



Republic of the Philippines
Province of Agusan del Sur
MUNICIPALITY OF TRENTO

OFFICE OF THE SANGGUNANG BAYAN
THIRTEENTH SANGGUNANG BAYAN

EXCERPT FROM THE MINUTES OF THE 34th REGULAR SESSION OF THE HONORABLE SANGGUNANG BAYAN OF TRENTO HELD AT THE SB SESSION HALL, TRENTO, AGUSAN DEL SUR ON APRIL 18, 2017

PRESENT:

Hon. Felimon S. Marte	Municipal Vice Mayor
Hon. John Arbee A. Agcopra	Sangguniang Bayan Member
Hon. Edcil Marie D. Pagayon	Sangguniang Bayan Member
Hon. George G. Diel	Sangguniang Bayan Member
Hon. Permita B. Lamberto	Sangguniang Bayan Member
Hon. Rose P. Mabunga	Sangguniang Bayan Member
Hon. Edgar C. Abiao	Ex-Officio Member (ABC President)

ABSENT: NONE

ON OFFICIAL BUSINESS:
NONE

"MUNICIPAL ORDINANCE NO. 019
Series of 2017

AN ORDINANCE PROHIBITING THE MANUFACTURE, 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 TRENTO, AGUSAN DEL SUR

Author: Hon. George G. Diel

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

WHEREAS, item no. 2 of the said circular states that "the local sanggunian may also pass 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 2008-162 dated November 3, 2008 enjoins all Local Chief Executives to cause the cancellation or revocation of business permits or licenses of business establishments found manufacturing, importing, distributing and selling any consumer product declared as injurious and dangerous to health and safety;

WHEREAS, every year significant number of injuries, both severe and mild, caused by firecrackers were reported and record by the Health Department wherein most victims were minors;

NOW THEREFORE, on motion by Hon. George G. Diel and duly seconded by Hon. Rose P. Mabunga, be it

RESOLVED, AS IT IS HEREBY RESOLVED, by the Sangguniang Bayan in session assembled, to enact the following ordinance:

AN ORDINANCE PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION, POSSESSION AND USE OF FIRECRACKERS OR PYROTECHNIC DEVICES AND SUCH OTHER SIMILAR DEVICES AND CAUSING THE EXPLOSION OF THE SAME OR OTHER SIMILAR EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF TRENTO, AGUSAN DEL SUR

SECTION 1. TITLE. This Ordinance shall be known as "The Total Ban Of Manufacture, Sale, Distribution, Possession And Use Of Firecrackers Or Pyrotechnic Devices Within Territorial Jurisdiction Of Trento, Agusan del Sur"

SECTION 2. 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 explosive devices within the municipality to promote public safety, peace, order and security.

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:

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

SECTION 3. PROHIBITED ACTS. It shall be unlawful for any person or business establishment to manufacture, sell or offer sale, distribute, possess or use any firecracker or pyrotechnic devices or such other similar devices within the territory of Trento, Agusan del Sur;

SECTION 4. PENALTIES. Violation of any of the provisions of Section 3 of this Ordinance shall be penalized as follows:

- A.) For the first offense, a fine of One Thousand Pesos (Php1,000.00) or imprisonment of not more than One (1) month but no less than twenty (20) days, or both fine and imprisonment, at the discretion of the Court. In addition thereto, the concerned business establishment's business permit shall be suspended and it shall be ordered to be closed by the Municipal Government for a period not less than three (3) months but not more than six (6) months.
- B.) For the second offense, a fine of One Thousand Five Hundred Pesos (Php1,500.00) or imprisonment of not more than Three (3) months but not less than One (1) month, or both fine and imprisonment, at the discretion of the Court. In addition thereto, the concerned business establishment's business permit shall be suspended and it shall be ordered to be closed by the Municipal Government for a period not less than six (6) months and one (1) day but not more than twelve (12) months.
- C.) For the Third offense, a fine of Two Thousand Pesos (Php2,000.00) 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.

SECTION 5. CONFISCATION. – All confiscated firecracker and pyrotechnic devices will be destroyed under the supervision of the Municipal Mayor, and the Members of the Task Force Anti-Firecrackers.

SECTION 6. EXEMPTION. Use of "Sumpak" and similar devices to drive away birds from ricefields is not covered by this ordinance.

SECTION 7. 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 8. 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 9. This Ordinance shall take effect after its approval and following its publication in a newspaper of general circulation.

SO ORDAINED / ENACTED.

ADOPTED this 18th day of April, 2017.

I hereby certify to the correctness of the above-quoted Municipal Ordinance.

ATTESTED BY:

FELIMON S. MARTE
Municipal Vice Mayor

CERTIFIED CORRECT:

ATTY. ANA FE S. DELA VEGA, REB
Secretary to the Sanggunian

APPROVED:

WILLIAM E. CALVEZ, CE
Municipal Mayor

Date Signed: AT-J-2017