

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

SIXTEENTH CONGRESS
Third Regular Session

House Bill No. 6434



Introduced by Honorable Sherwin T. Gatchalian

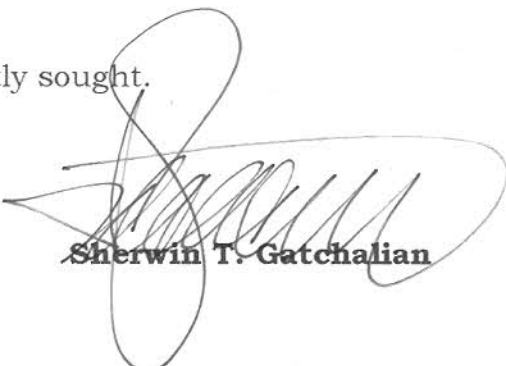
Explanatory Note

Indiscriminate discharge of firearm has become a significant problem in many communities now throughout the Philippines. It most usually occur during the celebration of holidays or, any revelry and sometimes in the context of drinking. Public awareness campaigns have not helped curb the senseless display of these people from randomly firing their weapons even if they primarily believe that their acts are harmless and do not make these shooting sprees to intentionally injure or kill people.

No one feels safe anymore, even in the comfort of their own homes since stray bullets can graze inside houses, and maim or kill innocent bystanders. The harrowing tragedy of it all are the senseless deaths of children, as in the recent case of Lorena Santos Cruz, the nine-year-old girl reported to have died from a stray bullet near Ipo Dam in Norzagaray, Bulacan. Residents live in perpetual fear. Anecdotal evidence from news reports state that indiscriminate firing victims from Dec. 16, 2015 - January 4, 2016 total to 7 and stray bullet incidents for the period Dec 16, 2015 - January 4, 2016 has befallen 54 victims.

It is time that we punish these perpetrators with an iron hand and revise the antiquated penalty espoused in the Revised Penal Code. This bill seeks to remove the discharge of firearms from the enumeration under Alarms and Scandal, transposing it to the more serious offense of Discharge of Firearms under Article 254 and providing stiffer penalties upon offenders who discharges their firearms indiscriminately in any place.

Immediate passage of the bill is earnestly sought.


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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 the 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] ONE THOUSAND (1,000.00) 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.** – A) 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.

B) ANY PERSON WHO SHALL WILFULLY AND INDISCRIMINATELY DISCHARGE ANY FIREARM, OR OTHER WEAPON, 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.

C) IF THE PERSON WHO COMMITS THE OFFENSE PROVIDED IN PARAGRAPH (B) OF THIS ARTICLE IS A MEMBER OF THE PHILIPPINE NATIONAL POLICE, ARMED FORCES OF THE PHILIPPINES, NATIONAL BUREAU OF INVESTIGATION (NBI) AND OTHER LAW ENFORCEMENT AGENCIES, AND SUCH DISCHARGE IS NOT IN THE PERFORMANCE OF OFFICIAL DUTIES, THE PENALTY OF RECLUSION TEMPORAL IN ITS MAXIMUM PERIOD SHALL BE IMPOSED AND THE OFFENDER SHALL BE HELD ADMINISTRATIVELY LIABLE AND SUBJECTED TO SUMMARY DISMISSAL PROCEEDINGS.

D) IF THE WILFULL AND INDISCRIMINATE DISCHARGE OF FIREARM AS PROVIDED IN PARAGRAPH (B) OF THIS ARTICLE RESULTS IN INJURIES CAUSING THE DEATH OF A PERSON, THE PENALTY OF RECLUSION PERTPETUA SHALL BE IMPOSED.”

SEC. 3. All laws, orders, proclamations, rules and regulations, or part thereof, which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

SEC. 4. If any provision or part of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain valid and subsisting.

SEC. 5. 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,