



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Seventeenth Congress

First Regular Session

House Bill No. 1348

HOUSE OF REPRESENTATIVES	
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Introduced by **HON. ROMEO M. ACOP**

EXPLANATORY NOTE

Every New Year's Eve, incidents of injuries and deaths mar the festive celebration of the occasion resulting not only from the careless lighting of fireworks and firecrackers but also from the indiscriminate firing of firearms into the air by civilians, and in many instances by members of the uniformed service. Most of the hapless victims of the stray bullets fired from these firearms are those merely enjoying the display of fireworks or engaged in other merrymaking activities in the vicinity or confines of their residences. A number of such victims in the more recent years have been children. What was to be a time of festivity is turned into a nightmare that will haunt the relatives and love ones of the victims for the rest of their lives. Indiscriminate firing of firearm also takes place even on ordinary days.

Of a greater concern is the fact that a number of those caught committing the offense are police officers, military personnel or members of other law enforcement agencies of the government who use their licensed or issued firearms even when not on official duty or performing their official functions. It is ironic that those who are sworn to preserve peace and protect the people and are expected to know the protocols of proper gun use and ownership are the ones who with impunity use their firearms without regard to the well-being of others.

With these cases of stray bullets injuring or killing victims due to indiscriminate firing of firearms, the clamor for the review and amendment of existing laws on *Discharge of Firearms* and *Alarms and Scandals* are in order.

At present, the act of illegal discharge of firearms is classified as a less serious offense and subsumed under the crime of *Alarms and Scandals* under Article 155 of the Revised Penal Code.

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- 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;*

It is punishable with *arresto menor* (1 day to 1 month imprisonment) or a fine not exceeding P 200.00 pesos.

On the other hand, Article 254 of the same Penal Code particularly prohibits unlawful *Discharge of Firearms* and imposes a higher penalty of *prision correccional* in its minimum and medium periods (6 months and 1 day to 4 years and 2 months).

'Any person who shall shoot at another any firearm shall suffer the penalty of prision correccional in its minimum and medium, 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.'

However, the proscription specifically requires the element that the offender shall shoot the firearm at another person to constitute the offense. An element not present in the act of indiscriminate firing or illegal discharge of firearms as perpetrated in the reported incidents. Moreover, there is no law which defines and punishes the act of 'indiscriminate firing' of firearms. Hence, there is a need to define by law the offense of '**Indiscriminate Discharge of Firearm**', and to prohibit and penalize the act with penalties commensurate to the gravity of the harm and danger it can cause to persons or things.

This bill seeks to define the offense as the act of any person of 'discharging or shooting any firearm without lawful authority, OR, in a random, purposeless, aimless and indiscriminate manner that would

perchance endanger persons or things or affect public order and peace.' Under the proposed measure, a penalty of four (4) years of imprisonment shall be imposed on convicted offenders.

Two acts of shooting are penalized under the proposed offense: (1) the act of shooting a firearm without lawful authority regardless of the manner of committing the act; and, (2) the discharge of a firearm in the manner described in the offense.

In contradistinction with the crime of *Alarms and Scandals*, the offense of *Indiscriminate Discharge of Firearm* may be committed in any place and not necessarily in a public place. While it is distinguishable with the offense of unlawful *Discharge of Firearm* in that *Indiscriminate Discharge of Firearm* does not require the act of shooting to be directed at a person.


As a further deterrent, if the shooting shall result to the death of a victim, the penalty of *reclusion perpetua* shall be imposed. Furthermore, if the shooting shall result to injuries to persons or damage to properties, the resulting crimes shall be considered as distinct and separate offenses.

In order to discourage members of the uniformed services of the government from committing the act, a higher penalty of six (6) years of imprisonment shall be imposed upon them found guilty of the offense, including the accessory penalties of summary dismissal from the service and perpetual disqualification from holding any public office.

In addition to the foregoing penalties, any firearm license or permit issued in favor of the offender shall be summarily cancelled or revoked.

Finally, this proposed measure seeks to include the offense of 'Indiscriminate Discharge of Firearm' as among the offenses punishable under Republic Act No. 10591, also known as 'An Act Providing For A Comprehensive Law On Firearms And Ammunition And Providing Penalties For Violations Thereof', a special law, and is the current comprehensive legislation on matters relating to firearms and ammunition.

For the foregoing reasons, the immediate consideration and approval of this bill is earnestly urged.



**ATTY. ROMEO M. ACOP MNSA
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2ND DISTRICT, ANTIPOLO CITY**



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AN ACT
DEFINING THE OFFENSE OF 'INDISCRIMINATE DISCHARGE OF FIREARM' AND
PROVIDING PENALTIES THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC
ACT NO 10591, OTHERWISE KNOWN AS 'AN ACT PROVIDING FOR A
COMPREHENSIVE LAW ON FIREARMS AND AMMUNITION AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF'

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

SECTION 1. Republic Act No 10591, otherwise known as 'An Act Providing For A Comprehensive Law On Firearms And Ammunition And Providing Penalties For Violations Thereof', is hereby amended by inserting a new Section 42 to read as follows :

SECTION 42. INDISCRIMINATE DISCHARGE OF FIREARM; DEFINITION; PENALTIES; - ANY PERSON WHO SHALL DISCHARGE OR SHOOT ANY FIREARM WITHOUT LAWFUL AUTHORITY OR IN A RANDOM, AIMLESS, PURPOSELESS, OR INDISCRIMINATE MANNER THAT WOULD PERCHANCE ENDANGER PERSONS OR THINGS OR AFFECT PUBLIC ORDER AND PEACE SHALL SUFFER THE PENALTY OF FOUR (4) YEARS OF IMPRISONMENT.

IF THE SHOOTING SHALL RESULT TO THE DEATH OF A VICTIM, THE PENALTY OF RECLUSION PERPETUA SHALL BE IMPOSED.

IF THE SHOOTING SHALL RESULT TO INJURIES TO PERSONS OR DAMAGE TO PROPERTIES, THE RESULTING CRIMES SHALL BE CONSIDERED AS DISTINCT AND SEPARATE OFFENSES.

IF THE OFFENDER SHALL BE A MEMBER OF THE NATIONAL POLICE, ARMED FORCES OR ANY LAW ENFORCEMENT AGENCY AUTHORIZED BY LAW TO BEAR ARMS, THE PENALTY OF SIX (6) YEARS OF IMPRISONMENT SHALL BE IMPOSED. THE OFFENDER SHALL LIKEWISE BE SUBJECT TO SUMMARY DISMISSAL PROCEEDINGS AND SHALL BE PERPETUALLY DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE.

IN ADDITION TO THE PENALTIES IMPOSED HEREIN ANY FIREARM LICENSE OR PERMIT ISSUED IN FAVOR OF THE OFFENDER SHALL BE SUMMARILY CANCELLED OR REVOKED.

SECTION 2. Sections 42 to 47 of Republic Act No. 10591 are hereby renumbered accordingly.

SECTION 3. *Repealing Clause* - All laws, decrees, rules and regulations inconsistent with the provisions of this Act are hereby repealed, modified or amended accordingly.

SECTION 4. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its full publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.