

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the Regular Session of the Sangguniang Panlungsod of the City of Naga, Cebu held on December 21, 2016 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

HON. OHELLO M. CHIONG
HON. VIRGILIO M. CHIONG
HON. AURELIO B. ALINSONORIN
HON. DELFIN R. SEÑOR
HON. AFSHIN MARK K. SEÑOR
HON. CARMELINO N. CRUZ, JR.
HON. RODRIGO A. NAVARRO
HON. PABLO A. ABANGAN
HON. LUZMINDA R. LAPITAN
HON. PORFERIO V. RESABA, JR.
On Official Business:
HON. JUSTINO L. DAKAY
HON. ALEXANDER R. LARA

- Vice Mayor/Presiding Officer
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- ABC President
- Sangguniang Panlungsod Member



ORDINANCE NO. 2016-016

Hon. Virgilio M. Chiong – Sponsor

AN ORDINANCE PROHIBITING BUSINESS ESTABLISHMENTS FROM SELLING ANY KIND OF FIRECRACKERS OR PYROTECHNICS TO MINORS AGE 15 YEARS OLD AND BELOW AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, Article 1 of the Children’s Code provides that the child is one of the most important assets of the nation, every effort should be exerted to promote his/her welfare and enhance his/her opportunities to a useful and happy life;

WHEREAS, the State, by virtue of its commitment as a party to the United Nations Convention on the Rights of a Child, undertakes to ensure the child such protection and care as is necessary for his or her well-being, with due regard to the rights and duties of his or her parent, legal guardians, or other individuals legally responsible for him or her, and to this end shall take all appropriate legislative and administrative measures;

WHEREAS, the City Government of Naga, Cebu mandates to safeguard the foregoing rights of the child as member of the society under Section 16 or the general welfare clause of RA 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, many people including minors play with firecrackers or pyrotechnics, especially during Christmas Season thereby causing them injuries or poison;

WHEREAS, in order to protect the health and safety of the minors, it is necessary that the sale of firecrackers or pyrotechnics or any kind thereof, be regulated by prohibiting business establishments from selling them to minors.

WHEREAS, this ordinance is one of the requirements of the Child-Friendly Local Governance Audit (CFLGA) by virtue of Department of Interior and Local Government (DILG) Memorandum Circular 2014-80 dated July 7, 2014.

NOW THEREFORE, BE IT ORDAINED, as it is hereby ORDAINED by the Sangguniang Panlungsod of the City of Naga, Cebu, in session assembled, that:

SECTION 1. TITLE - This ordinance shall be known as “AN ORDINANCE PROHIBITING BUSINESS ESTABLISHMENTS FROM SELLING ANY KIND OF FIRECRACKERS OR PYROTECHNICS TO MINORS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.”

SECTION 2. COVERAGE - This ordinance shall apply to all persons whether natural or juridical, and enforceable and applicable within the territorial jurisdiction of City of Naga Cebu.

If the violation is committed by a corporation or partnership, the President or General Manager shall be liable. In the case of single proprietorship, the Ordinance holds the owner or proprietor liable.

SECTION 3. OPERATIONAL DEFINITION OF TERMS –

a.) Minors- individual Minors- individual of any sex who are below eighteen (18) years of age. As applied in this ordinance, the prohibited act is applicable to minors who are 15 years old and below.

b.) Business Establishment - a unit for occupation (sole proprietorship, partnership or corporation) which sells any merchandise or article of commerce to the consumer public for profit or gain.

c.) Natural person - a common individual by birth.

d.) Juridical person - an organization, association, corporation or partnership operating in accordance with pertinent laws.

SECTION 4. PROHIBITION -

a.) The selling of firecrackers to minors age fifteen (15) years and below.

b.) Among those prohibited by the Ordinance are piccolo, baby rocket, bawang, small triangulo, pulling of strings, paper caps, el diablo, watusi, Judah's belt, sky rocket (kwitis) and other types equivalent to the foregoing in explosive content, and pyrotechnic devices such as sparklers, luces, fountain, jumbo regular and special, mabuhay, roman candle, trompillo, airwolf, whistle, butterfly, all kinds of pyrotechnic devices (pailaw) and other types equivalent to the foregoing devices.

SECTION 5. PENALTIES - Any business establishment (natural or juridical) found guilty of violating this ordinance shall be penalized as follows:

On the first offense: - Fine of Five Hundred Pesos (P500.00)

On the second offense: - Fine of One Thousand Pesos (1,000.00) and confiscation of firecrackers

On the third offense: - Fine of One Thousand Pesos (P1,500.00) and confiscation of firecrackers without prejudice to penalties provided for by national laws on the same subject matter.

SECTION 6. ENFORCEMENT - The Philippine National Police (PNP), Bureau of Fire Protection (BFP) and the corresponding Barangay Officials, Barangay Kagawads, and Barangay Tanods of the Barangay where the business establishment is located shall be duly authorized to implement this Ordinance. The corresponding fine shall be paid to the barangay treasurer. An official receipt should be issued as proof of payment.

The Punong Barangays concerned shall recommend to the Office of the City Mayor the non-renewal of permits and licenses of business establishments found to have violated this Ordinance, subject to the provision of Section 5 hereof for non-payment of fines.

The collection from said penalty shall be apportioned as follows: 70% will go to the barangay concerned and 30% will be remitted to the City Treasury.

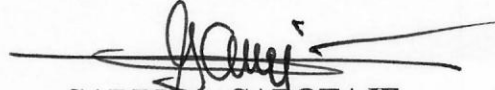
SECTION 7. APPROPRIATIONS - Amount necessary to implement this ordinance shall be included in the budget.

SECTION 8. SEPARABILITY CLAUSE - If, for any reason, any part or provision of this Ordinance be declared unconstitutional or invalid, the other parts or provision thereof not affected shall continue to be in full force and effect.

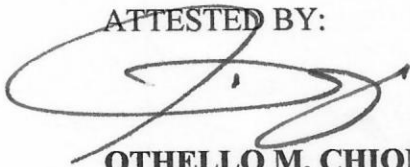
SECTION 9. EFFECTIVITY – This Ordinance shall take effect immediately upon its approval in accordance with law.

APPROVED on third and final reading this 21st day of December 2016, on motion of Hon. Virgilio M. Chiong, seconded by Hon. Afshin Mark K. Señor.


CERTIFIED CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


OTHELLO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:


KRISTINE VANESSA T. CHIONG
City Mayor