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Item No.: 07
Date: 31 JAN 2023

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN
SP Records
JAN 24 2023
1-23-23
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd Indorsement
January 20, 2023

Province of Leyte
Legal Office
Released: [Signature]
Time: 9:25
Date: 1-23-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 081-22 of the SB of Leyte, Leyte, recommending to declare its validity pursuant to its power under Section 56 (c) of R.A. 7160, for it is within the powers of the local council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution [Constantino v. Desierto, 288 SCRA 654]. And that, the amendment is essential to the promotion of the General Welfare, Health and Safety, authorized under Section 16 of the Code.

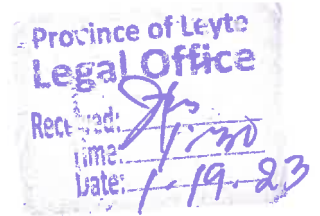
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer [Signature]



Republic of the Philippines
PROVINCE OF LEYTE
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
18 January 2023



Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **MUNICIPAL ORDINANCE NO. 081-22** of the **MUNICIPALITY OF LEYTE, LEYTE**, with short title: **"FIRECRACKERS & PYROTECHNIC ORDINANCE"**, for review and recommendations.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

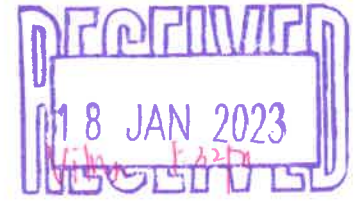
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Republic of the Philippines
MUNICIPALITY OF LEYTE
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Office of the Sangguniang Bayan

SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE

1st ENDORSEMENT
January 17, 2022

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Tacloban City, the herein **Municipal Ordinance No. 081-22 Entitled "AN ORDINANCE FURTHER AMENDING MUNICIPAL ORDINANCE NO. 29-17 AS AMENDED BY MUNICIPAL ORDINANCE NO. 032-17 "AN ORDINANCE PROHIBITING THE SALE AND USE OF HARMFUL FIRECRACKERS OR PYROTECHNIC DEVICES WITHIN TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF LEYTE"**

Attached herewith are the following :

1. Municipal Ordinance No. 081-22
Municipal Ordinance No. 032-17
Municipal Ordinance No. 029-17
2. Certificate of Posting
3. Certificate of Publication (to follow)

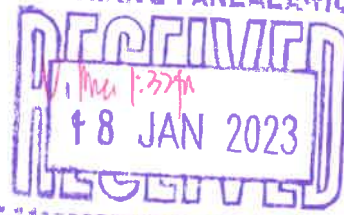

VILMA D. COMBATE
SB Secretary



Republic of the Philippines
 MUNICIPALITY OF LEYTE
 L E Y T E
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Office of the Sangguniang Bayan

SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON DECEMBER 19, 2022 AT SESSION HALL, NEW MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Present:

Hon. Armando M. Ysidoro, -----	Mun. Vice Mayor /Presiding Officer
Hon. Paquito D. Pelipel, Jr. -----	SB Member
Hon. Lileth I. Gatchalian, -----	-do-
Hon. Edward Jay A. Durante, -----	-do-
Hon. Rowil G. Batan, -----	-do-
Hon. Aida A. Delantar, -----	-do-
Hon. Eulogio E. Capacio, -----	-do-
Hon. Gualberto G. Meracap, -----	-do-
Hon. Jerry G. Apacible, -----	ABC President
Hon. Asefa Gail V. Granados -----	SK Fed.President

Absent:

Hon. Alex A. Dagandan, -----	SB Member
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MUNICIPAL ORDINANCE NO. 081-22

"AN ORDINANCE FURTHER AMENDING MUNICIPAL ORDINANCE NO. 029-17 AS AMENDED BY MUNICIPAL ORDINANCE NO. 032-17 "AN ORDINANCE PROHIBITING THE SALE AND USE OF HARMFUL FIRECRACKERS OR PYROTECHNIC DEVICES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF LEYTE".

WHEREAS, Municipal Ordinance No. 029-17 as amended by Municipal Ordinance No. 032-17 was passed an approved sometimes in the year 2017;

WHEREAS, the said ordinances did not provide for a specific area designated for firecrackers and fireworks display/exhibition and other safety measures in selling and handling and use of the same which are necessary in fostering public safety, hence this amendment;

WHEREFORE, be It ordained by the Sangguniang Bayan in session assembled that :

SECTION 1. TITLE. – This Ordinance shall be known as “ Fire Crackers & Pyrotechnic Devices Ordinance” in the Municipality of Leyte

SECTION 2. PURPOSE OF THIS ORDINANCE. – It is the purpose of this Ordinance to prohibit the sale and use of harmful firecrackers to ensure public safety, peace, order and security.

Secton 3. DEFINITION OF TERMS:

1. A firecracker - 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.

(Handwritten signatures and initials at the bottom of the page)

2. Firecrackers and Fireworks Exhibition Zone/Area - a specific area (100 feet away from residential houses and business establishments) where firecrackers allowed in section 6.1 and fireworks exhibition maybe held.
3. Harmful – causing or likely to cause harm
4. Pyrotechnics- a device with an explosive that burns at a low rate and with colored flames can be used to illuminate areas.
5. Pyrotechnician is a person who is responsible for the safe storage, handling, and functioning of pyrotechnics and pyrotechnic devices.

SECTION 4. CREATION OF MUNICIPAL TASK FORCE ON ANTI FIRECRACKERS. There shall be a Municipal Task Force on Anti-Fire Crackers of which composition shall be determined by an issuance of an Executive Order by the LCE.

SECTION 5. PROHIBITED ACTS.

5.1 It shall be unlawful for any person or business establishment to sell or offer sale to anyone and/or use any of the following firecrackers or pyrotechnic devices within the jurisdiction of the municipality:

1. Atomic big, Trianggulo, Super Lolo, Giant Whistle Bomb and other types equivalent to the foregoing in explosive content
2. Firecrackers which are overweight or more than 0.2 grams or more than 1/3 teaspoon in explosive content,
3. Firecrackers which are oversized
4. Firecrackers with fuse that burns in less than 3 seconds or more than 6 seconds,
5. Imported finished firecracker products,
6. Firecrackers with mixture of phosphorous or sulfur with that of chlorate,
7. Polyvinyl pipe "boga",
8. Other firecrackers & pyrotechnic devices that can cause harm.

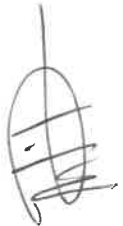
5.2 It shall be unlawful for any individual person/agency to conduct any firecrackers and fireworks exhibition, outside the designated are/zone as provided in Section 8 of this ordinance.

SECTION 6. EXCEPTIONS: There shall be an exceptions for types of firecrackers and pyrotechnic devices considered not harmful to human and use of pyrotechnic devices on official events/celebrations.

6.1 The following pyrotechnic devices are exempted from the prohibitions for purposes of entertainment and preserving cultural traditions:

1. sparklers
2. luces
3. fountain
4. Jumbo regular or special (similar to fountain)
5. roman candle
6. trompillo
7. whistle device
8. other kinds of pyrotechnic "pailaw" which is not harmful to human.

6.2 . Provided that sale of the above items are strictly prohibited to children below 18 years old and that selling thereof requires fire safety clearance from the Leyte Fire Station.



6.3 Use of Pyrotechnic devices not specified under 6.1 for Fireworks Display/Exhibition during official events/celebrations such as: Foundation Anniversary, Fiesta, Christmas, New Year and other activities as authorized by the LCE are exempted provided that said firework display is administered by a licensed pyrotechnician/or a person atleast 21 years old with adequate knowledge of handling fireworks , and shall be undertaken in the designated zone/area.

6.3.1 That during the Fireworks Display/Exhibition, there shall be presence of stand-by firetruck with fire extinguishers and an ambulance with an emergency medical team.

SECTION 7. Firecrackers Display Zone. Display centers for selling firecrackers and pyrotechnics which are allowed in this ordinance shall be separated by firewalls with a fire resistance rating of not less than two (2) hours as determined by the BFP. The are shall be provided with a fire extinguisher in accordance with RA 9514.

7.1 License and permit to sell non-harmful firecrackers shall be issued by the PNP Provincial Office or any agency/office authorized by law.

SECTION 8. Firecrackers and Fireworks Exhibition Zone/Area. The municipal ground (infront of the municipal hall) shall be designated as the Firecracker and Fireworks Exhibition Zone/Area.

SECTION 9. PENALTIES. – Violation of any of the provisions of Section 5, 6 & 7 of this Ordinance shall be penalized as follows:

9.1 For the act of selling said PROHIBITED fire crackers and pyrotechnics devices and for selling without LICENSE of firecrackers/pyrotechnics devices stated in Section 6.1 hereof:

A.) For the first offense, a Five Hundred Pesos (Php 500.00) and the concerned business establishment's business permit shall be suspended for not more than 1 month.

B.) For the second offense, a fine of One Thousand Pesos (Php1,000.00),and the concerned business establishment's business permit shall be suspended for not more than three (3) months .

C.) For the Third offense, a fine of Two Thousand Five Hundred Pesos (Php2,500.00), or imprisonment of not more than Six (6) months but not less than Three (3) months, or fine and imprisonment, at the discretion of the Court. In addition thereto, the concerned business establishment's business permit shall be immediately revoked by the Municipal Government and it shall be ordered permanently closed.

If the violation is committed by a business establishment, the President/General Manager or other 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.

9.2 For person/s caught using harmful firecrackers/pyrotechnic devices:

A. First Offense – a fine of Php 500.00

B. For Second Offense- a fine of Php 1,000.00

C. For 3rd and succeeding offenses – a fine of 2,000

SECTION 10. CONFISCATION. – All confiscated firecrackers shall be destroyed under the supervision of the Members of the Task Force Anti-Firecrackers.

SECTION 11. SEPARABILITY CLAUSE. – Should any of the provisions of this Ordinance be declared inoperative by the Courts for being inconsistent with the Constitution or the law, the other unaffected provisions of this Ordinance shall remain in full force and effect.

SECTION 12. REPEALING CLAUSE. – Any and all ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 13. EFFECTIVITY – This Ordinance shall take effect upon compliance with the posting and publication requirements mandated under Republic Act 7160 .

ENACTED this 19th day of December 2022 at Leyte, Leyte Philippines.


PAQUITO D. PELIPEL, JR.
SB Member


LILETH I. GATCHALIAN
SB Member

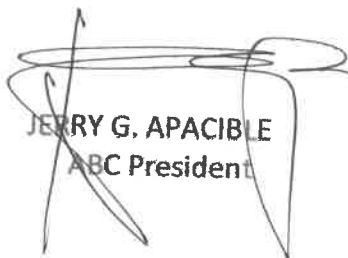

EDWARD JAY A. DURANTE
SB Member


ROWEL G. BATAN
SB Member


AIDA A. DELANTAR
SB Member


EULOGIO E. CAPACIO
SB Member



GUALBERTO G. MERACAP
SB Member


JERRY G. APACIBLE
ABC President

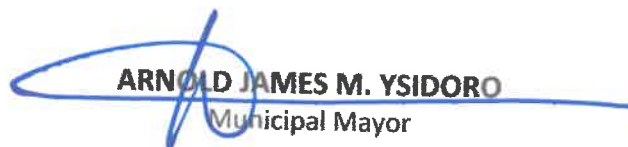

ASEFA GAIL Y. GRANADOS
SK Fed. President

Certified True and Correct:


VILMA D. COMBATE
Secretary to the Sanggunian

Attested:

ARMANDO M. YSIDORO
Municipal Vice Mayor
Presiding Officer

Approved:


ARNOLD JAMES M. YSIDORO
Municipal Mayor



Republic of the Philippines
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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON JULY 3, 2017 AT SB SESSION HALL, NEW MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Lileth I. Gatchalian	-----	Mun. Vice Mayor/Presiding Officer
Hon. Armando M. Ysidoro	-----	SB Member
Hon. Edward Jay A. Durante	-----	-do-
Hon. Evelyn V. Cabardo	-----	-do-
Hon. Ramon D. Benitez, Jr.	-----	-do-
Hon. Aida A. Delantar	-----	-do-
Hon. Ciriaco D. Pedida, Jr.	-----	-do-
Hon. Epifania S. Lucban	-----	-do-

Absent:

Hon. Alex A. Dagandan	-----	SB Member
Hon. Jerry G. Apacible	-----	ABC President

MUNICIPAL ORDINANCE NO. 032-17

AN ORDINANCE AMENDING PARAGRAPH A,B, & C OF SECTION 7.1 OF MUNICIPAL ORDINANCE NO. 029-17 "PROHIBITING THE SALE AND USE OF HARMFUL FIRECRACKERS OR PYROTECHNIC DEVICES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF LEYTE."

Whereas, Section 7.1 of the said ordinance provides the penalties for the act of selling fire crackers and pyrotechnic devices;

Whereas, Paragraph (C) of said section exceeded the maximum fine as authorized for LGUs based on the Local Government Code of 1991;

Whereas, in compliance with the provisions of the code, this body hereby resolved to amend said particular section of the ordinance;

Wherefore, the Sangguniang Bayan in session assembled hereby ordained the amendment as follows:

SECTION 7. PENALTIES. – Violation of any of the provisions of Section 5 & 6 of this Ordinance shall be penalized as follows:

7.1 For the act of selling said fire crackers and pyrotechnic devices:

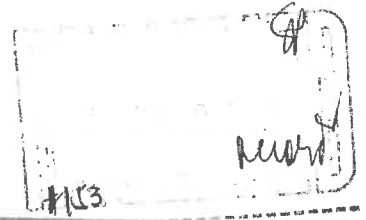
A.) For the first offense, a Five Hundred Pesos (PhP 500.00) and the concerned business establishment's business permit shall be suspended for not more than 1 month.

B.) For the second offense, a fine of One Thousand Pesos (PhP1,000.00), and the concerned business establishment's business permit shall be suspended for not more than three (3) months.



Republic of the Philippines
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Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON MAY 22, 2017 AT SABIN RESORT HOTEL, BRGY. BANTIGUE, ORMOC CITY, LEYTE

Present:

Hon. Lileth I. Gatchalian	-----	Mun. Vice Mayor/Presiding Officer
Hon. Armando M. Ysidoro	-----	SB Member
Hon. Edward Jay A. Durante	-----	-do-
Hon. Alex A. Dagandan	-----	-do-
Hon. Evelyn V. Cabardo	-----	-do-
Hon. Aida A. Delantar	-----	-do-
Hon. Ciriaco D. Pedida, Jr.	-----	-do-
Hon. Epifania S. Lucban	-----	-do-
Hon. Jerry G. Apacible	-----	ABC President

Absent:

Hon. Ramon D. Benitez, Jr.	-----	SB Member
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MUNICIPAL ORDINANCE NO. 029-17

AN ORDINANCE PROHIBITING THE SALE AND USE OF HARMFUL FIRECRACKERS OR PYROTECHNIC DEVICES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF LEYTE.

Authors: Hon. Armando M. Ysidoro
 Hon. Epifania S. Lucban
 Hon. Alex A. Dagandan
 Hon. Edward Jay A. Durante
 Hon. Aida A. Delantar

BE IT ORDAINED, BY THE SANGGUNIANG BAYAN IN SESSION ASSEMBLED, THAT:

SECTION 1. TITLE. – This Ordinance shall be known as “ Fire Crackers & Pyrotechnic Devices Ordinance” in the municipality of Leyte

SECTION 2. PURPOSE OF THIS ORDINANCE. – It is the purpose of this Ordinance to prohibit the sale and use of harmful firecrackers to ensure public safety, peace, order and security.

Secton 3. DEFINITION OF TERMS:

1. A firecracker - 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.
2. Harmful – causing or likely to cause harm

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3. Pyrotechnics- a device with an explosive that burns at a low rate and with colored flames , can be used to illuminate areas.
4. Pyrotechnician is a person who is responsible for the safe storage, handling, and functioning of pyrotechnics and pyrotechnic devices.

SECTION 4. CREATION OF MUNICIPAL TASK FORCE ON ANTI FIRECRACKERS. There shall be a Municipal Task Force on Anti-Fire Crackers of which composition shall be determined by an issuance of an Executive Order by the LCE.

SECTION 5. PROHIBITED ACTS. – It shall be unlawful for any person or business establishment to sell or offer sale to anyone and/or use any of the following firecrackers or pyrotechnic devices within the jurisdiction of the municipality:

1. Atomic big, Trianggulo, Super Lolo, Giant Whistle Bomb and other types equivalent to the foregoing in explosive content
2. Firecrackers which are overweight or more than 0.2 grams or more than 1/3 teaspoon in explosive content,
3. Firecrackers which are oversized
4. Firecrackers with fuse that burns in less than 3 seconds or more than 6 seconds,
5. Imported finished firecracker products,
6. Firecrackers with mixture of phosphorous or sulfur with that of chlorate,
7. Polyvinyl pipe "boga",
8. Other firecrackers & pyrotechnic devices that can cause harm.

SECTION 6. EXCEPTIONS: There shall be an exceptions for types of firecrackers and pyrotechnic devices considered not harmful to human and use of pyrotechnic devices on official events/celebrations.

6.1 The following pyrotechnic devices are exempted from the prohibitions for purposes of entertainment and preserving cultural traditions:

1. sparklers
2. luces
3. fountain
4. Jumbo regular or special (similar to fountain)
5. roman candle
6. trompillo
7. whistle device
8. other kinds of pyrotechnic "pailaw" which is not harmful to human.

6.2 . Provided that sale of the above items are strictly prohibited to children below 18 years old and that selling thereof requires fire safety clearance from the Leyte Fire Station, and Mayor's Permit from the Office of the Municipal Mayor.

6.3 Use of Pyrotechnic devices not specified under 6.1 for Fireworks Display during official events/celebrations such as: Foundation Anniversary, Fiesta, Christmas, New Year and



other activities as authorized by the LCE are exempted provided that said firework display is administered by a licensed pyrotechnicians and shall be undertaken in a designated area 100 feet away from residential houses and business establishments.

SECTION 7. PENALTIES. – Violation of any of the provisions of Section 5 & 6 of this Ordinance shall be penalized as follows:

7.1 For the act of selling said fire crackers and pyrotechnic devices:

A.) For the first offense, a fine of One Thousand Pesos (PhP1,000.00) and the concerned business establishment's business permit shall be suspended for not more than 1 month.

B.) For the second offense, a fine of Two Thousand Five Hundred Pesos (PhP2,500.00), and the concerned business establishment's business permit shall be suspended for not more than three (3) months .

C.) For the Third offense, a fine of Five Thousand Pesos (PhP5,000.00) or imprisonment of not more than Six (6) months but not less than Three (3) months, or fine and imprisonment, at the discretion of the Court. In addition thereto, the concerned business establishment's business permit shall be immediately revoked by the Municipal Government and it shall be ordered permanently closed.

If the violation is committed by a business establishment, the President/General Manager or other 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.

7.2 For person/s caught using harmful firecrackers/pyrotechnic devices:

A. First Offense – a fine of Php 500.00

B. For Second Offense- a fine of Php 1,000.00

C. For 3rd Offense – a fine of 1,500 and 3 days community service.

SECTION 8. CONFISCATION. – All confiscated firecrackers shall be destroyed under the supervision of the Municipal Mayor, and the Members of the Task Force Anti-Firecrackers.

SECTION 9. SEPARABILITY CLAUSE. – Should any of the provisions of this Ordinance be declared inoperative by the Courts for being inconsistent with the Constitution or the law, the other unaffected provisions of this Ordinance shall remain in full force and effect.

SECTION 10. REPEALING CLAUSE. – Any and all ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby -repealed or modified accordingly.


SECTION 11. EFFECTIVITY – This Ordinance shall take effect after its approval and following its publication in a newspaper of general circulation.

APPROVED UNANIMOUSLY.

I hereby certify to the correctness of the foregoing ordinance.

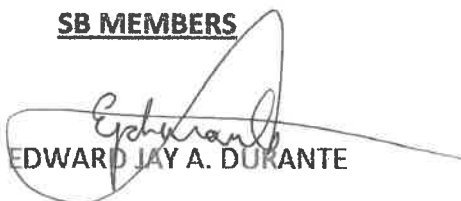

VILMA D. COMBATE
SB Secretary

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:


LILETH I. GATCHALIAN
Municipal Vice Mayor

SB MEMBERS


ARMANDO M. YSIDORO


EDWARD JAY A. DURANTE

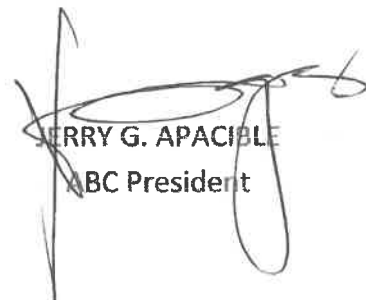
ALEX A. DAGANDAN


EVELYN V. CABARDO


AIDA A. DELANTAR


CIRIACO D. PEDIDA, JR.


EPIFANIA S. LUCBAN


JERRY G. APACIBLE
ABC President

Approved:


ARNOLD JAMES M. YSIDORO
Municipal Mayor



Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
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Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 081-22: " AN ORDINANCE FURTHER AMENDING MUNICIPAL ORDINANCE NO. 029-17 AS AMENDED BY THE MUNICIPAL ORDINANCE NO. 032-17 "AN ORDINANCE PROHIBITING THE SALE AND USE OF HARMFUL FIRECRACKERS OR PYROTECHNIC DEVICES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF LEYTE.", has been posted in three (3) conspicuous places in this Municipality.

This certification is issued this 16th day of January , 2023 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
SB Secretary