



Republic of the Philippines
Department of Finance
BUREAU OF CUSTOMS
Manila

November 24, 2015

CUSTOMS MEMORANDUM CIRCULAR
NO. 165-2015

TO: All Deputy Commissioners
All Directors/District and Port Collectors
All Chiefs of Divisions Concerned

SUBJECT: Regulating the Sale, Manufacturing, Distribution and Use of
Firecrackers

Attached is the letter dated November 3, 2015 of Undersecretary Austere A. Panadero, Department of the Interior and Local Government endorsing a copy of the Joint Memorandum Circular No. 1, series of 2014, entitled: *“Regulating the Sale, Manufacture, Distribution and Use of Firecrackers, Polyvinyl Pipe “Boga” and Other Pyrotechnic Devices, and Adoption of Advocacy Campaigns and Preventive Measures from Firecracker and Firework Injuries or Death and Damage to Properties”*.

Section 3.7 thereof, states the responsibilities of the Bureau of Customs in carrying out the purpose and intent of this Joint Memorandum Circular.

For your information and guidance.

Please confirm the dissemination of this circular throughout your offices within fifteen days from receipt hereof.


ALBERTO D. LINA
Commissioner





Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, QUEZON CITY
Telephone Number 925.11.48 ▪ 925.88.88 ▪ 925.03.32
www.dilg.gov.ph

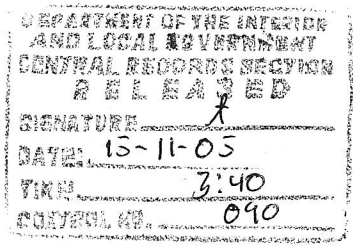


OFFICE OF THE UNDERSECRETARY FOR LOCAL GOVERNMENT

HON. ALBERTO D. LINA
Commissioner
Bureau of Customs
Bureau of Customs Building
Port Area, South Harbor, Manila



November 3, 2015



Dear COMMISSIONER LINA:

This has reference to Joint Memorandum Circular No. 1, series of 2014, entitled, "REGULATING THE SALE, MANUFACTURE, DISTRIBUTION AND USE OF FIRECRACKERS, POLYVINYL PIPE "BOGA" AND OTHER PYROTECHNIC DEVICES, AND ADOPTION OF ADVOCACY CAMPAIGNS AND PREVENTIVE MEASURES FROM FIRECRACKER AND FIREWORK INJURIES OR DEATH AND DAMAGE TO PROPERTIES", dated 4 December 2014.

Based on Section 3.7 of the said JMC, the Bureau of Customs is responsible in the monitoring of imported chemicals or explosive ingredients of firecrackers and pyrotechnic devices; denying the entry of the importation of firecrackers, fireworks and pyrotechnic devices who failed to produce the required documents and the likes.

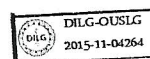
In this regard, this Department would like to request your agency to carry out the duties, roles and responsibilities indicated therein to ensure public safety, order and national security in the upcoming Holiday Seasons

Attached herewith is the JMC for your reference.

Thank you for your kind cooperation.

Very truly yours,

Austere A. Panadero
AUSTERE A. PANADERO
Undersecretary





December 04, 2014

JOINT MEMORANDUM CIRCULAR

No. 01, Series of 2014

TO : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, PUNONG BARANGAYS, THE ARMM REGIONAL GOVERNOR, DILG REGIONAL DIRECTORS, OFFICERS OF THE PHILIPPINE NATIONAL POLICE, BUREAU OF FIRE PROTECTION, DEPARTMENT OF HEALTH, DEPARTMENT OF TRADE AND INDUSTRY, DEPARTMENT OF FINANCE, BUREAU OF CUSTOMS, AND OTHERS CONCERNED

SUBJECT : COORDINATION OF GOVERNMENT AGENCIES FOR THE IMPLEMENTATION OF REPUBLIC ACT NO. 7183 (AN ACT REGULATING THE SALE, MANUFACTURE, DISTRIBUTION AND USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES) AND ADOPTION OF ADVOCACY CAMPAIGNS AND MEASURES FOR THE PREVENTION OF INJURIES, DEATH AND DAMAGE TO PROPERTIES CAUSED BY FIRECRACKERS

1.0 PURPOSE

This Joint Memorandum Circular is issued to enjoin coordinative efforts between the Department of the Interior and Local Government, Philippine National Police, Bureau of Fire Protection, Department of Health, Department of Trade and Industry, Department of Finance, Bureau of Customs and Local Government Units, on the regulation of the sale, manufacture, distribution and use of firecrackers, polyvinyl pipe "boga" and other pyrotechnic devices, and the adoption of advocacy campaigns and preventive measures from firecracker and firework injuries or death and damage to properties, during Christmas and New Year's celebrations.

2.0 LEGAL BASIS

This Circular is in furtherance of public safety, order and national security, pursuant to Republic Act No. 7183, *An Act Regulating the Sale, Manufacture and Use of Firecrackers and Other Pyrotechnic Devices*, and the promotion of health and safety and general welfare of the people, in accordance with Section 16 of Republic Act No. 7160 or the Local Government Code of 1991.

3.0 ROLES AND RESPONSIBILITIES

All concerned are hereby reminded to implement and observe their respective roles and responsibilities, in accordance with existing laws, rules and regulations:

3.1 The Provincial Government, through the Provincial Governor, shall:

- 3.1.1 Ensure that the acts of component cities and municipalities of the province and of its officials and employees are within the scope of their prescribed powers, functions, duties and responsibilities, pursuant to Section 465 (b) (2) (i), and Section 29, LG Code of 1991;
- 3.1.2 Ensure that only the following types of firecrackers and pyrotechnic devices are being manufactured, sold, distributed and used, as allowed under the 2012 Revised Implementing Rules and Regulations Governing the Administration and Enforcement of R.A. No. 7183:

Firecrackers	Pyrotechnic Devices
<ul style="list-style-type: none"> • Baby rocket • Bawang • Small Triangulo • Pulling of Strings • Paper caps • El diablo • Judah's belt • Sky rocket or Kwitis • Other types equivalent to the foregoing in explosive content 	<ul style="list-style-type: none"> • Mabuhay • Roman Candle • Trompillo • Whistle device • Butterfly • Fountain • Jumbo Regular • Luces • Sparklers • All kinds of pyrotechnic devices or pailaw • Other types equivalent to the foregoing devices

3.1.3 Direct the PNP to confiscate the following types of firecrackers and pyrotechnic devices that are prohibited by R.A. No. 7183 and its 2012 Revised IRR:

- Atomic big, Trianggulo, Super Lolo, Giant Whistle Bomb and Other types equivalent to the foregoing in explosive content, Firecrackers which are overweight or more than 0.2 grams or more than 1/3 teaspoon in explosive content, Firecrackers which are oversized, Firecrackers which fuse burns in less than 3 seconds or more than 6 seconds, Imported finished product, and Firecrackers with mixture of phosphorous or sulfur with that of chlorate, and polyvinyl pipe "boga";
- Manufactured, sold or distributed without the necessary occupancy permit, or business or permit to operate;
- Transported without a "Permit to Transport", in the case of a dealer;

- Imported firecrackers/fireworks in the market
- 3.1.4 Direct all its component cities and municipalities to take the lead in the conduct of an information campaign within their respective jurisdictions on the (a) danger that the polyvinyl chloride pipe or "boga" and firearms may cause to the user or others, and (b) danger of fire due to the use of firecrackers or fireworks;
- 3.1.5 Convene the local Peace and Order Council in order to incorporate in the Public Safety Plan specific project(s) aimed at protecting constituents from the danger brought by the use of firecrackers, pyrotechnic devices, and firearms, and to ensure that police or other law enforcement agency personnel implement the project(s); and
- 3.1.6 Cooperate with the Philippine National Police and Bureau of Fire Protection in the conduct of inspection and confiscation of prohibited firecrackers, as well as the enforcement of the rules and regulations of R.A. No. 7183 and its 2012 Revised IRR.

3.2 The City Government, or Municipal Government, through the Mayor, shall:

- 3.2.1 Cause the enactment of an ordinance which regulates the manufacture, sale, distribution and use of any firecracker and pyrotechnic devices and promote an alternative form of revelry;
- 3.2.2 Strictly enforce existing laws and ordinances relative to the sale, manufacture, distribution and use of firecrackers, polyvinyl pipe "boga" and other pyrotechnic devices, as mandated by Section 455 (b) (2) and Section 444 (b) (2), LG Code of 1991;
- 3.2.3 Ensure that the acts of component barangays and of its officials and employees are within the scope of their prescribed powers, functions, duties and responsibilities, pursuant to Section 455 (b) (2) (i) and Section 444 (b) (2) (i), LG Code of 1991;
- 3.2.4 Designate the following zones, in coordination with PNP and BFP, pursuant to R.A. No. 7183 and IRR of R.A. No. 9514, or the Revised Fire Code of the Philippines of 2008;
 - 3.2.4.1 Manufacturing Zone (Section 7, R.A. No. 7183) – a designated area where a manufacturing complex may be established;
 - 3.2.4.2 Display Center or "Firecracker and Pyrotechnic Zone" (Section 10.4.6.5, IRR of R.A. No. 9514)– a designated area for selling firecrackers and pyrotechnics; and

3.2.4.3 Fireworks Exhibition Zone (Section 10.4.6.7, IRR of R.A. No. 9514) – a designated area where fireworks exhibition maybe conducted.

3.2.5 Observe the following safety guidelines within these zones:

3.2.5.1 Manufacturing Zone (Section 7, R.A. No. 7183)

- (a) The manufacturing complex should be 300 meters away from the nearest residential areas. In the absence of a perimeter, the 300 meters are to be measured from the closest wall;
- (b) The manufacturing complex shall be governed by, but not limited to, the following safety measures:
 - (1) All buildings shall have adequate ventilation, no concrete floors, must be leak-proof and furnished with necessary fire extinguishers;
 - (2) The warehouse must be at least fifty (50) meters away from any processing station of the complex; and
 - (3) The following processing stations of the complex shall be laid out according to the indicated minimum distance from each other with all sides open:
 - Mixing 50 MTS
 - Grinding 40 MTS
 - Packaging 40 MTS
 - Nagmimitsa 20 MTS
 - Loading 20 MTS

3.2.5.2 Display Center or "Firecracker and Pyrotechnic Zone" (Section 10.4.6.5, IRR of R.A. No. 9514)

- (a) Display centers for selling firecrackers and pyrotechnics shall be separated from each other by a firewall with a fire resistance rating of not less than two (2) hours as determined by the BFP;
- (b) All malls and other similar establishments shall not be utilized as display centers for selling of firecrackers and pyrotechnics unless done through media presentation or other means without necessarily displaying the said firecrackers therein;
- (c) Fire extinguisher/s shall be provided in accordance with Section 10.2.6.7 of the IRR of R.A. No. 9514;
- (d) Smoking within fifteen meters (15m) from a display center shall not be allowed;

- (e) Testing of firecrackers and pyrotechnics shall be prohibited; and
- (f) Stoves, exposed flames, and portable electric heaters shall be prohibited.

3.2.5.3 Fireworks Exhibition Zone (Section 10.4.6.6 and Section 10.4.6.7 IRR of R.A. No. 9514)

- (a) That a clearance to conduct fireworks exhibition from the City/Municipal Fire Marshal having jurisdiction be secured;
- (b) That a permit to possess and display fireworks shall first be secured from the Philippine National Police;
- (c) That fireworks be fired at a distance of one hundred feet (100ft) away from people;
- (d) That all fireworks shall project upwards;
- (e) That a responsible person of at least (21) twenty one years old and with adequate knowledge of handling fireworks shall be assigned to supervise fireworks display;
- (f) That sufficient approved type of first aid fire protection equipment shall be on hand at the site during fireworks exhibition; and
- (g) That the nearest fire station shall be notified of such exhibitions.

3.2.6 Ensure that only the enumerated types of firecrackers and pyrotechnic devices under Item No. 3.1.2 of this Joint Memorandum Circular are being manufactured, sold, distributed and used, as allowed under 2012 Revised IRR Governing the Administration and Enforcement of R.A. No. 7183;

3.2.7 Direct the PNP to confiscate prohibited types of firecracker and pyrotechnic devices as enumerated under Item No. 3.1.3 of this Joint Memorandum Circular as well as those imported firecracker and pyrotechnic devices;

3.2.8 Issue a Mayor's Permit to manufacturer, dealer and retailer of firecrackers, within ten (10) working days from the filing of application, provided that a BFP Certification has already been issued and all other necessary requirements have been complied with, pursuant to Section 8 of Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007.

Failure to act within the prescribed period may subject concerned LGU officials and/or employees to sanctions provided under Section 11 of the same Act and other applicable laws.

- 3.2.9 Revoke or cancel Mayor's permit of a manufacturer, seller or distributor who is engaged in prohibited firecrackers and other pyrotechnic devices;
- 3.2.10 Take the lead in the conduct of an information campaign within their respective localities on the (a) danger that the polyvinyl chloride pipe or "boga" and firearms may cause to the user or others, and (b) danger of fire due to the use of firecrackers or fireworks;
- 3.2.11 Cooperate with the Philippine National Police and Bureau of Fire Protection in the conduct of inspection and confiscation of prohibited firecrackers as well as the enforcement of the rules and regulations of R.A. No. 7183 and its 2012 Revised IRR; and
- 3.2.12 Convene the local Peace and Order Council in order to incorporate in the Public Safety Plan specific projects aimed at protecting constituents from the danger brought by the use of firecrackers, pyrotechnic devices, and firearms, and to ensure that police or other law enforcement agency personnel implement the projects.

3.3 The Barangay Government, through the Punong Barangay, shall:

- 3.3.1 Assign the Barangay Tanod to undertake the following:
 - 3.3.1.1 Regular "ronda" to assist the police in monitoring and ensuring that manufacturing, display center, and fireworks exhibition are within the designated zones;
 - 3.3.1.2 Report to the police any violation on the designated zones; and
 - 3.3.1.3 Upon request, provide necessary assistance to law enforcement agencies;
- 3.3.2 Conduct massive advocacy and information dissemination within the barangay;
- 3.3.3 In coordination with the City or Municipal Government, as the case may be, designate particular zones as mentioned under Item No. 3.2.4 of this Joint Memorandum Circular and observe the safety guidelines as enumerated in Item No. 3.2.5 of this Joint Memorandum Circular, pursuant to R.A. No. 7183 and IRR of R.A. No. 9514;
- 3.3.4 Ensure that the City or Municipal Ordinance on the regulation of sale, manufacture, distribution and use of fireworks, polyvinyl pipe "boga" and other pyrotechnic device is faithfully complied within the barangay;

