



Sangguniang Panglungsod

ORDINANCE NO. 14-092

AN ORDINANCE PROHIBITING THE MANUFACTURE, DISPLAY, SALE, DISTRIBUTION, POSSESSION OR USE OF FIRECRACKERS OR PYROTECHNIC DEVICES AND SUCH OTHER SIMILAR DEVICES AND THE EXPLODING OF FIRECRACKERS OR OTHER SIMILAR EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF MUNTINLUPA CITY.

Sponsored by:

Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Atty. Patricio L. Boncayao, Jr.
Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Luisito A. Arciaga
Hon. Coun. Margarita Amythyst Labios, MD
Hon. Coun. Ringo A. Teves
Hon. Coun. Alexander Diaz
Hon. Coun. Ma. Dhesiree G. Arevalo
Hon. Coun. Luvi P. Constantino
Hon. Coun. Neptali S. Santiago
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Robert P. Baes
Hon. Coun. Celso C. Dioko

WHEREAS, the 7th Sangguniang Panlungsod, is fully aware of the initiative of the City Mayor, Hon. Atty Jaime R. Fresnedi, in suppressing the harmful effects of the use of firecrackers and pyrotechnic devices to health, life, property and the environment, through the issuance of **Executive Order No. 15, Series of 2013** entitled, *Banning The Display, Use Sale And Distributioun Of Firerackers And Pyrotechnics Within And About, The City Of Muntinlupa, Particularly During The Christmas And New Year Season*;

WHEREAS, with the implementation of said **Executive Order**, the Philippine National Police (PNP), and the Muntinlupa City Health Office recorded notable reduction in fatalities/casualties, signifying the effectivity of such Executive order as follows:

	2013 Yuletide	2014 Yuletide
Bodily injuries	Eighteen (18)	Six (6)
Death	One (1)	0
Fire	0	0

WHEREAS, Section 458 of Republic Act No. 7160, otherwise known as the Local Government Code Of 1991, states that, "**the Sangguniang Panlungsod, as the legislative body of the City, shall enact Ordinances, adopt Resolutions and appropriate funds for the general welfare of the City and its inhabitants**";

WHEREAS, the same code provides the following pertinent provisions:



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"(iv) **Adopt measures to protect the inhabitants of the city from the harmful effect of man-made or natural disaster and calamities**, and to provide relief services assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;"

"(vi) **Protect the environment and impose appropriate penalties for acts which endanger the environment**, such as dynamite fishing and other forms of destructive fishing, illegal logging and smuggling of logs, smuggling of natural resources products and of endanger species of flora and fauna, slash and burn farming, and such other activities which result in pollution, acceleration of eutrophication of rivers and lake, or of ecological imbalance;"

-and-

"Section 16. General Welfare - Every local government unit shall exercise the power expressly granted, those 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, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balance ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;"

WHEREAS, the 7th Sanggunian Panlungsod, deems it appropriate and long overdue the imposition of a ban on the manufacture, display, sale and distribution of all fireworks and pyrotechnic devices and such other similar devices and the exploiting of firecrackers and such other similar explosive within Muntinlupa City and to provide penalties for violation thereof;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 7th Sangguniang Panlungsod herein assembled that:

SECTION 1. Purpose Of This Ordinance – It is the purpose of this Ordinance to prohibit the manufacture, sale, distribution, possession and use of firecrackers or pyrotechnic devices and such other similar devices and the exploding of firecrackers and other explosives within Muntinlupa City to protect the environment and the health of the people from their harmful effects;

SECTION 2. Prohibited Acts. – (a) It shall be unlawful for any person or business establishment to manufacture, sell or offer for sale, distribute, possess or use any firecrackers or pyrotechnic device or such other similar devices within the territory of Muntinlupa City;



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(b) It shall, likewise be unlawful for any person to discharge or explode, or cause to discharge or to explode, any firecrackers, or any other explosive or to use any pyrotechnic device or any such other similar device, at anytime and anywhere within the territory of Muntinlupa City;

SECTION 3. Exception – Notwithstanding the prohibited acts enumerated in Section 2 of this Ordinance, the City and/or the Barangays, jointly or separately, or any owner of malls or similar establishments, may, upon prior approval of the city, conduct or sponsor “community fireworks display” in a designated area for the benefit of city residents but only during special occasions such as New Year, Christmas, Fiestas and City Foundation Anniversary.

The “community firework display” referred to above may be granted provided:

- a. That a permit to possess and display fireworks shall first be secured from the lone Philippine National Police and Bureau of Fire Protection.
- b. That fireworks shall be conducted at a distance of one hundred feet (100ft) away from people;
- c. That all fireworks shall be projected upwards;
- d. That a responsible person or persons at least twenty one (21) years of age and with adequate knowledge of handling fireworks shall be assigned to supervise the fireworks display;
- e. That sufficient approved type of first aid and fire protection equipment shall be on hand at the site during fireworks exhibitions, and
- f. That the nearest fire station shall be notified of such exhibitions.

SECTION 4. Duties of concerned Local Offices –

- a) The City Health Office, Muntinlupa City, and Community Affairs and Development Office, shall intensify the conduct of their information campaign on the danger to life, limb, property and environment of the use of firecrackers, fireworks, and other pyrotechnic devices;
- b) Component Barangays shall conduct regular patrol to monitor compliance of the ordinance and promptly report any violation to the **Public Order and Safety Office (POSO)** and **Business Permits and Licensing Office (BPLO)**.



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- c) The **Public Order and Safety Office (POSO)** and **Business Permits and Licensing Office (BPLO)** shall, in return, send with dispatch personnel at the scene to confiscate all fireworks and pyrotechnics being displayed, sold and distributed within Muntinlupa City, all prohibited fireworks stated under Section 2 and those being used in a fireworks exhibition show in violation of Section 3 hereof; and make an inventory of the same in the presence of at least two (2) officers of the concerned barangay. The BPLO is further mandated to ascertain if the offender has been granted any permit/license by the City Government for purposes of revocation pursuant to the penalties hereunder provided. The **Public Order and Safety Office (POSO)** and **Business Permits and Licensing Office (BPLO)** shall forthwith coordinate with the Philippine National Police (PNP) Muntinlupa City and Bureau of Fire Protection (BFP) Muntinlupa City.

The **Public Order and Safety Office (POSO)** and **Business Permits and Licensing Office (BPLO)** shall have concurrent obligation with the Barangay in regularly conducting patrol to monitor compliance hereof;

- d) The PNP shall directly investigate any reported violation hereof and to institute the corresponding criminal complaint against the offender. It shall ensure that the confiscated fireworks and pyrotechnics devices are well documented and listed accordingly before surrendering the same to the BFP for disposal;
- e) The BFP shall, within the day of confiscation, dispose of the confiscated fireworks and pyrotechnics at the BFP Central Station, Alabang.

In addition, the BFP shall inspect approved fireworks exhibitions site and ensure compliance with Section 3 hereof; and in case of non-compliance thereto, shall immediately coordinate with the **Public Order and Safety Office (POSO)** and **Business Permits and Licensing Office (BPLO)** for confiscation and documentation and the PNP for investigation and prosecution.

SECTION 5. Penalties – Violation of any of the provisions of Section 2 of this ordinance shall be penalized as follows:



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- a) For the first offense, a fine of One Thousand Pesos (P1,000.00) or imprisonment of not more than one (1) month but not less than (2) days or both fine and imprisonment, at the discretion of the Court:
- b) For the second offense, a fine of Three Thousand Pesos (Php3,000.00) or imprisonment of not more than Six (6) months but not less Three (3) months, or both fine and imprisonment, at the discretion of the Court.
- c) For the third offense, a fine of Five Thousand Pesos (P5,000.00) or imprisonment of not more than Six (6) months but not less than three (3) months, or both fine and imprisonment, at the discretion of Court.

If the violation is committed by a business establishment, the President or General Manager or the Person acting in behalf of either the President or General Manager shall be held liable in the case of a corporation or partnership, or the owner or proprietor or the person acting in his behalf shall be held responsible in the case of a single proprietorship.

SECTION 6. Separability Clause - If for any reason or reasons any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 7. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

SECTION 8. Effectivity Clause – This ordinance shall take effect Ten (10) days after its publication in the bulletin board of Muntinlupa City and one conspicuous place in each of the nine (9) barangays of Muntinlupa City.

ENACTED, by the 7th **Sangguniang Panlungsod of Muntinlupa City**, on its 1st day of **December 2014**, on its 63rd **Regular Session**.

CONCURRED:

DISTRICT I:

COUN. ATTY. PATRICIO L. BONCAYAO, JR.

Member

COUN. BAL NIEFES

Member

COUN. STEPHANIE G. TEVES

Member



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COUN. LOUISITO A. ARCIAGA

Member


COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD

Member


COUN. RINGO A. TEVES

Member


COUN. ALEXANDER B. DIAZ

Member

DISTRICT II:


COUN. MA. DHESIREE G. AREVALO

Member


COUN. LUVI P. CONSTANTINO

Member


COUN. ENGR. NEPTALI S. SANTIAGO

Member


COUN. ELMER S. ESPELETA

Member


COUN. RAFAEL T. SEVILLA

Member


COUN. VERGEL C. ULANDAY

Member


COUN. ROBERT A. ABAS

Member


COUN. ROBERT P. BAES

Member


COUN. CELSO C. DIOKO

Sectoral Representative

President

Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.


CECILIA C. LAZARTE

Secretary



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



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ATTESTED:

COUN. ATTY. RAUL R. CORRO
Acting City Vice-Mayor

APPROVED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Acting City Mayor
Date: DEC 15 2014

Norie/7th SP