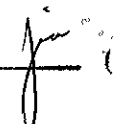




SENATE

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Senate Bill No. 1223

RECEIVED BY: 

Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

This proposed measure aims to provide stiffer penalties for willful or indiscriminate discharge of firearms, thereby amending for the purpose our Revised Penal Code.

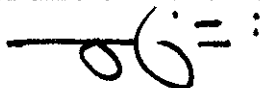
While illegal discharge of firearms is already penalized under the Revised Penal Code, the penalties under the law are very light. Under the existing law, any person who shall discharge any firearm may be prosecuted under Article 155 (*Alarms and Scandals*) of the Penal Code, and penalized with imprisonment of thirty (30) days or a fine not exceeding Two Hundred Pesos (P 200.00). This penalty does not deserve as a deterrent from willful or indiscriminate discharge of firearms.

If we should look on the records of the Philippine National Police through its Firearms and Explosive Division, there are about 1.4 registered guns in the country. However, the loose firearms or the illegal and unlicensed guns reach to about 4 million being carried around by civilians and criminals.

Yes, we hear about persons being shot for no reason. But, what is becoming more alarming is that these cases no longer involve criminals or private individuals but policemen and members of the armed forces. Victims of indiscriminate discharge of firearms continue to file up. The indiscriminate discharge of firearms especially during festivities is widely condemned because of the loss of lives of innocent people especially children.

Under the proposed measure, any person, who shall willfully and indiscriminately discharges any firearm, or other weapon, in any public place or in any place where there is any person or property to be endangered thereby shall suffer the penalty of *prision correccional* in its maximum period. Likewise, if the person who willfully or indiscriminately discharges any firearm, is a member of the Philippine National Police or Armed Forces of the Philippines, or a law enforcement officer, the penalty of *reclusion temporal* in its maximum period shall be imposed. And lastly, if the willful and indiscriminate discharge of firearm results in the death of a person, the penalty of *reclusion perpetua* shall be imposed.

In view of the foregoing, approval of this bill is fervently sought.



JOSEPH VICTOR G. EJERCITO


SENATE OF THE PHILIPPINES)
SIXTEENTH CONGRESS)
First Regular Session)



13 AUG -6 P4 55

SENATE

Senate Bill No. 1223

RECEIVED BY: 

Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

**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**

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

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

“ ARTICLE 155. **Alarms and Scandals.** – The penalty of *arresto
menor* or a fine not exceeding 200 pesos shall be imposed upon:

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

X X X X X X X X X ”

SECTION 2. Article 254 of the same Act is also hereby amended to
read as follows:

“ ARTICLE 254. **Discharge of Firearms.** – Any person who shall
shoot at another any firearm shall suffer the penalty of *prision
correctional* in its minimum and medium periods, 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 of which a
higher penalty is prescribed by any of the articles of this Code.

ANY PERSON WHO SHALL WILFULLY AND INDISCRIMINATELY
DISCHARGE ANY FIREARM, OR OTHER WEAPON, IN ANY PUBLIC
PLACE OR IN ANY PLACE WHERE THERE IS ANY PERSON OR
PROPERTY TO BE ENDANGERED THERE SHALL SUFFER THE
PENALTY OF *PRISION CORRECCIONAL* IN ITS MAXIMUM PERIOD,
UNLESS THE FACTS OF THE CASE CAN BE HELD TO CONSTITUTE
ANY OTHER CRIME OF WHICH A HIGHER PENALTY ID PRESCRIBED
BY ANY OF THE ARTICLES OF THIS CODE.

IF THE PERSON WHO WILFULLY AND INDISCRIMINATELY
DISCHARGES ANY FIREARM, IS A MEMBER OF THE PHILIPPINE
NATIONAL POLICE, ARMED FORCES OF THE PHILIPPINES OR A LAW

ENFORCEMENT OFFICER, AND SUCH DISCHARGE IS NOT IN THE PERFORMANCE OF OFFICIAL DUTIES, THE PENALTY OF *RECLUSION TEMPORAL* IN ITS MAXIMUM PERIOD SHALL BE IMPOSED.

IF THE WILFUL AND INDISCRIMINATE DISCHARGE OF FIREARM RESULTS IN INJURIES CAUSING THE DEATH OF A PERSON, THE PENALTY OF *RECLUSION PERPETUA* SHALL BE IMPOSED.”

SECTION 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,