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BAYAN**



MONCADA, TARLAC

EXCERPT FROM THE MINUTES OF THE 22nd REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 12th DAY OF DECEMBER 2022 AT THE SB SESSION HALL, NEW SB-ABC-SK BUILDING.

PRESENT:

HON. JANIUS M. YASAY

..MEMBER / PRO-TEMPORE

HON. ALBERTO C. MARZAN, JR., MD
HON. THELMAFLOR A. ESPEJO
HON. CELESTE A. AYSON
HON. GEORGE MICHAEL P. AGUILAR
HON. CONSTANCE NESTOR A. FAVIS
HON. GEORGE R. CUCHAPIN, MD

..MEMBER
..MEMBER
..MEMBER
..MEMBER
..MEMBER
..LnB PRESIDENT

ABSENT:

HON. RAMON BENITO M. AQUINO
HON. RODOLFO C. ESPEJO, JR.
HON. EZEKIEL C. RIVERA

..VICE MAYOR / P.O. (S.L.)
..MEMBER (S.L.)
..SKF PRESIDENT (O.B.)

**MUNICIPAL ORDINANCE NO. 20
Series of 2022**

AN ORDINANCE PROVIDING FOR THE GENERAL POLICY ON THE MANUFACTURE, SALE, DISTRIBUTION AND USE OF FIRECRACKERS, FIREWORKS AND OTHER PYROTECHNIC DEVICES IN THE MUNICIPALITY OF MONCADA, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Principal Author & Sponsor: Coun. Constance Nestor A. Favis

WHEREAS, Executive Order No. 28 signed by former 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



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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 personnel are directed to confiscate various types of firecrackers and pyrotechnic devices that are prohibited by RA No. 7183 and its 2012 Revised IRR;

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 in prohibiting the manufacture, distribution and sale of firecrackers, fireworks and pyrotechnic devices and regulate the use thereof in the municipality to preclude the occurrence of any disastrous fires such as what happened in 2001 in which a firecracker was found the culprit for the tragic fire accident that gutted the Moncada Public Market;

NOW, THEREFORE, on motion by Coun. Constante Nestor A. Favis, duly seconded;

BE IT ENACTED by the Sangguniang Bayan of Moncada in session assembled, that:

SECTION 1. TITLE. This ordinance shall be known as "**FIRECRACKER ORDINANCE OF MONCADA 2022.**"

SEC. 2. OBJECTIVES. This Ordinance aims to:

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



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SEC. 3. DEFINITION OF TERMS. As used in this ordinance, the following terms shall mean:

A. Firecracker - is a cracker, noise maker, banger, or bungler 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;
- (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;
- (10) Other types equivalent to the foregoing in explosive content.



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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;
- (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.



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SEC. 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. 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."

SEC. 5. PROHIBITED ACTS. It shall be unlawful for any person, whether natural or juridical, to engage in or conduct any business for the manufacture, sale, distribution and display for selling of any explosives/gunpowder or combustible materials such as firecrackers, fireworks and pyrotechnics in the municipality.

SEC. 6. REGULATED ACTS. The use and detonation of firecrackers, fireworks and pyrotechnic devices shall only be allowed during holidays and special occasions as determined by the Local Chief Executive, except for the following fireworks, firecrackers and pyrotechnic devices that are *totally prohibited* by RA No. 7183 and its 2012 Revised IRR, to wit:

Watusi, Piccolo, Mother Rockets, Pillbox, Boga, Big Judah's belt, Big Bawang, Kwiton, Goodbye Philippines, Atomic Bomb, Five Star, Pla-Pla, Og, Giant Whistle Bomb, Super Lolo, Atomic Bomb Triangulo, Lolo Thunder, Kabasi, all unlabeled firecrackers, and other rebranded types equivalent to the foregoing in explosive contents.

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.



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SEC. 7. ROLES AND RESPONSIBILITIES OF THE LGU THROUGH THE MUNICIPAL MAYOR.

1. Strictly enforce existing laws and ordinances relative to the sale, manufacture, distribution and use of firecrackers, polyvinyl pipe "boga" and other pyrotechnic devices as mandated by Section 444 (b) (2) of the Local Government Code of 1991;
2. Ensure that the acts of component barangays and of its officials and employees are within the scope of their prescribed powers, duties and responsibilities;
3. Designate a Fireworks Exhibition and Firecracker Detonation Zone pursuant to RA No. 7183 and IRR of RA No. 9514 or the Revised Fire Code of the Philippines 2008;
4. Observe the following safety guidelines within the zone.
 - a) Safety Guidelines in the Designation of Fireworks Exhibition and Firecracker Detonation Zone
 - i. A Fire Safety Clearance (FSC) to conduct fireworks exhibition from the BFP/Municipal Fire Marshall shall be secured;
 - ii. A permit to possess and display fireworks shall first be secured from the PNP;
 - iii. Fireworks be fired at a distance of One Hundred Fifty (100) feet away from the people.
 - iv. Fireworks shall project upwards;
 - v. 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.
 - vi. That sufficient approved type of first aid fire protection equipment shall be on hand at the site during the fireworks exhibition.
 - vii. That the nearest fire station shall be notified of such exhibition.
5. Ensure that only the enumerated firecrackers and pyrotechnics are being used.
6. Direct the PNP to confiscate prohibited types of firecrackers and pyrotechnics devices, as well as those imported firecrackers and pyrotechnics devices.

SEC. 8. ADMINISTRATIVE PROVISIONS.

- a. Stricter implementation of the prohibition of sale, manufacture, distribution and use of illegal, injurious and poisonous firecrackers and pyrotechnic devices.



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- b. Enforcement shall be led by the MDRRMO in coordination with the PNP and BFP. For violation of the Ordinance, local PNP personnel are authorized to confiscate the firecrackers and other pyrotechnic devices and charge the involved vendors and distributors with corresponding appropriate penalties.

SEC. 9. REQUIREMENTS FOR ORGANIZING AND MANAGING FIREWORKS AND PYROTECHNICS EVENTS. Any fireworks and pyrotechnics display on events shall only be conducted if it complies with the following requirements:

- a. Secure Mayor's Permit and pay a permit fee based on prevailing charges of Moncada Revenue Code.
- 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. The LGU of Moncada shall designate the *Paraiso ti Ubbing* in Brgy. Poblacion 4 of this municipality as site for fireworks exhibition and firecracker detonation zone in the Municipal Center.
- d. The Sangguniang Barangays, through a Resolution, shall designate public fireworks and pyrotechnic exhibition and detonation areas in their respective jurisdictions.

SEC. 10. PENALTIES. Any person, whether natural or juridical, found in violation of this Ordinance and for failure to abide by the safety guidelines in the designation of fireworks exhibition and firecracker detonation zones shall be penalized as follows:

- (1) For illegal use and detonation of firecrackers, fireworks and pyrotechnic devices:
- a) First Offense – a fine of P 500.00.
- b) Second Offense – a fine of P1,000.
- c) Third Offense – a fine of P1,500.00 and confiscation of firecrackers, fireworks and pyrotechnic devices:
- (2) For illegal sale, manufacturing and distribution of firecrackers, fireworks and pyrotechnic devices:
- a) First Offense – a fine of P 1,000.00 and confiscation of fireworks, firecrackers and pyrotechnic devices.
- b) Second Offense – a fine of P 2,500, confiscation of fireworks, firecrackers and pyrotechnic devices, and revocation of business permit in case the violator is a registered business engaged in the selling of such articles which is not within the scope of their business activities.





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SEC. 11. PUBLIC EDUCATION AND DISSEMINATION. It shall be the obligation of Moncada 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 with the assistance of the DILG, BFP, PNP and DTI.

SEC. 12. 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.

SEC. 13. REPEALING CLAUSE. Any Ordinance or parts thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.


SEC. 14. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the municipality.

ENACTED, this 12th day of December, 2022 at Moncada, Tarlac.


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I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was enacted on Third and Final Reading by the 11th Sangguniang Bayan of Moncada during its Regular Session held on the aforementioned date and place.


VICTOR SANDINO S. MOLINA
Secretary, Sangguniang Bayan

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


JANIUS M. YASAY
SB Member & Pro-Tempore

APPROVED by HER HONOR, this 12th day of December, 2022.


ESTELITA M. AGUINO
Municipal Mayor

