
PRESENT:

Hon. Shirlyn L. Bañas-Nograles City Vice Mayor & Presiding Officer
Hon. Dominador S. Lagare III City Councilor
Hon. Ramon R. Melliza City Councilor
Hon. Rosalita T. Nuñez City Councilor
Hon. Shandee Theresa L. Pestaño City Councilor
Hon. Brix T. Tan City Councilor
Hon. Vivencio E. Dinopol City Councilor
Hon. Marius Orlando A. Oco City Councilor
Hon. Eduardo D. Leyson IV City Councilor
Hon. Rogelio D. Pacquiao City Councilor (President, Liga ng mga Barangay)
Hon. Mario U. Empal City Councilor (Indigenous Peoples Representative)

ABSENT:

Hon. Elizabeth B. Bagonoc City Councilor (OL)
Hon. Franklin M. Gacal, Jr. City Councilor (OL)
Hon. Arturo C. Cloma City Councilor (OL)
Hon. Richard L. Atendido City Councilor (OL)


WHEREAS, item no. 2 of the said circular states that "The local sanggunian may also pass an ordinance totally prohibiting the manufacture, sale, distribution and use of any firecracker and pyrotechnic devices, if there is a reasonable ground to believe that radical groups may take advantage of the holiday season merriment for their lawless designs;

WHEREAS, Memorandum Circular 2008 – 162, dated November 3, 2008 enjoins all Local Chief Executives to cause the cancellation or revocation of business permits or licenses of business establishments found manufacturing, importing, distributing and selling any consumer product declared as injurious and dangerous to health and safety;

WHEREAS, every year, significant number of injuries, both severe and mild, caused by firecrackers were reported and recorded by the City Health Department wherein most victims were minors;

NOW, THEREFORE, on motion of City Councilor Marius Orlando A. Oco, duly seconded by City Councilors Vivencio E. Dinopol and Brix T. Tan, be it –

RESOLVED, as it is hereby resolved to enact this ordinance:
ORDINANCE NO. 29
Series of 2014

AN ORDINANCE REGULATING THE MANUFACTURE, DISTRIBUTION, SALE AND USE OF FIRECRACKERS IN THE CITY OF GENERAL SANTOS, PROVIDING PENALTY FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

Hon. Richard L. Atendido – Author, Hon. Franklin Gacal, – Sponsor
Hon. Marius Orlando A. Oco – Co-sponsor

Be it ordained by the Sangguniang Panlungsod of General Santos City that:

Section 1. DECLARATION OF POLICY. – It is the declared policy of the City Government of General Santos to regulate the manufacture, distribution, sale and use of firecrackers in General Santos City consistent with, and in furtherance of, public safety, order and security, as well as enhancement of cultural tradition;

Section 2. DEFINITION OF TERMS. – As used in this Ordinance, the following terms shall mean as:

a) Firecracker – is a small explosive device primarily designed to produce a large amount of noise, especially in the form of a loud bang; any visual effect is incidental to this goal. They have fuses, and are wrapped in a heavy paper casing to contain the explosive compound.

b) Fireworks - are a class of explosive pyrotechnic devices used for aesthetic, cultural, and religious purposes. Fireworks take many forms to produce the four primary effects: noise, light, smoke and floating materials (confetti for example.) They may be designed to burn with flames and sparks of many colors, typically red, orange, yellow, green, blue, purple, silver and gold.

Section 3. PROHIBITED ACTS. – It shall be unlawful to manufacture, distribute, sell, or use all firecrackers and fireworks enumerated below within the City of General Santos at any time and as enumerated under RA 7183, and all other succeeding laws:

1. Watusi or the “dancing firecracker.” It was initially allowed for sale and manufacture under RA 7183, but was eventually banned because it causes poisoning when ingested, especially among children.

2. Piccolo. This firecracker has been the leading cause of firecracker-related injuries since 2007. The Department of Health banned it in 2007 because it can explode on the hands, and may cause death when ingested.

3. Super Lolo, Atomic Big Triangulo and their equivalent

4. Mother Rocket – firecracker with a stick designed as a propellant upon lighting the wick.

5. Lolo Thunder – a powerful firecracker twice the size of a Five Star.

6. Pillbox – a firecracker that causes a series of sparks when lit.

8. Big Judah’s belt — a string of firecrackers consisting of smaller firecrackers that number up to a hundred, and culminating in a larger and more powerful firecracker.

9. Big Bawang — a firecracker packed in cardboard tied around with abaca strings, giving it the shape of a large garlic.

10. Kwiton — aerial firecracker which explodes several times when lit.


12. Kabasi — a triangle-sized explosive twice the size of a Pla-pla.

13. 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.

14. Atomic Bomb

15. Five Star

16. Pla-pla

17. Og

18. Giant Whistle Bomb

19. Bawang — a firecracker larger than a “triyanggulo” with a 1/3 teaspoon of powder packed in cardboard tied around with abaca strings and wrapped in shape of garlic;

20. Small triyanggulo — a firecracker shaped like a triangle with powder content less than the “Bawang” and usually wrapped in brown paper measuring 3/4 inch length in its longest side;

21. Pulling of strings — a firecracker consisting of a small tube about an inch in length and less than 1/4 of an inch in diameter with strings on each end. Pulling both strings will cause the firecracker to explode;

22. El Diablo — a firecracker tubular in shape about 1 ¼ inches in length and less than ¼ inch in diameter with a wick; also known as “labintador”;

23. Judah’s belt — a string of firecrackers consisting of either El Diablos or small “triyanggulos” that can number up to a hundred or thereabout or culminating in a large firecracker usually a “bawang”;

24. Other types equivalent to the foregoing in explosive content.

25. the unlabelled firecrackers.

Section 4. PROHIBITED TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES. — The manufacture, sale, distribution and use of other types of firecrackers and pyrotechnic devices not mentioned in the foregoing section, or such explosive content that could endanger life and limb, such as atomic big triangulo and super lolo and their equivalent, are hereby prohibited.
The determination of what constitutes prohibited firecrackers and pyrotechnic devices shall be vested with the Director-General of the Philippine National Police (PNP).

Section 5. EXCEPTIONS. — The use of Firecrackers and Pyrotechnic Devices are allowed in this ordinance:

1. When the firecrackers are used by the City of General Santos in connection with the celebration of its foundation or charter anniversary or any of its festivals or celebration;

2. When the regulated firecrackers are used by any other person or entity on any traditional occasion or celebration.

Section 6. SALE TO MINORS. - It is prohibited to sell the firecrackers and pyrotechnic devices to minors.

Section 7. TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES ALLOWED IN THIS ORDINANCE.— The following common types of firecrackers and pyrotechnic devices may be manufactured, sold, distributed and used:

A. Firecrackers:

1. 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 1/2 inches in length by 3/8 inch in diameter while the stick is about a foot in length;

2. Paper caps — Minute amount of block powder spread in either small strips of paper or on a small sheet used for children’s toy guns;

3. 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;

4. Chinese Firecracker — a string of firecrackers tubular in shape about 1 ¼ length in size and less than ¼ inch in diameter with a wick, also known as small labintador. This Chinese firecracker will only be used during the opening of any establishment;

5. The rapid fire — a large version of baby rocket with a small labintador designed to be propelled to a height of 40 ft. and 50 ft. before exploding.

B. Fireworks Devices:

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;

2. Luces - any of several kinds of sparklers;

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;

4. Jumbo regular and special - a kind of sparkler similar to a "fountain" but bigger in size;
5. Mabuhay - sparklers bunched into a bundle of a dozen pieces;

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

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

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

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

10. All kinds of pyrotechnic devices (pailaw);

11. And other types equivalent to the foregoing devices.

Section 8. PENALTY CLAUSE. — Any violation of this Ordinance shall suffer the offender thereof to an imprisonment of one (1) year or a fine of Five Thousand Pesos (P5,000.00) or both such fine and imprisonment at the discretion of the court.

No person or entity shall be issued business permit by the City government in the manufacture, distribution or sale of firecrackers. In case a legitimate business establishment shall manufacture, distribute or sell firecrackers in addition to its usual line of business, the business permit of said legitimate business establishment shall be cancelled and the firecrackers shall be confiscated and destroyed by the City Government.

Section 9. REPEALING CLAUSE. — City Ordinance No. 11, Series of 2013, particularly Title 24, Chapter 12, Firecrackers, Sub-paragraph A and B, is hereby repealed. All other previous local enactments, resolutions, memoranda, circulars, and other issuances inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 10. SAVING CLAUSE. — In the event that a provision of this Ordinance is pronounced or decreed invalid or unconstitutional, all other provisions hereof not affected by such pronouncement or decree shall remain in full force and effect.

Section 11. EFFECTIVITY CLAUSE.- This ordinance shall take effect after fifteen (15) days following the completion of its full publication in any newspaper of general circulation within General Santos City.

Enacted by the 17th Sangguniang Panlungsod, City of General Santos, on its 70th Regular Session held on December 9, 2014.

CERTIFIED CORRECT:

aty. rosendo a. roque
\[Signature\]
Secretary to the Sanggunian

Ordinance No. 29, series of 2014
Approved by His Honor, the City Mayor on DEC 16, 2014.

RONNEL C. RIVERA
City Mayor