



ORDINANCE NO.27
Series of 2008

ORDINANCE PROHIBITING THE MANUFACTURE AND SALE OF FIRE CRACKERS OR PYROTECHNIC DEVICES AND SUCH OTHER SIMILAR DEVICES AND EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF MARIKINA CITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Introduced by COUNCILOR SAMUEL S. FERRIOL

WHEREAS, Section 16 of the Local Government Code of 1991 provides:

“x x x General Welfare. Every local government shall exercise the powers expressly granted, those necessarily implied therefrom, as well as necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare within their respective territorial jurisdictions, local government units shall ensure and support, among other things, x x x promote health and safety x x x maintain peace and order and preserve the comfort and convenience of their inhabitants x x x”;

WHEREAS, the City government of Marikina considers firecrackers and other pyrotechnic devices as serious hazards to health, public safety and order.

NOW THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the SANGGUNIANG PANLUNGSOD of MARIKINA, in session duly assembled:

SECTION 1. The City Government of Marikina hereby prohibits any person and/or individual to manufacture and sell firecrackers or pyrotechnic devices and such other similar devices and explosives within the territorial jurisdiction of the city.

SECTION 2. Penalty Clause - A fine of Five Thousand Pesos (P5,000.00) shall be imposed by the City Government of Marikina on the violator of this ordinance, without prejudice to the filing of a case in an appropriate Court. At the discretion of the Court, the violator may be imposed the penalty of imprisonment.

SECTION 3. Implementing Authority - The Office of Public Safety and Security (OPSS), Philippine National Police (PNP-Marikina), Business Permits and Licensing Office (BPLO) and Barangay Tanods are hereby tasked to monitor and strictly implement this Ordinance.

SECTION 4. Separability Clause - Should any of the provision/s of this Ordinance be declared inoperative by the Courts for being inconsistent with the Constitution or the law, the other unaffected provision of this Ordinance shall remain in full force and effect.

SECTION 5. Repealing Clause – Any and all ordinances or parts thereof which are inconsistent with the provision of this Ordinance are hereby repealed or modified accordingly.


SECTION 7. This Ordinance shall take effect upon its approval.

APPROVED by the SANGGUNIANG PANLUNGSOD of MARIKINA this 22nd day of February, 2008.

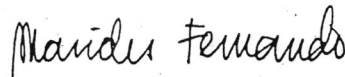
I HEREBY CERTIFY TO THE PASSAGE OF
THE FOREGOING ORDINANCE, WHICH
WAS DULY APPROVED BY THE 5TH CITY
COUNCIL OF MARIKINA DURING ITS 7th
REGULAR SESSION HELD ON FEBRUARY
15, 2008.


LOLITA E. DE LEON
City Council Secretary

CERTIFIED & ATTESTED
TO BE DULY APPROVED:


MARION S. ANDRES, M.D.
Vice Mayor/Presiding Officer

APPROVED BY THE HONORABLE CITY MAYOR on 24 MAR 2008


MA. LOURDES C. FERNANDO
City Mayor

Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
NATIONAL CAPITAL REGION POLICE OFFICE
EASTERN POLICE DISTRICT
MARIKINA CITY POLICE STATION
Marikina City



October 3, 2008

Hon. Ma. Lourdes C. Fernando
City Mayor
Marikina City

Attn: Atty. Nancy V Teylan
Acting City Attorney

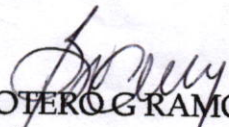
Re: IRR Ordinance No. 27 Series of 2008

Madam,

Respectfully referred to you a draft of Implementing Rules and Regulations of City Ordinance No. 27. "An ordinance prohibiting the manufacture and sale of firecrackers or pyrotechnic devices and such other similar devices and explosives within the territorial jurisdiction of Marikina City and providing penalties for violations thereof."

For your corrections and additional inputs if any.

Very truly yours,


SOTERO G RAMOS JR
Police Superintendent (DSC)
Chief of Police
Marikina City

Atty. Len, please review

#85
RA 7123

IMPLEMENTING RULES AND REGULATIONS

ORDINANCE No. 27

Series of 2008

AN ORDINANCE PROHIBITING THE MANUFACTURE AND SALE OF FIRECRACKERS OR PYROTECHNIC DEVICES AND SUCH OTHER SIMILAR DEVICES AND EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF MARIKINA CITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Pursuant to the provisions of section 3 of the above-cited city ordinance, the following Implementing Rules and Regulations (hereinafter referred to as IRR) are hereby adopted and prescribed:

RULE I SCOPE

Section 1. This IRR shall apply within the territorial jurisdiction of the City of Marikina.

Section 2. The prohibition shall cover the *manufacture and sale* of firecrackers or pyrotechnic devices and such other similar devices and explosives by any person within the city.

RULE II

DEFINITION OF TERMS

Section 1. As used in this IRR, following terms are defined, to wit:

A. **Firecrackers** - an explosive charge in a heavy paper casing exploded to make noise which shall include but not limited to the following:

A.1. *Baby Rocket* - a firecracker with a stick so constructed that lightning of the wick will propel the whole thing to lift a few meters before exploding. The firecracker is about 1 ½ inches in length by 3/8 inch in diameter while the stick is about a foot in length;

A.2. *Bawang* - a firecracker larger than a triangulo with 1/3 teaspoon of powder packed in a cardboard tied around with abaca strings and wrapped in shaped of garlic;

A.3. *Small Triangulo* - a firecracker shaped like a triangle with powder content less than the bawang and usually wrapped in brown paper measuring ¾ inch length in its longest side;

A.4. *Pulling of Strings* - a firecracker consisting of a small tube about an inch in length and less than $\frac{1}{4}$ of an inch in diameter with strings on each end. Pulling both strings will cause the firecracker to explode;

A.5. *Paper Caps* - Minute amount of black powder spread in either small strips of paper on a small sheet used for children's toy guns;

A.6. *El Diablo* - firecracker tubular in shape about $1\frac{1}{4}$ inches in length and less than $\frac{1}{4}$ inch in diameter with a wick, also known as "rebentador";

A.7. *Watusi* - usually reddish in color about $1\frac{1}{2}$ inches in length and $\frac{1}{10}$ inch in width usually ignited by friction to produce a dancing movement and a crackling sound;

A.8. *Judah's Belt* - a string of firecrackers consisting of either diablos or small triangulos that can number up to a hundred or thereabout and culminating in a large firecracker usually a bawang;

A.9. *Sky Rocket (Kwitis)* - a large version of a baby rocket designed to be propelled to a height of forty (40) to fifty (50) feet before exploding;

A.10. Atomic Big Triangulo, Super Lolo and Their Equivalent - firecrackers with such explosive content that could endanger life and limb and are prohibited under a national law; and

A.11. Other types equivalent to the foregoing in explosive content.

B. Pyrotechnic Device - any device relating to or resembling fireworks including but not limited to:

B.1. *Sparklers* - pyrotechnic devices usually made of black powder on a piece of wire or inside a paper tube designed to light up and glow after igniting;

B.2. *Luces* - any of several kinds of sparklers;

B.3. *Fountain* - a kind of sparkler conical in shape which is lighted on the ground and designed to provide various rising colors and intermittent lights upon being ignited;

B.4. *Jumbo Regular and Special* - a kind of sparkler similar to a "fountain" but bigger in size;

B.5. *Mabuhay* - sparklers bunched into a bundle of a dozen pieces;

B.6. *Roman Candle* - a sparkler similar to a "fountain" but shaped like a big candle;

B.7. *Trompillo* - a pyrotechnic device usually fastened at the center and designed to spin first clockwise and then counter-clockwise and provides various colored lights upon being ignited;

B.8. *Airwolf* - a kind of sky rocket shaped like an airplane with a propeller to rise about forty (40) or fifty (50) feet and provides various kinds of lights while aloft;

B.9. *Whistle device* - any of the various kinds of firecrackers or pyrotechnic designed to either simply emit a whistle-like sound or explode afterwards upon being ignited;

B.10. *Butterfly* - butterfly-shaped pyrotechnic device designed to lift above ground while providing light;

B.11. All kinds of pyrotechnic devices (*pailaw*); and

B.12. *Other types* equivalent to the foregoing devices.

C. **Such Other Similar Devices and Explosives** - all other devices not mentioned in the foregoing which relates to or resembles to fireworks or having a nature of explosion or tends to explode.

RULE III

ENFORCEMENT AND INVESTIGATION

Section 1. Any person who shall manufacture and/or sell items indicated under Rule II of this IRR shall be apprehended for violation of City Ordinance no. 27, moreover, said items shall be confiscated and forfeited for proper disposal.

Section 2. An inter-office task group among the implementing authorities to be composed of representatives from the Philippine National Police (PNP-Marikina), Office of the Public Safety and Security (OPSS), Business Permits and Licensing Office (BPLO) and the Barangay Tanods shall be constituted for coordination and planning of strategies for effective implementation of the provisions of this IRR.

Section 3. In no case shall the BPLO issue a permit or license to any person intending to engage in the business of manufacturing and/or selling firecrackers or pyrotechnic devices and such other similar devices and explosives, however, if the said permit or license has already been granted prior to the effectivity of this IRR, the same shall be deemed cancelled and withdrawn.

✓ Section 4. Licensees or business permits for the manufacture, sale and distribution of fireworks and other pyrotechnic devices granted by the Firearms and Explosives Division, Philippine National Police National Headquarters, Camp Crame, Quezon City by virtue of a national law shall have no use and effect within the territorial jurisdiction of the City of Marikina without the prior license or business permit issued by the BPLO.

Section 5. The PNP-Marikina City shall be the lead agency in the apprehension of violators of the provision of this IRR which shall formulate operation plan and organize enforcement teams in each Police Community Precinct (PCP) as well as in the station level for the effective enforcement of this IRR.

Section 6. The OPSS as well as the Barangay Tanods in their respective jurisdiction shall likewise apprehend violators and shall turn-over them promptly to the PNP-Marikina for recording, investigation, order of payment or filing of appropriate case in court, if evidence warrants, in accordance with the strategies outlined by the inter-office task group.

Section 7. All other force multipliers such as the Bantay Bayan shall be involved in the effective enforcement of this IRR upon the coordination of the task group or the PNP-Marikina.

RULE IV

PENALTY AND DISPOSITION

Section 7. Apprehended violators shall be penalized with a fine in the amount of Five Thousand Pesos (PHP 5000, 00) which shall be paid thru an order of payment to the City Treasurer, without prejudice to the filing of appropriate case/s in court if warranted by evidence, in which case, the violator may be imposed with a penalty of imprisonment at the discretion of the court.

Section 8. Inventory or stocks of firecrackers or pyrotechnic devices and such other similar devices and explosives of apprehended manufacturers and sellers shall be confiscated and forfeited for proper disposal by the PNP-Marikina.

RULE V

EFFECTIVITY

Section 1. This IRR shall take effect immediately upon its approval and publication.

Recommending Approval:

SOTERO G RAMOS JR
Police Superintendent (DSC)
Chief of Police

Approved by the Honorable City Mayor on _____

MA. LOURDES CARLOS-FERNANDO
City Mayor

4 pages

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Bella Anco +
Santon II

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement, made and entered into this ____ day of _____, 2000 at Quezon City by and between:

The **PHILIPPINE NATIONAL POLICE** with office address at Camp Crame, Quezon City, represented herein by Director General Pantilo M Laason in his capacity as Chief of the PNP, hereinafter referred to as the **FIRST PARTY**.

and

The **PHILIPPINE PYROTECHNIC MANUFACTURERS AND DEALERS ASSOCIATION, INC. (PPMDAI)**, an organization duly organized and existing under Philippine Laws with office address at 45 Mauban St., Marresa, Quezon City represented herein by its President Mr. Celso C. Cruz, hereinafter referred to as the **SECOND PARTY**.

WITNESSETH

Whereas, under Sec. 12 of Republic Act 7183, the **FIRST PARTY** was vested with primary responsibility for the administration and enforcement of said act and to promulgate rules and regulations necessary to regulate and control the manufacture, sale, distribution, use and importation, including the determination and review of the gun powder and other raw materials of firecrackers and pyrotechnic devices;

Whereas, the **FIRST PARTY** recognizes the existence of the **SECOND PARTY** as an organization representing the manufacturers and dealers of firecrackers and pyrotechnic devices in the Philippines and its vital role for an efficient and effective administration, regulation and control of the pyrotechnic industry in the Philippines;

Whereas, the **FIRST PARTY** and the **SECOND PARTY** recognizes the need for a modern and updated information, training and technology to improve and advance the skills and competence of the manufacturers, dealers and/or users of firecrackers and pyrotechnic devices in the Philippines in order to avoid or minimize the danger to life, limb and properties;

Whereas, the SECOND PARTY, representing the manufacturers and dealers of firecrackers and pyrotechnic devices in the Philippines acknowledges the need to have a close coordination and cooperation with the FIRST PARTY and other concerned government agencies in order to realize its duty and responsibility of improving the pyrotechnic industry in the Philippines;

WHEREFORE for all foregoing premises, both parties have hereunto agreed on the following terms and conditions, as follows:

1. The FIRST PARTY shall furnish the SECOND PARTY of the names and addresses of all manufacturers and dealers of firecrackers and pyrotechnic devices as well as importers of raw materials and others involved in the pyrotechnic industry holding a valid license in the Philippines and who shall be encouraged to apply for membership to the SECOND PARTY.

2. The FIRST PARTY, in coordination with the SECOND PARTY and other concerned government agencies, shall conduct, among others, the following seminars and training to all valid holders of license and new players in the industry for the advancement of their skills and competence about modern methods and technology in the manufacturing, handling, transporting and uses of firecrackers and pyrotechnic devices to minimize or avoid danger to the lives, limbs and properties;

2.1 Basic Pyrotechnics Chemistry Course - for all applicants for Manufacturer's of firecrackers and pyrotechnic devices.

2.2 Safe Handling, Transport and Use of Fireworks - for all applicants for Dealer's of firecrackers and pyrotechnic devices.

2.3 Fireworks Display Operator Course -- for all applicants who perform or supervise fireworks display.

3. It shall be the responsibility of the FIRST PARTY, in coordination with the SECOND PARTY to disseminate information about modern methods and technology in the manufacturing, handling, transporting and uses of firecrackers and pyrotechnic devices to all players in the industry as well as the public in general to ensure their safety.

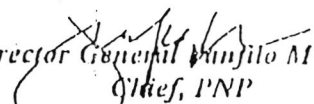
4. The FIRST PARTY and the SECOND PARTY with the participation of other concerned agencies shall form a study group to formulate the proposed amendments to Republic Act 7183 and its implementing rules and regulations and issues and other matters concerning the industry.

IN WITNESS WHEREOF, both parties have hereunto set their hands this ^{24/16} day of *November*, 2000 at Quezon City, Metro Manila.

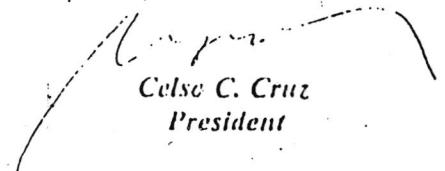
PHILIPPINE NATIONAL POLICE
First Party

PHILIPPINE PYROTECHNIC
MANUFACTURERS AND
DEALERS ASSOCIATION,
INC. (PPMDAI)
Second Party


By:

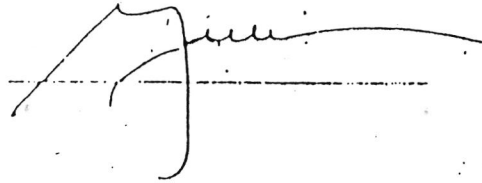

Director General Danilo M Lacson
Chief, PNP

By:


Celse C. Cruz
President

Signed in the presence of





PHILIPPINE PYROTECHNIC MANUFACTURERS AND DEALERS ASSOCIATION INC. (PPMDAI)

Contact Nos. (044)641-7339/(02) 341-1369 Fax No. (02) 456-4418/0917-590-2759

Facebook: P.P.M.D.A.I /ppmdai@yahoo.com Website: [http:// ppmdai.org](http://ppmdai.org)

OFFICERS 2014 – 2016



**MARLENE LEA DG ALAPIDE
PRESIDENT**

PYROHAVEN FIREWORKS

Email add: pyro_haven_lea@yahoo.com.ph

Contact No. 0917-535-7577



**ARMANDO RAMOS
VICE PRESIDENT**

NATION FIREWORKS

Email add: nationfireworks@gmail.com

Contact No. 0910-298-3724



**EVELYN LAZARO
SECRETARY**

FLASH FIREWORKS

Email add: : evelazaro@yahoo.com

Contact No. 0917-590-2759/ 0922-832-7592



**JUSTINA GABUYO
TREASURER**

GLOBAL FIREWORKS

Email add: justinafireworks@yahoo.com

Contact No. 0917-880-1054



**ELIZABETH BERMUDEZ
AUDITOR**

JAMAE FIREWORKS

Email add: bethbermudez@yahoo.com

Contact No. 0916-499-2476



**VIMIE ERESE
MEMBER**

ST. MICHAEL' S FIREWORKS

Email add: : vim_eresse@yahoo.com

Contact No. 0917-804-6039

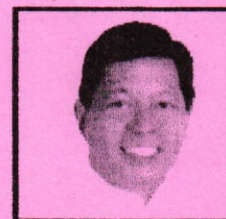


**HARRY JONES DELOS SANTOS
MEMBER**

DSS FIREWORKS

Email add: : harry.jones.583@facebook.com

Contact No.



**ENGR. CELSO CRUZ
CHAIRMAN, EMERITUS**

Email add: : celso@ppmdai.org

Contact No. 0917-564-4834

Republic of the Philippines
Department of the Interior and Local Government
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp Crame, Quezon City

OCT 30 2012

2012 REVISED IMPLEMENTING RULES AND REGULATIONS GOVERNING THE ADMINISTRATION AND ENFORCEMENT OF REPUBLIC ACT NO. 7183, DATED JANUARY 30, 1992 ENTITLED "AN ACT REGULATING THE SALE, MANUFACTURE, DISTRIBUTION AND USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES" IN RELATION TO RA 6975 DATED DECEMBER 30, 1990

Pursuant to the provisions of Section 12 of Republic Act No. 7183 dated January 30, 1992, the following rules and regulations necessary to regulate and control the manufacture, sale, distribution, use and importation, including the determination and review of the gun powder and other raw material content of firecrackers and pyrotechnic devices, are hereby promulgated:

RULE I

TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES THAT MAY BE MANUFACTURED, SOLD, DISTRIBUTED AND USED

SECTION 1. As used in these rules, the following types of firecrackers are hereby enumerated and defined according to their respective structure, appearance and dimensions and may be manufactured, sold, distributed and used:

- a. Baby Rocket – a firecracker with a stick so constructed that lighting of the wick will propel the whole thing to lift a few meters before exploding. The firecracker is about 1 ½ inches in length by 3/8 in diameter while the stick is about a foot in length;
- b. "Bawang" – a firecracker larger than a "Triangulo" with 1/3 teaspoon of powder packed in cardboard tied around with abaca strings and wrapped in the shape of a garlic;
- c. "El Diablo" – a firecracker tubular in shape about 1 and ¼ inches in length and less than ¼ inch in diameter with a wick; also known as "Labintador";
- d. Judah's Belt – a string of firecrackers consisting of either "diablos" or small "triangulos" that can number up to a hundred or thereabouts and culminating in a large firecracker usually a "bawang";
- e. Paper Caps – minute amounts of black powder spread in either small strips of paper or on a small sheet used for children's toy guns;
- f. Pulling of Strings – a firecracker consisting of a small tube about an inch in length and less than ¼ of an inch in diameter with strings on each end. Pulling both strings will cause the firecrackers to explode;
- g. Sky Rocket (Kwitis) – a large version of baby rocket designed to be propelled to a height of forty (40) to fifty (50) feet before exploding;

h. Small "Triangulo" - a firecracker shaped like a triangle with powder content less than the "bawang" and usually wrapped in brown paper measuring $\frac{1}{4}$ inch length in its longest side;

i. Watusi - usually reddish in color about $1\frac{1}{4}$ inch in length and $\frac{1}{10}$ inch in width usually ignited by friction to produce a dancing movement and a crackling sound; and

j. Other types equivalent to the foregoing in explosives content.

SECTION 2. As used in these rules, the following types of Pyrotechnic Devices are enumerated and defined according to their respective structure, appearance and dimensions and may be manufactured, sold, distributed and used:

a. Butterfly - a butterfly-shaped pyrotechnic device designed to lift above ground while providing light;

b. Fountain - a type of sparkler which is square, cylindrical or conical in shape and is ignited on the ground to provide various rising colors and intermittent lights upon being ignited;

c. Jumbo Regular and Special - a type of sparkler similar to a fountain but bigger in size;

d. "Luces" - any of the several kinds of sparklers;

e. Mabuhay - a type of sparkler bunched in bundle of a dozen;

f. Roman Candle - a type of sparkler similar to a "fountain" but shaped like a big candle;

g. Sparklers - pyrotechnic devices usually made of black powder on a piece of wire or inside a paper tube designed to light up and glow after igniting;

h. "Trompillo" - a pyrotechnic device usually fastened at the center and designed to spin first clockwise and then counter-clockwise and provides various colored lights when ignited;

i. Whistle Device - any of the various kinds of firecrackers or pyrotechnics designed to either simply emit a whistle-like sound or explode afterwards when ignited;

j. All kinds of pyrotechnic devices ("Pailaw"); and

k. Other types equivalent to the foregoing pyrotechnic devices.

SECTION 3. Classification of Firecrackers and Other Pyrotechnic Devices according to their proper usage;

All firecrackers and pyrotechnic devices shall be classified into four (4) classes according to their proper use:

a. Class 1 - Fireworks suitable for use inside domestic buildings. When used according to the instructions, these fireworks shall not cause injury to people standing one (1) meter or more away and shall not cause damage to property. In the case of hand-held fireworks, any person holding them shall not be injured;

b. Class 2 - Fireworks suitable for outdoor use in relatively confined areas. When used according to instructions, these fireworks shall not cause injury to people

standing five (5) meters away or more. In the case of hand-held sparklers, any person holding them shall not be injured by the dropping or hot slag or ejection of sparks. The fuse fitted to the fireworks should enable any person lighting the fireworks to retire safely to a distance of at least five (5) meters;

c. Class 3 -- Fireworks suitable for outdoor use in large open spaces. When used according to the instructions, these fireworks should not cause injury to people standing twenty-five (25) meters or more away. Any person lighting these fireworks would be expected to wear suitable personal protection; and

d. Class 4 -- Fireworks that do not conform to the requirements of classes 1, 2 and 3 are deemed to be class 4 and thus unsuitable for sale to the public including partially assembled fireworks, which are specialist devices for use in major displays. These must not be sold to or used by the general public except for licensed pyrotechnicians and/or fireworks display operators only.

RULE II

PROHIBITED TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICE:

The manufacture, sale, distribution and use of other types of firecrackers not mentioned in the foregoing section, with net explosive(s) ingredients content of more than 1/3 teaspoon, in which the technically safe equivalent of it is equivalent to not more than 0.2 gram, which will endanger life and limb, are prohibited. Pyrotechnic devices generally referred to as fireworks have different nature of effect and purpose. It has also different packaging as compared with firecrackers.

SECTION 1. The manufacture, sale, distribution and use of other types of firecrackers and pyrotechnic devices not mentioned in the foregoing section, of such explosive content that could endanger life and limb, such as atomic big triangulo and super lolo and their equivalent are hereby prohibited. Determination of what constitutes prohibited firecrackers and pyrotechnic devices is vested in the Chief of the Philippine National Police (PNP).

SECTION 2. Prohibition on certain firecrackers and pyrotechnics composition. -- Under no circumstances shall firecrackers and pyrotechnic devices using sulfur and/or phosphorous mixed with chlorates be allowed.

SECTION 3. Prohibition on the supply of certain firecrackers and pyrotechnic devices products. -- Classes 1, 2, and 3 are suitable for the general public. Class 4 shall only be sold to licensed pyrotechnicians and / or fireworks display operators.

RULE III

KINDS OF LICENSES AND PERMITS

SECTION 1. MANUFACTURER'S LICENSE

Authority to possess explosive(s) ingredients for use in the manufacture of authorized and allowable firecrackers and pyrotechnic devices for sale to the public. Further, a manufacturer's license is also deemed to be considered to possess a dealer's license within his manufacturing complex only. Every manufacturer must have at least one (1) licensed pyrotechnician. The granting of a Pyrotechnician's License shall be based on the level of experience, training, expertise in the manufacture of firecrackers and pyrotechnic devices and the completion of manufacturer's training course provided by PNP Civil Security Group (PNP CSG) or its duly accredited institution.

SECTION 2. DEALER'S LICENSE

Authority to possess authorized and allowable firecrackers and pyrotechnic devices for sale to the public.

SECTION 3. RETAILER'S PERMIT

For individuals selling firecrackers of not more than fifty (50) kilograms of finished products and pyrotechnic devices of not more than five hundred (500) kilograms of finished products, a Retailer's Permit may be issued by the PNP. The authorization is given by a licensed dealer of firecrackers and pyrotechnic devices to the person who intends to retail his product/s and the permit will be approved by the Chief, Firearms and Explosives Office (FEO) if within Regions 1, 2, 3, 4A, 4B, 5, CAR and NCR. The issuance of a provisional Firecracker/Firecracker Display (FC/FD) Retailer's Permit in the provinces of Regions 6, 7, 8, 9, 10, 11, 12, ARMM and CARAGA will be issued by the CSG Regional Satellite Offices (SATO)/Firearms and Explosives, Security Agencies and Guards Section (FESAGS) which shall submit their monthly reports to the Chief, Explosives Management Division of FEO for accounting and recording purposes.

SECTION 4. FIREWORKS DISPLAY OPERATOR'S (FDO) LICENSE

Authority to design, operate and perform fireworks display for the public.

SECTION 5. SPECIAL PERMIT FOR FIREWORKS DISPLAY

a. Authority given to licensed FC/FD Manufacturers/Dealers to set up a fireworks show anywhere in the Philippines.

b. All fireworks displays using Class 4 fireworks should only be made by a Licensed Manufacturer and/or Dealer allowed to conduct the display and is limited to those who have Fireworks Display Operator's License only. The permit to display issued by FEO should only be limited to one venue and one occasion. Every display of fireworks needs an approved permit from the FEO indicating the exact date and the place where the display will be conducted.

SECTION 6. PERMIT TO TRANSPORT FIRECRACKERS AND PYROTECHNIC DEVICES

Permit given to any licensed manufacturer and/or dealer and person/s transporting firecrackers and pyrotechnic devices of more than one thousand (1,000) kilograms of combined weight of finished products. For the purchase of less than one thousand (1,000) kilograms of finished products, proof of the purchase from the registered dealer or manufacturer shall be sufficient.

SECTION 7. FILING OF APPLICATION FOR LICENSEE

Any person desiring to manufacture, sell or distribute firecrackers or pyrotechnic devices shall file his application with the Director, CSG through the Provincial Director of the province or city where the business is located. Applicants from Metro Manila shall submit their applications through the Chief of Firearms and Explosives Office, CSG, Headquarters, Philippine National Police. Approval of Retailer's Permit is mentioned in SEC 3.

RULE IV

REQUIREMENTS IN THE APPLICATION OF LICENSES AND PERMITS

SECTION 4. For Manufacturer's License:

- a. Prescribed application form;
- b. For a corporation, original or machine validated copy of certificate of registration with the Securities and Exchange Commission together with its Articles of Incorporation and By-Laws, of which, one hundred percent (100%) of the capitalization is owned by Filipino citizens;
For a single proprietorship or a partnership, original or machine validated copy of certificate of registration with the Bureau of Commerce, Department of Trade and Industry together with its Articles of Partnership, of which, the owner/s must be Filipino citizen/s.
- c. Original Certificate of Registration of the business from the City or Municipal Treasurer of the place of business;
- d. For provincial applicants, endorsement from the Provincial Director (PD)/ City Director (CD) of the province/city where the business is located. However, applicants from NCR shall submit applications through the Chief, Firearms and Explosives Office, PNP;
- e. Original copies of business permit, police and court clearances of the licensee;
- f. Original copy of Special Bank Receipt;
- g. Location sketch and floor plan of the warehouse (storage/bodega) and site development plan of the manufacturing complex comprising of the mixing station, grinding station, packaging station, fuse making or "naglimita" station and loading station;
- h. Certified photocopy or duplicate original of the zoning certificate from the City/Municipal Engineer that the manufacturing complex is located in the designated zone, the outer perimeter of which shall be at least three hundred (300) meters away from the nearest residential unit (manufacturers only);
- i. Provincial/City Police Office and/or FESAGSS Inspection Report with properly labeled pictures of the warehouse (storage/bodega) and of the manufacturing complex for provincial applicants. However, for Metro Manila applicants, FEO Inspection Report will be sufficient. Further, information to be included in the Inspection Report are the following data which must be attested by the police inspection team:
 - 1) Name and address of the company;
 - 2) Kind of license; and
 - 3) Quantity of explosive ingredients indicated in the license.
- j. Certification from the Bureau of Fire Protection (BFP) that the company has complied with the prescribed fire safety measures; and

k. Fireworks Safety Training Course (FSTC) Certificate conducted by PNP CSG or its duly accredited institution.

SECTION 2. For Dealer's License:

a. The same requirements as specified in the Manufacturer's License excluding para. 1j and 1i above;

b. Detailed location, proper signage and floor plans of the store and the warehouse (storage/bodega) where the firecrackers and pyrotechnic devices will be stored. A warehouse (storage/bodega) is required if the quantity of stocks of fireworks is more than fifty (50) kilograms and pyrotechnic devices of more than five hundred (500) kilograms; and

c. Inspection Report with properly labeled pictures of the store and the warehouse (storage/bodega) conducted by the police inspection team.

SECTION 3. For Retailer's Permit:

a. Letter Request establishing the exact address where the selling will be done;

b. Certification from the Dealer's owner that the person applying for retailer is authorized by him;

c. Photocopy of the Manufacturer's/Dealer's License;

d. Barangay, Police and Court Clearances;

e. Fireworks Safety Training Course (FSTC) Certificate conducted by the PNP CSG or its duly accredited institution;

f. Original Special Bank Receipt; and

g. Business License/Mayor's Certificate.

SECTION 4. For Fireworks Display Operator's (FDO) License:

a. Letter Request;

b. Certification from the Manufacturer and/or Dealer that he is connected with the company;

c. Original or authenticated Fireworks Safety Training Course (FSTC) certificate;

d. Resume of applicant;

e. Certified photocopy of the Manufacturer's License and/or Dealer's License;

and

f. Original copy of Special Bank Receipt.

SECTION 5. For Special Permit for Fireworks Display

a. Letter Request;

b. Original or Certified photocopy of the contract/Agreement;

c. Certified photocopy of Manufacturer's License and/or Dealer's License and Fireworks Display Operator's (FDO) License; and

d. Original copy of Special Bank Receipt.

SECTION 6. For Permit To Transport Firecrackers and Pyrotechnic Devices:

a. Letter Request;

b. Certified photocopy of Dealer's License;

c. Proof of purchase/Official Receipt; and

d. Original copy of Special Bank Receipt.

RULE V

PROCESSING OF APPLICATION

SECTION 1. The Philippine National Police through the Firearms and Explosives Office and other authorized PNP Units/Offices, shall have the sole authority to process, approve or disapprove as the case may be, applications for all kinds of licenses and permits as enumerated in Rule III hereof.

SECTION 2. Upon receipt of the application, the Provincial Director/City Director of the province/city shall check the submitted application folder as to its completeness, authenticity and validity of supporting documentary requirements. The investigating officer designated shall prepare the corresponding investigation report which shall form part of the Provincial Director/City Director's recommendation or indorsement of the application to D, CSG.

SECTION 3. Applications submitted directly to C, FEO by the applicants from Metro Manila shall be treated in the same manner. C, FEO shall designate an investigating officer to conduct the requisite investigation and prepare the investigation report prior to the indorsement of the application to D, CSG.

SECTION 4. In the processing of applications received from the province or applications from Metro Manila, C, FEO, through the Chief, Explosives Management Division, (C, EMID) shall check whether the applicant has complied with all the requirements. Having established that the application has complied with all the requirements, the same shall be forwarded to D, CSG for approval.

SECTION 5. The Manufacturer's license or the Dealer's license shall be prepared in three (3) copies distributed as follows:

a. Original copy of the license;

b. One copy for the Provincial Director/City Director, if in the province; and

c. One copy for the C, FEO.

RULE VI

RENEWAL OF LICENSE

SECTION 1. Manufacturer's and Dealer's licenses shall be valid until June 30 of every year. Therefore, the same should be renewed on or before this date.

SECTION 2. Application for renewal shall be filed and processed in accordance with RULE V of this implementing rules and regulations and shall comply with the following requirements:

- a. The same requirements as specified in Rule IV of this IRR; and
- b. Manufacturer's copy of the latest monthly report and 12 months consumption of explosives/explosive ingredients in the prescribed format (manufacturers only).

RULE VII

SAFETY GUIDELINES

SECTION 1. A zone shall be designated by the local government unit thru a local ordinance where a manufacturing complex may be established. The outer perimeter of this zone shall at least be three hundred (300) meters away from the nearest residential unit. Once a zone has been defined, no residential unit shall be permitted nearer than three hundred (300) meters from the perimeter of such zone.

SECTION 2. The manufacturing complex shall be governed by, but not limited to; the following security measures:

- a. All buildings shall have adequate ventilation, no concrete floors, securely locked, must be leak-proof and furnished with necessary fire extinguishers;
- b. The warehouse must be at least fifty (50) meters away from any processing station of the complex; and
- c. The following processing stations of the complex shall be laid out according to the indicated minimum distance from each other with all sides open:

1) Mixing	50 meters
2) Grinding	40 meters
3) Packaging	40 meters
4) Fuse Making/Nagmimitsa	20 meters
5) Loading	20 meters

SECTION 3. There should be a sufficient distance between stores. Firewall is mandatory for every fireworks store.

RULE VIII

APPLICATION TO IMPORT/PURCHASE EXPLOSIVES INGREDIENTS

SECTION 1. Any licensed manufacturer of firecrackers and pyrotechnic devices, who desires to import or purchase locally explosive ingredients for his manufacturing business, shall submit his application to D, CSG through the Provincial Director/City Director of the province/city where the manufacturing business is located. Licensees from Metro Manila shall submit their application to D, CSG through C, FEO for approval.

SECTION 2. The following documents shall comprise the application:

- a. For importation -- Prescribed application to Import Explosive Ingredients;
- b. For Local Purchase -- Prescribed application to Purchase Explosive Ingredients;
- c. Copy of Manufacturer's/Dealer's License; and
- d. Copy of Monthly Report on the acquisition and disposition of explosive ingredients (Monthly Consumption Report for twelve (12) months).

RULE IX

PROCESSING OF APPLICATION TO IMPORT/PURCHASE EXPLOSIVE INGREDIENTS

SECTION 1. Upon receipt of the application from the licensee, the Provincial Director/City Director shall check the following:

- a. Compliance with the requirements of RULE VIII of this IRR; and
- b. Proper accounting of all past acquisitions (importation and local purchase) of explosive ingredients.

SECTION 2. Thereafter, the Provincial Director/City Director shall forward the application to D, CSG thru C, FEO with his comment and recommendation.

SECTION 3. Application from Metro Manila residents shall be submitted directly to D, CSG thru C, FEO and shall be treated in the same manner as stated in Section 1 of this Rule.

SECTION 4. Applications to import explosive ingredients shall be processed by C, FEO and forwarded to D, CSG for approval or disapproval. Authorization to Import Explosive ingredients shall be issued by D, CSG.

SECTION 5. Applications to purchase explosive ingredients shall be processed by C, FEO and forwarded to D, CSG for approval or disapproval using the processing portion of the application form.

RULE X

HOW IMPORTATION/LOCAL PURCHASE IS MADE

SECTION 1. The authorization to import shall serve as the basis of the manufacturer to import the explosive ingredients specified therein.

SECTION 2. At least one (1) week before the arrival of the explosive ingredients from abroad, the importer shall submit to C, FEO the Application to Unload Explosive Ingredients from the Vessel and Transport to their Destination.

SECTION 3. The application shall be processed by C, FEO using the Processing Portion of the application form and forward same to D, CSG for approval/disapproval.

SECTION 4. The approved application shall serve as the authority of the importer to unload explosive ingredients from the seaport (vessel), or airport. Shipment unloaded from the Port of Manila and Ninoy Aquino International Airport (NAIA) shall be

... to the warehouse (bodega) of the manufacturer and shall be escorted by FEO personnel. This holds true when movement/transport of explosive materials transcends from one region to another region or within Metro Manila, and shall also be provided by the office of EMD, FEO in addition to the escorts or guards which are provided by the manufacturer/dealer.

RULE XI

LICENSE AND PERMIT FEES

The following license and permit fees shall be paid by the licensee to the Land Bank of the Philippines and shall form part of the mandatory requirements before the corresponding license or permit is released by FEO:

Permit to Import Explosives/Explosive Ingredients	-	-	P 5,000.00
Permit to Purchase Explosives/Explosive Ingredients	-	-	1,500.00
Permit to Transport Pyrotechnic/Firecrackers	-	-	360.00
Permit Fee to Display Fireworks	-	-	3,000.00/show
Permit Fee to Import Theatrical Effects	-	-	1,000.00
Manufacturer's License	-	-	10,000.00
Dealer's License	-	-	5,000.00
License for Fireworks Display Operator	-	-	5,000.00
Retailer's Permit Fee	-	-	1,000.00

RULE XII

STORAGE

SECTION 1. General - Warehouse (bodegas) for storage of explosive ingredients and finished firecrackers and pyrotechnic devices shall be located, constructed and managed so as to guard against pilferage and accidental explosion of their contents and to prevent injury to person or damage to property in case an explosion should occur.

SECTION 2. Location - For Manufacturers, the warehouse (bodega) and the manufacturing complex shall be located in accordance with specifications stated in RULE VII hereof. For dealers, the warehouse (bodega) shall be located at a safe distance away from their stores/establishments and from inhabited buildings.

SECTION 3. Construction - The warehouse (bodega) shall be constructed of strong materials, equipped with fire extinguishers, proper signage, with proper ventilation, securely locked or otherwise protected and located away from fire hazards and slum areas to minimize pilferage and possible explosion.

RULE XIII

RECORDS AND REPORTS

SECTION 1. Records

a. Licensed manufacturers of firecrackers and pyrotechnic devices shall keep in their possession a complete, itemized and accurate record showing the following:

1) Kinds and quantities of explosive ingredients which were imported or locally purchased during the month; and

2) Kinds and quantities of explosive ingredients used in the manufacture of firecrackers and pyrotechnic devices during the month.

b. Such records shall be subject to inspection by representatives of the PNP ~~as~~ often as necessary.

SECTION 2. Reports

a. At the end of the month, manufacturers of firecrackers and pyrotechnic devices shall submit to the D, CSG thru C, FEO, a monthly report showing the running balance of kinds/quantities of explosive ingredients that were imported and/or locally purchased as against items used and spoilage as provided in SECTION 1 of this RULE.

b. In the province, the monthly report shall be submitted by the PD/CD in four (4) copies to the Regional Director who shall retain the triplicate copy for his file and forward the original and duplicate copies to the D, CSG thru C, FEO with his comment and recommendation.

c. Manufacturers in Metro Manila shall submit their monthly reports direct to D, CSG thru C, FEO.

d. The records copies of such reports retained by the manufacturer shall also be subjected to inspection by representatives of the PNP whenever the factory is inspected.

RULE XIV

CONFISCATION, INVESTIGATION AND DEPOSITORY OF PROHIBITED FIRECRACKERS AND PYROTECHNIC DEVICES

SECTION 1. The FEO, CSG or the National Capital Region Police Office (NCRO) shall course the confiscation, investigation and depository of prohibited importation of finished firecrackers and pyrotechnic devices. If, intercepted by the Bureau of Customs (BOC), Manila, the same shall be turned over to the FEO, CSG for the filing of the case while those intercepted by the PNP and BOC outside Metro Manila shall be handled by the Police Provincial Office (PPO) that has jurisdiction over the area. The investigating unit outside Metro Manila will be responsible in the disposition of the confiscated prohibited firecrackers and pyrotechnic devices such as atomic big "triangulo" and "super loló" and their equivalent.

SECTION 2. The PNP shall be primarily responsible for the administration and enforcement of this Implementing Rules and Regulations.

SECTION 3. All reports pertaining to the confiscation and investigation of prohibited firecrackers and pyrotechnic devices shall be copy furnished to C, FEO, CSG (Attn: C, EMD) for reference.

RULE XV

MISCELLANEOUS PROVISIONS

SECTION 1. Licensed manufacturers of firecrackers and pyrotechnic devices are authorized to sell or distribute their products anywhere in the Philippines. However, if they desire to put up a store or outlet, to sell or distribute their products in places other than their factory, they should secure the corresponding Dealer's License and comply with all the requirements for dealers as provided therein.

SECTION 2. Licensed manufacturers are prohibited from selling or transferring to other persons, the explosive ingredients they imported or purchased locally. Such explosive ingredients are for use only in their manufacturing operations.

SECTION 3. Licensed dealers are prohibited from keeping in their stores or establishments quantities of finished products of firecrackers in excess of a combined total of fifty (50) kilograms and one thousand (1,000) kilograms of pyrotechnic devices. The rest of the stock shall be kept in the warehouse (bodega) from which replenishments may be withdrawn from time to time as the need arises.

SECTION 4. Firecrackers and pyrotechnic devices shall bear labels indicating the name and address of their manufacturers, warning instructions written in Filipino and English and classification in accordance with Rule 1, Section 3 of this IRR.

SECTION 5. The importation of finished firecrackers and pyrotechnic devices is prohibited. Imported firecrackers and pyrotechnic devices intercepted by the Bureau of Customs (BOC), other law enforcement agencies and those found in the market shall be deemed illegally manufactured and shall be subject to confiscation.

SECTION 6. Prohibition on the supply to minors - It is prohibited to sell firecrackers and pyrotechnic devices to anyone under 18 years of age. Children using firecrackers and fireworks must be under adult supervision. Any buyer of firecrackers and/or pyrotechnic devices who is suspected to be below 18 years of age, but claims otherwise, shall be required to show proof of his age.

SECTION 7. Class 4 Firecrackers and Pyrotechnic Devices may only be used by the following:

- a. Manufacturer; and
- b. Dealer with training on fireworks display operator's course.

SECTION 8. ONE STORE, ONE PERMIT.- Applications for dealers and/or retailer's licenses must specify the exact address where the selling will be done to avoid multiplicity of stores with one (1) permit only. Non-identification of the exact address by the applicant serve as one of the grounds for disapproval of the application. Selling in the place not mentioned in the permit is considered illegal. The original permit approved by C. FEO shall be displayed at all times inside the store ready for any inspection by members of the PNP assigned to implement this IRR.

RULE XVI

PENALTIES

Any person who manufactures, sells, distributes, or uses firecrackers and pyrotechnic devices in violation of the provisions of this Implementing Rules and Regulations shall be punished by a fine of not less than Twenty Thousand Pesos (P20,000.00) nor more than Thirty Thousand Pesos (P30,000.00) or imprisonment of not less than six (6) months nor more than one (1) year, or both such fine and imprisonment, at the discretion of the court in addition to the cancellation of his license and business permit, and confiscation by the Government of his inventory or stock.

RULE XVII

RESCISSION CLAUSE

All rules and regulations/policies/DO's contrary to the foregoing are hereby rescinded.

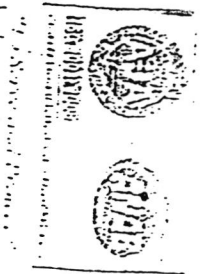
RULE XVII

EFFICIENCY

This 2012 Revised Implementing Rules and Regulations (IRR) shall take effect after fifteen (15) days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987", as amended.

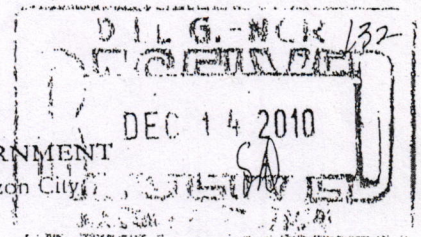


M. Arroyo
NICANOR A. BARTOLOME, CSEE
Police Director General
Chief, PNP





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
A. Francisco Gold Condominium II, EDSA, Diliman, Quezon City



MEMORANDUM CIRCULAR
NO. 2010 - 148

December 14, 2010

TO : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS,
PRESIDING OFFICERS AND MEMBERS OF THE SANGGUNIAN AT ALL
LEVELS, DILG REGIONAL DIRECTORS, THE ARMM REGIONAL GOVERNOR
AND OTHERS CONCERNED

SUBJECT : REGULATING THE SALE, MANUFACTURE, DISTRIBUTION AND USE OF
FIRECRACKERS, POLYVINYL PIPE "BOGA" AND OTHER PYROTECHNIC
DEVICES

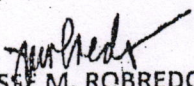
In furtherance of public safety, order and national security during the upcoming holiday celebrations, pursuant to Republic Act No. 7183, *An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices*, all Local Chief Executives and Sanggunian Members are hereby encouraged to:

- a. establish "Fire and Pyrotechnic Zones" in their localities, to serve as designated area where the people may sell firecrackers and pyrotechnic devices,
- b. designate an area where the people may use said firecrackers and other pyrotechnic devices;
- c. observe the common types of firecrackers and pyrotechnic devices allowed under RA 7183 that may be manufactured, sold, distributed and used, such as:
 - ❖ FIRECRACKERS:
 - baby rocket,
 - "bawang,"
 - small *triangulo*,
 - pulling of strings,
 - paper caps,
 - *el diablo*,
 - *Judah's belt*,
 - sky rocket (*kwitis*), and
 - other types equivalent to the foregoing in explosive content,
 - ❖ PYROTECHNIC DEVICES:
 - sparklers (usually made of black powder on a piece of wire or inside a paper tube designed to light up and flow after igniting),
 - *luces* (any of several kind of sparklers),
 - fountain (a kind of sparkler conical in shape which is lighted on the ground and designed to provide various rising colors and intermittent lights upon being ignited),
 - jumbo (regular and special),
 - mabuhay (sparklers bunched into a bundle of a dozen pieces),
 - Roman candle,
 - *trompillo*,

- airwolf (a kind of sky rocket shaped like an airplane with a propeller to rise about 40 or 50 feet and provide various kinds of light while aloft),
 - whistle device (various kinds of firecrackers or pyrotechnic devices designed to either simply emit a whistle-like sound or explode afterwards upon being ignited),
 - butterfly,
 - all kinds of pyrotechnic devices (*pailaw*), and
 - other types equivalent to the foregoing devices;
- d. convene their local Peace and Order Councils or Committees in order to incorporate in the Public Safety Plans a specific project aimed at protecting their constituents from the danger brought about by the use of firecrackers and pyrotechnic devices, and to ensure that police and other law enforcement agencies in their jurisdictions shall implement this specific project;
- e. take the lead in the conduct of an information campaign on the danger that the polyvinyl chloride pipe "boga" may cause to the user or to others; and
- f. enact an ordinance, as may be necessary or if justified, totally prohibiting the manufacture, sale, distribution and use of any firecracker and pyrotechnic devices, if there is reasonable ground to believe that radical groups may take advantage of the holiday season's merriment for their lawless designs, and promote an alternative form of revelry.

All DILG Regional Directors and the ARMM Regional Governor are directed to cause the immediate and widest dissemination of this Memorandum Circular to all local government units within their regional jurisdictions.

For strict compliance.


JESSE M. ROBREDO
Secretary

