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**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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RECEIVED BY:

SENATE

S.B. No. 1144

Introduced by SEN. WIN GATCHALIAN

**AN ACT
BANNING THE SALE, DISTRIBUTION, AND USE OF
FIRECRACKERS AND OTHER PYROTECHNIC DEVICES, PROVIDING
PENALTIES FOR VIOLATIONS THEREOF**

EXPLANATORY NOTE

With the issuance of Executive Order (EO) No. 28, series of 2017, *providing for the Regulation and Control of the Use of Firecrackers and Other Pyrotechnic Devices*, and the Philippine National Police's latest operational guidelines for the regulation and control of the use of firecrackers and pyrotechnics during the 2021-2022 Yuletide season, the Department of Health (DOH) reported that from 21 December 2021 to 1 January 2022, fireworks-related injuries during the 2022 New Year's Eve celebration are lower by 11% compared to the same period in 2021.¹ It is also worth noting that the number of cases for the year of 2021 was 85% lower than the 340 total cases reported in 2020 and that the number of cases in 2021 is 89% lower than the five-year average (2015-2019).²

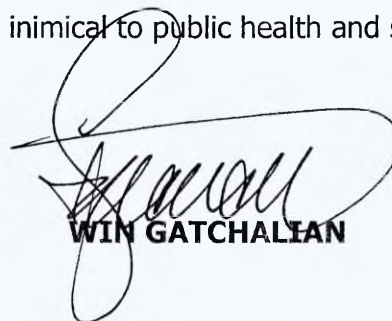
¹ Department of Health. <https://doh.gov.ph/Press-release/DOH-FILIPINOS-ENJOYED-A-SAFER-AND-HEALTHIER-NEW-YEAR-CELEBRATION-WITH-LOWER-FIREWORKS-RELATED-INJURIES>

² Department of Health. <https://doh.gov.ph/press-release/DOH-REPORTS-85%25-DECREASE-IN-FIREWORKS-INJURIES-FOR-2021>

However, the DOH's 2022 New Year Firework-Related Injuries Surveillance Report shows that minors and young adults between 11 to 30 years old were injured the most, and prohibited firecrackers, such as Boga, 5-Star, and Piccolo, still caused a significant number of cases. It is also worth noting that 58% of the cases were passive spectators or bystanders, and more than half of the cases (58%) occurred at home and 45% happened in the streets.³

Further, while significant reductions in the number of fireworks-related injuries have happened over the years because of greater government regulation, it would be more ideal to further reduce, if not eliminate, fireworks-related injuries by prohibiting any person or business establishment to manufacture, sell, discharge firecrackers or pyrotechnic device except for authorized fireworks displays as proposed herein. This proposal will effectively amend Republic Act No. 7183, also known as "An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and other Pyrotechnic Devices."

To protect our people from traditions that are inimical to public health and safety, support for this bill is earnestly sought.



WIN GATCHALIAN

³ Department of Health. <https://doh.gov.ph/Press-release/DOH-FILIPINOS-ENJOYED-A-SAFER-AND-HEALTHIER-NEW-YEAR-CELEBRATION-WITH-LOWER-FIREWORKS-RELATED-INJURIES>



Senate
Office of the Secretary

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

1 SECTION 1. *Short Title.* – This Act shall be known as the "*Firecrackers*
2 *Prohibition Act of 2022.*"

3

4 SEC. 2. *Declaration of Policy.* – The maintenance of peace and order,
5 the protection of life, liberty, and property, and promotion of the general
6 welfare are essential principles that allow the people to fully enjoy the blessings
7 of democracy. To this end, the State aims to ensure the safety of the people
8 by regulating the sale, distribution, and use of firecrackers and other
9 pyrotechnic devices, and specifying the areas where firecrackers and
10 pyrotechnic devices may be used.

11

12 SEC. 3. *Prohibited Acts.* – Except as provided under Section 4 of this Act,
13 it shall be unlawful for any person, natural or juridical, to:

- 1 a) Manufacture, sell or offer for sale, distribute, possess, or use any
2 firecracker or pyrotechnic device or such other similar devices; and
3 b) Discharge or explode, or cause to discharge or to explode, any
4 firecracker, or any other explosive or to use any pyrotechnic device
5 or any such other similar device.
6

7 SEC. 4. *Exception on the prohibition of Firecrackers.* –Any corporation or
8 entity that requires the use of fireworks and other pyrotechnic devices for its
9 fireworks display shall apply for a special permit from the Philippine National
10 Police – Fire and Explosives Office (PNP-FEO).

11 Upon presentation of the special permit, the Local Government Unit
12 (LGU) concerned may only allow fireworks in areas specifically designated and
13 authorized by the LGU where it will be held; *Provided*, That the fireworks display
14 shall be done only by professionals who are technically equipped with skills and
15 knowledge on the use of firecrackers.
16

17 SEC. 5. *Penalties.* – Violation of any of the provisions of Section 3 of this
18 Act shall be penalized as follows:

- 19 a) For the first offense, a fine of One Thousand Pesos (P1,000.00) or
20 imprisonment of not more than One (1) month but not less than
21 twenty (20) days, or both fine and imprisonment at the discretion of
22 the Court;
23 b) For the second offense, a fine of Three Thousand Pesos (P3,000.00)
24 or imprisonment of not more than Three months but not less than
25 One (1) month, or both fine and imprisonment, at the discretion of
26 the Court;
27 c) For the third offense, a fine of Five Thousand Pesos (P5,000.00) or
28 imprisonment of not more than Six (6) months but not less than
29 Three (3) months, or both fine and imprisonment, at the discretion
30 of the Court.

31 If the violation is committed by a business establishment, the
32 President or General Manager or the person, acting in behalf of either

1 the President or General Manager shall be held liable in the case of
2 corporation or partnership, or the owner or proprietor or the person
3 acting in his behalf shall be held responsible in the case of a single
4 proprietorship or a One Person Corporation.

5 In addition to the foregoing penalties, the business permit of the
6 business establishment shall be cancelled by the City Mayor of the LGU
7 where it is located, upon the commission of the third offense.

8
9 *SEC. 6. Implementing Rules and Regulations.* – Within sixty (60) days
10 from the effectivity of this Act, the Secretary of the Interior and Local
11 Government, the Director-General of the PNP, and the Chief of the Bureau of
12 Fire Protection, shall, after public hearing and consultation with the various
13 stakeholders in the firecrackers and pyrotechnic industry and representatives
14 of LGUs, promulgate the necessary rules and regulations for the effective
15 implementation of this Act.

16
17 *SEC. 7. Separability Clause.* – If any provision or part thereof is held
18 invalid or unconstitutional, the remaining parts or provisions not affected shall
19 remain in full force and effect.

20
21 *SEC. 8. Repealing Clause.* – All other laws, presidential decrees or
22 issuances, executive orders, letter of instruction, administrative orders, rules,
23 and regulations contrary to or inconsistent with the provision of this Act are
24 hereby repealed, modified, or amended accordingly.

25
26 *SEC. 9. Effectivity.* – This Act shall take effect fifteen (15) days after its
27 publication in the *Official Gazette* or in a newspaper of general circulation in the
28 Philippines.

Approved,