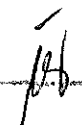


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

8 FEB 11 2011

SENATE
S. No. 2063

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

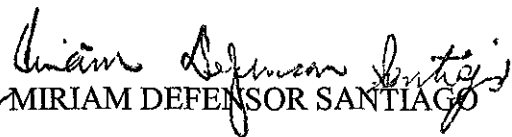
The Constitution, Article 2, Section 5, provides that:

The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Following this state principle, the state intends to protect the general welfare of the people by banning the use of fireworks in residential areas.

According to a news paper report, "while there were no reported deaths, 907 people, including children and bystanders, were injured by firecrackers and celebratory gunfire during holiday revelries this year, up 48 percent from the same period in 2005. Of the total injuries recorded from December 21 to January 1, 870 were firecracker-related, 35 were due to stray bullets, and two were due to "watusi" (dancing firecracker) ingestion."

Acknowledging the sharp rise in injuries from 610 during the same period in 2005, Health Secretary Francisco Duque reiterated his plea for lawmakers to ban the use of firecrackers in residential areas. Heeding this call of the government's health officials, this bill aims to ban the use of firecrackers in residential areas.


MIRIAM DEFENSOR SANTIAGO

FOURTEENTH CONGRESS OF THE REPUBLIC)
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1 AN ACT
2 TO BAN THE USE OF FIRECRACKERS IN RESIDENTIAL AREAS

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

5 SECTION 1. *Short Title.* – This Act shall be known and cited as the “Firecracker
6 Ban in Residential Areas Act of 2008”.

7 SECTION 2. *Declaration of Policy.* – The maintenance of peace and order, the
8 protection of life, liberty, and property, and promotion of the general welfare are essential
9 for the enjoyment by all the people of the blessings of democracy. To this end, the state
10 aims to ensure the safety of the people by banning the use of firecrackers in residential
11 areas.

12 SECTION 3. *Total Ban on Use of Firecrackers in Residential Areas.* – No
13 firecracker and pyrotechnic device may be used in residential areas as defined by the
14 local zoning ordinance of the local government unit involved.

15 SECTION 4. *Designation of Common Firecracker Use Area.* – For purposes of
16 national and local holiday celebrations, the head of the local government unit involved is
17 authorized to designate a common firecracker use area. The common firecracker use area
18 should not exceed Two Hundred (200) square meters and should be located in a non-
19 residential zone. In addition, there can be only one common firecracker use area per
20 barangay.

21 SECTION 5. *Penalties.* – Any person who violates any provision of this Act shall
22 be punished by a fine of not less than Ten Thousand Pesos (P10,000.00) nor more than

1 Fifty Thousand Pesos (P50,000.00), or imprisonment of not less than six (6) months nor
2 more than one (1) year, or both such fine and imprisonment, at the discretion of the court.

3 SECTION 6. *Promulgation of Rules and Regulations for the Administration and*
4 *Enforcement of this Act.* — The Philippine National Police shall be primarily responsible
5 for the administration and enforcement of this Act. It shall transmit all case for
6 prosecution arising from violations of this Act to proper government prosecutors for
7 appropriate action.

8 The PNP is hereby authorized, after public hearing and consultation with the
9 firecrackers and pyrotechnic industry and representative of local government units, to
10 promulgate rules and regulations necessary to properly implement this Act.

11 SECTION 7. *Separability Clause.* — If any provision or part thereof is held invalid
12 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
13 remain valid and subsisting.

14 SECTION 8. *Repealing Clause.* — All laws, presidential decrees or issuances,
15 executive orders, letter of instruction, administrative orders, rules and regulations
16 contrary to, or inconsistent with the provisions of this Act are hereby repealed, modified,
17 or amended accordingly.

18 SECTION 9. *Effectivity Clause.* — This Act shall take effect fifteen (15) days
19 following its publication in at least two (2) newspapers of general circulation.

20 Approved,