



Republic of the Philippines
CITY OF SAN PEDRO
Province of Laguna

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 19TH LEGISLATIVE COUNCIL OF THE CITY OF SAN PEDRO, LAGUNA HELD AT THE SANGGUNIANG PANLUNGSOD SESSION HALL AT 9:00 IN THE MORNING ON NOVEMBER 28, 2023.

PRESENT:

HON. DIVINA V. OLIVAREZ	- City Vice Mayor
HON. SHERILIZ B. ALMORO	- Member, Sangguniang-Panlungsod
HON. MICHAEL M. CASACOP	- Member, Sangguniang-Panlungsod
HON. VINCENT JUDE T. SOLIDUM	- Member, Sangguniang-Panlungsod
HON. MARK S. OLIVEROS	- Member, Sangguniang-Panlungsod
HON. LESLIE E. LU	- Member, Sangguniang-Panlungsod
HON. ALDRIN GERROLD C. MERCADO	- Member, Sangguniang-Panlungsod
HON. CARLON S. AMBAYEC	- Member, Sangguniang-Panlungsod
HON. JOSE ENRICO M. MENDOZA	- Member, Sangguniang-Panlungsod
HON. DIWA T. TAYAO	- ABC President

ABSENT:

HON. JOIE CHELSEA V. VILLEGAS (Leave)	- Member, Sangguniang-Panlungsod
HON. BERNADETH V. OLIVARES (O.B.)	- Member, Sangguniang-Panlungsod
HON. RAPHAEL ANTONIO C. TY (T.O.)	- SK Federation President

**RESOLUTION NO. 2023-250
CITY ORDINANCE NO. 2023-45**

AN ORDINANCE PROVIDING FOR COMPREHENSIVE REGULATION AND CONTROL OF THE USE AND SELLING OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES WITHIN THE JURISDICTION OF THE CITY OF SAN PEDRO, LAGUNA.

Sponsored by: Coun. Atty. Mark S. Oliveros

WHEREAS, Republic Act No. 7183 “An Act Regulating the Sale, Manufacture and Use of Firecrackers and other Pyrotechnic Devices”, contains illustrative list of what comprises firecrackers and other pyrotechnic devices and provides for the regulation and control of their use consistent with, and in furtherance of public safety, order and national security;

WHEREAS, Executive Order No. 28 series of 2017, entitled “Providing for the regulation and control of the use of firecrackers and other pyrotechnic devices” authorized the Local Government Units to regulate and control the use of firecrackers and other pyrotechnic devices;

WHEREAS, the Local Government Code of 1991 under Section 16, otherwise known as the General Welfare Clause, specifically mandates that every local government unit shall exercise the powers expressly granted and which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

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WHEREAS, this ordinance will protect our inhabitants from accidents at times leading to death and harmful effects to health of firecrackers and other pyrotechnic devices;

WHEREAS, Municipal Ordinance No. 2012-256 entitled "An Ordinance Regulating the Sale and Use of Firecrackers and other Pyrotechnic Devices" which would supposed to regulate the use of firecrackers and other pyrotechnic devices, however upon review of the same, said ordinance pertains only to the selling and retailing and it is timely to revise and update the said Municipal Ordinance;

WHEREAS, in consideration of the premises mentioned and consistent with the policy of the City of San Pedro, Laguna on Peace and Order, Public Safety, the Sangguniang Panlungsod recognizes the importance of formulating an ordinance that would regulate and control the safe use of Firecrackers and other pyrotechnic devices within the territorial jurisdiction of the City of San Pedro, Laguna;

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Sangguniang Panlungsod of the City of San Pedro, Laguna in its regular session duly assembled, THAT:

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "**Regulation and Control of Use and Selling of Firecrackers and Pyrotechnic Devices Ordinance of the City of San Pedro, Laguna**".

SECTION 2. PURPOSE. This Ordinance is being enacted for the following purposes:

- a. To regulate and control the use and selling of firecrackers and other pyrotechnic devices consistent with, and in furtherance of, public safety, order and security, as well as the enhancement of the cultural traditions.
- b. To take into consideration the protection, safety and well-being of minor children below ages eighteen (18) years old in as far as handling firecrackers and other pyrotechnic devices.
- c. To provide and declare designated areas such as firecracker zones and community fireworks display zones.

SECTION 3. DEFINITION OF TERMS - When used in this Ordinance, the following terms shall mean:

- a. **Firecrackers** – a small explosive charge and a fuse in a heavy paper casing, exploded to noise; are those loud explosive fireworks, typically wrapped in paper and lit with a fuse.
- b. **Pyrotechnic Device** – a device that produces a bright light, either for illumination purposes or a colored light for warning or entertainment, and is consumed in the process; are those materials or devices capable of undergoing self-contained and self-sustained exothermic chemical reactions for the production of heat, light, gas, smoke and/or sound.
- c. **Community Fireworks Display** – the use of firecrackers as community fireworks display conducted on the occasion as part of a celebration, competition or similar event held in a venue other than a place of residence.

- d. **Firecracker Zone** – refers to the area or place for allowed use of firecrackers, Community Fireworks Display and pyrotechnic devices, commonly known as the Firecracker Zone.
- e. **Minor** – refers to eighteen (18) years old below
- f. **Public Places** – refer to places where the general public, or a substantial group of people, have access including but not limited to streets, highways, sidewalks, alleys, parking lots, vacant lots, parks and the common areas in the vicinity of churches, apartment buildings, office buildings, hospitals, schools, shops, and other similar places or establishments.

SECTION 4. SCOPE. This Ordinance shall cover the entire territorial jurisdiction of the City of San Pedro, Laguna.

SECTION 5. PERIOD FOR THE USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES. Use of firecrackers shall only be allowed during the following, unless such falls under Community Fireworks Display, as prescribed under Section 9 of this Ordinance:

- a. Christmas – December 24 and 25;
- b. New Year – December 31 and January 1;
- c. City Festivals and Town Fiesta;
- d. On the eve of the Barangay Fiesta and on the day of the Barangay Fiesta;
- e. Other day that may be allowed by the City Mayor.

SECTION 6. TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES ALLOWED IN THIS ORDINANCE. The following common types of firecrackers and pyrotechnic devices may be manufactured, distributed, sold and used, except to minor children with ages below 18 years old or those over but unable to fully take care of themselves because of physical or mental disability or condition.

A. FIRECRACKERS

- 1. **Baby Rocket** – a firecracker with a stick or so constructed that the lighting of a wick will propel the whole thing to lift a few meters before exploding. The firecrackers 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 the 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 triangulo 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 small tube about an inch in length and less than ¼ of an inch in diameter with strings on its 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 for children’s toy gun;

- 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 labbintador;
- 7. **Judas Belt** – a string of firecrackers consisting of either diablos or small triangulo that can number up to a hundred or thereabout and culminating in large firecracker usually a bawang.
- 8. **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.

B. PYROTECHNIC DEVICES

- 1. **Sparklers** – usually made of black powder on a piece of wire or inside a paper tube designed to light up and a glow after igniting;
- 2. **Luces** – any several kinds of sparklers;
- 3. **Fountain** – a kind of sparkler conical shape which is lighted on the ground and designed to provide various rising colors and intermittent lights upon being lighted;
- 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 “fountain” but shape like a big candle;
- 7. **Trompillo** – 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 kind 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 while providing light.
- 11. All kinds of pyrotechnic devices (pailaw); and
- 12. Other types of firecrackers and pyrotechnic devices not mentioned in the preceding section.

SECTION 7. PROHIBITED TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES. The 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, and containing more than one third (1/3) teaspoon of gunpowder shall be prohibited such as the Atomic Big, Triangulo, Super Lolo, Lolo Thunder, Bawang (large), Plapla, Kwiton, Giant Whistle, Judas Belt (large) Og, Atomic Bomb, Piccolo, Goodbye Philippines, Kabasi, and other equivalent, as well as Watusi and Boga, a pyrotechnic device made of pipes (PVP), tin cans, metals, to include the traditional Boga which is made of bamboo.

Determination of what constitutes prohibited firecrackers and pyrotechnic devices not herewith included shall be vested with the Philippine National Police (PNP). Hereinafter, all firecrackers and pyrotechnic devices declared by the PNP as prohibited shall also be adopted by the City as illegal.

Section 8. SAFETY GUIDELINES IN THE USE OF FIRECRACKERS AND PYROTECHNIC DEVICES.

- a. It shall be prohibited to use fireworks and/or pyrotechnic devices in public places and anywhere near residential houses.
- b. The use of firecracker and/or pyrotechnic devices during occasion like Christmas, New Year's Eve, foundation day, festivals and other traditional celebrations, shall only be allowed at places with a distance of ten (10) meters away from houses, establishments and other buildings like gas stations, electrical aid communications facilities and storages of flammable and combustibile materials.
- c. Minors especially children are not allowed to use firecrackers and pyrotechnics.
- d. It is a must for each barangay and subdivisions to assign a common designated area intended for firecrackers and pyrotechnics known as "Firecracker Zone".
- e. It is a must for retailers and sellers to put signage to warning minors and children that they are not allowed to buy firecrackers and pyrotechnics.
- f. No Smoking Ordinance is strictly enforced.

SECTION 9. COMMUNITY FIREWORKS DISPLAY. To minimize the risk of injuries and casualties, the use of firecrackers shall henceforth be confined to community fireworks display. However, that display of fireworks qualifies as community fireworks display if it complies with all the following conditions:

- a. It is conducted on the occasion or as part of a celebration, competition or similar event held in a venue other than a place of residence.
- b. It is conducted under the supervision of a BFP personnel and/or duly deputized Barangay Officer or employee by the BFP; and
- c. It is allowed by the Office of the Mayor through a special permit specifying the date and time of the firecrackers display and the specific area in which the display will be conducted, in the conformity with national standards, rules and regulations.

Any person or entity desiring to use firecrackers or pyrotechnic devices not as community fireworks display under this Ordinance and outside the designated firecracker zone shall apply for special permit to be secured from the Barangay Chairman and the Chief of the Bureau of Fire Protection (BFP).

SECTION 10. FIRE CRACKER ZONE. The City Mayor shall declare a designated firecracker zone in every Barangay duly recommended by the Barangay Chairman in their respective Barangay. The use of firecrackers outside the designated zone shall be strictly prohibited and offenders penalized under this Ordinance.

SECTION 11. RETAIL AND SELLING OF CONSUMER FIREWORKS. Retail sales of consumer fireworks and pyrotechnics in both new and existing buildings, structures and facilities shall comply with the requirements provided by the Office of the City Mayor, Bureau of Fire Protection (BFP) San Pedro City and Philippine National Police (PNP). It shall be unlawful for any person or entity, retail stores, and commercial establishments to Convey, Dispose, Transfer, Deliver, Retail and Sell fireworks and pyrotechnic devices without a permit issued by the Office of the Mayor and/or the Office of the City Administrator.

SECTION 12. RETAIL AND SELLING OF FIRECRACKERS AND PYROTECHNIC ZONES. The City Mayor shall declare a designated selling of consumer firecrackers and pyrotechnic areas or zones in every Barangay duly recommended jointly by the Bureau of Fire Protection San Pedro City and the Barangay Chairman in their respective Barangay. The selling of firecrackers and other pyrotechnics outside the designated zone shall be strictly prohibited and offenders shall be penalized under this Ordinance.

SECTION 13. USE AND SELLING OF FIRECRACKERS AND PYROTECHNICS TO MINOR CHILDREN BELOW 18 YEARS OF AGE. Minors especially children are not allowed to use firecrackers and pyrotechnics. It shall be unlawful for any person, retail stores, and commercial establishments to sell fireworks and other pyrotechnic devices to minor children.

SECTION 14. PENALTIES.

1. Any person who uses firecrackers and other pyrotechnic devices outside the designated Firecracker Zones and in violation of the provisions of this ordinance shall be punished by a fine as follows:

Offense	Penalty
First Offense	A fine of not less than One Thousand Five Hundred Pesos (Php1,500.00) or imprisonment of not less than one (1) month at the discretion of the proper court.
Second Offense	A fine of not less than Three Thousand Pesos (Php3,000.00) or imprisonment of not less than three (3) months at the discretion of the proper court
Third Offense	A fine of not less than Five Thousand Pesos (Php5,000.00) or imprisonment of not less than six (6) months at the discretion of the proper court.

2. Any person or entity who violates the provision on the Community Fireworks Display shall be punished by a fine of not less than Three Thousand Pesos (Php3,000.00) but not more than Five Thousand Pesos (Php5,000.00) or imprisonment of not less than three (3) months nor more than six (6) or both such fine and imprisonment at the discretion of the proper court.

3. Any person or entity, retail stores, and commercial establishment that convey, dispose, transfer, deliver, retail and sell fireworks and other pyrotechnic devices without a permit issued by the Office of the Mayor and/or the Office of the City Administrator shall be punished by a penalty and/or fine as follows:

Offense	Penalty
First Offense	Suspension of the Business Permit and other issued permits and a fine of not less than One Thousand Five Hundred Pesos (Php1,500.00) or imprisonment of not less than one (1) month at the discretion of the proper court.
Second Offense	Suspension of the Business Permit and other issued permits and a fine of not less than Three Thousand Pesos (Php3,000.00) or imprisonment of not less than three (3) months at the discretion of the proper court.
Third Offense	Revocation of the Business Permit and other issued permits and a fine of not less than Five Thousand Pesos (Php5,000.00) or imprisonment of six (6) months at the discretion of the proper court.

SECTION 15. ADMINISTRATIVE PROVISIONS.

- a. The PNP, Public Order and Safety Office (POSO) and BFP shall be primarily responsible for the administration and enforcement of this ordinance. The barangay officials shall be deputized to implement this ordinance in their respective barangays. They shall be authorized to apprehend violators whom then will turn over to the PNP for proper disposition.
- b. Upon approval of this Ordinance, the City Mayor shall cause the issuance of the Implementing Rules and Regulations (IRR) as are necessary for the effective implementation of this Ordinance.
- c. All use of prohibited firecrackers and other pyrotechnic devices in the city shall be unlawful and confiscated and must be disposed accordingly.
- d. The PNP and POSO shall not be precluded from transmitting and filing cases for prosecution arising from violation of this ordinance to proper government prosecutors for appropriate action.



SECTION 16. REPEALING CLAUSE. All ordinances contrary to or inconsistent with any of the provisions of this Ordinance are hereby repealed and/or modified accordingly.

SECTION 17. SEPARABILITY CLAUSE. If for any reason, any section or portion of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, or suspended or revoked by authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or portion which shall continue to be in full force and effect.

SECTION 19. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days after its publication in a local newspaper of general circulation.


APPROVED: November 28, 2023 in its 64th Regular Session.

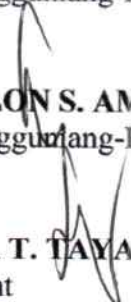



THIS IS TO CERTIFY THAT THE ABOVE RESOLUTION/ORDINANCE IS TRUE AND CORRECT.


HON. SHERILIZ B. ALMORO
Member, Sangguniang-Panlungsod

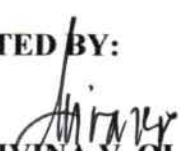

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HON. DIWA T. TAYAO
ABC President

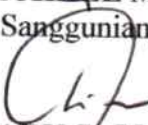
ATTESTED BY:


HON. DIVINA V. OLIVAREZ
City Vice-Mayor/Presiding Officer

/vdp


VISITACION D. PANDAGANI
Secretary to the Sanggunian


HON. MICHAEL M. CASACOP
Member, Sangguniang-Panlungsod


HON. MARK S. OLIVEROS
Member, Sangguniang-Panlungsod


HON. ALDRIN GERROLD C. MERCADO
Member, Sangguniang-Panlungsod


HON. JOSE ENRICO M. MENDOZA
Member, Sangguniang-Panlungsod

APPROVED:


HON. ART JOSEPH FRANCIS MERCADO
City Mayor