

**SENATE**

'19 JUL 24 AM 31

S.B. No. 722

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**Introduced by SEN. WIN GATCHALIAN**

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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**

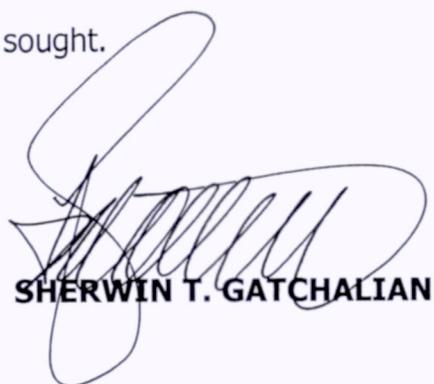
**EXPLANATORY NOTE**

Indiscriminate discharge of firearms has become a significant problem in many communities now throughout the Philippines. It most usually occurs 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 who randomly fire their weapons even if they primarily believe that their acts are harmless and these shooting sprees do not 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 discharge their firearms indiscriminately in any place.

Immediate passage of the bill is earnestly sought.



**SHERWIN T. GATCHALIAN**

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

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

3               "ART. 155. **Alarms and Scandals.** - The penalty of arresto  
4 menor or a fine not exceeding [200] ONE THOUSAND  
5 (1,000.00)

6               Pesos shall be imposed upon:

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

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

12               "Art. 254. Discharge of Firearms. - A) Any person who shall  
13 shoot at another any firearm shall suffer the penalty of prision  
14 correccional in its minimum and medium, unless the facts of the

1 case are such that the act can be held to constitute frustrated or  
2 attempted parricide, murder, homicide, or any other crime of  
3 which a higher penalty is prescribed by any of the articles of this  
4 Code.

5 **B) ANY PERSON WHO SHALL WILFULLY AND**  
6 **INDISCRIMINATELY DISCHARGE ANY FIREARM, OR**  
7 **OTHER WEAPON, IN ANY PLACE, WHERE THERE IS ANY**  
8 **PERSON OR PROPERTY TO BE ENDANGERED THEREBY**  
9 **SHALL SUFFER THE PENALTY OF PRISION**  
10 **CORRECIONAL IN ITS MAXIMUM PERIOD, UNLESS THE**  
11 **FACTS OF THE CASE CAN BE HELD TO CONSTITUTE ANY**  
12 **OTHER CRIME OF WHICH A HIGHER PENALTY IS**  
13 **PRESCRIBED.**

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

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

30 **SEC. 3.** All laws, orders, proclamations, rules and regulations, or part

1 thereof, which are inconsistent with any provision of this Act are hereby repealed or  
2 modified accordingly.

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

5 **SEC. 5.** This Act shall take effect fifteen (15) days after its publication in the  
6 *Official Gazette* or in two (2) national newspapers of general circulation.

*Approved,*