

Sixteenth Congress
Republic of the Philippines
_____ Regular Session



Introduced by Honorable Samuel D. Pagdilao

HOUSE BILL NO. **5387**

EXPLANATORY NOTE

It was recently reported¹, that there were at least 62 incidents of indiscriminate gun firing recorded by the Philippine National Police from December 16, 2014 to January 5, 2015. Among the unfortunate victims was an 11 year-old girl from Abra who died from a stray bullet.

Each year, particularly during the holiday season, the serious problem of indiscriminate gun firing constantly plagues our Country. A study of the Revised Penal Code shows that the penalty imposed for this criminal act (found under Article 155, Alarms and Scandals) is merely *arresto menor* or a fine not exceeding 200 pesos.

In order to address this, it is proposed that we should reclassify indiscriminate gun firing into a form of Illegal Discharge of Firearms (found under Article 254) which would increase the penalty for this criminal act to prison correccional in its minimum and medium periods. By doing so, we will deter would-be offenders from indiscriminately firing their guns. This would mean significantly safer holidays for Filipinos.

Hence, immediate approval of this bill is earnestly sought.


SAMUEL D. PAGDILAO

¹ <http://www.gmanetwork.com/news/story/400182/news/nation/solon-wants-to-hike-p200-fine-for-indiscriminate-firing>

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AN ACT
AMENDING ARTICLES 155 AND 254 OF ACT NO. 3815, AS AMENDED,
OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. Article 155 of Act No. 3815, as amended, otherwise known as the Revised Penal Code, is hereby amended to read as follows:

"Art. 155. *Alarms and scandals.* — The penalty of arresto menor or a fine not exceeding P200 pesos shall be imposed upon:

"1. Any person who shall instigate or take an active part in any charivari or other disorderly meeting offensive to another or prejudicial to public tranquility;

"2. Any person who, while wandering about at night or while engaged in any other nocturnal amusements, shall disturb the public peace; or

"3. Any person who, while intoxicated or otherwise, shall cause any disturbance or scandal in public places, provided that the circumstances of the case shall not make the provisions of Article 153 applicable.

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

"Art. 254. *Discharge of firearms.* — Any person who shall shoot at another with any firearm shall suffer the penalty of prision correccional in its minimum and medium periods, 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 for which a higher penalty is prescribed by any of the articles of this Code.

"The same penalty shall be imposed upon any person who shall discharge any firearm whether: (i.) calculated to cause alarm or danger; or (ii.) fired

indiscriminately in the air, even if not aimed at a particular person.

"If the offender is a member of the Armed Forces of the Philippines, the Philippine National Police, or any other government office with issued or access to firearms, he shall suffer the higher penalty of prision correccional in its maximum period."

SECTION 3. *Separability Clause.* - If any part hereof is held invalid or unconstitutional, the remainder of the provisions not otherwise affected shall remain valid and subsisting.

SECTION 4. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 5. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) new papers of general circulation.