

SENATE
S. No. 3385

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

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

Sec. 5. 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.

Firecrackers and pyrotechnic devices have been part of Filipino culture since the time of the Spaniards. Churches would use rockets to awaken churchgoers for religious activities such as the *Misa de Gallo*. This tradition is also intertwined with the customs of the early Filipino Chinese community. Sadly, every year, the headlines after the celebration of New Year's Eve tell of the same story. Both adults and children fall victims to firecrackers. In the latest "celebration," newspapers reported that at least 220 were injured. Health Secretary Enrique Ona stated that from December 21 of last year up to January 1 of this year, 413 fire-cracker related injuries were reported. There were 498 cases recorded for the same period in 2012. The statistics also reveal that most of those injured were children and bystanders who were just observing the festivities. 51 people sustained eye injuries and 14 needed an amputation of their fingers. However, a total ban may cause the proliferation of illicit firecrackers and fireworks and it is not in keeping with our culture. We must strike a balance between keeping these festive devices legal and ensuring their safe use.

Republic Act No. 7183 sought to regulate the manufacture, sale, and distribution of firecrackers and pyrotechnic devices. Almost 2 decades after it was passed into law, the problems it seeks to address still persist. There is thus a need to overhaul this 20 year old law. Other countries manage to continue using fireworks and firecrackers with minimal reported injuries. This bill is based on California, Hong Kong, and Australian fireworks regulations. It limits the time of allowable use, the place of use, who may purchase, and the strength of allowed firecrackers and pyrotechnic devices that may be sold and used.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT
2 TO REGULATE THE USE OF FIRECRACKERS
3 AND PYROTECHNIC DEVICES

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

4 SECTION 1. This Act shall be known as the "Firecracker Regulation Act of 2012."

5 SECTION 2. *Declaration of Policies and Objectives.* – The maintenance of peace and
6 order, the protection of life, liberty, and property, and promotion of the general welfare are
7 essential for the enjoyment by all the people of the blessings of democracy. To this end, the State
8 aims to ensure the safety of its people by regulating the use of firecrackers.

9 It is the purpose of this Act to regulate and control the manufacture, sale, distribution and
10 use of firecrackers and other pyrotechnic devices consistent with, and in furtherance of, public
11 safety, order and national security, as well as the enhancement of our cultural traditions.

12 SECTION 3. *Definition of Terms.* – For purposes of this Act, these terms are defined as
13 follows:

14 (a) "Firecracker" is defined as any device that explodes and/or emits a loud sound upon
15 being ignited, including but not limited to baby rockets, bawangs, triangulo, pulling of strings,
16 paper caps, el diablos, watusi, judah's belt, sky rocket, and other similar devices regardless of
17 explosive content.

1 (b) "Pyrotechnic Devices" or fireworks shall refer to products that glow, sparkle, or emit
2 colours or intermittent lights upon being ignited such as, but not limited to, sparklers, luces,
3 fountains, *mabuhays*, roman candles, trompillo, airwolfs, butterflies, and other kinds of *pailaw*.

4 (c) "Certified Fireworks Operator" shall refer to a person specially-trained in the use of
5 fireworks and certified by the Philippine National Police.

6 SECTION 4. *Prohibited Types of Firecrackers and Pyrotechnic Devices.*— The
7 manufacture, sale, distribution and use of other types of firecrackers and pyrotechnic devices of
8 such explosive content that could endanger life and limb, such as *atomic big triangulo* and super
9 *lolo* and their equivalent are hereby prohibited. The determination of what constitutes prohibited
10 firecrackers and pyrotechnic devices shall be vested with the Director-General of the Philippine
11 National Police (PNP). Pyrotechnic devices that exceed the allowable explosive content may
12 only be used with a permit from the local government and with a certified fireworks operator.

13 SECTION 5. *Age and Labeling Requirements.* – Only adults may possess, purchase, or
14 use firecrackers or pyrotechnic devices. Firecrackers and pyrotechnic devices shall bear labels
15 indicating the name and address of their manufacturers and instructions on their safe use written
16 in Filipino and English. Each package shall bear the PNP classification label and the licensee's
17 registration number.

18 SECTION 6. *License or Permit Requirements.* – License or permit to manufacture, sell,
19 and distribute firecrackers or pyrotechnic devices shall be granted after the filing of an
20 application with the Chief of the PNP or through the provincial director of the province where
21 the business or project is located. Applicants based in Metro Manila shall submit their
22 application through the Commanding Officer of the Firearms and Explosives Unit,
23 Headquarters, PNP. A license or permit to manufacture or to deal in wholesale or retail of
24 firecrackers and pyrotechnic devices shall be issued only to: (a) Filipino citizens of good moral
25 character; or (b) entities duly registered with the Bureau of Commerce of the Department of

1 Trade and Industry (DTI) or the Securities and Exchange Commission (SEC). The importation of
2 finished firecrackers and fireworks shall be prohibited.

3 SECTION 7. *Aerial pyrotechnics display.* – An aerial public pyrotechnics display shall
4 require the following:

5 a) Certified Fireworks Operator;

6 b) the display will be discharged and fired so that it will not be hazardous to property or
7 persons, and that the adequate fallout zones have been designated that are of a sufficient distance
8 from the viewing area;

9 c) that the pyrotechnics display will be conducted in a safe location that does not create
10 an unreasonable risk of fire danger; and

11 d) a permit from the mayor of the city or municipality where the display shall be
12 conducted.

13 SECTION 8. *Limitations on the Use of Firecrackers and Pyrotechnic Devices.* – The use
14 of firecrackers and pyrotechnic devices shall be limited by the following rules:

15 a) Firecrackers and pyrotechnic devices may only be used from December 18 until
16 January 2 and from the first day of the first month until the fifteenth day of the same month in
17 the traditional Chinese calendar.

18 b) The use of firecrackers and pyrotechnic devices outside of this period may only be
19 allowed with a written permit from the mayor or governor of the local government unit where it
20 shall be used.

21 c) No firecracker and pyrotechnic device may be used in residential areas as defined by
22 the local zoning ordinance of the local government unit concerned.

23 d) Each local government unit shall designate a public pyrotechnic display area under
24 their direct supervision to decrease the risk of firecracker injuries.

25 SECTION 9. *Penalties.* – Any person who violates any provision of this Act shall be
26 punished by a fine of not less than Ten Thousand Pesos (P10,000.00) nor more than One

1 Hundred Thousand Pesos (P100,000.00), or imprisonment of not less than six (6) months or
2 more than one (1) year, or both fine and imprisonment at the discretion of the court.

3 SECTION 10. All laws, presidential decrees, executive orders and rules and regulations
4 or part thereof, contrary to, or inconsistent with the provisions of this Act, are hereby repealed or
5 modified accordingly.

6 SECTION 11. Should any provision of this Act be found unconstitutional by a court of
7 law, such provision shall be severed from the remainder of this Act, and such action shall not
8 affect the enforceability of the remaining provisions of this Act.

9 SECTION 12. This Act shall take effect fifteen (15) days after its complete publication in
10 any two (2) national newspapers of general circulation.