

TANGGAPAN NG SANGGUNIANG BAYAN  
42<sup>nd</sup> REGULAR SESSION  
November 26, 2014

**RESOLUTION NO. 364-14**

Authored and Sponsored by: **HON. LOLITA P. LEGASPI**

Co-Sponsored by: Hon. Alvin Rey C. Almendras  
Hon. Ronald R. Cruda  
Hon. Fernando C. Ugdoracion  
Hon. Jaime G. Lao, Jr.  
Hon. Michelle O. Orpilla  
Hon. Alain Michael C. Almendras  
Hon. Carolino A. Ruiz

**ENACTING AN ORDINANCE PROHIBITING THE  
MANUFACTURE, SALE, DISTRIBUTION, POSSESSION AND  
USE OF FIRECRACKERS, OTHER PYROTECHNIC DEVICES  
AND SUCH OTHER SIMILAR DEVICES AND CAUSING THE  
EXPLOSION OF THE SAME OR OTHER EXPLOSIVES WITHIN  
THE TERRITORIAL JURISDICTION OF STA. CRUZ, DAVAO  
DEL SUR**

**WHEREAS**, firecrackers have become a source not only of huge fires but can kill or harm people;

**WHEREAS**, bursting of firecrackers as the highlight in celebrating Christmas and greeting the New Year does not in any way invite good fortune but rather this only court danger because they lead to injuries and even death and is just pouring money down the drain;

**WHEREAS**, section 16 of the Local Government Code of 1991 (RA 7160) accords every local government unit the power and authority to promote the general welfare within its territorial jurisdiction including health and safety of its constituents;

**WHEREAS**, the Department of Interior and Local Government had issued Memorandum Circular No. 2007-165, dated December 27, 2007 titled "Reiterating DILG MC No. 2002-188 On the Strict Implementation of Republic Act No. 7183, titled: An Act Regulating The Manufacture, Sale, Distribution And Use Of Firecrackers And Other Pyrotechnic Devices;"

**WHEREAS**, the said circular categorically states that in order to avoid unnecessary injuries, disabilities and even deaths during Christmas or new year, all Local Chief Executives' attention is again invited to the pertinent provisions of DILG Memo Circular No. 2002-188 dated 08 November 2002, which reads in part specifically under item no. 2, "The local sanggunian may also enact an ordinance totally prohibiting the manufacture, sale, distribution and use of any firecracker and pyrotechnic devices, if there is a reasonable ground to believe that radical groups may take advantage of the holiday season merriment for their lawless designs;"

**WHEREAS**, Memorandum Circular 2006-162 dated 03 November 2006 enjoins all Local Chief Executives to cause the cancellation or revocation of permits or licenses of business establishments found manufacturing, importing, distributing and selling any consumer product declared as injurious and dangerous to health and safety;

**WHEREAS**, during the multi-level consultation hearing, a strong manifestation of support was expressly shown by the stakeholders for the immediate passage of this ordinance;

**WHEREAS**, the Association of the Barangay Captains of this Municipality has passed its Resolution numbered 28, series of 2014 expressing their support to the local law;

**WHEREAS**, an urgent measure to prevent the people from suffering firecracker accidents which may result to physical injuries such as loss of fingers, limbs, blindness, hand deformities, causes disturbance and affect their emotional well-being;

**WHEREAS**, considering that public welfare is of paramount importance, safety measures must be institutionalized to prevent accidents involving firecrackers and to ensure the safety of the lives and properties of the community-residents and visitors, it is necessary to prohibit the

manufacture, sale, distribution, possession and use of firecrackers and pyrotechnic devices in the Municipality;

**WHEREFORE**, on motion of Hon. Lolita P. Legaspi, with unanimous accord of the Members of the Sangguniang Bayan present, it was;

**RESOLVED**, as it is hereby resolved, by the Sangguniang Bayan of Sta. Cruz, Davao del Sur, in session assembled, to enact the following Ordinance:

**MUNICIPAL ORDINANCE NO. 15**  
Series of 2014

**PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION, POSSESSION AND USE OF FIRECRACKERS, OTHER PYROTECHNIC DEVICES AND SUCH OTHER SIMILAR DEVICES AND CAUSING THE EXPLOSION OF THE SAME OR OTHER EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF STA. CRUZ, PROVINCE OF DAVAO DEL SUR**

**Section 1. Title-** This ordinance shall be known as “**The Total Ban of Manufacture, Sale, Distribution, Possession and Use of Firecrackers, other Pyrotechnic Devices and such other Similar Devices and Causing the Explosion of the same or other Explosives within the Territorial Jurisdiction of Sta. Cruz, Province of Davao del Sur.**”

**Section 2. Purpose.** – To promote public safety, peace, order and security of the community.

**Section 3. Definition of Terms.** – The following terms shall be defined/referred as follows:

a) **Firecracker** - 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 the goal. They have fuses and are wrapped in a heavy paper casing to contain the explosive compound. The following are the common types of firecrackers:

- Baby rocket
- Bawang
- Small triangulo
- Paper caps
- El Diablo (labintador)
- Watusi
- Judah’s belt
- Sky rocket (kwitis)

b) **Pyrotechnics** – is the science of using materials capable of undergoing self-contained and self-sustained exothermic chemical reactions for the production of heat, light, gas, smoke and/or sound.

c) **Pyrotechnic devices** – are attention-getting devices that burn, sputter, smoke or explode. These produce a very hot flame, the residue can cause burns and ignite flammable materials. These are devices which combine high reliability with very compact and efficient energy storage, in the form of chemical energy which is converted to expanding hot gases either through deflagration or detonation. The following are the common types of pyrotechnic devices:

- |                             |                  |
|-----------------------------|------------------|
| - Sparklers                 | - Trompillo      |
| - Luces                     | - Airwolf        |
| - Fountain                  | - Whistle device |
| - Jumbo regular and special | - Butterfly      |
| - Mabuhay                   | - Roman candle   |

**Section 4. Effects of firecrackers and pyrotechnics.-** Firecrackers, as fire hazards and known to cause bodily harms, injuries and even deaths were shown in studies and were proven to also cause the following:

4.1 Increase in toxic forms and gases like carbon dioxide, sulphur dioxide and nitrogen dioxide, as well as suspended particulate matter (SPM) in the air;

- 4.2 Increase in noise pollution above 125 decibels (dB) which is above the tolerable limits and can cause deafness;
- 4.3 Increase in incidents of respiratory diseases such as acute bouts of asthma and bronchitis, and may also trigger heart attacks.

**Section 5. Prohibited Acts.** – It shall be unlawful for any person or business establishment to manufacture, sell or offer sale, distribute, possess or use of any firecracker or pyrotechnic devices or such other similar devices within the territory of Sta. Cruz.

**Section 6. Penalties.** – Violation of the provisions of this Ordinance shall be penalized as follows:

**6.1 For Minor Offenders who are users/possessors of firecrackers or pyrotechnic devices:**

6.1a An offender who is aging above 15 years old to below 18 years old shall be meted to a penalty of four (4) hours of community service for every offense committed within the barangay where the offender resides.

6.1b An offender who is aging 15 years old and below, a confiscation of firecrackers/pyrotechnic device shall be done by the PNP enforcers and other authorities concerned, the confiscated items shall be turned-over to the Anti-firecrackers Task Force of the LGU for its proper disposition.

**6.2 For adult offenders who are users/possessors of firecrackers/ pyrotechnic devices:**

6.2a First offense – a fine of Two Hundred Fifty (P250.00) or imprisonment of two (2) days, or both fine and imprisonment at the discretion of the court.

6.2b Second offense – a fine of Five Hundred Pesos (P500.00) or imprisonment of five (5) days, or both fine and imprisonment at the discretion of the court.

6.2c Third offense - a fine of One Thousand Two Hundred Fifty (P1,250.00) or imprisonment of fifteen (15) days, or both fine and imprisonment at the discretion of the court.

**6.3 For adult offenders who are manufacturers/sellers:**

6.3a First offense – a fine of Five Hundred Pesos (P500.00) or imprisonment of five (5) days, or both fine and imprisonment at the discretion of the court.

6.3b Second offense – a fine of One Thousand Pesos (P1,000,00) or imprisonment of ten (10) days, or both fine and imprisonment, at the discretion of the court.

6.3c Third offense – a fine of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of one month, or both fine and imprisonment at the discretion of the court.

If the violation is committed by a business establishment, the President or General Manager or other person acting in behalf of either the President or General Manager shall be held liable in the case of a partnership or corporation, or the owner or proprietor or the person acting in his behalf shall be held responsible in the case of sole proprietorship.

In addition to the foregoing penalties, the business permit of the business establishment shall be cancelled by the Municipal Mayor upon the commission of the third offense.

**Section 7. Creation, Duties and Responsibilities of Anti-Firecrackers Task Force.** - There shall be created an Anti-Firecrackers Task Force which shall be composed of the following:

- 7.1 Municipal Health Officer
- 7.2 Barangay Captains
- 7.3 Any member of the Tourism Council
- 7.4 Solid Waste Management Coordinator

- 7.5 North and South District Supervisors
- 7.6 Principals of Secondary and Primary Schools
- 7.7 Municipal Social Welfare and Development Officer
- 7.8 Municipal Risk Reduction Management Action Officer
- 7.9 PNP Chief of Police
- 7.10 BFP Fire Marshal

The Anti-Firecrackers Task Force shall 1.) alert the public about the safety and chemical and noise hazards from blasting firecrackers and other pyrotechnic devices 2.) to encourage the public to make use of alternative merry-making devices or instruments or noisemakers during Christmas and New Year revelry that are not toxic to humans, animals and the environment such as “tambol”, horns or “torotot,” bells, cans, agong, drums, music, and other safe noisemakers 3.) to disseminate health advisories and precautionary measures.

**Section 8. Confiscation.** - All confiscated firecrackers and pyrotechnic devices shall be destroyed under the supervision of the Municipal Mayor and the members of the Anti-Firecrackers Task Force.

**Section 9. Separability Clause.** - Should any of the provisions of this ordinance be declared inoperative by the courts for being inconsistent with the Constitution or the law, the other provisions shall remain in full force and effect.

**Section 10. Repealing Clause.** - Any and all ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**Section 11. Effectivity.** - This Ordinance shall take effect after its approval and following its posting in conspicuous places.

**UNANIMOUSLY APPROVED.**

CERTIFIED CORRECT:

**ELSA L. VILLAFLOR**  
 Administrative Officer III  
 Acting Secretary to the Sanggunian

ATTESTED:

**ALEXIS C. ALMENDRAS**  
 Municipal Vice-Mayor  
 (Presiding Officer)

APPROVED:

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**ATTY. JOEL RAY L. LOPEZ**  
 Municipal Mayor