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SENATE

S. NO. 2571

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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

EXPLANATORY NOTE

As of 04 January 2015, at least sixty-two (62) cases of injuries resulting from stray bullets as a result the indiscriminate firing of firearms during the holiday revelry have been reported¹. 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 young and the elderly victims.

So numerous were the cases of injuries resulting from the indiscriminate firing of firearms to the extent that Malacañang itself has been prompted to remind the Philippine National Police (PNP) that it expects results from the PNP's stray bullet probes.²

For its part, the PNP through its spokesperson, P/Chief Supt. Wilben Mayor, has sounded the call for the need for tougher penalties against violators, noting that the penalty for alarms 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 a maximum of P200.00 to a minimum of P10,000.00 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).

¹ See: Stray bullets injure 62 during New Year Festivities, ABS-CBN News Online; Information retrieved on 07 January 2015 from: <http://www.abs-cbnnews.com/video/nation/01/05/15/stray-bullets-injure-62-during-new-year-festivities>

² See: Palace expect results from stray bullet probes by Aurea Calica; published in the Philippine Star and Philstar.com on 04 January 2015; Information retrieved on 07 January 2015 at 1:07 a.m., from: <http://www.philstar.com/headlines/2015/01/04/1409235/palace-expects-results-stray-bullet-probes>

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.

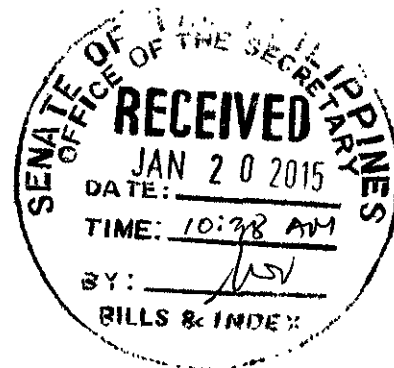
In the case of those employed in the uniformed services, law enforcement agencies and/or any of the branches of the Government, violators shall be subject to summary dismissal from the service and shall suffer the accessory penalty of perpetual disqualification from public office.

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.

The immediate consideration and/or early enactment of this bill into law is, thus, earnestly requested.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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



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S. NO. 2571

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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 the House of Representatives of the Philippines in Congress assembled:

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

4 *"Art. 155. Alarms and scandals. — The penalty of arresto [menor]*
5 *MAYOR AND/or a fine NOT less than P10,000.00 but not exceeding [P200]*
6 *P40,000.00 pesos shall be imposed upon:*
7

8
9 1. *Any person who within any town or public place, shall discharge any*
10 *firearm, rocket, firecracker, or other explosives calculated to cause*
11 *alarm or danger;*

12
13 2. *Any person who shall instigate or take an active part in any charivari*
14 *or other disorderly meeting offensive to another or prejudicial to public*
15 *tranquility;*

16
17 3. *Any person who, while wandering about at night or while engaged in*
18 *any other nocturnal amusements, shall disturb the public peace; or*

19
20 4. *Any person who, while intoxicated or otherwise, shall cause any*
21 *disturbance or scandal in public places, provided that the circumstances*
22 *of the case shall not make the provisions of Article 153 applicable.*

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

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

20
21 **SEC. 2. Separability Clause.** - If any provision of this Act is declared
22 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
23 continue to be in full force and effect.

24
25 **SEC. 3. Repealing Clause.** - All laws, decrees, rules and regulations inconsistent with
26 the provisions of this Act are hereby repealed, amended and/or modified accordingly.

27
28 **SEC. 4. Effectivity.** - This Act shall take effect fifteen (15) days following its
29 publication in at least (2) newspapers of general circulation or the *Official Gazette*.

Approved,