

of any of the provisions of this ordinance shall cause the cancellation of the entity's business license and the confiscation of their inventory; and

Children caught committing the act of possessing and using such devices shall be turned over to CSWD for appropriate intervention, desirable in the manner consistent with the promotion of his/her dignity and worth in accordance with existing government regulations.

SECTION 8. SEPARABILITY CLAUSE. Should any portion of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, the portion not so declared shall remain in full force and effect.

SECTION 9. REPEALING CLAUSE. All existing ordinances, inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 10. EFFECTIVITY. This ordinance shall take effect 15 days after its publication and posting.

ENACTED: October 30, 2017 by the affirmative votes of Hons. GUSTILO, CARMONA, QUISUMBING, VILLARANTE, CABILI, CUI, UY, ONGTIAOBOK and LASTIMOSO.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held at the SP Session Hall, this city on October 30, 2017.

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MA. CECILIA SUZETTE C. BINGHAY
Secretary to the Sangguniang Panlungsod *μ*

**ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:**

Renato Y. Gustilo
RENATO Y. GUSTILO
Vice Mayor/Presiding Officer

APPROVED ON 23 NOV 2017, 2017:

Gerardo P. Valmayor, Jr.
GERARDO P. VALMAYOR, JR.
City Mayor



REPUBLIC OF THE PHILIPPINES
City of San Carlos, Negros Occidental

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD HELD ON THE 30TH DAY OF OCTOBER, 2017 AT 4:05 P.M. AT THE SP SESSION HALL, THIS CITY

PRESENT:

Hon. RENATO Y. GUSTILO,	City Vice Mayor/Presiding Officer
“ BENITO Y. GUSTILO JR.,	SP Member
“ CHRISTOPHER PAUL S. CARMONA,	SP Member
“ MARI-CAR O. QUISUMBING,	SP Member
“ JOSE CARLOS L. VILLARANTE,	SP Member
“ VICTORIANA C. CABILI,	SP Member
“ MARK E. CUI	SP Member
“ JONIE S. UY,	SP Member
“ ALEXANDER Y. ONGTIAOBOK,	SP Member
“ CARLITO S. LASTIMOSO,	SP Member (ABC President)

ON OFFICIAL BUSINESS:

Hon. CLINT S. MANSUETO,	SP Member
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ABSENT:

Hon. WILMER L. YAP	SP Member
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ORDINANCE NO. 17-58

AN ORDINANCE PROHIBITING THE SELLING OF ALL KINDS OF FIRECRACKERS AND PYROTECHNIC DEVICES TO CHILDREN AND THEIR USE AND POSSESSION OF THE SAME WITHIN THE TERRITORIAL JURISDICTION OF SAN CARLOS CITY, SUBJECT TO PENALTIES THEREOF

Introduced by Hons. QUISUMBING, CABILI, VILLARANTE and CUI

WHEREAS, in the past six (6) years, the City of San Carlos has experienced incidents of injuries of individuals especially children due to accidental and careless use of firecrackers and pyrotechnic devices;

WHEREAS, there is a need for us to take great steps to prohibit the selling of firecrackers and pyrotechnic devices to children and their use and possession of the same in order to eradicate accidents that might result to loss of lives, limbs and properties;

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of San Carlos, Negros Occidental, in regular session duly assembled, that:

SECTION 1. TITLE. AN ORDINANCE PROHIBITING THE SELLING OF ALL KINDS OF FIRECRACKERS AND PYROTECHNIC DEVICES TO CHILDREN AND THEIR USE AND POSSESSION OF THE SAME WITHIN THE TERRITORIAL JURISDICTION OF SAN CARLOS CITY, SUBJECT TO PENALTIES THEREOF.

SECTION 2. PURPOSE. The purpose of this Ordinance in prohibiting the sell and use of all kinds of firecrackers and pyrotechnic devices are the following:

1. To protect the safety of children in the City of San Carlos against the toxic's effect of firecrackers and pyrotechnic devices;
2. To protect the properties against damages that may be caused by firecrackers and pyrotechnic accidents;
3. To protect the public welfare of San Carlos City.

SECTION 3. DEFINITION OF TERMS. The following terms, as used in this ordinance shall mean:

- A. **Children** – refers to a person below 18 years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.
- B. **Child in Conflict with Law (CICL)** - refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- C. **Intervention** - refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education and other activities that will enhance his/her psychological, emotional and psycho-social well-being.
- D. **Offense** – refers to any act or omission whether punishable under special laws or the Revised Penal Code, as amended.
- E. **Firecrackers** – a usually paper cylinder containing an explosive and a fuse and set off to make a noise.
- F. **Pyrotechnic device** – any a various similar devices has for igniting a rocket or producing explosive.

SECTION 4. ALL TYPES OF PROHIBITED AND REGULATED FIRECRACKERS AND PYROTECHNIC DEVICES IDENTIFIED OR STATED IN RA 7183 ARE HEREBY ADOPTED IN THIS ORDINANCE.

SECTION 5. PROHIBITING THE SELLING TO CHILDREN AND THEIR USE AND POSSESSION THEREOF. No firecrackers and pyrotechnic devices in the city shall be sold to children anytime of the year; and

In the same manner, children whose ages are determined herein shall not be allowed to possess or to use those aforementioned devices.

SECTION 6. IMPLEMENTING AGENCIES. The Philippine National Police (PNP) and the Law Enforcement Team (LET), the Local Council for the Protection of Children (LCPC) through Executive Order No. 91 Series of 2007, under the City Social Welfare Department (CSWD) Program on CICL shall be the implementing agencies of this Ordinance.

SECTION 7. PENALTIES. Any person or entity, who shall sell firecrackers and pyrotechnic devices to children in violation of this ordinance shall be penalized in the amount of Five Thousand Pesos (P5,000.00) and or 30 days imprisonment or both at the discretion of the court. In addition, any violation