



Republic of the Philippines  
Province of Davao del Sur  
MUNICIPALITY OF MAGSAYSAY

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15<sup>th</sup> Sangguniang Bayan  
58<sup>th</sup> Regular Session  
April 30, 2018



ORDINANCE NO. 05 - 2018

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Introduced by: Hon. RONIE L. SARANDE, SB Member  
Co-Author : Hon. ALEXANDER L. COSSID, SB Member  
Hon. VEVENCIO C. LAGANSE, SB Member  
Hon. CHONA D. SENG, SB Member  
Hon. ALLAN P. CARAMPATANA, SB Member  
Hon. SILVERIO C. TORATE, SB Member

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AN ORDINANCE

PROHIBITING THE MANUFACTURE, SALE, DISTRIBUTION, POSSESSION OR USE OF FIRECRACKERS OR PYROTECHNIC DEVICES AND SUCH OTHER SIMILAR OR OTHER SIMILAR EXPLOSIVES WITHIN THE TERRITORIAL JURISDICTION OF MAGSAYSAY, DAVAO DEL SUR.

BE IT ORDAINED by the Sangguniang Bayan of Magsaysay, Davao del Sur that:

- Section 1. 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 devices and the exploding firecrackers and other explosives, within Magsaysay, Davao del Sur in furtherance of public safety, peace, order and security of the community.
- Section 2. PROHIBITED ACTS- a) It shall be unlawful for any person or business establishment to manufacture, sell or offer for sale, distribute, possess or use any firecracker or pyrotechnic device or such other devices within the territory of Magsaysay, Davao del Sur; b) It shall, likewise, be unlawful for any person to discharge or explode, or cause to discharge or to explode, any firecrackers or any other explosive or to use any pyrotechnic device or any such other similar devices, at anytime and anywhere within the territory of Magsaysay, Davao del Sur.
- Section 3. PENALTIES- Violation of any provisions of Section 2 of this Ordinance shall be penalized as follows:
1. For the First Offense- a fine of One Thousand Person (P1,000.00) or imprisonment of not more than one (1) Month but not less than Twenty (20) days, or both fine and imprisonment, at the discretion of the courts;
  2. For the Second Offense- a fine of Two Thousand Pesos (P2,000.00) 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.
  3. For the Third Offense- a fine of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of not more than Six (6) Months but not less than Three (3) Months, 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 the 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 the single proprietorship.

In addition to the forgoing penalties the business permit of the business establishment shall be cancelled by the municipal mayor upon the commission of the third offense.

Section 4. SEPARABILITY CLAUSE- should any of the provisions of the ordinance be declared inoperative by the courts for being inconsistent with the constitution of the law. The other unaffected provisions of this ordinance shall remain in full force and effect.

Section 5. REPEALING CLAUSE- any and all ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repeated or modified accordingly.

Section 6. EFFECTIVITY. This Ordinance shall take effect upon approval.

ENACTED this 30<sup>th</sup> of April, 2018.

Certified Correct:

DANILO M. OMAGTANG  
Secretary to the Sangguninan

Attested:

DONNABEL JOY P. FEROLINO - MEJIA  
(Municipal Vice Mayor)  
Presiding Officer

Approved:

ARTHUR D. DAVIN, CE  
Municipal Mayor

Date: \_\_\_\_\_