



Republic of the Philippines
Department of Education

28 DEC 2018

DepEd MEMORANDUM
No. **198**, s. 2018

**DISSEMINATION OF THE IMPLEMENTING RULES AND REGULATIONS OF EXECUTIVE ORDER NO. 28
DATED JUNE 20, 2017 ENTITLED PROVIDING FOR THE REGULATION AND CONTROL
OF THE USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES**

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public and Private Elementary and Secondary School Heads
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of the Implementing Rules and Regulations of Executive Order No. 28 dated June 20, 2017 entitled **Providing for the Regulation and Control of the Use of Firecrackers and Other Pyrotechnic Devices.**
2. Immediate dissemination of this Memorandum is desired.


LEONOR MAGTOLIS BRIONES
Secretary

Encl.:

As stated

Reference:

DepEd Memorandum No. 201, s. 2017

To be indicated in the Perpetual Index
under the following subjects:

BUREAUS AND OFFICES
CAMPAIGN
LEGISLATIONS
RULES AND REGULATIONS
SAFETY EDUCATION



Republic of the Philippines
NATIONAL POLICE COMMISSION
NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
OFFICE OF THE CHIEF, PNP
Camp BGen Rafael T Crame, Quezon City

2017 IMPLEMENTING RULES AND REGULATIONS GOVERNING THE ADMINISTRATION AND ENFORCEMENT OF EXECUTIVE ORDER NO. 28 DATED JUNE 20, 2017 ENTITLED "PROVIDING FOR THE REGULATION AND CONTROL OF THE USE OF FIRECRACKERS AND OTHER PYROTECHNIC DEVICES" IN RELATION TO RA 7183 DATED JANUARY 30, 1992

Pursuant to Section 4 of Executive Order No. 28 dated June 20, 2017, the following rules and regulations necessary to regulate and control the use of firecrackers and other pyrotechnic devices, are hereby promulgated:

RULE 1

COMMUNITY FIREWORKS DISPLAY

Section 1. As used in these rules, firecrackers, as may be differentiated from other pyrotechnic devices, is a low explosive device wrapped in paper or cardboard casing containing an explosive compound and usually lit with a fuse, which is primarily designed to produce a sound, usually in the form of a loud bang, and any visual effect thereto is merely incidental to the nature of its effect and purpose. The use thereof is confined to community fireworks display only.

Section 2. A community fireworks display referred to in these rules are those held using the types of firecrackers enumerated and defined under paragraphs (a), (b), (c), (d), (e), (f), (g), (h) and (j) of Section 1, and those falling under class 2 and 3 defined under paragraphs (b) and (c) of Section 3, all of Rule I of the 2012 IRR of RA 7183, conducted on the occasion or as part of a celebration, competition or similar event held in a venue other than a place of residence, under the supervision of a trained person duly licensed by the PNP, and 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 3. All other pyrotechnic devices falling under Class 4, as defined in Section 3, Rule I of the 2012 IRR of RA 7183 are specialist devices for use in major displays. They may only be used for fireworks displays designed, operated and performed by PNP-licensed Fireworks Display Operators.

Section 4. Firecrackers zone, as used and defined in these rules, are the LGU-designated areas where the community fireworks display can be suitably conducted.

Section 5. The use of firecrackers shall not be allowed in densely populated areas. The LGUs shall identify a firecrackers zone or designate an area in their respective

territorial jurisdiction where residents may use firecrackers or conduct fireworks display, in consideration of the following factors:

- a. Population within the area;
- b. Availability of emergency medical staff and equipment;
- c. Availability of firefighting equipment;
- d. Safe distance from establishments using, storing or selling highly flammable substance;
- e. Safe distance from residential and school buildings;
- f. Safe distance from electrical and communication facilities and structures; and
- g. Such other factors relevant to the safety of residents in the area.

Section 6. The services of a Fireworks Display Operators shall be employed to supervise the use of firecrackers. For this purpose, the PNP-FEO shall accredit and validate, after reasonable training, the professionals qualified to use and supervise the use of firecrackers, whose license will be valid for 2 years.

Section 7. Permits for events or organized activities, including concerts, rallies, programs, shows and other similar activities involving the use of firecrackers at the designated community fireworks display zone shall be filed with the corresponding barangay, which shall secure the proper permit therefor with the municipal/city government. The application shall indicate the date and time of the fireworks display and the specific area or venue where it will be conducted. No permit shall be issued unless the conditions provided for in Section 1 of EO 28 have been met.

Section 8. The head of the barangay or the organizer of the community fireworks display, as may be applicable, shall be responsible for the following:

- a. Securing and engaging the service of the Fireworks Display Operator duly licensed by the PNP to supervise the conduct of the community fireworks display;
- b. Maintaining the security and safety of the area, before, during and after, to prevent any firecrackers-related injuries, and for the purpose, request the assistance of the PNP and other government agencies as necessary; and
- c. Cleaning the area after the community fireworks display was conducted, to ensure that no one collects/gathers firecrackers that may have failed to explode during the display.

RULE 2

OTHER PYROTECHNIC DEVICES

Section 1. Pyrotechnic devices, as defined and used under these rules, refer to a type of fireworks which utilize visuals such as colored lights, flames, smoke, sparks, flashes, etc, as primary effects, and any sound effect thereto is merely incidental to the nature of their effects and purpose. They are further categorized as: a) consumer pyrotechnics and b) professional display pyrotechnics.

Section 2. Consumer pyrotechnics are devices readily available for purchase by the general public with little or no special licensing and training, as enumerated and defined under Section 2 and falling under class 1, 2, and 3, defined under paragraphs (a), (b), and (c) of Section 3, all of Rule I of the 2012 IRR of RA 7183. These items are considered low hazard and may be used outside fireworks zone and community fireworks display, but like all pyrotechnics, can still be hazardous if not stored, handled and used appropriately.

Section 3. Professional display pyrotechnics also known as commercial fireworks, are pyrotechnic devices intended for use outdoors, where an audience can be further away, and smoke and fallout is less of a concern. They are placed inside mortars with lifting charges and ignited with a squib as part of its assembly. These pyrotechnic devices falling under Class 4, as defined in Section 3, Rule I of the 2012 IRR of RA 7183, may only be used for fireworks displays designed, operated and performed by PNP-licensed Fireworks Display Operators.

RULE 3

PROHIBITED FIRECRACKERS AND PYROTECHNIC DEVICES

Section 1. All types of firecrackers and other pyrotechnic devices, of such explosive content that could endanger life and limb, which are prohibited to be manufactured, sold, distributed, and used as enumerated and defined under Rule II of the 2012 IRR of RA 7183 shall remain in effect. All fireworks falling under such criteria and those that are oversized, overweight and do not pass safety inspection by trained personnel may not be manufactured, sold, distributed or used, even as part of a community fireworks display.

Section 2. The importation of finished firecrackers and pyrotechnic devices is prohibited. Finished fireworks are those firecrackers and other pyrotechnic devices which the composition inside contain at least fuel and oxidizing agent.

RULE 4

SAFETY GUIDELINES

Strict compliance with the following safety precautions, rules and regulations shall be observed by the LGUs, in coordination with PNP, BFP, DENR and DOH, in designating a firecrackers zone for community fireworks display:

- a. The owner of the site must have given a formal approval;
- b. The site must have sufficient dimension for the maximum caliber of fireworks being used in the display. A dimensioned plan of the site, indicating the firing area and the exclusion zone, along with a list of fireworks to be used in the display must be submitted along with the designation of the fireworks zone;

- c. A security plan must be in place to ensure that spectators will not have access to the exclusion zone. A copy of the security plan must be submitted along with the designation of the fireworks zone;
- d. The site must be free from flammable materials such as tall dry grass, fuel containers and so on;
- e. The site must have unrestricted access to first aid responders.

RULE 5

INFORMATION CAMPAIGN

The LGUs, in coordination with the DOH, DepEd, BFP, PNP and the DENR, shall conduct massive advocacy and information dissemination in the observance of proper use of firecrackers and other pyrotechnic devices, in consonance with this IRR.

RULE 6

RECORDS AND REPORT

Section 1. Records

- a. All Local Government Units shall keep in their possession a complete, itemized and accurate record showing the following:
 - 1) Community fireworks displays conducted in their territorial jurisdiction during the month, to include the date and time of the display, the specific area where it was conducted and the name of the PNP-licensed Fireworks Display Operator who supervised the display; and
 - 2) Statistics on the victims of firecrackers and other pyrotechnic devices per municipality/city during the month.
- b. Such records shall be subject to inspection by representatives of the PNP, DILG and DOH as often as necessary.

Section 2. Reports

- a. At the end of each month, local government units thru its local police offices in coordination with DOH shall submit a monthly report showing the community fireworks displays and statistics on injuries as provided in Section 1 (a) of this Rule to the Director, CSG thru Chief, FEO.
- b. In the province, the monthly report shall be submitted by the PD/CD in four (4) copies to the Regional Director who shall retain the triplicate copy for his file and forward the original and the duplicate to the D, CSG thru: C, FEO with his comment and recommendation.

RULE 7

FUNDING

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

RULE 8

SEPARABILITY CLAUSE

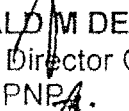
If, for any reason, any part or provision of this Implementing Rules and Regulations is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

RULE 9

EFFECTIVITY

This Implementing Rules and Regulations (IRR) shall take effect after 15 days from the filing of a copy hereof at the University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as "The Revised Administrative Code of 1987," as amended.




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