

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
EIGHTEENTH CONGRESS
First Regular Session
House Bill No. 607



Introduced by HON. RESURRECCION MARRERO-ACOP, MD

EXPLANATORY NOTE

Every New Year's Eve, incidents of injuries and deaths occur from the indiscriminate firing of firearms into the air by civilians, and in many instances by members of the uniformed service. Festivities turn into nightmares that will haunt the loved ones of these innocent victims of stray bullets. The abhorrent practice of indiscriminate firing of firearms sadly takes place even on ordinary days. Even worse, a number of those committing the offense are police officers, military and uniformed personnel who use their licensed or issued firearms outside their official duties.

In view of this, a review of existing laws and the consequent adoption of new legislation to address this matter is in order.

At present, the illegal discharge of firearm is penalized under Article 254 of the Revised Penal Code, *viz:*

"Article 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."

As can be gleaned from the above provision, the said crime is punishable with *prision correccional* in its minimum and medium periods, which has a duration of six (6) months and one (1) day to four (4) years and two (2) months only. Furthermore, one of the elements of this crime is that the offender discharges a firearm against or at another person.

The proposed measure seeks to increase the penalty for the said crime in order to put emphasis on the seriousness of the offense and to define and penalize the offense of indiscriminate firing of firearm which shall be distinguishable from the crime of illegal discharge of firearm under the Revised Penal Code in that it will not require the act of shooting to be directed at another person.

Further, this bill aims to impose heavier penalties upon members of the uniformed services of the government in order to deter them from unlawfully and/or indiscriminately discharging their respective firearms.

This proposed legislation was previously approved on third reading by the House of Representatives and subsequently transmitted to the Senate during the 17th Congress. This Representation seeks to re-file this proposed piece of legislation for the consideration of the present Congress.

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

/m acop
RESURRECCION MARRERO-ACOP, MD
Representative
2nd District, Antipolo City

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AN ACT

**DEFINING THE OFFENSES OF DISCHARGE OF FIREARMS AND
INDISCRIMINATE FIRING OF FIREARMS AND PROVIDING STIFFER
PENALTIES THEREFOR, AMENDING FOR THE PURPOSE ARTICLE 254
OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE
"REVISED PENAL CODE", AND REPUBLIC ACT NO. 10591, OTHERWISE
KNOWN AS "THE COMPREHENSIVE FIREARMS AND AMMUNITION
REGULATION ACT"**

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

SECTION 1. Article 254 of Act No. 3815, as amended, otherwise known as the "Revised Penal Code", is hereby amended to read as follows:

"Article 254. Discharge of firearms. — Any person who shall shoot at another with any firearm OR ANY DEVICE shall suffer the penalty of *prision correccional* in its [minimum and medium periods] MAXIMUM PERIOD, 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.

IF THE PERSON RESPONSIBLE FOR THE DISCHARGE OF FIREARMIS A MEMBER OF THE NATIONAL POLICE, ARMED FORCES OR ANY LAW ENFORCEMENT AGENCY AUTHORIZED BY LAW TO BEAR ARMS, THE PENALTY ONE (1) DEGREE HIGHER THAN THAT PROVIDED IN THE PRECEDING PARAGRAPH SHALL BE IMPOSED."

For purposes of this Act, the term "device" refers to anything that may not have been designed as a firearm but can be functionally adapted and used as a firearm.

SEC. 2. Republic Act No. 10591, otherwise known as the "Comprehensive Firearms and 9 Ammunition Regulation Act," is hereby amended by inserting a new Section after Section 41, which shall read as follows:

"SECTION 41-A. INDISCRIMINATE FIRING OF FIREARM; DEFINITION; PENALTIES. — ANY PERSON WHO SHALL DISCHARGE OR SHOOT ANY FIREARM OR ANY DEVICE WITHOUT LAWFUL AUTHORITY, OR IN A RANDOM, AIMLESS, PURPOSELESS OR INDISCRIMINATE MANNER, SHALL SUFFER THE PENALTY OF PRISION MAYOR IN ITS MEDIUM PERIOD.

IF THE INDISCRIMINATE FIRING OF FIREARM OR DEVICE SHALL RESULT TO INJURY TO A PERSON OR DAMAGE TO PROPERTY, THE RESULTING CRIMES SHALL BE CONSIDERED AS DISTINCT AND SEPARATE OFFENSES.

IF THE INDISCRIMINATE FIRING OF FIREARM SHALL RESULT TO THE DEATH OF A VICTIM, THE PENALTY OF *RECLUSION TEMPORAL* SHALL BE IMPOSED.

IF THE OFFENDER IS A MEMBER OF THE NATIONAL POLICE, ARMED FORCES OR ANY LAW ENFORCEMENT AGENCY AUTHORIZED BY LAW TO BEAR ARMS, THE PENALTY ONE (1) DEGREE HIGHER THAN THAT PROVIDED IN THE PRECEDING PARAGRAPHS SHALL BE IMPOSED. THE OFFENDER SHALL LIKEWISE BE SUBJECT TO SUMMARY DISMISSAL PROCEEDINGS AND SHALL BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE.

IN ADDITION TO THE PENALTIES IMPOSED HEREIN, ANY FIREARM LICENSE OR PERMIT ISSUED IN FAVOR OF THE OFFENDER SHALL BE SUMMARILY CANCELLED, AND THE OFFENDER SHALL BE PERPETUALLY DISQUALIFIED FROM BEING GRANTED ANY FIREARM LICENSE OR PERMIT."

SEC. 3. If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 4. Article 254 of Act No. 3815 or the Revised Penal Code, and Republic Act No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act, are hereby amended. All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,