

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

SEVENTEENTH (17th) CONGRESS
First Regular Session

House Bill No. **3837**



Introduced by Rep. Bernadette Herrera-Dy

EXPLANATORY NOTE

This bill seeks to introduce a comprehensive definition of the crime defined under Article 254 of the Revised Penal Code, otherwise known as the Unlawful Use of Firearms, in light of its having become a dead-letter law in addressing the evil which it purportedly sought to contain.

Firearms are lethal. Irresponsible use may cause injury to another, and hence, it is necessary to regulate the use of the same. The current system of firearms control and regulations under Presidential Decree No. 1866, as amended, institutes a separate system of licensing for the possession and for the carriage of firearms, administered by the Philippine National Police. It does not address the improper use of licensed firearms because it is within the province of Article 254 of the Revised Penal Code. Unfortunately, these existing regulations are woefully inadequate as to the penalties with respect to the wide range of firearms abuse.

Our present scheme of gun regulations has not curbed, prevented, or otherwise stopped an ever-increasing number of violent crimes done with or through the use of improvised, registered and licensed firearms. Unless we tighten the net, tragedies will continue to fill our collective consciousness.

Hence, this measure.


BERNADETTE R. HERRERA-DY

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15 **AN ACT DEFINING AND PENALIZING THE UNLAWFUL USE OF FIREARMS,**
16 **AMENDING FOR THE PURPOSE ARTICLE 254 OF ACT NO. 3815, OTHERWISE**
17 **KNOWN AS "THE REVISED PENAL CODE OF THE PHILIPPINES", AND FOR**
18 **OTHER PURPOSES.**

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

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22 **SECTION 1.** Article 254 of Act No. 3185, otherwise known as "The Revised Penal
23 Code of the Philippines," is hereby amended to read as follows:

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25 **Article 254. Unlawful Use of Firearms – Any person who commits any of the**
26 **following acts shall be punished by *prision mayor* in its minimum period:**

- 27
28 1. Carry a firearm or device, which may not have been designed as a
29 firearm but can functionally be adapted and used as a firearm,
30 notwithstanding the existence of a license to possess and/or a
31 permit to carry said firearm:
- 32 (a) While imbibing, drinking or otherwise consuming any liquor,
33 drug, narcotic, or any other psychotropic substance;
- 34 (b) While intoxicated under the influence of any liquor, drug,
35 narcotic, or any other psychotropic substance; or
- 36
37 2. Allow a minor person to carry a firearm, which may not have been
38 designed as a firearm but can functionally be adapted and used as
39 a firearm, notwithstanding the existence of a license to possess
40 and/or a permit to carry said firearm while imbibing, drinking, or
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otherwise consuming any liquor, drug, narcotic, or any other psychotropic substance, or while intoxicated;

3. Discharge a firearm or device, which may not have been designed as a firearm, but can be functionally be adapted and used as a firearm notwithstanding the existence of a license to possess and/or a permit to carry said firearm:

- (a) Outside a duly licensed indoor or outdoor shooting range, gun club, or similar indoor or outdoor structure specifically designed for the safe discharge of firearms, except when engaged in subsistence hunting requiring the use of such firearm, or engaged in the performance of one's duties as a law enforcement officer, *Provided, that*, the discharge is made with extraordinary diligence;

- (b) Without the existence of any of the elements for the justifying circumstances of self-defense or defense if another as provided for in this Code; or

- (c) Without the existence of any other absolutory cause under this Code.

The foregoing acts shall be punished by *prision mayor* in its medium to maximum periods, if committed with any of the following attendant circumstances:

1. The firearm is aimed at another person or the property of another at any point prior to or at the moment of discharge of the firearm, if the discharge does not constitute any other crime or offense defined in this Code for which a higher penalty is prescribed; or
2. The firearm is discharged on a public holiday or on the occasion of a wedding, birthday, anniversary, or at any similar gathering or celebration, or when made for the sole purpose of revelry-making, or on the occasion of the death of another, except when the discharge is made in the performance of an official state or military honor.

84 **SEC 2. Severability Clause.** – In the event that any provision of this Act is
85 declared unconstitutional, invalid, or illegal, the constitutionality, validity, or legality of
86 the remainder of the provisions of this Act shall not be affected thereby.
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88 **SEC 3. Repealing Clause** – All laws, presidential decrees, letters of instruction,
89 executive orders, administrative orders, rules, regulations, and other issuances or parts
90 thereof which are contrary to or inconsistent with the provisions of this Act are hereby
91 revoked, repealed or modified accordingly.
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93 **SEC 4. Effectivity.** – This Act shall take effect fifteen (15) days following the
94 completion of its publication in the Official Gazette or in at least two (2) newspapers of
95 general circulation.
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98 **Approved,**
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