

04

PROVINCE OF LEYTE
Palo, Leyte

Item No.: 04
Date: AUG 22 2023

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
August 11, 2023

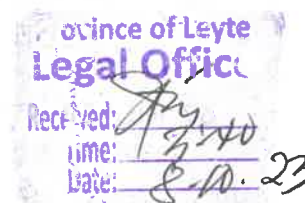


Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-02 of the Sangguniang Bayan of Dagami, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, the same being to the opinion of the Provincial Legal Office, an exercise of the power essential to the promotion of the General Welfare, Health and Safety, authorized under Section 16 of the Code. Provided that the Penalty of community service does not violate the prohibition under the 1987 Philippine Constitution against involuntary servitude.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
10 August 2023

The Provincial Legal Office is respectfully requested to review **and** submit recommendations on the herein enclosed **ORDINANCE NO. 2023-02 of the MUNICIPALITY OF DAGAMI, LEYTE, ENTITLED: AN ORDINANCE PROHIBITING THE MANUFACTURER, SALE, DISTRIBUTION, POSSESSION, AND USE OF FIRECRACKERS, PYROTECHNIC DEVICES, AND OTHER SIMILAR DEVICES CAUSING THE EXPLOSION OF THE SAME OR OTHER EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF DAGAMI, PROVINCE OF LEYTE.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF DAGAMI
*

Office of the Secretary to the Sanggunian

10 AUGUST 2023

Sangguniang Panlalawigan, Leyte
Legislative Building
Capitol Grounds
Tacloban City



Thru: The Secretary to the
Sangguniang Panlalawigan

Madam:

RESPECTFULLY SUBMITTED HEREWITH SEVENTEEN (17) SETS OF ORDINANCES AND RESOLUTION, TO WIT:

- 1) **ORDINANCE NO. 2023-02** "AN ORDINANCE PROHIBITING THE MANUFACTURER, SALE, DISTRIBUTION, POSSESSION, AND USE OF FIRECRACKERS, PYROTECHNIC DEVICES, AND OTHER SIMILAR DEVICES CAUSING THE EXPLOSION OF THE SAME OR OTHER EXPLOSIVES WITHIN THE TERRITOTIAL JURISDICTION OF DAGAMI, PROVINCE OF LEYTE"
- 2) ORDINANCE NO. 2023-03-A "AN ORDINANCE AUTHORIZING THE MUNICIPAL VICE-MAYOR, HON. HOMOBONO U. BARDILLON, TO ENTER INTO CONTRACTS OF SERVICE FOR JOB ORDER EMPLOYEES IN THE LEGISLATIVE DEPARTMENT OF THE MUNICIPAL GOVERNMENT OF DAGAMI, LEYTE"
- 3) RESOLUTION NO. 172 SERIES OF 2023 "A RESOLUTION OVERRIDING THE VETO OF THE MUNICIPAL MAYOR, HON. ANGELITA M. DELUSA, OF ORDINANCE NO. 2023-03 OTHERWISE KNOWN AS AN ORDINANCE AUTHORIZING THE MUNICIPAL VICE-MAYOR, HON. HOMOBONO U. BARDILLON, TO ENTER INTO CONTRACTS OF SERVICE FOR JOB ORDER EMPLOYEES IN THE LEGISLATIVE DEPARTMENT OF THE MUNICIPAL GOVERNMENT OF DAGAMI, LEYTE"

for review and approval.

Please acknowledge receipt hereof.

Thank you and more power.

Very truly yours,


FLOR G. YAP
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF DAGAMI

SANGGUNIANG PANLALAWIGAN
RECEIVED
AUG 10 2023
PROVINCE OF LEYTE

Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 19TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF DAGAMI, LEYTE, HELD AT THE MUNICIPAL SESSION HALL ON 15 MAY, 2023 AT 9:00 O'CLOCK IN THE MORNING.

Present:

- | | |
|------------------------------------|-------------------------------------|
| Hon. Homobono U. Bardillon | - Mun. Vice-Mayor/Presiding Officer |
| Hon. Judy M. Dumduma, Jr. | - Sangguniang Bayan Member |
| Hon. Rolando A. Bud-oy | - do- |
| Hon. Andres Bryan M. Bayona | - do- |
| Hon. Caridad B. Cabidog | - do- |
| Hon. Jetromus Jose S. Bardillon | - do- |
| Hon. Susan O. Mendoza | - do- |
| Hon. Reynaldo O. Treceña | - do- |
| Hon. Reo O. Gabriele | - ABC President/Ex-Officio Member |
| Hon. Mary Ahlyssa Ashley A. Gerona | - SK Fed. Pres./Ex-Officio Member |

Absent:

- | | |
|-----------------------------|----------------------------|
| Hon. Jose Jingle N. Sudario | - Sangguniang Bayan Member |
|-----------------------------|----------------------------|

ORDINANCE NO. 2023-02

AN ORDINANCE PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION, POSSESSION, AND USE OF FIRECRACKERS, PYROTECHNIC DEVICES, AND OTHER SIMILAR DEVICES CAUSING THE EXPLOSION OF THE SAME OR OTHER EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF DAGAMI, PROVINCE OF LEYTE.

WHEREAS, firecrackers have become a source of not only huge fires but can kill or harm people, animals, and properties;

WHEREAS, bursting of firecrackers as the highlight in celebrating Christmas, festivities, and other occasions does not, in any way, invite good fortune but rather this only spark danger as it leads to injuries, even death, and is just pouring money down the drain;

WHEREAS, section 16 of the Local Government Code of 1991 (RA 7160) accords every local government unit the power and authority to promote the general welfare within its territorial jurisdiction including health and safety of its constituents;

WHEREAS, the Department of Interior and Local Government had issued Memorandum Circular No. 2007-165, dated December 27, 2007 titled "Reiterating DILG MC No. 2002-188 On the Strict Implementation of Republic Act No. 7183, titled: An Act Regulating the Manufacture, Sale, Distribution and Use of Firecrackers and Other Pyrotechnic Devices;"

WHEREAS, the said circular categorically states that in order to avoid unnecessary injuries, disabilities, and even deaths during Christmas, New Year, and other occasions, all Local Chief Executives' attention is again invited to the pertinent provisions of DILG Memo Circular No. 2002-188 dated 08 November 2002, which reads in part specifically under item no. 2, "The local sanggunian may also enact 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 2006-162 dated 03 November 2006 enjoins all Local Chief Executives to cause the cancellation or revocation of permits or licenses of business establishments found manufacturing, importing, distributing and selling any consumer product declared as injurious and dangerous to health and safety;

HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLOR G. YAP
Sangguniang Bayan Secretary

HON. JUDY M. DUMDUMA, JR.
SB Member

HON. ROLANDO A. BUD-OY
SB Member

HON. ANDRES BRYAN M. BAYONA
SB Member

HON. CARIDAD B. CABIDOG
SB Member

HON. JETROMUS JOSE S. BARDILLON
SB Member

HON. SUSAN O. MENDOZA
SB Member

HON. REYNALDO O. TRECEÑA
SB Member

HON. REO O. GABRIELE
ABC Pres./Ex-Officio Member

HON. MARY AHLISSA ASHLEY A. GERONA
SK Fed. Pres./Ex-Officio Member

(Cont. Ordinance No. 2023-02 of SB Regular Session, dated May 15, 2023, etc.)

WHEREAS, during the multi-level consultation hearing, a strong manifestation of support was expressly shown by the stakeholders for the immediate passage of this ordinance;

WHEREAS, the Association of the Barangay Captains of this Municipality has passed Resolution expressing their support to the local law;

WHEREAS, an urgent measure to prevent the people from suffering firecracker accidents which may result to physical injuries such as loss of fingers, limbs, blindness, hand deformities, causes disturbance and affect their emotional well-being;

WHEREAS, considering that public welfare is of paramount importance, safety measures must be institutionalized to prevent accidents involving firecrackers and to ensure the safety of the lives and properties of the community-residents and visitors, it is necessary to prohibit the manufacture, sale, distribution, possession and use of firecrackers and pyrotechnic devices in the Municipality;

WHEREFORE, on motion of **HON. ANDRES BRYAN M. BAYONA**, with unanimous accord of the Members of the Sangguniang Bayan present, it was;

RESOLVED, as it is hereby resolved, by the Sangguniang Bayan of Dagami, province of Leyte, in session assembled, to enact the following Ordinance:

MUNICIPAL ORDINANCE NO. 02
Series of 2023

PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION, POSSESSION, AND USE OF FIRECRACKERS, PYROTECHNIC DEVICES, AND OTHER SIMILAR DEVICES CAUSING THE EXPLOSION OF THE SAME OR OTHER EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF DAGAMI, PROVINCE OF LEYTE

Section 1. Title. This ordinance shall be known as "The Total Ban of Manufacture, Sale, Distribution, Possession, and Use of Firecrackers, other Pyrotechnic Devices, and other Similar Devices causing the Explosion of the same or other Explosives within the Territorial Jurisdiction of Dagami, Province of Leyte."

Section 2. Purpose. To promote public safety, peace, order, and security of the community.

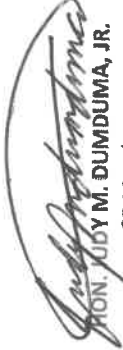
Section 3. Definition of Terms. The following terms shall be defined/referred as follows:

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 the goal. They have fuses and are wrapped in a heavy paper casing to contain the explosive compound. The following are the common types of firecrackers:

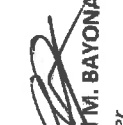
- Baby rocket
- Bawang
- Small triangulo
- Paper caps
- El Diablo (labintador)
- Watusi
- Judah's belt

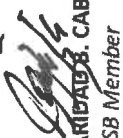

HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer


FLOR G. YAP
Sangguniang Bayan Secretary



HON. JIDY M. DUMDUMA, JR.
SB Member


HON. ROLANDO A. BUD-OY
SB Member


HON. ANDRES BRYAN M. BAYONA
SB Member

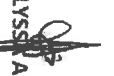

HON. CARIBADO B. CABIDOG
SB Member


HON. JETHRON JOSE S. BARDILLON
SB Member


HON. SUSAN O. MENDOZA
SB Member


HON. REYNALDO O. TRICENA
SB Member


HON. NEO O. GABRIENTE
ABC Pres./Ex-Officio Member


HON. MARY AHLYSSA ASHLEY A. GERONA
SK Fed. Pres./Ex-Officio Member

(Cont. Ordinance No. 2023-02 of SB Regular Session, dated May 15, 2023, etc.)

- Skyrocket (kwitis)
- b) **Pyrotechnics** – is the science of using materials capable of undergoing self-contained and self-sustained exothermic chemical reactions for the production of heat, light, gas, smoke and/or sound.
- c) **Pyrotechnic devices** – are attention-getting devices that burn, sputter, smoke or explode. These produce flame; the residue can cause burns and ignite flammable materials. These are devices which combine high reliability with very compact and efficient energy storage, in the form of chemical energy which is converted to expanding hot gases either through deflagration or detonation. The following are the common types of pyrotechnic devices:

- Sparklers
- Trompillo
- Luces
- Airwolf
- Fountain
- Whistle device
- Jumbo regular and special
- Butterfly
- Mabuhay
- Roman candle

Section 4. Effects of firecrackers and pyrotechnics. Firecrackers, as fire hazards and known to cause bodily harms, injuries and even deaths were shown in studies and were proven to also cause the following:

- 4.1 Increase in toxic forms and gases like carbon dioxide, sulfur dioxide and nitrogen dioxide, as well as suspended particulate matter (SPM) in the air;
- 4.2 Increase in noise pollution above 125 decibels (dB) which is above the tolerable limits and can cause deafness;
- 4.3 Increase in incidents of respiratory diseases such as acute bouts of asthma and bronchitis and may also trigger heart attacks.

Section 5. Prohibited Acts. It shall be unlawful for any person or business establishment to manufacture, sell or offer sale, distribute, possess or use of any firecracker or pyrotechnic devices or such other similar devices within the territory of Dagami.

Exception. When the Municipal Government or the Barangay organizes a firework display, it shall be conducted in an open field.

Section 6. Penalties. Violation of the provisions of this Ordinance shall be penalized as follows:

6.1 For Minor Offenders who are users/possessors of firecrackers or pyrotechnic devices:

HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLOR G. YAP
Sangguniang Bayan Secretary

HON. JODY M. DUMIDUMA, JR.
SB Member

HON. ROLANDO A. BUD-OY
SB Member

HON. ANDRES BRYANT M. BAYONA
SB Member

HON. CARIDAD B. CABIDOG
SB Member

HON. JETROMIS JOSE S. BARDILLON
SB Member

HON. SUSAN O. MENDOZA
SB Member

HON. REYNALDO O. TRECENÃ
SB Member

HON. REO O. FABIENTE
ABC Pres./Ex-Officio Member

HON. MARY AHLYSE ASHLEY A. GERONA
SK Fed. Pres./Ex-Officio Member

(Cont. Ordinance No. 2023-02 of SB Regular Session, dated May 15, 2023, etc.)

6.1a An offender who is aging above 15 years old to below 18 years old shall be meted to a penalty of four (4) hours of community service for every offense committed within the barangay where the offender resides.

6.1b An offender who is aging 15 years old and below, a confiscation of firecrackers/pyrotechnic device shall be done by the PNP enforcers and other authorities concerned, the confiscated items shall be turned-over to the Anti-firecrackers Task Force of the LGU for its proper disposition.

6.2 For adult offenders who are users/possessors of firecrackers/pyrotechnic devices:

6.2a First offense – a fine of Two Hundred Fifty (P250.00) or imprisonment of two (2) days, or both fine and imprisonment at the discretion of the court.

6.2b Second offense – a fine of Five Hundred Pesos (P500.00) or imprisonment of five (5) days, or both fine and imprisonment at the discretion of the court.

6.2c Third offense - a fine of One Thousand Two Hundred Fifty (P1,250.00) or imprisonment of fifteen (15) days, or both fine and imprisonment at the discretion of the court.

6.3 For adult offenders who are manufacturers/sellers:

6.3a First offense – a fine of Five Hundred Pesos (P500.00) or imprisonment of five (5) days, or both fine and imprisonment at the discretion of the court.

6.3b Second offense – a fine of One Thousand Pesos (P1,000,00) or imprisonment of ten (10) days, or both fine and imprisonment, at the discretion of the court.

6.3c Third offense – a fine of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of one month, or both fine and imprisonment at the discretion of the court.

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

In addition to the foregoing penalties, the business permit of the business establishment shall be cancelled by the Municipal Mayor upon the commission of the third offense.

HON. HOMOBONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

FLOR G. YAP
Sangguniang Bayan Secretary

HON. JUBY M. DUMDUMIA, JR.
SB Member

HON. ROLANDO AL BUD-OY
SB Member

HON. ANDRES BATAWARI BAYONA
SB Member

HON. CARDAD B. CABIDOG
SB Member

HON. JETRO M. JOSE S. BARDILLON
SB Member

HON. SUSAN O. MENDOZA
SB Member

HON. REYNALDO O. RECENE
SB Member

HON. REDO SABRIENTE
ABC Pres./Ex-Officio Member

HON. MARY AHLYSSA ASHLEY A. GERONA
SK Fed. Pres./Ex-Officio Member

(Cont. Ordinance No. 2023-02 of SB Regular Session, dated May 15, 2023, etc.)

Section 7. Creation, Duties, and Responsibilities of Anti-Firecrackers Task Force. There shall be created an Anti-Firecrackers Task Force which shall be composed of the following:

- 7.1. Municipal Health Officer
- 7.2. Barangay Captains
- 7.3. Any member of the Tourism Council
- 7.4. Solid Waste Management Coordinator
- 7.5. North and South District Supervisors
- 7.6. Principals of Secondary and Primary Schools
- 7.7. Municipal Social Welfare and Development Officer
- 7.8. Municipal Risk Reduction Management Action Officer
- 7.9. PNP Chief of Police
- 7.10. BFP Fire Marshal

The Anti-Firecrackers Task Force shall 1.) alert the public about the safety and chemical and noise hazards from blasting firecrackers and other pyrotechnic devices 2.) to encourage the public to make use of alternative merry-making devices or instruments or noisemakers during Christmas and New Year revelry that are not toxic to humans, animals and the environment such as "tambol", horns or "torotot," bells, cans, agong, drums, music, and other safe noisemakers 3.) to disseminate health advisories and precautionary measures.

Section 8. Administration and Enforcement. Those who are planning to conduct fireworks display must apply and obtain a permit to conduct such display with the Dagami Bureau of Fire Protection (BFP).

Section 9. Confiscation. All confiscated firecrackers and pyrotechnic devices shall be destroyed under the supervision of the Municipal Mayor and the members of the Anti-Firecrackers Task Force.

Section 10. 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 provisions shall remain in full force and effect.

Section 11. 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 12. Effectivity. This Ordinance shall take effect after its approval and following its posting in conspicuous places.

HON. HOMOPONO U. BARDILLON
Mun. Vice-Mayor/Presiding Officer

F L O R G . Y A
Sanaauniana Bayan Secretary

HON. JOY M. DUMDUMA, JR.
SB Member

HON. ROLANDO A. BUD-OY
SB Member

HON. ANDRES BRYANT M. BAYONA
SB Member

HON. CARIDAD B. CABIDOG
SB Member

HON. JETROMIN SIOJE S. BARDILLON
SB Member

HON. SUSAN Q. MENDOZA
SB Member

HON. RENNALDO O. TIEGENE
SB Member

HON. REO O. PARRHENITE
ABC Pres./Ex-Officio Member

HON. MARY ARLYES HASHLEY A. GERONA
SK Fed. Pres./Ex-Officio Member

(Cont. Ordinance No. 2023-02 of SB Regular Session, dated May 15, 2023, etc.)

CERTIFIED CORRECT:


FLOR G. YAP
SB Secretary

ATTESTED:


HON. HOMOONO U. BARDILLON
Municipal Vice-Mayor


HON. JUDY M. DUMDUMA, JR.
SB Member


HON. ROLANDO A. BUD-OY
SB Member


HON. ANDRES BRYAN M. BAYONA
SB Member


HON. CARIDAD B. CABIDOG
SB Member


HON. JETROMUS JOSE S. BARDILLON
SB Member


HON. SUSAN O. MENDOZA
SB Member


HON. REYNALDO O. TRECEÑE
SB Member


HON. REO O. GABRIENTE
ABC Pres./Ex-Officio Member


HON. MARY AHLYSSA ASHLEY A. GERONA
SK Fed. Pres./Ex-Officio Member

APPROVED:


HON. ANGELITA M. DELUSA
Municipal Mayor