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SENATE
S. No. 1876

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

SEC. 5. 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.

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 2007 newspaper 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. Hence, this bill aims to ban the use of firecrackers in residential areas.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed during the Fourteenth Congress, First Regular Session.

Office of the Secretary

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SENATE
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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 BANNING THE USE OF FIRECRACKERS IN RESIDENTIAL AREAS

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

3 SECTION 1. *Short Title.* – This Act shall be known and cited as the "Firecracker Ban in
4 Residential Areas Act."

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

9 SECTION 3. *Total Ban on Use of Firecrackers in Residential Areas.* – The use of any
10 firecracker and/or pyrotechnic device is absolutely banned in residential areas. For the purposes
11 of this Act, "residential areas" shall be defined by the local zoning ordinance of the local
12 government unit involved.

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

1| SECTION 5. *Penalties.* – Any person who violates Section 3 of this Act shall be
2 punished by a fine of not less than Ten Thousand Pesos (P10,000.00) nor more than Fifty
3 Thousand Pesos (P50,000.00), or imprisonment of not less than six (6) months nor more than one
4 (1) year, or both such fine and imprisonment, at the discretion of the court.

5 SECTION 6. *Administration and Enforcement.* - The Philippine National Police shall be
6 primarily responsible for the administration and enforcement of this Act. It shall transmit all
7 cases for prosecution arising from violations of this Act to proper government prosecutors for
8 appropriate action.

9 SECTION 7. *Implementing Rules and Regulations.* – The Secretary of Interior and Local
10 Government, after public hearing and consultation with the firecrackers and pyrotechnic industry
11 and representatives of local government units, shall promulgate the rules and regulations
12 implement this Act within sixty (60) days from the effectivity of this Act.

13 SECTION 8. *Separability Clause.* – If any provision or part thereof is held invalid or
14 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
15 valid and subsisting.

16 SECTION 9. *Repealing Clause.* – All laws, presidential decrees or issuances, executive
17 orders, letter of instruction, administrative orders, rules, and regulations contrary to or
18 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
19 accordingly.

20 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following
21 its publication in at least two (2) newspapers of general circulation.

Approved,