

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

SENATE
Office of the Secretary

15 JAN 13 P4:11

SENATE
S. No. 2569

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
PENALIZING THE IRRESPONSIBLE USE OF FIREARMS, AMENDING FOR
THE PURPOSE THE REVISED PENAL CODE AND REPUBLIC ACT NO.
10591, OTHERWISE KNOWN AS THE COMPREHENSIVE FIREARMS AND
AMMUNITION REGULATION ACT

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

The maintenance of peace and order, the protection of life, liberty, and property and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

In every New Year celebration, the issue of responsible use of firearms are being monitored by our citizens and police force. Our custom practices of merriment and fireworks to usher in the new year has led some of our countrymen to believe that it is acceptable to use firearms as part of the celebrations. However, such practice has led to numerous injuries and deaths caused by stray bullets. Instead of celebrating, many families find themselves grieving for their injured or deceased members who were helpless victims of irresponsible discharge of firearms.

Philippine Daily Inquirer recently reported that the Philippine National Police is pushing for the amendment of the law on illegal discharge of firearms.¹

In the same article, PNP spokesman Chief Superintendent Wilben Mayor reportedly said there is an apparent need to review and revise some provisions in the Revised Penal Code, which classifies the illegal discharge of firearms as a less serious crime.²

This is but an example of irresponsible use of firearms. Other ways of misusing firearms would be to discharge it aimlessly in places where it could injure or kill innocent people. Another would be to brandish the weapon as a means to intimidate other people.

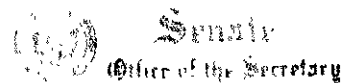
This bill provides for separate articles for unlawful discharge and illegal use of firearms. This bill also disqualifies from getting a license to own or carry firearms persons who have been previously convicted or are currently undergoing trial for irresponsible use of firearms.


MIRIAM DEFENSOR SANTIAGO
RP

¹ Felipe, Cecille. PNP wants law on indiscriminate firing amended. *Philippine Daily Inquirer*, 7 January 2015.
<http://www.abs-cbnnews.com/nation/01/07/15/pnp-wants-law-indiscriminate-firing-amended>

² *Id*

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5 AMMUNITION REGULATION ACT

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

6 SECTION 1. *Short Title.* – This Act shall be known as the “Responsible
7 Use of Firearms Act.”

8 SECTION 2. *Declaration of Policy.* – The maintenance of peace and order,
9 the protection of life, liberty, and property and the promotion of the general
10 welfare are essential for the enjoyment by all the people of the blessings of
11 democracy. Towards that end, it shall be the policy of the State to promote
12 responsible use of firearms.

13 SECTION 3. The Penal Code, Article 155, is hereby amended deleting the
14 word “firearm” to read as follows:

15 “ART. 155. *Alarms and scandals.* – The penalty of
16 *arresto menor* or a fine not exceeding 200 pesos shall be
17 imposed upon:

1 1. Any person who within any town or public place shall
2 discharge any FIREARM, rocket, firecracker, or other
3 explosive calculated to cause alarm or danger.

4 xxx”

5 SECTION 4. Insert additional Articles 155-A and 155-B, after Penal Code,
6 Article 155, which shall read as follows:

7 “ART. 155-A. *Unlawful Discharge of Firearm* – The
8 penalty of *arresto mayor* or a fine not exceeding ten
9 thousand pesos (₱10,000) or both shall be imposed upon
10 any person who shall discharge a firearm under any of
11 the following conditions:

- 12 1. From a moving vehicle
- 13 2. Across a national road
- 14 3. Into or at an occupied building
- 15 4. In a residential area
- 16 5. Within 100 meters of a school, market,
17 government office, or place of worship
- 18 6. While intoxicated

19 “ART. 155-B. *Illegal Use of Firearm* – The penalty of
20 *arresto menor* or a fine not exceeding five thousand
21 pesos (₱5,000) or both shall likewise be imposed upon
22 any person who brandishes a firearm in an angry or
23 threatening manner or while intoxicated.”

24

1 SECTION 5. Republic Act No. 10591, otherwise known as the
2 Comprehensive Firearms and Ammunitions Regulations Act, Article II, Section 4
3 is hereby amended by adding an additional requirement for obtaining a license, to
4 read as follows:

5 “SEC. 4. Standards and Requisites for Issuance of and
6 Obtaining a License to Own and Possess Firearms. – In order to
7 qualify and acquire a license to own and possess a firearm or
8 firearms and ammunition, the applicant must be a Filipino
9 citizen, at least twenty-one (21) years old and has gainful work,
10 occupation or business or has filed an Income Tax Return (ITR)
11 for the preceding year as proof of income, profession, business
12 or occupation.

13 In addition, the applicant shall submit the following
14 certification issued by appropriate authorities attesting the
15 following:

16 (a) The applicant has not been convicted of any crime
17 involving moral turpitude:

18 (b) The applicant has passed the psychiatric test
19 administered by a PNP-accredited psychologist or psychiatrist;

20 (c) The applicant has passed the drug test conducted by
21 an accredited and authorized drug testing laboratory or clinic;

22 (d) The applicant has passed a gun safety seminar which
23 is administered by the PNP or a registered and authorized gun
24 club;

1 (e) The applicant has filed in writing the application to
2 possess a registered firearm which shall state the personal
3 circumstances of the applicant;

4 (f) The applicant must present a police clearance from the
5 city or municipality police office;

6 (g) The applicant has not been convicted or is currently
7 an accused in a pending criminal case before any court of law
8 for a crime that is punishable with a penalty of more than two
9 (2) years; and

10 (h) THE APPLICANT HAS NOT BEEN CONVICTED
11 WITHIN THE PAST FIVE (5) YEARS OR IS NOT
12 CURRENTLY AN ACCUSED IN A PENDING CRIMINAL
13 CASE BEFORE ANY COURT OF LAW FOR THE CRIME
14 OF *UNLAWFUL DISCHARGE OR ILLEGAL USE OF*
15 *FIREARM* UNDER ARTICLES 155-A AND 155-B OF THE
16 PENAL CODE.

17 xxx”

18 SECTION 6. *Information Campaign.* – The Philippine National Police shall
19 establish an information campaign program to educate citizens on the responsible
20 use of firearms.

21 SECTION 7. *Separability Clause.* – If any provision or part hereof is held
22 invalid or unconstitutional, the remainder of the law or the provision not otherwise
23 affected shall remain valid and subsisting.

1 SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance,
2 executive order, letter of instruction, administrative order, rule or regulation
3 contrary to, or inconsistent with, the provision of this Act is hereby repealed,
4 modified or amended accordingly.

5 SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15)
6 days after its publication in at least two (2) newspapers of general circulation.

Approved,

/apm01092015