



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod
Tel. No. 723-2175

ORDINANCE NO. 11 S. 2019

AN ORDINANCE REGULATING THE SALE, MANUFACTURE, DISTRIBUTION, AND USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES IN THE CITY OF BATANGAS, AND IMPOSING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

AUTHORS : COUN. ARMANDO C. LAZARTE
COUN. ANGELITO "DONDON" A. DIMACUHA
CO-SPONSORS : VICE MAYOR EMILIO FRANCISCO A. BERBERABE, JR.
COUN. SERGIE REX M. ATIENZA
COUN. HAMILTON G. BLANCO
COUN. AILEEN GRACE A. MONTALBO
COUN. JULIAN PEDRO M. PASTOR
COUN. ALYSSA RENEE A. CRUZ
COUN. OLIVER Z. MACATANGAY
COUN. KARLOS EMMANJUEL A. BUTED
COUN. JULIAN B. VILLENA
COUN. GERARDO A. DELA ROCA
COUN. NESTOR E. DIMACUHA
COUN. NELSON J. CHAVEZ
COUN. MARJORIE A. MANALO

WHEREAS, Republic Act 7160 also known as the Local Government Code provides that the Local Government Units shall provide programs and services to the children and youth to help them develop so as to contribute to nation building;

WHEREAS, the City Government's main concern is the safety and protection of its youth and children also;

WHEREAS, the City Government of Batangas is aware of the reported incidents relative to the selling and use of firecrackers by minors and children especially during holiday celebrations;

WHEREAS, this Ordinance will protect our youth from accidents at times leading to death and harmful effects to health,

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Batangas in session assembled:



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SECTION 1. SHORT TITLE. - This Ordinance shall be known as the "FIRECRACKER AND PYROTECHNICS ORDINANCE OF THE CITY OF BATANGAS".

SECTION 2. PURPOSES OF THIS ORDINANCE.

- a. 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, as well as the enhancement of the cultural traditions.
- b. It is likewise the purpose of this ordinance to take into consideration the protection, safety and well-being of children with ages 18 years old and below in as far as the handling of fire crackers and other pyrotechnic devices.

SECTION 3. DEFINITION OF TERMS. - For purposes of this ordinance the following terms shall mean and be interpreted as hereunder defined:

- a. **Firecracker** - a small explosive charge and a fuse in a heavy paper casing, exploded to noise.
- b. **Manufacture** - making of firecrackers whether in personal or commercial quantities or purposes.
- c. **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.
- d. **Wholesaler** - person or entity that sells firecrackers and pyrotechnic devices in large quantities, as for resale by retail.



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- e. **Retailer** - person or entity that resell firecrackers and pyrotechnic devices in small quantities directly to consumers or end users.
- f. **Government Center** refers to the area or place for selling and distributing firecrackers and pyrotechnic devices, commonly known as the site of the Batangas City Sports Coliseum.
- g. **Minor** - refers to eighteen (18) years old and below are prohibited to buy firecrackers.

SECTION 4. Manufacture of firecrackers and other pyrotechnic devices are prohibited in the city.

SECTION 5. DESIGNATED SELLING AREA - All sales and distribution of firecrackers and other pyrotechnic devices shall be under taken only at the parking lot of (North, South, East) portion of the government center.

SECTION 6. PERIOD OF SELLING. - The sale and distribution of firecrackers and pyrotechnic devices within the territorial boundaries of the city shall be allowed only for period from December 22, 23, 24 to December 29, 30 and 31.

SECTION 7. 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 children with ages 18 years old and below or those over but unable to fully take care of themselves because of physical or mental disability or condition.

A. **Firecrackers** - are those loud, explosive firework, typically wrapped in paper and lit with a fuse like:

- 1. **Baby Rocket** - a firecracker with a stick or so constructed that the lighting of a wick will propel



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the whole thing to lift as 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 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 1/4 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 1/4 inches in length and less than 1/4 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;



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- B. **PYROTECHNIC DEVICES** - 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 like:
1. **Sparklers** - Pyrotechnic devices 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 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;



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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 8. 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, 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 their equivalent, as well as Watusi and Boga, a pyrotechnic device made of pipes (PVC), 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 9. 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



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devices enumerated in Section 7 hereof. Under no circumstances shall a license or permit be granted for the manufacture, sale and distribution of prohibited firecrackers and other pyrotechnic devices mentioned in Section 8 hereof.

Any person desiring to manufacture, sell or distribute fireworks and other pyrotechnic devices shall file his application for the issuance of license or business permit with the Chief PNP of Batangas 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.

Before any person, persons or entity can sell or display legal firecrackers and pyrotechnic devices, they must first secure a Fire Safety Clearance from Philippine National Police (PNP) Batangas City and the Bureau of Fire Protection (BFP), Batangas City Fire Station and then proceed to get a Special Mayor's Permit from the Office of the City Mayor through the Business Permit and Licensing Office (BPLO).

SECTION 10. SAFETY GUIDELINES IN THE USE OF FIRECRACKERS AND PYROTECHNIC DEVICES. -

1. It shall be prohibited to use fireworks and/or pyrotechnic devices in streets and anywhere near residential houses.
2. 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 combustible materials.



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3. Minors especially children are not allowed to use firecrackers and pyrotechnics.
4. It is a must for each barangay and subdivisions to assign a common designated area intended for firecrackers and pyrotechnics.
5. It is a must for retailers and sellers to put signages warning minors and children that they are not allowed to buy firecrackers and pyrotechnics.
6. No Smoking Ordinance is strictly enforced.

SECTION 11. PROHIBITION ON THE SALE OF PYROTECHNIC DEVICES TO CHILDREN. - It shall be absolutely and strictly prohibited to sell firecrackers and/or pyrotechnic devices to children. Children are the young individuals aged 18 years old and below and those of age but mentally and physically incapacitated.

SECTION 12. FEES. - Fees shall be charged for the issuance of a Special Mayor's Permit based on the type of business, to defray the cost of regulating the sale and distribution of firecrackers and pyrotechnic devices in accordance with the Batangas Revenue Code.

SECTION 13. PENALTIES

1. Any person who manufactures, sells or distributes or uses firecrackers and other pyrotechnic devices in violation of the provisions of this ordinance shall be punished by a fine of not less than Three Thousand Pesos(P3,000.00) but not more than Five Thousand Pesos(P5,000.00) or imprisonment of not less than three(3)months nor more than six (6) months, or both such fine and imprisonment at the discretion of the court in



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addition to the cancellation of his license and business permit and the confiscation by the government of his inventory or stock.

2. Any person or entity who violates the provision on the selling of firecrackers and/or pyrotechnic devices to children shall be punished by a fine of not less than Three Thousand Pesos (P3,000.00) but not more than Five Thousand Pesos (P5,000.00) or imprisonment of not less than three (3) months nor more than six (6) months, or both such fine and imprisonment at the discretion of the court in addition to the cancellation of his license and business permit and the confiscation by the government of his inventory or stock.

SECTION 14. ADMINISTRATIVE PROVISIONS.

- a. The PNP 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 they will turn over to the PNP for proper disposition.
- b. All prohibited firecrackers and other pyrotechnic devices sold in the city shall be confiscated and disposed of accordingly.
- c. The PNP shall not be precluded from transmitting and filing cases for prosecution arising from violation of this ordinance to proper government prosecutors for appropriate action.
- d. The City Government through Business Permit and Licensing Office (BPLO) shall automatically cancel the Special Mayor's Permit of those who sell and distribute prohibited firecrackers and other pyrotechnic devices.



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SECTION 15. REPEALING CLAUSE. - Any Ordinance of the City or portion thereof which is inconsistent with the provisions of this ordinance is deemed repealed or modified accordingly.

SECTION 16. 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 17. APPLICABILITY CLAUSE. - All other matters relating to the imposition of regulation provided in the ordinance shall be governed by the pertinent provisions of existing laws and other ordinances.

SECTION 18. EFFECTIVITY. - This Ordinance shall take effect immediately after its approval and following its publication in a newspaper of local circulation.

ENACTED by the Sangguniang Panlungsod this 25th day of April, 2019.

ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:

EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

APPROVED:

BEVERLEY ROSE A. DIMACUJA
City Mayor

Date Approved: MAY 06 2019

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON APRIL 25, 2019 AT THE COLEGIO NG LUNGSOD NG BATANGAS

PRESENT:

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Aileen Grace A. Montalbo,	Councilor
Hon. Sergie Rex M. Atienza,	“
Hon. Hamilton G. Blanco,	“
Hon. Alyssa Renee A. Cruz,	“
Hon. Oliver Z. Macatangay,	“
Hon. Armando C. Lazarte,	“
Hon. Karlos Emmanjuel A. Buted,	“
Hon. Julian B. Villena,	“
Hon. Gerardo A. Dela Roca,	“
Hon. Nestor E. Dimacuha,	“
Hon. Nelson J. Chavez,	“
Hon. Julian Pedro M. Pastor,	“
Hon. Angelito “Dondon” A. Dimacuha,	ABC-Rep.
Hon. Marjorie A. Manalo,	SK-Fed. Pres.

“On motion of Councilor Lazarte seconded by Councilor Buted, the following Resolution was Adopted:

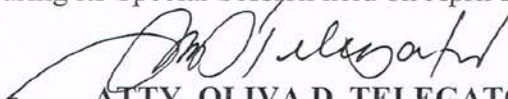
RESOLUTION NO. 130 S. 2019

APPROVING THE FIRECRACKER AND PYROTECHNIC ORDINANCE OF THE
CITY OF BATANGAS, EXEMPTING IT FROM THE THREE-READING RULE

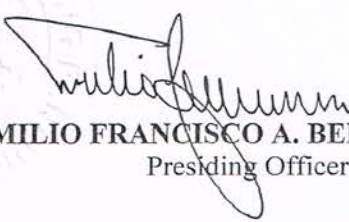
RESOLVED, to approve the ordinance entitled: “An Ordinance Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices in the City of Batangas and Imposing Penalties for Violation Thereof and for Other Purposes exempting it from the Three-reading Rule of the Sangguniang Panlungsod.

UNANIMOUSLY APPROVED.”

I hereby certify that the foregoing Resolution No. 130 S. 2019 was approved by the Sangguniang Panlungsod of Batangas City during its Special Session held on April 25, 2019.


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


EMILIO FRANCISCO A. BERBERABE JR.
Presiding Officer

ODT/ ystingchuy...

REPUBLIC OF THE PHILIPPINES
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE JOURNAL OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY ON MAY
25, 2019
AT THE COLEGIO NG LUNGSOD NG BATANGAS SESSION HALL

PRESENT:

Hon. Vice Mayor Emilio Francisco A. Berberabe Jr.	Presiding Officer
Hon. Aileen Grace A. Montalbo	Councilor
Hon. Alyssa Renee A. Cruz	“
Hon. Sergie Rex M. Atienza	“
Hon. Hamilton G. Blanco	“
Hon. Oliver Z. Macatangay	“
Hon. Armando C. Lazarte	“
Hon. Karlos Emmanjuel A. Buted	“
Hon. Julian B. Villena	“
Hon. Gerardo A. Dela Roca	“
Hon. Nestor E. Dimacuha	“
Hon. Nelson J. Chavez	“

ABSENT:

Hon. Angelito A. Dimacuha	(ABC-Rep.)
Hon. Marjorie Manalo	(SK President)

X-----X

I. MGA BAGONG PAG-UUSAPAN

1. Proposed Ordinance Regulating the Sales, Manufacture, Distribution and use of Firecrackers and other Pyrotechnic Devices in the City of Batangas and Imposing Penalties for Violation Thereof for Other Purposes.

Coun. Armando Lazarte: Good morning, item No. 2 this is a Proposed Ordinance Regulating the Sales, Manufacture, Distribution and use of Firecrackers and other Pyrotechnic Devices in the City of Batangas and Imposing Penalties for Violation Thereof for Other Purposes Author by Councilor Angelito “Dondon” Dimacuha and City Councilor. Ahh, considering Ginoong taga-pangulo na ito po’y kinakailangan din at lalong-lalo na sa panahong ito na dumaranas tayo ng iba’t-ibang kalamidad kagaya ng mga sunog siguro po’y napapanahon na magkaroon tayo ng isang ganitong ordinansa. Ahh Mr. Presiding Officer I moved for the approval of the Proposed Ordinance and exempting it from 2 to 3 reading rules.

Coun. Gerardo Dela Roca: Second.

Chair: Thank you Councilor Lazarte, there's a motion that the Proposed Ordinance Regulating the Sales, Manufacture, Distribution and use of Firecrackers and other Pyrotechnic Devices in the City of Batangas and Imposing Penalties for Violation Thereof for Other Purposes be approve and exempting it from the 3 Reading Rules, any objection?


NO ANSWER

Hearing none, your motion is approved. Again, congratulations Councilor Lazarte, Councilor Dondon Dimacuha and the rest of the council, maraming salamat saggpasa ng 2 ordinansang ito, item no. 3 Councilor Aileen Montalbo.

X-----X


CERTIFICATION

I hereby certify that the foregoing transcript is true and correct according to my understanding, knowledge and belief.


FILIPINA M. GARCIA
ADMIN. ASST. V

CERTIFICATION

This is to certify that this copy is the official transcript of record of Regular Session held on March 28, 2019 at Sanggunian Session Hall.


CECILIA D. ATIENZA
SENIOR ADMIN. ASST. I