

**EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**

**SENATE
S. No. 1531**



Introduced by SENATOR RAMON BONG REVILLA, JR.

**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**

EXPLANATORY NOTE

Avoidable injuries, and even death, result from indiscriminate firing. Seven-year old Stephanie Nicole Ella died during the supposedly happy moments of New Year's celebration in 2013. While watching the fireworks display outside their home in Caloocan, she was hit in the head by a stray bullet. While sleeping, a bullet pierced through the roof of the home of three-month-old Von Alexander Llagas and hit him in the head in the 2014 New Year celebration. The baby was brought to the hospital but was later pronounced dead. On January 1, 2015, a stray bullet hit 11-year-old Jercy Tabaday in the head while inside their home in Tayum, Abra. She died in the hospital a few hours later. In the New Year's Eve of 2017, Emilyn Calano suddenly collapsed while she was watching fireworks show in their neighbourhood in Malabon City. Her relatives discovered that she had been shot in the head. Consequently, police revealed that the child was hit by a bullet from a shooting attempt gone wrong.

Sadly, most victims of indiscriminate firing are innocent, harmless individuals who just wish to enjoy the festivities of the holidays in the safety of their neighborhood, their homes. Children, even babies, are frequently victims of these tragedies. Even in ordinary days, the abhorrent practice of indiscriminate firing is not uncommon.

This bill seeks to increase the penalty for discharge of firearms and provide a clear definition of indiscriminate firing and its corresponding penalties to hopefully serve as a deterrent for the senseless nightmare that befalls our homes, and especially our children.

This proposal has passed the House of Representatives for two consecutive Congresses now. Let us join our colleagues in passing this proposed measure in the name of public safety.


RAMON BONG REVILLA, JR.

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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 Congress assembled:

1 Section 1. Article 254 of Act no. 3815, as amended, otherwise known as The
2 Revised Penal Code, is hereby amended to read as follows:

3
4 "Article 254. *Discharge of Firearms.* – Any person who shall
5 shoot at another with any firearms **OR ANY DEVICE** shall suffer the
6 penalty of *prison coreccional* in its [~~minimum and medium periods~~]
7 **MAXIMUM PERIOD**, unless the facts of the case are such that the
8 act can be held to constitute frustrated or attempted parricide,
9 murder, homicide, or any other crime for which a higher penalty is
10 prescribed by any of the articles of this Code.

11
12 **IF THE PERSON RESPONSIBLE FOR THE DISCHARGE OF**
13 **FIREARM IS A MEMBER OF THE PHILIPPINE NATIONAL**

1 POLICE, ARMED FORCES OF THE PHILIPPINES, OR ANY LAW
2 ENFORCEMENT AGENCY AUTHORIZED BY LAW TO BEAR
3 ARMS, THE PENALTY OF ONE (1) DEGREE HIGHER THAN
4 THAT PROVIDED IN THE PRECEDING PARAGRAPH SHALL BE
5 IMPOSED.

6
7 For the purpose of this Act, the term “device” refers to anything that may not
8 have been designed as a firearm but can be functionally adapted and used as a
9 firearm.

10
11 Sec. 2. Republic Act No. 10591, otherwise known as the Comprehensive
12 Firearms and Ammunition Regulation Act, is hereby amended by inserting a new
13 section after Section 41, which shall read as follows:

14
15 **SEC. 41-A. *INDISCRIMINATE FIRING OF FIREARM;***
16 ***DEFINITION; PENALTIES.* – ANY PERSON WHO SHALL**
17 **DISCHARGE OR SHOOT ANY FIREARMS OR ANY DEVICE**
18 **WITHOUT LAWFUL AUTHORITY, OR IN A RANDOM, AIMLESS,**
19 **PURPOSELESS, OR INDISCRIMINATE MANNER, SHALL**
20 **SUFFER THE PENALTY OF *PRISION MAYOR* IN ITS MEDIUM**
21 **PERIOD.**

22 **IF THE INDISCRIMINATE FIRING OF FIREARM OR DEVICE**
23 **SHALL RESULT IN INJURY TO A PERSON OR DAMAGE TO**
24 **PROPERTY, THE RESULT IN INJURY TO A PERSON OR**
25 **DAMAGE TO PROPERTY, THE RESULTING CRIMES SHALL BE**
26 **CONSIDERED AS DISTINCT AND SEPARATE OFFENSES.**

27 **IF THE INDISCRIMINATE FIRING OF FIREARM SHALL**
28 **RESULT IN THE DEATH OF A VICTIM, THE PENALTY OF**
29 ***RECLUSION TEMPORAL* SHALL BE IMPOSED.**

30 **IF THE OFFENDER IS A MEMBER OF THE PHILIPPINE**
31 **NATIONAL POLICE, ARMED FORCES OF THE PHILIPPINES,**
32 **OR ANY LAW ENFORCEMENT AGENCY AUTHORIZED BY**
33 **LAW TO BEAR ARMS, THE PENALTY OF ONE (1) DEGREE**
34 **HIGHER THAN THAT PROVIDED IN THE PRECEDING**

1 **PARAGRAPHS SHALL BE IMPOSED. THE OFFENDER SHALL**
2 **LIKEWISE BE SUBJECT TO SUMMARY DISMISSAL**
3 **PROCEEDINGS AND SHALL BE PERPETUALLY**
4 **DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE.**

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

10
11 Sec. 4. If any provision or part hereof, is held invalid or unconstitutional, the
12 remainder of the law or the provision not otherwise affected shall remain valid and
13 subsisting.

14
15 Sec. 5. Article 254 of Act No. 3815 and Republic Act No. 10591 are hereby
16 amended. All laws, presidential decrees or issuances, executive orders, letter of
17 instructions, administrative order, rule or regulation contrary to, or inconsistent with
18 the provisions of this Act is hereby repealed, modified or amended accordingly.

19
20 Sec. 6. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its
21 publication in at least two (2) newspapers of general circulation.

Approved.