

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 589

HOUSE OF REPRESENTATIVES

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Introduced by Honorable Leopoldo N. Bataoil

EXPLANATORY NOTE

This bill seeks to strengthen the regulation of the manufacture, sale, distribution and use of firecrackers and pyrotechnic devices, repealing for the purpose Republic Act No. 7183 and providing penalties for violations thereof.

Republic Act No. 7183 entitled, "*An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices*" is the present law regulating the sale, manufacture, distribution and use of firecrackers and other pyrotechnic devices. The law was purposely enacted in consonance with the declared policy of the State to promote public safety, order and national security. Similarly, the proposed bill has for its purpose to ensure the safety of the people by regulating the sale, manufacture, distribution, and use of firecrackers and other pyrotechnic devices.

Under the proposed measure, manufacturers, dealers and wholesale distributors are now required to indicate the names and addresses of all their accredited retail stores, outlets, or re-sellers to the Firearms and Explosives Office of the Philippine National Police (PNP-FEO) as a pre-requisite for the grant of a license to engage in the manufacture and wholesale distribution of firecrackers and pyrotechnic devices. Likewise, retail stores, outlets, distributors and re-sellers shall also be required to apply for a permit to sell with the PNP-FEO. Thus, a "one-store, one-permit" policy is mandatory.

This bill also absolutely prohibits any minor from engaging in the sale or use of firecrackers or pyrotechnic devices notwithstanding the presence of, and supervision of adults and professionals. In any event, activity or occasion which involves the use of firecrackers, the services of a professional is required to supervise the fireworks display. The local government units are mandated to identify a zone or designate an area in their respective territorial jurisdiction where residents may use firecrackers or conduct fireworks display. Finally, certain prohibited acts are subject to stiffer penalties in case of violation and non-compliance with the provisions of the proposed measure.

In view of the foregoing, approval of this bill is highly and earnestly recommended.


HON. LEOPOLDO N. BATAOIL

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9
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11 AN ACT

12 STRENGTHENING THE REGULATION OF THE MANUFACTURE, SALE,
13 DISTRIBUTION AND USE OF FIRECRACKERS AND PYROTECHNIC DEVICES,
14 REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7183 AND PROVIDING
15 PENALTIES FOR VIOLATION THEREOF
16

17
18 *Be it enacted by the Senate and House of Representatives of the Philippines in*
19 *Congress assembled:*

20
21 SECTION 1. **Short Title.** – This Act shall be known as the “*Revised Firecracker*
22 *Regulation Act.*”

23
24 SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the State
25 to promote the safety and well-being of its citizens, even in times of jubilation and
26 merriment. Toward this end, the State aims to ensure the safety of the people by
27 providing for a revised regulation in the manufacture, sale, distribution and use of
28 firecrackers and pyrotechnic devices.

29
30 SEC. 3. **Prohibited Types of Firecrackers and Pyrotechnic Devices.** – The
31 manufacture, sale, distribution and use of firecrackers and pyrotechnic devices of such
32 explosive content that endanger life and limb are hereby prohibited. Determination of
33 what constitutes prohibited firecrackers and pyrotechnic devices shall be vested with the
34 Firearms and Explosives Office of the Philippine National Police (PNP-FEO).

35
36 SEC. 4. **License and Permit Requirements.** – Any person desiring to engage in
37 the manufacture and wholesale distribution of firecrackers and pyrotechnic devices shall
38 file an application for the issuance of a license to manufacture and distribute firecrackers
39 and pyrotechnic devices with the PNP-FEO.

40
41 Under no circumstances shall a license be granted for the manufacture and
42 wholesale distribution of prohibited firecrackers and pyrotechnic devices mentioned in
43 Section 3 of this Act or other similar materials with the same or greater explosive content.

44
45 As pre-requisite for the grant of a license, the manufacturers, dealers and
46 wholesale distributors of firecrackers and pyrotechnic devices shall provide the names
47 and addresses of all their accredited retail stores, outlets, distributors or re-sellers to the
48 PNP-FEO.

49
50 Retail stores, outlets, distributors and resellers shall also apply with the PNP-FEO
51 for a permit to sell before they can engage in the sale or distribution of firecrackers and

1 pyrotechnic devices. There shall be a "one-store, one-permit" policy. Selling of
2 firecrackers and pyrotechnic devices without the requisite permit in places other than
3 those indicated by the licensed manufacturers and wholesale distributors in their
4 application for a license with the PNP-FEO shall be considered illegal and shall cause
5 the confiscation of the products being sold without prejudice to the penalties provided
6 herein.

7
8 Reasonable fees may be charged for the issuance of licenses and permits to
9 defray the cost of regulating the manufacture, sale and distribution of firecrackers and
10 pyrotechnic devices.

11
12 **SEC. 5. *Qualifications of Manufacturers or Dealers.*** – A license to engage in
13 the manufacture and wholesale distribution of firecrackers and pyrotechnic devices shall
14 be issued only to:

15
16 (a) Filipino citizens of good moral character; and

17
18 (b) Entities duly registered with the Department of Trade and Industry or the
19 Securities and Exchange Commission, one hundred per centum (100%) of the
20 capitalization of which is owned by Filipino citizens.

21
22 **SEC. 6. *Importation of Chemicals and Explosive Ingredients.*** – The
23 importation of finished firecrackers and pyrotechnic devices shall be prohibited. Only
24 duly licensed manufacturers shall be allowed to import chemicals or explosive
25 ingredients used in the manufacture of firecrackers and pyrotechnic devices.

26
27 Any person licensed to manufacture, or purchase chemical and explosive
28 ingredients who desires to import explosive ingredients shall submit the necessary
29 application to the PNP-FEO.

30
31 **SEC.7. *Absolute Prohibition to Minors.*** –Firecrackers or pyrotechnic devices
32 shall not be sold to any person below eighteen (18) years of age. Minors shall not be
33 allowed to use firecrackers or pyrotechnic devices notwithstanding the presence of, or
34 supervision of adults and professionals.

35
36 **SEC.8. *Safety Guidelines on the Manufacture of Firecrackers.***– Strict
37 compliance of the following safety precautions shall be observed by manufacturers and
38 distributors of firecrackers and pyrotechnic devices:

39
40 a) A zone shall be designated by the local government unit where a
41 manufacturing complex may be established. The outer perimeter of this zone shall be at
42 least three hundred (300) meters away from the nearest residential units. Once a zone
43 has been defined, no residential unit shall be permitted to be constructed nearer than
44 three hundred (300) meters from the perimeter of such zone;

45
46 b) The manufacturing complex shall be governed by, but not limited to, the
47 following safety measures:

48
49 1) All buildings must have adequate ventilation, no concrete floors, must
50 be leak-proof and furnished with necessary fire extinguishers;
51

1 2) The warehouse must be at least fifty (50) meters away from any
2 processing station of the complex; and
3

4 3) The following processing stations of the complex shall be laid out
5 according to the indicated minimum distance from each other with all sides open:
6

- 7 i. Mixing, 50 meters;
- 8
- 9 ii. Grinding, 40 meters;
- 10
- 11 iii. Packaging, 40 meters;
- 12
- 13 iv. Nagmimitsa, 20 meters; and
- 14
- 15 v. Loading, 20 meters.
- 16

17 **SEC. 9. Regulation on the Use of Firecrackers.**—When any event, activity or
18 occasion involves the use of firecrackers, the following must be observed:
19

20 a) The services of qualified professionals shall be employed to supervise the
21 use of firecrackers. For this purpose, the PNP-FEO shall accredit, after reasonable
22 training, the professionals qualified to use and supervise the use of firecrackers;

23 b) Permits for events or organized activities, including concerts, rallies,
24 programs, shows and other similar activities involving the use of firecrackers outside of
25 the designated firecracker area shall be filed with the corresponding barangay which will
26 issue the permits within five (5) days from filing of application.
27

28 For domestic or informal activities, the organizer of the event or the person who
29 bought the firecrackers shall be responsible for securing the services of an accredited
30 professional handler of firecrackers and pyrotechnic devices;
31

32 c) The use of firecrackers or pyrotechnic devices shall not be allowed in densely
33 populated residential areas. The local government units (LGUs) shall identify a zone or
34 designate an area in their respective territorial jurisdiction where residents may use
35 firecrackers or conduct fireworks display.
36

37 The LGUs shall consider the following factors in the identification of such areas:

- 38 1) Population of not more than 3,000 within the area;
- 39
- 40 2) Proximity of at least fifty (50) meters to the nearest hospitals and other
41 medical facilities;
- 42
- 43 3) Proximity of at least fifty (50) meters to the nearest fire stations;
- 44
- 45 4) Distance of at least one hundred (100) meters away from
46 establishments using, storing or selling highly flammable substances;
- 47
- 48 5) Distance of at least one hundred (100) meters away from residential and
49 school buildings;
- 50
- 51 6) Distance of at least one hundred (100) meters away from electrical and
52 communication facilities or structures; and

1
2 7) Such other factors relevant to the safety of the residents in the area.
3

4 SEC. 10. **Labeling of Firecrackers and Pyrotechnic Packages.** – Firecrackers
5 and pyrotechnic devices shall bear labels indicating the name and address of their
6 manufacturers and distributors, and warning instructions written in Filipino and English.
7

8 SEC. 11. **Record.** –Every person authorized to purchase and use explosives
9 under this Act shall be required to keep a complete, itemized and accurate record
10 showing:
11

- 12 a) Qualities and kinds of explosives; and
13 b) Purpose for which the explosives will be used.
14

15 SEC. 12. **Reportorial Requirement.** – Atend of every month, licensees shall
16 submit to the Director-General of the PNP, through the provincial director of the province
17 where their businesses or projects are located, a monthly report for explosives in
18 triplicate copies. After affixing comments, recommendations or notations, the provincial
19 director shall retain the triplicate copy and forward the original and duplicate copies to
20 the PNP-FEO.
21

22 SEC. 13. **Prohibited Acts and Penalties.** – The following penaltie shall be
23 imposed for the offenses enumerated in this Act.
24

25 a) Any person found guilty of using firecrackers without the supervision of a
26 professional shall suffer the penalty of imprisonment of not less than one (1) month and
27 one (1) day but not more than one (1) year and a fine of not less than Ten thousand
28 pesos (P10,000.00) but not more than Fifty thousand pesos (P50,000.00);
29

30 b) Any person found guilty of using a firecracker outside the designated
31 firecracker zone shall suffer the penalty of imprisonment of not less than one (1) month
32 and one (1) day but not more than one (1) year and a fine of not less than Fifty thousand
33 pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00);
34

35 c) Any person found guilty of directing, instructing or allowing a minor to
36 purchase or use a firecracker or pyrotechnic device shall suffer the penalty of
37 imprisonment of not less than six (6) months and one (1) day but not more than one (1)
38 year and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than
39 Two hundred thousand pesos (P200,000.00);
40

41 d) The use of firecrackers in any organized activity outside the designated
42 firecracker area without the corresponding clearance from the PNP-FEO shall be
43 prohibited and offenders shall suffer the penalty of imprisonment of not less than six (6)
44 months and one (1) day but not more than one (1) year and a fine of not less than Fifty
45 thousand pesos (P50,000.00) but not more than Two hundred thousand pesos
46 (P200,000.00);
47

48 If the offender is a juridical entity, the penalty shall be imposed upon the
49 president, chief executive officer, manager or any responsible officer who knowingly
50 permitted or failed to prevent the commission of the crime;
51

52 e) Any person who manufactures, sells or distributes firecrackers and

1 pyrotechnic devices in violation of Sections 4,5 and 6 of this Act shall suffer the penalty
2 of imprisonment of not less than six (6) years but not more than twelve (12) years, and a
3 fine of not less than Five hundred thousand pesos (P500,000.00) but not more than One
4 million pesos (P1,000,000.00), in addition to the cancellation of the license and the
5 confiscation of the inventory or stock of firecrackers and pyrotechnic devices by the
6 government.

7
8 **SEC. 14. Administration and Enforcement.**— The Department of the Interior and
9 Local Government, through the PNP, shall be primarily responsible for the administration
10 and enforcement of this Act. The PNP shall transmit all cases for prosecution arising
11 from violations of this Act to the proper government prosecutors for appropriate action.

12
13 **SEC. 15. Information Dissemination on the Use of Firecrackers.**— The
14 Department of Health (DOH), the PNP, the Bureau of Fire Protection (BFP) and the
15 Department of Environment and Natural Resources (DENR) shall jointly undertake
16 regular information dissemination on the dangerous results of firecrackers on health,
17 safety and the environment.

18
19 The city or municipal government, in coordination with the barangays in their
20 jurisdiction, shall conduct massive advocacy and information dissemination in the
21 observance of the safety guidelines for fireworks or pyrotechnic use and exhibition. It
22 shall conduct roving inspections and confiscate and destroy prohibited firecrackers and
23 other pyrotechnic devices which are being sold to the public.

24
25 **SEC. 16. Implementing Rules and Regulations.** – Within six (6) months from
26 the effectivity of this Act, the Secretary of the Interior and Local Government shall, in
27 coordination with the BFP, PNP-FEO, and the Secretary of Health, after public hearing
28 and consultation with the various stakeholders of the firecracker and pyrotechnic
29 industry and LGU representatives, promulgate the necessary rules and regulations
30 necessary for the effective implementation of this Act.

31
32 **SEC. 17. Repealing Clause.** –Republic Act No. 7183 is hereby repealed. All other
33 laws, decrees, orders, rules and regulations, or parts thereof, inconsistent with any
34 provision of this Act are hereby repealed or modified accordingly.

35
36 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its
37 publication in the *Official Gazette* or in a newspaper of general circulation.

38 Approved,