


FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Second Regular Session

SENATE
Office of the Secretary

12 JAN 31 09:05

SENATE

S. No. 3114

RECEIVED BY: 

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Aside from *media noche*, extravagant fireworks and deafening firecrackers now form part of the Filipino practice of celebrating New Year's Eve. Many Filipinos, mostly influenced by tradition, believe that loud New Year's celebrations drive away evil and misfortune. However, some have embraced and carried this superstition to extremes, setting off massive firecrackers and firing guns to welcome the New Year despite threats of arrest and warning against possible firecracker-related mishaps.

Government health officials have, time and again, attempted to discourage dangerous celebrations by launching ad campaigns that show pictures of mangled hands of previous victims of firecracker blasts. Secretary Enrique Ona of the Department of Health even spearheaded the "A.P.I.R. sa New Year" campaign, which proposed five alternative ways of spending New Year's Eve, with the end in view of curtailing injuries and deaths during this holiday. Reports also cite that even Philippine National Police Chief Nicanor Bartolome has threatened his men with dismissal if they fired their guns in revelry. However, despite the efforts of government, the violent tradition has continued, injuring 454 from firecracker blasts and 18 from stray bullets this New Year 2012. Records of people injured by stray bullets from previous years show that there had been 15 reported incidents in 2011, 33 reported incidents in 2010 and 39 reported incidents in 2009.


This measure aims to provide for stiffer penalties on celebratory gunfire so as to altogether stop preventable deaths which result from wanton and reckless acts by irresponsible individuals who have no regard for the interest and safety of others.

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


MANUEL "LITO" M. LAPID
Senator

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AN ACT
PROVIDING FOR STIFFER PENALTIES ON ILLEGAL DISCHARGE OF
FIREARMS AMENDING FOR THAT PURPOSE ARTICLE 254 OF TITLE
VIII CHAPTER ONE OF ACT 3815, AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. Article 254 of Act 3815, as amended, otherwise known as the Revised Penal Code is hereby further amended to read as follows:

“Article 254. Discharge of firearms. – Any person who shall shoot [at another with] any firearm **WITHOUT LAWFUL AUTHORITY** shall suffer the penalty of *prision correccional* in its [minimum and medium] **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 SHOOTING SHALL RESULT TO THE DEATH OF A VICTIM, THE PENALTY OF *RECLUSION PERPETUA* SHALL BE IMPOSED.

IF THE PERSON SHOOTING SHALL BE A MEMBER OF THE NATIONAL POLICE, ARMED FORCES OR ANY LAW ENFORCEMENT AGENCY AUTHORIZED BY LAW TO BEAR ARMS, THE PENALTY OF *RECLUSION TEMPORAL* IN ITS MAXIMUM PERIOD SHALL BE IMPOSED.”

SEC. 2. *Repealing Clause.* - All laws, orders, proclamations, rules and regulations, or part thereof, which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

SEC. 3. Separability Clause. - If any provision or part of this Act, or the application thereof to any person or circumstance, is held unconstitutional or invalid, the remainder of this Act shall not be affected thereby.

SEC. 4. Effectivity Clause. - This Act shall take effect fifteen (15) days from the date of its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,