



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
Third Regular Session

HOUSE BILL NO. **6819**



Introduced by Honorable Hon. Feliciano Belmonte, Jr., Hon. Neptali M. Gonzales, II and Hon. Danilo E. Suarez

EXPLANATORY NOTE

This bill seeks to provide stiffer penalties for wilful or indiscriminate discharge of firearms, amending for the purpose Act No. 3815, otherwise known as the Revised Penal Code.

According to the Firearms and Explosives Division of the Philippine National Police, there are about 1.4 million registered guns in the country. However, the list does not include the estimated 4 million illegal and unlicensed guns being carried around by civilians and criminals.

Almost everyday, we hear about persons being shot for no reason. What's becoming more alarming is that these cases no longer involve just criminals or private individuals but policemen and members of the armed forces. And worst, the victims include children.

Just recently, a seven-year old girl from Caloocan City died after being hit by a stray bullet on New Year's eve. There are also reports from various parts of the country of other people being victims of indiscriminate firing of guns. The indiscriminate discharge of firearms especially during festivities is widely condemned because of the loss of lives of innocent people.

While illegal discharge of firearms is already penalized under the Revised Penal Code, the penalties provided under the law are very light. At present, any person who shall discharge any firearm may be prosecuted under Art. 155 (*Alarms and Scandals*) of the Revised Penal Code, and penalized with imprisonment of thirty (30) days or a fine not exceeding Two hundred pesos

(P200.00). This penalty does not serve as a deterrent from wilful or indiscriminate discharge of firearms. Hence, a stiffer penalty must be imposed.

It is also of greater concern that many of the offenders are policemen or members of the armed forces. The military and police officers have a greater responsibility of ensuring that they use firearms only in the line of duty. Thus, a higher penalty must be imposed upon them if they commit the crime of indiscriminate discharge of firearms.

Under the proposed measure, any person, who shall wilfully and indiscriminately discharges any firearm, or other weapon, in any public place or in any place where there is any person or property to be endangered thereby shall suffer the penalty of *prision correccional* in its maximum period. Likewise, if the person who wilfully or indiscriminately discharges any firearm, is a member of the Philippine National Police, Armed Forces of the Philippines or a law enforcement officer, the penalty of *Reclusion Temporal* in its maximum period shall be imposed. And lastly, if the wilful and indiscriminate discharge of firearm results in the death of a person, the penalty of *Reclusion Perpetua* shall be imposed.

In view of the foregoing, approval of this bill is highly and urgently recommended.



FELICIANO BELMONTE, JR.

DANILO E. SUAREZ

NEPTALI M. GONZALES, II



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AN ACT
PROVIDING FOR STIFFER PENALTIES FOR WILFUL OR
INDISCRIMINATE DISCHARGE OF FIREARMS, AMENDING FOR
THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN
AS THE REVISED PENAL CODE

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Article 155 of Act No. 3815 is hereby amended to read as follows:

“ART. 155. *Alarms and Scandals.* – The penalty of *arresto menor* or a fine not exceeding 200 pesos shall be imposed upon:

1. Any person who within any town or public place, shall discharge any [firearm,] rocket, firecracker, or other explosive calculated to cause alarm or danger;

xxx

xxx

xxx.”

SEC. 2. Article 254 of the same Act is also hereby amended to read as follows:

“ART. 254. *Discharge of Firearms.* – Any person who shall shoot at another any firearm shall suffer the penalty of *prision correccional* in its minimum and medium, unless the facts of the case are such that the act can be held to constitute frustrated or attempted parricide, murder, homicide or any other crime of which a higher penalty is prescribed by any of the articles of this Code.

ANY PERSON WHO SHALL WILFULLY AND INDISCRIMINATELY DISCHARGE ANY FIREARM, OR OTHER WEAPON, IN ANY PUBLIC PLACE OR IN ANY PLACE WHERE THERE IS ANY PERSON OR PROPERTY TO BE ENDANGERED THEREBY SHALL SUFFER THE PENALTY OF *PRISION CORRECCIONAL* IN ITS MAXIMUM PERIOD, UNLESS THE FACTS OF THE CASE CAN BE HELD TO CONSTITUTE ANY OTHER CRIME OF WHICH A HIGHER PENALTY IS PRESCRIBED BY ANY OF THE ARTICLES OF THIS CODE.

IF THE PERSON WHO WILFULLY AND INDISCRIMINATELY DISCHARGES ANY FIREARM, IS A MEMBER OF THE PHILIPPINE NATIONAL POLICE, ARMED FORCES OF THE PHILIPPINES OR A LAW ENFORCEMENT OFFICER, AND SUCH DISCHARGE IS NOT IN THE PERFORMANCE OF OFFICIAL DUTIES, THE PENALTY OF *RECLUSION TEMPORAL* IN ITS MAXIMUM PERIOD SHALL BE IMPOSED.

IF THE WILFUL AND INDISCRIMINATE DISCHARGE
OF FIREARM RESULTS IN INJURIES CAUSING THE DEATH
OF A PERSON, THE PENALTY OF *RECLUSION PERPETUA*
SHALL BE IMPOSED.”

SEC. 3. This Act shall take effect fifteen (15) days after its
publication in the Official Gazette or in two (2) national newspapers of general
circulation.

Approved,