

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **5392**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

As of 04 January 2015, at least sixty-two (62) cases of injuries resulting from stray bullets as a result of the indiscriminate firing of firearms during the holiday festivities have been reported. The violators included policemen, soldiers, security guards and civilians, some of whom have even posted pictures of their nefarious acts in social media.

Their victims are mostly innocent bystanders and even people resting in the comforts of their own homes. In a number of cases, tragic loss of lives resulted, particularly in the case of the young and elderly victims.

So numerous were the cases of injuries resulting from the indiscriminate firing of firearms to the extent that Malacanang itself has been prompted to remind the Philippine National Police (PNP) about the results of their stray bullet probes.

For its part, the PNP has sounded the call on the need for tougher penalties against violators, noting that the penalty for alarm and scandal, which covers indiscriminate discharge of firearms, is only a maximum fine of P200.00 or imprisonment of one (1) to thirty (30) days.

In response to the clamor, the undersigned is proposing the amendment of Article 155 of Republic Act No. 3815, otherwise known as the Revised Penal Code, to substantially increase the penalties for crime alarms and scandal, which covers indiscriminate discharge of firearms.

Under this bill, the fine for the offense shall be increased from the then maximum amount of P200.00 to a minimum of P10,000.00 and to a maximum of P40,000.00. Likewise, the penalty of incarceration shall be increased from *arresto menor* (i.e., one [1] day to thirty [30] days) to *arresto mayor* (i.e., one [1] month and one [1] day to six (6) months).

In addition, in order to further discourage this deadly practice, the firearm license(s) and/or permit(s) to carry of the offender, if any, may be cancelled and/or revoked and/or he can be charged with illegal possession of firearm.

In the case of those employed in the uniformed services, law enforcement agencies and/or any of the branches of the Government, violators shall be subject to summary dismissal from the service and shall suffer the accessory penalty of perpetual disqualification from public office.

It is the hope of the undersigned that these stringent penalties could help deter or at least minimize the incidence of indiscriminate discharge of firearms in the future, and hopefully, help bring down the number of injuries and loss of lives resulting there from. In the case of persistent violators, they will have to contend with heavier penalties, which hopefully could help eventually discourage the practice.

In view of the foregoing, the immediate approval of this bill is earnestly sought.



GARY C. ALEJANO

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5392

Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

AN ACT
IMPOSING MORE STRINGENT PENALTIES FOR THE CRIME OF ALARM AND
SCANDAL, AMENDING FOR THIS PURPOSE ARTICLE 155 OF REPUBLIC ACT NO.
3815 OTHERWISE KNOWN AS THE REVISED PENAL CODE, AS AMENDED, AND
FOR OTHER RELATED PURPOSES

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

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

"Art: 155. *Alarms and scandals.* - The penalty of arresto [menor]
MAYOR AND/or a fine NOT less than P10,000.00 but not exceeding [P200]
P40,000.00 shall be imposed upon:

1. Any person who within any town or public place, shall discharge
any firearm, rocket, firecracker, or other explosives calculated to
cause alarm or danger;
2. 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;
3. Any person who, while wandering about at night or while engaged
in any other nocturnal amusements, shall disturb the public peace;
or
4. 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.

IN THE CASE OF DISCHARGE OF FIREARM UNDER
PARAGRAPH 1, IN ADDITION TO THE PENALTY IMPOSED
HEREIN, ANY FIREARM LICENSE(S) AND/OR PERMIT(S)
ISSUED IN FAVOR OF THE OFFENDER MAY LIKEWISE BE
SUMMARILY CANCELLED AND/OR REVOKED ON THE
OTHER HAND, IF THE FIREARM USED IS NOT COVERED BY
A VALID LICENSE AND/OR PERMIT, THE OFFENDER MAY
LIKEWISE BE PROSECUTED FOR THE OFFENSE OF ILLEGAL
POSSESSION OF FIREARM.

1
2 **IN THE CASE OF A VIOLATOR WHO IS A POLICEMAN,**
3 **MEMBER OF THE ARMED FORCES OF THE PHILIPPINES**
4 **(AFP), LAW ENFORCEMENT OFFICER AND/OR MEMBER OF**
5 **THE UNIFORMED SERVICES OF THE GOVERNMENT AS**
6 **WELL AS AN OFFICER AND/OR EMPLOYEE OF ANY OF THE**
7 **BRANCHES OR AGENCIES OF THE GOVERNMENT,**
8 **INCLUDING LOCAL GOVERNMENT UNITS (LGUs) AND/OR**
9 **AUXILIARY OF THE PNP, AFP, NBI AND OTHER LAW**
10 **ENFORCEMENT AGENCIES. THE OFFENDER MAY LIKEWISE**
11 **BE HELD ADMIMISTRATIVELY LIABLE FOR HIS ACT OF**
12 **DISCHARGING HIS FIREARM AND MAY BE SUBJECTED TO**
13 **SUMMARY DISMISSAL PROCEEDINGS FOR WHICH HE MAY**
14 **BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY**
15 **PUBLIC OFFICE."**

16
17 **SEC. 2. Separability Clause.** – If any provision of this Act is declared unconstitutional or
18 invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and
19 effect.
20

21 **SEC. 3. Repealing Clause.** – All laws, decrees, rules and regulations inconsistent with
22 the provisions of this Act are hereby repealed amended and/or modified accordingly.
23

24 **SEC. 4. Effectivity.** – This Act shall take effect fifteen (15) days following its publication
25 in at least (2) newspapers of general circulation or the Official Gazette.

Approved,