



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

VNA-MC-_____

MEMORANDUM CIRCULAR NO. 040

**TO : Undersecretaries and Assistant Secretaries
The Prosecutor General
The Chief State Counsel
Heads of Bureaus, Commissions and
Offices attached to the DOJ
All Concerned**

SUBJECT : Executive Order No. 28 dated 20 June 2017

DATE : JUN 27 2017

Attached is a photocopy of Executive Order No. 28 signed by President Rodrigo Roa Duterte on 20 June 2017 entitled, "**PROVIDING FOR THE REGULATION AND CONTROL OF THE USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES**".

For your information, guidance and appropriate action.

VITALIANO N. AGUIRRE II
Secretary

Department of Justice
CN : 0201706302



Enclosures: Photocopy of Executive Order No. 28 dated 20 June 2017



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 28

**PROVIDING FOR THE REGULATION AND CONTROL OF THE USE
OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES**

WHEREAS, it is a Filipino tradition to use firecrackers and other pyrotechnic devices to celebrate events of personal, religious, cultural and national importance;

WHEREAS, Republic Act (RA) No. 7183 contains illustrative lists of what comprises firecrackers and other pyrotechnic devices, and provides for the regulation and control of their manufacture, sale, distribution and use consistent with, and in furtherance of, public safety, order and national security, as well as the enhancement of the cultural traditions;

WHEREAS, the said law authorizes the Philippine National Police (PNP), through its Director-General, to determine what constitutes prohibited firecrackers and other pyrotechnic devices, and to promulgate rules and regulations necessary to regulate and control their use after public hearing and consultation with the firecrackers and pyrotechnic industry;

WHEREAS, local chief executives are likewise authorized to promulgate the necessary rules and regulations on firecrackers and other pyrotechnic devices within their territorial jurisdiction in conformity with the national standards, rules and regulations;

WHEREAS, as there continues to be a substantial number of firecracker related injuries, even casualties, recorded every year, some involving mere bystanders, the promulgation of stricter national standards, rules and regulations is warranted;

WHEREAS, Article VII, Section 17 of the Constitution provides that the President shall have control over all of the executive departments, bureaus and offices, and shall ensure that the laws are faithfully executed;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Community Fireworks Display. To minimize the risk of injuries and casualties, the use of firecrackers shall henceforth be confined to community fireworks displays.

A display of fireworks qualifies as a community fireworks display if it complies with all of the following conditions:

- a. It is conducted on the occasion or as part of a celebration, competition, or similar event held in a venue other than a place of residence;
- b. It is conducted under the supervision of a trained person duly licensed by the PNP; and
- c. It is allowed by the municipality/city concerned through a permit specifying the date and time of the fireworks display and the specific area in which the display will be conducted, in conformity with national standards, rules and regulations.

Section 2. Other Pyrotechnic Devices. Pyrotechnic devices other than firecrackers may be used outside community fireworks displays subject to existing laws, rules and regulations.

Section 3. Prohibited Firecrackers and Pyrotechnic Devices. Pursuant to RA No. 7183, the Director-General of the PNP is hereby directed to promulgate criteria for what constitutes prohibited firecrackers and pyrotechnic devices within thirty (30) days from the effectivity of this Order, and also to provide specific lists of such devices as may be necessary for the guidance of the public, which will be disseminated to all concerned. All fireworks falling under such criteria may not be manufactured, sold, distributed or used even as part of a community fireworks display.

Section 4. Implementing Rules and Regulations. The PNP, in coordination with the Department of Health (DOH), the Department of the Interior and Local Government (DILG), the Department of the Environment and Natural Resources (DENR), and the Bureau of Fire Protection (BFP), after the appropriate public consultation, shall promulgate rules and regulations for the implementation of this Order, which shall include guidelines on allowable areas where community fireworks displays may be conducted. Such rules and regulations shall form an integral part of the Implementing Rules and Regulations of RA No. 7183.

Section 5. Administration and Enforcement. The PNP, in coordination with other concerned agencies and the local government units, shall be primarily responsible for the enforcement of RA No. 7183 and this Order, which shall include the conduct of inspections, and the confiscation and destruction of prohibited firecrackers and pyrotechnic devices in accordance with law.

Section 6. Support of Other Government Agencies. All other departments, agencies and instrumentalities of the government, including government –owned and –controlled corporations are directed to provide the support and assistance required in the implementation of this Order.

Section 7. Information Campaign. The DOH, the Department of Education, BFP, PNP, the DENR, and local government units, shall conduct information campaigns on the danger of using fireworks.

Section 8. Report. The PNP, DILG and DOH shall submit a consolidated report to the Office of the President regarding the implementation of this Order within thirty (30) days from the effectivity of this Order and every six (6) months thereafter, including statistics on the victims of firecrackers and other pyrotechnic devices per municipality or city.

Section 9. Funding. The amounts necessary for the implementation of this Order shall be sourced from the appropriations of all concerned departments, agencies and local government units.

Section 10. Separability. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Section 11. Effectivity – This Executive Order shall take effect immediately.

DONE, in the City of Manila, this 20th day of **June** in the year of Our Lord, Two Thousand and Seventeen.

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary

