



SENATE

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Senate Bill No. 1087

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Introduced by SENATOR JOSEPH VICTOR G. EJERCITO

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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

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 *Revised 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.

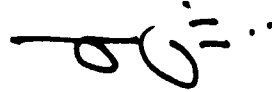
If we should look on the records of the Philippine National Police through its Firearms and Explosive Division, there are about 1.4 registered guns in the country. However, the loose firearms or the illegal and unlicensed guns reach to about 4 million being carried around by civilians and criminals.

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 correctional* 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.

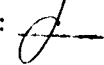


JOSEPH VICTOR G. EJERCITO

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PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE  
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*Be enacted by the Senate and the House of Representatives of the Philippines in  
Congress assembled:*

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

3  
4 " ARTICLE 155. *Alarms and Scandals.* - The penalty of *arresto menor* or  
5 a fine not exceeding 200 pesos shall be imposed upon:

- 6  
7 1. Any person who within any town or public place, shall discharge  
8 any [firearm], rocket, firecracker, or other explosive calculated to  
9 cause alarm or danger;

10  
11 X X X X X X X X X X X X X "

12  
13 SECTION 2. Article 254 of the same Act is also hereby amended to read  
14 as follows:

15  
16 " ARTICLE 254. *Discharge of Firearms.* - Any person who shall shoot  
17 at another any firearm shall suffer the penalty of *prision correccional* in its  
18 minimum and medium periods, unless the facts of the case are such that the  
19 act can be held to constitute frustrated or attempted parricide, murder,  
20 homicide, or any other crime of which a higher penalty is prescribed by any  
21 of the articles of this Code.

22  
23 ANY PERSON WHO SHALL WILFULLY AND INDISCRIMINATELY  
24 DISCHARGE ANY FIREARM, OR OTHER WEAPON, IN ANY PUBLIC  
25 PLACE OR IN ANY PLACE WHERE THERE IS ANY PERSON OR

1 PROPERTY TO BE ENDANGERED THERE SHALL SUFFER THE PENALTY  
2 OF *PRISION CORRECCIONAL* IN ITS MAXIMUM PERIOD, UNLESS THE  
3 FACTS OF THE CASE CAN BE HELD TO CONSTITUTE ANY OTHER  
4 CRIME OF WHICH A HIGHER PENALTY IS PRESCRIBED BY ANY OF  
5 THE ARTICLES OF THIS CODE.

6  
7 IF THE PERSON WHO WILFULLY AND INDISCRIMINATELY  
8 DISCHARGES ANY FIREARM, IS A MEMBER OF THE PHILIPPINE  
9 NATIONAL POLICE, ARMED FORCES OF THE PHILIPPINES OR A LAW  
10 ENFORCEMENT OFFICER, AND SUCH DISCHARGE IS NOT IN THE  
11 PERFORMANCE OF OFFICIAL DUTIES, THE PENALTY OF *RECLUSION*  
12 *TEMPORAL* IN ITS MAXIMUM PERIOD SHALL BE IMPOSED.

13  
14 IF THE WILFUL AND INDISCRIMINATE DISCHARGE OF FIREARM  
15 RESULTS IN INJURIES CAUSING THE DEATH OF A PERSON, THE  
16 PENALTY OF *RECLUSION PERPETUA* SHALL BE IMPOSED.”

17  
18 SECTION 3. This Act shall take effect fifteen (15) days after its  
19 publication in the Official Gazette or in two (2) newspapers of general  
20 circulation.

21  
22 Approved,  
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