

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4307



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT
AMENDING SECTION 2 OF REPUBLIC ACT NO. 7183, OTHERWISE KNOWN AS "AN ACT
REGULATING THE SALE, MANUFACTURE, DISTRIBUTION AND USE OF FIRECRACKERS AND
OTHER PYROTECHNIC DEVICES"

EXPLANATORY NOTE

Section 5, Article 2 of the Philippine Constitution provides that, "The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare we essential for the enjoyment by all the people of the blessings of democracy."

Consistent with this policy, this bill seeks to protect the general welfare by regulating the use of firecrackers and other pyrotechnic devices.

Although Republic Act 7183, "An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices" was passed into law in 1992, there continues to be a substantial number of firecracker related injuries, even casualties, as recorded every year. According to the Department of Health's Fireworks Related Injury Surveillance Report, from 2012 to 2017, the total number of fireworks-related injuries reached 5199 (Bureau of Fire Protection Directorate for Fire Safety and Prevention Oplan Paalala Iwas Paputok 2017 Report).

However, there was a decreasing trend of fireworks-related injuries with an average of 866 cases annually from the same period. In 2014-2017 there was also a decreasing number of reported fire incidents caused by pyrotechnics/firecrackers from 45 cases in 2014 to 15 cases in 2017. This decreasing trend may have been caused by public awareness campaigns including the Iwas Paputok campaign of the Department of Health. But despite the strong partnership between national government agencies and stakeholders in promoting public safety, the misuse of these fireworks and other pyrotechnic devices is still rampant.

President Rodrigo Roa Duterte issued Executive Order No. 28 on June 20, 2017, which regulates the use of firecrackers and other pyrotechnic devices in the country. This is due to the substantial number of firecracker related injuries and casualties recorded every year. Because of this, there has been an 80% drop as compared with the 5-year average in firecracker-related injuries nationwide in January 2019. Moreover, there was a 68% decline in the number of fireworks-related incidents from December 21, 2018 to January 1, 2019 compared to the same period in the previous year. This notwithstanding, the country is still far from the goal of achieving zero casualties due to injuries related to the misuse of fireworks and other pyrotechnic devices.

As such, to save lives, protect the environment, and promote public health, there is an urgent need to regulate the use of firecrackers and other pyrotechnic devices in the country.

In view thereof, the immediate approval of this measure is earnestly sought.


ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 2 of Republic Act No. 7183, otherwise known as "An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices", is hereby amended to read as follows:

"SEC. 2. Types of Firecrackers and Pyrotechnic Devices Allowed in this Act. — The following common types of firecrackers and pyrotechnic devices may be manufactured, sold, distributed and used:

A. Firecrackers:

(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.

B. 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.

PROVIDED, HOWEVER, THAT THE USE OF FIRECRACKERS AND PYROTECHNIC DEVICES MAY ONLY BE ALLOWED IN PLACES, EVENTS, ACTIVITIES, AND OCCASIONS SPECIFICALLY DESIGNATED OR AUTHORIZED BY THE LOCAL GOVERNMENT UNIT (LGU) CONCERNED AND ONLY UPON THE EMPLOYMENT OF THE SERVICES OF A PROFESSIONAL WHO SHALL USE AND/OR SUPERVISE THE USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES. FOR THIS PURPOSE, THE BUREAU OF FIRE PROTECTION (BFP) SHALL ACCREDIT, AFTER REASONABLE TRAINING, THE PROFESSIONALS QUALIFIED TO USE AND/OR SUPERVISE THE USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES."

SEC. 2. There shall be three subsections to be added at the end of Section 2 of R.A. 7183 to be known as 2.1, 2.2, and 2.3 to read as follows:

"2.1. Designation of Firecrackers and Other Pyrotechnic Devices Area. — Within six (6) months after the effectivity of this Act, each barangay shall identify area or areas where firecrackers and other pyrotechnic devices may be used. The following shall be considered in the identification of the areas:

- (a) Population within the area;
- (b) Proximity to hospitals and other medical facilities;
- (c) Proximity to fire stations;
- (d) Distance from establishments using, storing, or selling highly flammable substances;
- (e) Distance from residential and school buildings;

(f) Distance from electrical and communication facilities and structures; and

(g) Such other factors relevant to the safety of residents in the area”

“2.2. Absolute Prohibition for Children. – Children below eighteen (18) years of age shall not be allowed to buy, sell, possess, or use firecrackers and other pyrotechnic devices notwithstanding the presence or supervision of adults and professionals.”

“2.3. Information Dissemination on the Use of Firecrackers and Other Pyrotechnic Devices. – The Department of Health, in coordination with the Department of Environment and Natural Resources, BFP and other concerned agencies shall under regular information dissemination on the dangers of using firecrackers and other pyrotechnic devices, particularly on health, safety, and environment.”

SEC. 3. *Implementing Rules and Regulations.* - The Secretary of Interior and Local Government shall promulgate the rules and regulations to implement this Act within sixty (60) days from its effectivity.

SEC. 4. *Separability Clause.* - If any provision or part thereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 5. *Repealing Clause.* - All laws, presidential decrees or issuances, executive orders, letter of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SEC. 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,