Chief Executive are likewise authorized to promulgate the necessary rules and regulations on firecrackers and other pyrotechnic devices within their territorial jurisdiction in conformity with the national standards, rules and regulations;

WHEREAS, firecrackers, fireworks and pyrotechnics are hazardous materials that may destroy our environment and can cause injuries, destruction and even death;

WHEREAS, in the furtherance of public safety and order in so far as firecrackers, fireworks and pyrotechnic devices are concerned, there is a need to have a stricter policy to regulate the use of firecrackers, fireworks and pyrotechnics.

WHEREFORE, on motion of Hon. Raymundo B. Gracia, duly seconded by Hon. Romeo G. mantawil, the Sangguniang Bayan has-

RESOLVED, as it hereby resolves, to enact, as it hereby enacts-

ORDINANCE NO. 45, S. 2017

AN ORDINANCE REGULATING THE USE OF FIRE CRACKERS, FIREWORKS AND OTHER PYROTECHNIC DEVICES IN THE MUNICIPALITY OF KABACAN, COTABATO.AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

Be it ordained by the Sangguniang Bayan of Kabacan, Cotabato, that:

SECTION 1. TITLE. This ordinance shall be known as "Regulation on the use of firecrackers, fireworks and pyrotechnic devices in the Municipality of Kabacan, Cotabato".

SECTION 2. OBJECTIVES. This ordinance aims to:

- a. prevent injuries, destruction, and even death, resulting from irresponsible use of firecrackers, fireworks and pyrotechnics during celebrations and occasions;
- b. Regulate the sale, manufacture, distribution, and use of firecrackers as it pose great danger to the life and health of the people of Kabacan;
- c. Prevent and avoid misunderstanding and misinterpretation that intense firecrackers' sound may be misconstrued as armed attack in certain areas of Kabacan and may result in escalation of more violent incidents; and
- d. Provide rules and regulations in the use of firecrackers, fireworks and pyrotechnics during events and occasions.

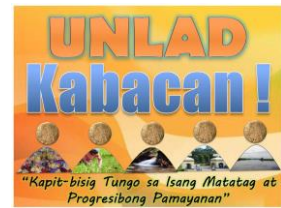
SECTION 3. DEFINITION OF TERMS. As used in this ordinance the following terms shall mean.

A. Firecrackers-is a cracker, noise maker, banger, or bunger which is a small explosive device primarily designed to produce a large amount of noise, especially in the form of a loud band; any visual effect is incidental to this goal; they have fuses, and are wrapped in a heavy paper casing to contain the explosive compound, which may include the following:

- (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;**

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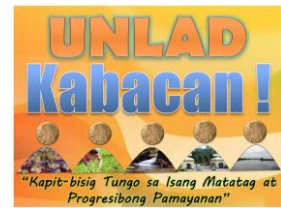
- (2) **Bawang** — A firecracker larger than a triangulo with 1/3 teaspoon of powder packed in cardboard tied around with abaca strings and wrapped in shape of garlic;
- (3) **Small triangulo** — A firecracker shaped like a triangle with powder content less than the bawang and usually wrapped in brown paper measuring $\frac{3}{4}$ 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ inches in length and less than $\frac{1}{4}$ inch in diameter with a wick; also known as labintador;
- (7) **Watusi** — Usually reddish in color about 1 $\frac{1}{2}$ 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;
- (10) **Other types equivalent to the foregoing in explosive content.**

B. Fireworks-means manufactured goods intended to be used for pyrotechnic effect that are classified as low hazard fireworks used for amusement and recreation.

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 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;

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- (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 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. LEGAL BASES.

1. Republic Act 7160. The Local Government Code: Section 16, General Welfare "promotion of health and safety and general welfare of the people".
2. Republic Act 7183: "An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices."
3. DILG Memorandum Circular No. 2013-147: "The Municipal Government through the Mayor, shall cause the enactment of an ordinance, as may be necessary or if justified, which totally prohibits the manufacture, sale, distribution, and use of any firecracker and pyrotechnic devices, if there is reasonable ground to believe that radical groups may take advantage of the holiday season's merriment for their lawless designs, and promote an alternative form of revelry"
4. Joint Memorandum Circular No. 1, series of 2014 which enjoins Municipal Governments to cause the enactment of ordinance which regulates the manufacture, sale, distribution, and use of any firecracker and pyrotechnic devices and promote an alternative form of revelry.
5. Local Ordinance of Davao City: ORDINANCE NO. 060-02 Series of 2002 "AN ORDINANCE PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION, POSSESSION, OR USE OF FIRE CRACKERS OR PYROTECHNIC DEVICES AND SUCH OTHER SIMILAR DEVICES, AND THE EXPLODING OF FIRECRACKERS OR OTHER SIMILAR EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF DAVAO CITY.
6. Executive Order No. 28 signed by President Rodrigo R. Duterte dated June 20, 2017 "Providing for the Regulation and Control of the Use of Firecrackers and other Pyrotechnic Devices.

SECTION 5. REGULATED ACTS. Firecrackers/fireworks and pyrotechnics devices enumerated in Section 3 shall be regulated except the following fireworks and pyrotechnic devices that are prohibited by RA No. 7183 and its 2012 Revised IRR, to wit:

-Atomic big, Trianggulo, Super Lolo, Giant Whistle Bomb and Other types equivalent to the foregoing in explosive content. Firecrackers which are overweight or more than 0.2 grams or more than 1/3 teaspoon in explosive content, firecrackers which are oversized, firecrackers with fuse that burns in less than 3 seconds or more than 6 seconds, imported finished firecracker products, and firecrackers with mixture of phosphorous or sulfur with that of chlorate, and polyvinyl pipe "boga"

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- Manufactured, sold or distributed without the necessary occupancy permit, or business or permit to operate.
- Transported without a "permit to Transport", in the case of a dealer.
- Imported firecrackers/fireworks in the market.

SECTION 6. ROLES AND RESPONSIBILITIES OF THE LGU THROUGH THE MUNICIPAL MAYOR.

1. Cause the enactment of an Ordinance which regulates the manufacture, sale, distribution and use of any firecracker and pyrotechnic devices and promote an alternative revelry;
2. Strictly enforce existing laws and ordinance relative to the sale, manufacture, distribution and use of firecrackers, polyvinyl pipe "boga" and other pyrotechnic devices as mandated by Section 455 (b) (2) and Section 444 (b) (2), of the Local Government Code of 1991;
3. Ensure that the acts of component barangays and of its officials and employees are within the scope of their prescribed powers, duties and responsibilities;
4. Designate the following zones pursuant to RA No. 7183 and IRR of RA No. 9514 or the Revised Fire Code of the Philippines 2008;
 - a. Display Center or Firecrackers or Pyrotechnic Zones
 - b. Fireworks Exhibition Zone
5. Observe the following safety guidelines within the zone.

1. Safety Guidelines in the Designation of Display Center or area for selling fireworks and pyrotechnics.

- a. Display center for selling firecrackers and pyrotechnics shall be separated each other by firewall with a fire resistance rating of not less than two (2) hours;
- b. All malls and other similar establishment shall not be utilized as display center for selling firecrackers or other pyrotechnics devices;
- c. Fire extinguishers shall be provided
- d. Smoking within 15 meters from a display center shall not be allowed
- e. Testing of firecrackers and pyrotechnics shall be prohibited.
- f. Stoves, exposed flames and portable electric heaters shall be prohibited.

2. Safety Guidelines in the Designation of Fireworks Exhibition Zone

- a. A Fire Safety Clearance (FSC) to conduct fireworks exhibition from the BFP/Municipal Fire Marshall shall be secured;
- b. A permit to possess and display fireworks shall first be secured from the PNP;
- c. Fireworks be fired at a distance of One Hundred Fifty (100) ft away from the people.
- d. Fireworks shall project upwards;

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- 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 display.
 - f. That sufficient approved type of first aid fire protection equipment shall be on hand at the site during the fireworks exhibition.
 - g. That the nearest fire station shall be notified of such exhibition.
6. Ensure that only the enumerated firecrackers and pyrotechnics are being sold and used.
 7. Direct the PNP to confiscate prohibited types of firecrackers and pyrotechnics devices, as well as those imported firecrackers and pyrotechnics devices.

SECTION 7. ADMINISTRATIVE PROVISIONS.

- a. Stricter implementation of the prohibition of injurious and poisonous firecrackers and pyrotechnic devices.
- b. Stricter implementation of requirements in getting permits from LGU for conducting business involving firecrackers. Permit requirements include clearance from MDRRMO, local PNP and BFP offices after thorough inspection and evaluation, and formulation of Contingency Plan.
- c. Enforcement shall be led by the MDRRMO in coordination with the PNP and BFP. Without the required permits, local PNP personnel are authorized to confiscate the firecrackers and other pyrotechnic devices and charge the involved vendors and distributors with corresponding appropriate penalties.

SECTION 8. REQUIREMENTS FOR ORGANIZING AND MANAGING FIREWORKS AND PYROTECHNICS EVENTS. Any fireworks and pyrotechnics display on event can only be conducted if it complies with the following requirements:

- a. Secure Mayor's Permit and pay a permit Fee of *One Thousand One Hundred Sixty (P1,160.00) Pesos* pursuant to Section 41 and 47 of the Revised Revenue Code of 2011 of the Local Government Unit of Kabacan, Cotabato.
- b. An attached Contingency Plan (CP), stating or declaring in brief narrative the following: 1) description of the venue as to its safety, 2) the list of fireworks and pyrotechnics to be used, 3) fire prevention mechanism, and response scheme when a fire incident happens, and 4) written consent from the local Office of the Bureau of Fire Protection.
- c. LGU Kabacan should designate an area in the Municipal Center and in each barangay as public fireworks and pyrotechnic display areas.

SECTION 9. PENALTIES. Any person found to have committed violation by not complying with the requirements of Section 5, 7 & 8 of this ordinance and failure to abide with the safety guidelines in the designation of display center and fireworks exhibition zone shall be penalized as follows:

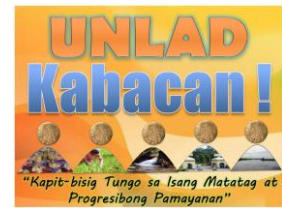
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| First Offense | - | a fine of P 1,000.00 or imprisonment of One (1) month |
| Second Offense | - | a fine of P1,500 or an imprisonment of not more than Three (3) months |

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Excerpts. Reso. No. 2017-142, embodying Ord. No. 45, s. 2017

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Third Offense - **a fine of P2,500.00 or an imprisonment of not more than Six (6) months or both fine and imprisonment at the discretion of the court.**

If the violation is committed by a group, organization, or entity, may it be a corporation, partnership or single proprietorship, the Head, President or General Manager or Owner, or person acting on behalf of such responsible officers, shall be held liable for the violation.

In addition to the foregoing penalties, revocation or cancellation of business Permit of the Business Establishment by the Mayor's Office upon the commission of the third offense.

SECTION 10. PUBLIC EDUCATION AND DISSEMINATION. It shall be the obligation of Kabacan LGU to conduct massive education and information dissemination on the provisions of this Ordinance, emphasizing public obligations and discipline in ensuring public security and safety through the Office of **Municipal Health Office**.

SECTION 11. SEPARABILITY CLAUSE. If any section, subsection, sentence, clause or phrase of this Ordinance is found to be invalid or unconstitutional by a decision of any court with competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 12. REPEALING CLAUSE. Any ordinance or parts thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 13. EFFECTIVITY CLAUSE. This ordinance shall take effect Fifteen (15) days upon approval and upon compliance with provisions of Section 59 (c) of RA 7160.

ENACTED. November 23, 2017.

CERTIFIED CORRECT:

SGD BEATRIZ S. MADERAS
Secretary to the Sanggunian

ATTESTED TO BE DULY ENACTED/ADOPTED:

SGD MYRA DULAY-BADE
Vice-Mayor /Presiding Officer

APPROVED.

SGD HERLO P. GUZMAN, JR.
Municipal Mayor