



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
22nd City Council

PO22CC-216

49th Regular Session

ORDINANCE NO. SP- **3233**, S-2023

AN ORDINANCE REGULATING THE SALE AND USE OF FIRECRACKERS AND PYROTECHNIC DEVICES AND PROHIBITING THE MANUFACTURE THEREOF IN QUEZON CITY

Introduced by Councilors TATAY RANNIE Z. LUDOVICA and DON S. DE LEON

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Nikki V. Crisologo, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Godofredo T. Liban II, Kate Galang-Coseteng, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Alfredo "Freddy" Roxas and Jhon Angelli "Sami" C. Neri

WHEREAS, it is part of the tradition and culture of the Philippines to include the use of firecrackers and pyrotechnic devices to symbolize a moment of celebration or to commemorate special occasions like public holidays or barangay fiestas;

WHEREAS, the manufacture, sale, and use of firecrackers and pyrotechnic devices pose the risk of injury and damage to property and person, causing the need for their strict regulation;

WHEREAS, in 1940, the Quezon City Council passed Ordinance No. 20, S-1940, as amended by Ordinance No. 39, S-1940 prohibiting the manufacture and sale of fireworks in Quezon City and requiring a permit from the City Mayor for their use on special occasions;

WHEREAS, on November 21, 1960, the City Council passed Ordinance No. 4571 prohibiting the manufacture, sale, possession, firing, lighting or exploding of firecrackers, skyrockets, fireworks, and toys made of empty cartridges (shell) and piston (nails) fed with explosive powder;

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WHEREAS, on January 30, 1992, the Congress passed Republic Act No. 7183, regulating the sale, manufacture, distribution, and use of firecrackers and other pyrotechnic devices in furtherance of public safety, order and national security and enhancement of cultural traditions;

WHEREAS, on December 1, 1998, the 17th City Council passed Ordinance No. SP-746, S-1998, which repealed Ordinance No. 4571 and regulated the use of pyrotechnics and firecrackers by only allowing them on community/barangay activities, festivities or fiestas and limiting them from 9:00 in the evening until 1:00 in the morning during public and legal holidays;

WHEREAS, on December 3, 2002, the 15th City Council passed Ordinance No. SP-1208, S-2002 regulating the use of fireworks and pyrotechnics by limiting their use to 10 designated areas in each barangay during the yuletide season;

WHEREAS, the 16th City Council passed Ordinance No. SP-1481, S-2005 prohibiting the sale, disposition, and distribution of "watusi" in Quezon City while the 20th City Council passed Ordinance No. SP-2587, S-2017 prohibiting the selling, giving and sharing of any type of firecrackers to children;

WHEREAS, on September 11, 2017, the 20th Quezon City Council passed Ordinance No. SP-2618, S-2017 requiring a clearance from the Department of Public Order and Safety (DPOS) before any person can use or play firecrackers or pyrotechnic devices in all public places in Quezon City during any festivity or any other special occasion;

WHEREAS, the recent years have shown that there is a need to update the guidelines on the manufacture, sale, and use of firecrackers and pyrotechnic devices in Quezon City in order to ensure protection and safety of all persons and properties;

WHEREAS, there is a need for the enactment of a comprehensive ordinance that reflects the stance of the City government on the manufacture, sale, and use of firecrackers and pyrotechnic devices.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. OBJECTIVES. - The following are the objectives of this Ordinance:

- a. Ban the manufacture of firecrackers and pyrotechnic devices;

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- b. *Regulate their sale and use to eliminate firecracker-related injuries in Quezon City;*
- c. *Protect homes, buildings, and other structures from incidental fires; and*
- d. *Ensure that the tradition of using firecrackers and pyrotechnic devices shall be upheld safely.*

SECTION 2. DEFINITION OF TERMS. – *The following terms shall be defined as:*

- a. *Public Places – refer to streets, roads, alleys, thoroughfares, open spaces, parks, plazas, basketball courts and other similar places that are owned by the national or local government;*
- b. *Organizer – refers to an individual or an entity, including but not limited to barangays, commercial businesses, neighborhood/homeowners’ association, or Non-Government Organizations (NGOs) who facilitate and apply for a clearance to have a fireworks display. In case of multiple organizers for one display, the person who applied for the clearance shall be deemed the primary organizer;*
- c. *QCPD – refers to the Quezon City Police Department;*
- d. *DPOS – refers to the Department of Public Order and Safety;*
- e. *QCHD – refers to the Quezon City Health Department;*
- f. *BCRD – refers to the Barangay and Community Relations Department;*
- g. *MDAD – refers to the Market Development and Administration Department;*
- h. *BPLD – refers to the Business Permits and Licensing Department;*
- i. *QCFD – refers to the Quezon City Fire Department; and*
- j. *RA 7183 – refers to Republic Act No. 7183 or An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Devices.*

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SECTION 3. TOTAL BAN ON MANUFACTURE OF FIRECRACKERS AND PYROTECHNIC DEVICES. – *There shall be a total ban on manufacturing all kinds and types of firecrackers and pyrotechnic devices in Quezon City.*

SECTION 4. SALE OF FIRECRACKERS AND PYROTECHNIC DEVICES. – *Only those individuals or businesses that were given a special permit by the BPLD or a hawker’s permit by MDAD shall be allowed to sell firecrackers and pyrotechnic devices.*

The conditions provided in their permit and the guidelines mentioned in Section 11 shall be strictly followed. Only those types and kinds of firecrackers and pyrotechnic devices enumerated in Section 9 and those that are allowed under Section 13 shall be sold in Quezon City.

SECTION 5. PROHIBITION FOR USE OF PRIVATE INDIVIDUALS. – *Private individuals are prohibited from using firecrackers and pyrotechnic devices in their private property, regardless if their property is in a residential or non-residential area.*

Individuals or entities who want to organize a fireworks display may apply for a clearance and a special permit from DPOS in accordance with Section 8.

SECTION 6. FIREWORKS DISPLAY IN BARANGAY-DESIGNATED AND EXHIBITION ZONES. – *Firecrackers and pyrotechnic devices shall be confined to fireworks displays in barangay-designated zones identified under Section 7 and exhibition zones permitted under Section 8 with a valid clearance from DPOS, and only for the allowed fireworks and pyrotechnic devices mentioned in Section 9 and those allowed under Section 13.*

SECTION 7. BARANGAY-DESIGNATED ZONES. – *Upon the approval of this Ordinance, all barangays shall designate community fireworks display zones within their barangays and submit the same to the BCRD. The BCRD, together with DPOS, shall approve and confirm whether the designated display zones are suitable and safe for fireworks display within the community.*

In case of changes, it is the responsibility of the barangays to inform the BCRD and update their list of designated community fireworks display zones.

SECTION 8. CLEARANCE FOR FIREWORKS DISPLAYS. – *An organizer of a fireworks display shall obtain a clearance from the DPOS at least 5 days before the date of the event, stating the purpose of the display, venue, and safety measures that will be implemented and other additional information needed.*

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If the fireworks display shall be staged in an area not included in the barangay-designated zones, the organizer may request for a special and temporary permit for an exhibition zone from DPOS for the same.

SECTION 9. ALLOWED FIRECRACKERS AND PYROTECHNIC DEVICES. – In accordance with RA 7183, the following types of firecrackers and pyrotechnic devices are allowed for fireworks display in public places:

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 ½ inches in length by ⅜ inch in diameter while the stick is about a foot in length;
2. *Bawang* – a firecracker larger than a triangulo with ½ teaspoon of powder packed in cardboard tied around with abaca strings and wrapped in shape of garlic;
3. *Small Triangulo* – a firecracker shaped like a triangle with powder content less than a bawang and usually wrapped in brown paper measuring ¾-inch length in its longest side;
4. *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 firecracker to explode;
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;
6. *El Diablo* – firecrackers tubular in shape and about 1 ¼ inches in length and less than ¼ inch in diameter with a wick; also known as labintador;
7. *Watusi* – usually reddish in color and about 1 ½ inches in length and 1/10 inch in width usually ignited by friction to produce a dancing movement and a crackling sound;
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 large firecracker usually a bawang;

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9. Skyrocket (kwitis) – a large version of a baby rocket designed to be propelled to a height of 40 to 50 feet before exploding; and
10. Other types equivalent to the foregoing in explosive content.

b. Pyrotechnic Devices:

1. Sparklers – pyrotechnic devices usually made up 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 counter-clockwise and provide various colored lights upon being ignited;
8. 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;
9. Airwolf – a kind of skyrocket shaped like an airplane with a propeller to rise about 40 or 50 feet and provide various kinds of light while aloft;
10. Butterfly – butterfly-shaped pyrotechnic device designed to lift above ground while providing light;
11. All kinds of Pyrotechnic devices “pailaw”; and
12. Other types equivalent to the foregoing devices.

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SECTION 10. PROHIBITED FIRECRACKERS AND PYROTECHNIC DEVICES. – All types of firecrackers and pyrotechnic devices that are not included in the list under Sections 9 and 13 are prohibited.

SECTION 11. GUIDELINES FOR ITS SALE. – The following shall be observed by the sellers and hawkers of fireworks and pyrotechnic devices in Quezon City:

- a. The fireworks and pyrotechnic devices shall only be sold in outdoor areas allowed by DPOS;
- b. Permit must be displayed prominently in the stall or store where it can be clearly seen by all;
- c. Stores and stalls must have at least 1 fire extinguisher and 1 large drum filled with water;
- d. Stores and stalls must be within no-smoking areas (15 meters from any fireworks);
- e. There shall be no stoves, heaters, exposed flames, or other fire hazards within 15 meters from any fireworks;
- f. Sale to minors is prohibited;
- g. Testing of any fireworks is prohibited;
- h. There shall be no storage or actual displays inside indoor malls or similar establishments; and
- i. Sale is limited to fireworks and pyrotechnic devices enumerated under Section 9 or those allowed under Section 13.

SECTION 12. GUIDELINES FOR USE. – The following shall be observed by those who have obtained a valid clearance from DPOS for the use of fireworks and pyrotechnic devices in Quezon City:

- a. Minors are not allowed to use, handle, maintain, keep, or purchase firecrackers or pyrotechnic devices;
- b. Fireworks displays must be handled by individuals who hold professional pyrotechnic licenses;

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- c. All fireworks must project skywards;
- d. Fireworks must be fired at a distance of at least 100 feet away from all people;
- e. First aid and fire protection equipment must be on hand during its use;
- f. The use of fireworks and other pyrotechnic devices must be coordinated with the nearest fire station at least 20 hours before its use; and
- g. Any fireworks that remain unfired after the fireworks display shall be immediately and properly disposed.

SECTION 13. POWER OF THE CITY MAYOR. – The Office of the City Mayor may issue an executive order, memorandum, or any similar document that may include additional fireworks and pyrotechnic devices that are not included in Section 9, as long as its inclusion is not contrary to RA No. 7183 or any other national issuance or laws. The City Mayor may also exclude fireworks and pyrotechnic devices that are included in Section 9, upon recommendation of DPOS, QCHD or QCFD.

The City Mayor may also include additional guidelines for its sale or use through an executive order, memorandum or any similar document, as long as it will not be contrary to RA No. 7183 or any other national issuances or laws.

SECTION 14. RECOMMENDATORY MANDATE. – Upon findings of violation of this Ordinance committed by business establishments, the DPOS and QCPD shall recommend to the BPLD the issuance of Cease and Desist Order, Closure Order or Notice of Revocation of Business Permit of the erring business establishments.

SECTION 15. PENALTIES. – Violation of the any provisions of this Ordinance shall have the corresponding penalty:

- a. For the unauthorized sale of the firecrackers and pyrotechnic devices, the penalty shall be a fine of Php1,000.00 or imprisonment of 3 months or both, depending on the discretion of the court.

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In case the unauthorized sale was done by a seller holding a business permit, the BPLD, upon recommendation of the DPOS and/or QCPD, shall issue a Cease and Desist Order, Closure Order or Notice of Revocation of Business Permit, as may be applicable under the circumstances.

- b. For the unauthorized use of firecrackers and pyrotechnic devices, the penalty shall be a fine of Php3,000.00 or imprisonment of 6 months or both, depending on the discretion of the court.*
- c. For the unauthorized manufacture of firecrackers and pyrotechnic devices, the penalty shall be a fine of Php5,000.00 or imprisonment of 1 year or both, depending on the discretion of the court.*

SECTION 16. AUTHORITY TO CONFISCATE. – *In addition to the penalties imposed for violations of this Ordinance, the DPOS and QCPD are hereby authorized to confiscate firecrackers, pyrotechnic devices and other materials used in the infraction of this Ordinance, unless these are properties of third persons without knowledge of any commission of violation of this Ordinance.*

SECTION 17. LIABILITY FOR DAMAGES. – *Any person found to cause any damage or injury to any person or property in relation to the unauthorized or illegal manufacture, sale, or use of any firecrackers or pyrotechnic devices shall be held liable for actual or compensatory damages, and any other damages that the Court may deem proper to award.*

Any person who is holding a valid permit for sale or use but has caused any injury or damage to a person or property by reason of a breach of the conditions of the permit, shall be held liable for actual or compensatory damages and any other damages that the Court may deem proper to award.

SECTION 18. IMPLEMENTING BODIES. – *The DPOS and QCPD are hereby mandated, as the lead agencies, to implement and enforce the provisions of this Ordinance.*

SECTION 19. REPEALING CLAUSE. – *All other ordinances, orders, issuances and regulations, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.*

SECTION 20. SAVING CLAUSE. – *The provisions of Ordinance No. SP-2618, S-2017, which are not contrary to the provisions of this Ordinance shall stand or be deemed incorporated in this Ordinance.*

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SECTION 21. SEPARABILITY CLAUSE. – If for any reason any part of this Ordinance shall be held unconstitutional or invalid, other parts hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 22. EFFECTIVITY CLAUSE. – This Ordinance shall be effective immediately upon approval.

ENACTED: November 28, 2023.


GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

APPROVED: DEC 31 2023


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on November 28, 2023 and was PASSED on Third/Final Reading on December 4, 2023.


ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)