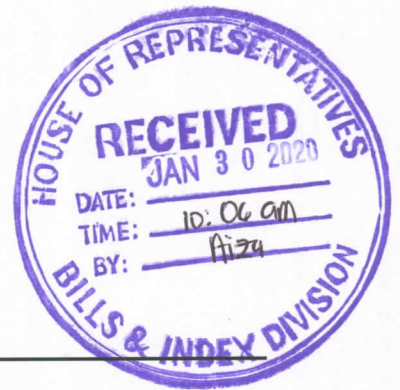




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session



COMMITTEE REPORT NO. 209

Submitted by the Committee on Public Order and Safety

Re : House Bill No. 6123

Recommending its approval in substitution of House Bill No. 607

Sponsors: Representatives Narciso R. Bravo, Jr. and Resurreccion M. Acop

Mr. Speaker:

The Committee on Public Order and Safety, to which was referred House Bill No. 607 introduced by Rep. Resurreccion M. Acop, entitled:

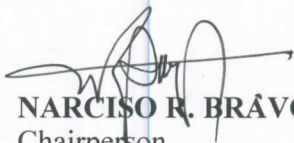
“AN ACT DEFINING THE OFFENSES OF DISCHARGE OF FIREARMS AND INDISCRIMINATE FIRING OF FIREARMS AND PROVIDING STIFFER PENALTIES THEREFOR, AMENDING FOR THE PURPOSE ARTICLE 254 OF ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE 'REVISED PENAL CODE', AND REPUBLIC ACT NO. 10591, OTHERWISE KNOWN AS THE 'COMPREHENSIVE FIREARMS AND AMMUNITION REGULATION ACT'”

has considered the same and recommends that the attached House Bill No. 6123,
entitled:

“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'”

be approved in substitution of House Bill No. 607, with Representatives Resurreccion M. Acop, Narciso R. Bravo, Jr., Eddiebong G. Plaza, Strike B. Revilla, Ruth Mariano-Hernandez, Dahlia A. Loyola, Adriano A. Ebcas, Manuel DG. Cabochan III, Arnolfo “Arnie” A. Teves, Jr., Gabriel H. Bordado, Jr., and Joseph Stephen “Caraps” S. Paduano, as authors thereof.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'NARCISO R. BRAVO, JR.', with a stylized flourish at the end.

NARCISO R. BRAVO, JR.

Chairperson

Committee on Public Order and Safety

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 6123

(in substitution of House Bill No. 607)

Introduced by

Representatives Resurreccion M. Acop, MD, Narciso R. Bravo, Jr., Eddiebong G. Plaza, Strike B. Revilla, Ruth Mariano-Hernandez, Dahlia A. Loyola, Adriano A. Ebcas, Manuel DG Cabochan III, Arnolfo "Arnie" A. Teves, Jr., Gabriel H. Bordado, Jr., and Joseph Stephen "Caraps" S. Paduano

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"

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

SECTION 1. Article 254 of Act No. 3815, as amended, otherwise known as the "Revised Penal Code", is hereby amended to read as follows:

"Article 254. Discharge of firearms. – Any person who shall shoot at another with any firearm OR ANY DEVICE shall suffer the penalty of *prision correccional* in its [minimum and medium periods] 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 PERSON RESPONSIBLE FOR THE DISCHARGE OF FIREARM
IS A MEMBER OF THE PHILIPPINE NATIONAL POLICE, ARMED FORCES OF

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

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

7 **SEC. 2.** Republic Act No. 10591, otherwise known as the “Comprehensive Firearms and
8 Ammunition Regulation Act,” is hereby amended by inserting a new Section after Section 41, which
9 shall read as follows:

10 “SECTION 41-A. INDISCRIMINATE FIRING OF FIREARM; DEFINITION;
11 PENALTIES. – ANY PERSON WHO SHALL DISCHARGE OR SHOOT ANY
12 FIREARM OR ANY DEVICE WITHOUT LAWFUL AUTHORITY, OR IN A
13 RANDOM, AIMLESS, PURPOSELESS, OR INDISCRIMINATE MANNER,
14 SHALL SUFFER THE PENALTY OF *PRISION MAYOR* IN ITS MEDIUM
15 PERIOD.

16 IF THE INDISCRIMINATE FIRING OF FIREARM OR DEVICE SHALL
17 RESULT IN INJURY TO A PERSON OR DAMAGE TO PROPERTY, THE
18 RESULTING CRIMES SHALL BE CONSIDERED AS DISTINCT AND
19 SEPARATE OFFENSES.

20 IF THE INDISCRIMINATE FIRING OF FIREARM SHALL RESULT IN
21 THE DEATH OF A VICTIM, THE PENALTY OF *RECLUSION TEMPORAL*
22 SHALL BE IMPOSED.

23 IF THE OFFENDER IS A MEMBER OF THE PHILIPPINE NATIONAL
24 POLICE, ARMED FORCES OF THE PHILIPPINES, OR ANY LAW
25 ENFORCEMENT AGENCY AUTHORIZED BY LAW TO BEAR ARMS, THE
26 PENALTY OF ONE (1) DEGREE HIGHER THAN THAT PROVIDED IN THE
27 PRECEDING PARAGRAPHS SHALL BE IMPOSED. THE OFFENDER SHALL
28 LIKEWISE BE SUBJECT TO SUMMARY DISMISSAL PROCEEDINGS AND

1 SHALL BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY PUBLIC
2 OFFICE.

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

8 **SEC. 3.** If any portion or provision of this Act is declared unconstitutional, the
9 remainder of this Act or any provision not affected thereby shall remain in force and
10 effect.

11 **SEC. 4.** Article 254 of Act No. 3815 and Republic Act No. 10591 are hereby
12 amended. All laws, decrees, orders, rules and regulations or other issuances or parts
13 thereof inconsistent with the provisions of this Act are hereby repealed or modified
14 accordingly.

15 **SEC. 5.** This Act shall take effect fifteen (15) days after its publication in the
16 Official Gazette or in a newspaper of general circulation.

Approved,

FACT SHEET

House Bill No. 6123
(in substitution of HB No. 607)

AN ACT
DEFINING THE OFFENSES OF DISCHARGE OF FIREARMS AND
INDISCRIMINATE FIRING OF FIREARMS AND PROVIDING FOR 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”

*Introduced by: REPS. RESURRECCION M. ACOP, MD, NARCISO R. BRAVO, JR.,
EDDIEBONG G. PLAZA, STRIKE B. REVILLA, RUTH MARIANO-HERNANDEZ, DAHLIA A.
LOYOLA, ADRIANO A. EBCAS, MANUEL DG CABOCHAN III, ARNOLFO “ARNIE” A. TEVES,
JR., GABRIEL H. BORDADO, JR., and JOSEPH STEPHEN “CARAPS” S. PADUANO*

*Committee Referral: COMMITTEE ON PUBLIC ORDER AND SAFETY
Committee Chairperson: REP. NARCISO R. BRAVO, JR*

OBJECTIVES

- To provide stiffer penalties for discharge of firearms to prevent deaths or injuries resulting from reckless acts
- To include the offense of indiscriminate firing of firearms as among the offenses punishable under Republic Act No. 10591

KEY PROVISIONS

- Defines the terms “discharge of firearms”; “indiscriminate firing of firearms” and “device”
- Amends Article 254 of Act No. 3815, as amended, otherwise known as the Revised Penal code by providing the following penalties:
 - penalty of *prision correccional* in its maximum period to any person who shall shoot any firearm or device;
 - penalty of one degree higher if the person involved in the shooting is a member of the Philippine National Police, Armed Forces of the Philippines or any law enforcement agency authorized by law to bear arms;
- Imposes upon any person who commits the offense of indiscriminate firing of firearm the following penalties:

- Penalty of *prision mayor* in its medium period to any person who shall indiscriminate fire a firearm;
- Penalty shall be considered as distinct and separate offense if the shooting results to injuries to person or damage to property;
- Penalty of *reclusion temporal* if the shooting results in the death of a victim;
- Penalty of one degree higher if the offender is a member of the Philippine National Police, Armed Forces of the Philippines or any law enforcement agency, in addition the offender shall be subject to summary dismissal proceedings and perpetually disqualified from holding public office;
- Cancels or revokes the firearm license or permit of the offender, and in addition, the offender shall be perpetually disqualified from being granted any firearm license or permit.

RELATED LAWS

- Revised Penal Code
- Republic Act No. 10591 - 'Comprehensive Firearms and Ammunition Regulation Act'