

Item No.: 01  
Date: 10 2024 SEP



Republic of the Philippines  
PROVINCE OF LEYTE  
Provincial Capitol  
Tacloban City

-oOo-

Province of Leyte  
Legal Office  
Released by: *[Signature]*  
Title: *[Signature]*  
Date: *9-4-24*

SANGGUNIANG PANLALAWIGAN

PROVINCIAL LEGAL OFFICE

**RECEIVED**  
SEP 05 2024  
PROVINCE OF LEYTE

2<sup>nd</sup> INDORSEMENT  
August 30, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 472 of the Sangguniang Bayan of Babatngon, Leyte.

**Issues/concerns for review/recommendation/legal opinion is/are as follows:**

- Ordinance No. 472 entitled: **“An Ordinance Governing the Use of Firecrackers and Pyrotechnics in the Municipality of Babatngon, Leyte.**

**REVIEW/RECOMMENDATION/LEGAL OPINION:**

This office is of the opinion that the subject Ordinance is within the powers provided under Section 16<sup>1</sup> and Section 447(1)(iii)<sup>2</sup> of the Local Government Code of 1991 (R.A 7160) and in consonance with *Republic Act 7183 “An Act Regulating the Sale, Manufacture, Distribution and Use of Firecrackers and Other Pyrotechnic Device.* Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

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

*[Handwritten Signature]*

<sup>1</sup> Section 16 Every local government unit shall in the exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of general welfare.

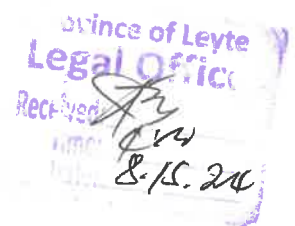
<sup>2</sup> Section 447(1)(iii) Approve ordinances imposing a fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00) xxx

Republic of the Philippines  
**PROVINCE OF LEYTE**

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**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**

**1<sup>ST</sup> ENDORSEMENT**  
**15 August 2024**



Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 472** of the **MUNICIPALITY OF BABATNGON, LEYTE, "AN ORDINANCE GOVERNING THE USE OF FIRECRACKERS AND PYROTECHNICS IN THE MUNICIPALITY OF BABATNGON, LEYTE"**, for review and recommendations.

**FLORINDA JILL S. UYVICO**  
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

13 August 2024

**Honorable Leonardo M. Javier, Jr.**  
Vice Governor and Presiding Officer, and "



**The Honorable Members**  
Sangguniang Panlalawigan  
Province of Leyte  
Legislative Bldg., Capitol Grounds  
Tacloban City

**Dear Honorable Ladies and Gentlemen,**


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 472 entitled: "AN ORDINANCE GOVERNING THE USE OF FIRECRACKERS AND PYROTECHNICS IN THE MUNICIPALITY OF BABATNGON, LEYTE". Said Ordinance is being forwarded to that Body for review in compliance with Section 56(a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 472, and
2. Certification of Posting

Please find them in order and praying for your favorable action thereof.

Very truly yours,

  
**ALMA A. BALDOMAR**  
Secretary II  
Secretary to the Sanggunian-designate

Enclosed:  
As stated





RELEASED

RECEIVED  
14 AUG 2024

OFFICE OF THE SANGGUNIANG BAYAN

BY: *AJR*  
DATE: 13 Aug. 2024  
TIME: 9:35 AM

EXCERPT FROM THE MINUTES OF THE 101st REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 15th DAY OF JULY 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE  
BABATNGON, LEYTE

RECEIVED

**ORDINANCE NO. 472**

BY: *Judy Jane Ballais*  
DATE: 8/21/24  
TIME: 10:53 am

**AN ORDINANCE GOVERNING THE USE OF FIRECRACKERS AND PYROTECHNICS IN THE MUNICIPALITY OF BABATNGON, LEYTE**

Author: HON. FEDERICO P. ELIZAGA, JR.  
CO-AUTHORS: HON. ILDEFONSO B. ODON  
HON. EDGARDO Y. MORDEN  
HON. JUDE LEMWEL B. VETHIMVAS

**WHEREAS**, to prevent injuries, damage to properties, and other health effects, as a matter of public safety, there is a need to regulate the use of firecrackers and pyrotechnic devices.

**WHEREAS**, in this regard, Republic Act No. 7183 and its Revised Implementing Rules and Regulations provides for the regulation and control of firecrackers and pyrotechnic devices.

**WHEREAS**, Executive Order No. 28 series 2017 limits the use of firecrackers only to community fireworks displays that have a permit from the concerned city or municipality, among other requirements.

**WHEREAS**, Section 16 of Republic Act No. 7160 or the "Local Government Code of 1991" provides that local governments shall exercise the powers expressly granted, those necessary implied therefrom, as well as powers necessary, appropriate, or incidental for efficient and effective governance and those which are essential to the promotion of the general welfare.

**NOW THEREFORE. BE IT ORDAINED, AS IT IS HEREBY ORDAINED**, by the Sangguniang Bayan of the Municipality of Babatngon, Leyte herein assembled:

**Section 1. Title** - This Ordinance shall be known as the "Firecrackers and Pyrotechnic Devices Ordinance" of Babatngon, Leyte.

**Section 2. Purpose** - It is the purpose of this Ordinance is to regulate and control the use of firecrackers and pyrotechnic devices to minimize the risk of injuries and casualties, to protect the environment, in furtherance of public safety and security, and for enhancement of cultural traditions.

**Section 3. Coverage** - This Ordinance shall apply to all persons or entities, whether public or private, engaged in the use or trade of firecrackers and pyrotechnic devices within the territorial jurisdiction of Babatngon, Leyte.

**Section 4. Definition of Terms**

**A. Community Fireworks Display** - refers to the use of firecrackers and pyrotechnic devices contained in the designated Fireworks Zone and conducted on the occasion or as part of a celebration, competition, or similar events, authorized by the Local Government of Babatngon, Leyte through a permit, in coordination with the Philippine National Police (PNP) and Bureau of Fire Protection (BFP), specifying the date and time of fireworks display and the specific area in which the display will be conducted, in conformity with national standards, rules, and regulations.

**B. Fireworks** -refers to firecrackers and pyrotechnic devices.





**C. Firework Zones** - refers to the Babatngon Levte's designated area/zone where the Community Fireworks Display can be suitably conducted.

**D. Firecrackers** - refer to loud, explosive devices wrapped in paper or cardboard casing containing an explosive compound and usually lit with a fuse, primarily designed to produce a sound usually in the form of a loud bang, and any visual effect thereto is merely incidental to the nature of its effect and purpose, including but not limited to baby rocket, bawang and small triangulo.

**E. Pyrotechnic Devices** - refer to fireworks which utilize visuals such as colored lights, flames, Smoke, sparks, flashes, etc. as primary effects, and any sound effect thereto is merely incidental to the nature of their effects and purpose, including but not limited to sparklers, luces, and fountain.

#### **Section 5. Ban on Individual, Personal or Household Use of Firecrackers**

**A.** The individual, personal or household use of firecrackers of any kind shall be banned. Firecrackers shall be allowed only within Community Fireworks Displays as defined above.

**B.** devices, which may be used within or outside Community Fireworks Displays, subject to Pursuant to Executive Order No. 28 s. 2017, this firecracker ban shall not cover pyrotechnic applicable laws and regulations.

#### **Section 6. Designated Fireworks Zones**

**A.** The LGU, in coordination with the PNP and the BFP, shall assess and determine specific areas within the Municipality of Babatngon, Leyte to be designated as firework zones, where Community Fireworks Displays may be conducted.

**B.** The following criteria shall be considered for determining designated firework zones:

1. Population within the area.
2. Availability of emergency medical staff or first aid responders and necessary tools and equipment.
3. Availability of firefighting equipment.
4. Safe distance of more than 100 feet (30 meters) away from residential areas.
5. Safe distance of more than 656 feet (200 meters) away from identified high hazard areas; and
6. Such other factors which may be relevant to the safety of residents in the area.
7. Except Brgy. Bacong with Depot and Brgy. Rizal 2 with gas plant should have 350 meters away from the area is not allowed.

#### **Section 7. Community Fireworks Displays**

Application for permits and clearances to conduct Community Fireworks Display may be filed by a business establishment, homeowners' association, or other recognized community organization, with the PNP and the BFP of the Municipality of Babatngon, indicating the specific date and time of the activity, and the type of fireworks to be used. The PNP and the BFP may grant the permit and clearance subject to compliance with applicable laws and regulations, including but not limited to the following safety standards:

1. A permit to possess and display fireworks shall be secured from the PNP before the scheduled events.
2. Fireworks must be fired at a distance at least 100 feet (30 meters) away from persons.
3. All fireworks shall project skywards.
4. A responsible person with sufficient fireworks handling and safety knowledge shall supervise the fireworks display.
5. First aid fire protection equipment (at the minimum, a fire extinguisher, and a large drum filled with water) shall be on hand during the display.
6. The nearest fire station shall be notified at least 24 hours prior to the start of the event.



**Section 8. Clearance for Fireworks Display.**

No person shall be allowed to conduct firework exhibition without first securing a clearance from the Municipal Fire Marshal having jurisdiction.

**Section 9. Fireworks Dealers.**

Aside from the usual business permits, fireworks dealers must obtain a permit and clearance from the PNP and the BFP of the Municipality of Babatngon, presenting the applicable PNP license. The PNP and the BFP may grant the permit and clearance subject to compliance with applicable laws and regulations, including but not limited to the following safety standards:

1. Each stall must have a minimum of one (1) unit well maintained fire extinguisher and one (1) large drum filled with water.
2. Strictly No smoking within 15 meters of any fireworks selling/display area.
3. No stoves, heaters, exposed flames, or other fire hazards within 15 meters of any fireworks selling/display area.
4. No testing of any fireworks.
5. No sales to minors.
6. No storage or retail displays of the actual/physical fireworks inside malls or similar establishments.
7. No sales of any fireworks totally banned by the PNP as mentioned immediately below.

**Section 10. Absolute Prohibitions.**

- A. From time to time, pursuant to Republic Act No. 7183 and its Revised Implementing Rules and Regulations. the PNP issues a list of totally banned fireworks that may not be used under any circumstances whether inside or outside Community Fireworks Displays, including but not limited to Super Lolo. Lolo Thunder, Atomic Bomb, Watusi, Oversized or overweight firecrackers. and firecrackers with a fuse that burns in less than three (3) seconds or more than six (6) seconds. Such list of totally banned fireworks shall be deemed automatically integrated into this Ordinance, and the manufacture, sale or use of such totally banned fireworks shall constitute a violation punishable under this Ordinance.
- B. No fireworks of any kind may be sold to or used by minors.

**Section 11. Surveillance and Reporting.**

- A. All fireworks-related injuries shall be reported, if any, to the Local Health Office, which in turn shall submit a regular weekly report, if any, to the Department of Health in accordance with the 2020 Revised IRR of RA No. 11332 entitled "Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act."
- B. All cases of firecrackers and pyrotechnic devices related injuries, if any, in the Municipality of Babatngon shall be consolidated and reported monthly by the Local Health Office to the Department of Health through the Online National Electronic Injury Surveillance System, in accordance with the Rule 6 of the 2017 Implementing Rules and Regulations Governing the Administration and Enforcement of Executive Order No. 28 series of 2017.

**Section 12. Administration and Enforcement.**

The PNP, in coordination with other concerned agencies and the Local Government Unit of Babatngon, shall be primarily responsible for the enforcement of this Ordinance, which shall include but not limited to, conduct of inspections, confiscation and destruction of prohibited firecrackers and pyrotechnic devices in accordance with the law.

**Section 13. Penalties.** Any person that violates the provisions of this Ordinance shall be penalized with imprisonment of not more than six (6) months and 'or a fine of not more than Two Thousand Five Hundred Pesos (P2,500.00) at the discretion of the court. Businesses that violate this Ordinance shall be



subject to summary revocation of their business permit. The foregoing shall be without prejudice to existing penalties and sanctions under RA No. 7183 and other relevant laws and regulations.

**Section 14. Separability Clause.** If any provisions or parts of this Ordinance is declared unconstitutional or invalid, the provisions thereof not affected by such declarations shall remain in full force and effect.

**Section 15. Repealing Clause.** All ordinances, resolutions, issuances, or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

**Section 16. Effectivity** - This Ordinance shall take effect after its posting at prominent places in the Municipality of Babatngon, LGU Hall for three (3) consecutive weeks and after its Publication in a newspaper of general circulation within the territorial jurisdiction of Municipality of Babatngon.

**APPROVED and ENACTED** this 15<sup>th</sup> day of July 2024 at Babatngon, Leyte.

**I HEREBY CERTIFY** to the correctness of the foregoing ordinance.

  
**ALMA A. BALDOMAR**  
Secretary II

Secretary to the Sanggunian-Designate

**ATTESTED:**

  
**HON. ROSARY PEARL G. CATUDIO**  
Municipal Vice-Mayor  
Presiding Officer

  
**HON. CHRISTIAN C. LAWSIN**  
Sangguniang Bayan Member

  
**HON. KEMUEL RUE M. CORSIGA**  
Sangguniang Bayan Member

  
**HON. KARL JOMAR L. EMBANA**  
Sangguniang Bayan Member

  
**HON. ILDEFONSO B. ODON**  
Sangguniang Bayan Member

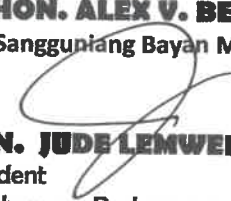
  
**HON. FEDERICO P. ELIZAGA, JR.**  
Sangguniang Bayan Member

**HON. HILARION S. MENZON**  
Sangguniang Bayan Member

(Absent)  
  
**HON. CHARIFA M. CHAN**  
Sangguniang Bayan Member

(Mandatory Leave)  
  
**HON. ALEX V. BELLO**  
Sangguniang Bayan Member

  
**HON. EDGARDO Y. MORDEN**  
President  
Liga ng mga Barangay

  
**HON. JUDE LEMWEL B. VETHIMVAS**  
President  
Pambayang Pederasyon ng  
Sangguniang Kabataan

**APPROVED:**

  
**HON. ELEONOR B. LUGNASIN**  
Municipal Mayor

Date: 12 AUG. 2024





**OFFICE OF THE SANGGUNIANG BAYAN**

**CERTIFICATION**

**TO WHOM THIS MAY CONCERN:**

**This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 13 August 2024 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder Ordinance, to wit:**

1. Ordinance No. 472, entitled: "AN ORDINANCE GOVERNING THE USE OF FIRECRACKERS AND PYROTECHNICS IN THE MUNICIPALITY OF BABATNGON, LEYTE."

**Made this 13<sup>th</sup> day of August 2024 at Babatngon, Leyte.**

A handwritten signature in black ink, appearing to read "A. Baldomar".

**ALMA A. BALDOMAR**  
Secretary II  
Secretary to the Sanggunian-designate

