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SENATE

S.B. No. 2501

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(In Substitution of Senate Bills Nos. 722, 1531, and taking into consideration of House Bill No. 6123)

Prepared jointly by the Committee on Public Order and Dangerous Drugs; and the Committee on Justice and Human Rights with Senators Gatchalian, Revilla Jr., Dela Rosa and Gordon as authors thereof

AN ACT
PENALIZING WILFUL AND INDISCRIMINATE DISCHARGE OF FIREARMS,
AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE
KNOWN AS THE REVISED PENAL CODE

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

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

3 "ART. 155. *Alarms and Scandals.* - The penalty of *arresto menor* or a fine not
4 exceeding Forty thousand pesos (P 40,000) shall be imposed upon:

5 1. Any person who within any town or public place, shall discharge any
6 [~~firearm,~~] rocket, firecracker, or other explosives calculated to cause
7 alarm or danger;
8 xxx"

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

10 "ART. 254. *Discharge of Firearms.* -

1 **A)** Any person who shall shoot at another with any firearm shall suffer the
2 penalty of *prision correccional* in its minimum and medium periods, unless
3 the facts of the case are such that the act can be held to constitute frustrated
4 or attempted parricide, murder, homicide, or any other crime for which a
5 higher penalty is prescribed by any of the articles of this Code.

6 **B) ANY PERSON WHO SHALL WILFULLY AND INDISCRIMINATELY**
7 **DISCHARGE ANY FIREARM OR OTHER DEVICE THAT MAY NOT HAVE**
8 **BEEN DESIGNED AS FIREARM BUT CAN BE FUNCTIONALLY USED AS**
9 **A FIREARM, SHALL SUFFER THE PENALTY OF ARRESTO MAYOR IN**
10 **ITS MAXIMUM PERIOD, UNLESS THE FACTS OF THE CASE CAN BE**
11 **HELD TO CONSTITUTE ANY OTHER OFFENSE OF WHICH A HIGHER**
12 **PENALTY IS PRESCRIBED.**

13 **C) IF THE PERSON WHO COMMITS THE OFFENSE PROVIDED IN**
14 **THIS ARTICLE IS A MEMBER OF THE MILITARY AND MILITARY**
15 **AUXILLARY AGENCIES, OR LAW ENFORCEMENT AGENCIES,**
16 **AUTHORIZED TO BEAR FIREARMS AND SUCH DISCHARGE IS NOT**
17 **IN THE PERFORMANCE OF OFFICIAL DUTIES, THE PENALTY ONE**
18 **DEGREE HIGHER THAN THAT PRESCRIBED ABOVE SHALL BE**
19 **IMPOSED AND THE OFFENDER MAY BE HELD ADMINISTRATIVELY**
20 **LIABLE.**

21 **IN ADDITION, TO THE PENALTIES IMPOSED HEREIN, ANY**
22 **FIREARM LICENSE OR PERMIT ISSUED IN FAVOR OF THE**
23 **OFFENDER SHALL BE SUMMARILY CANCELLED, AND THE OFFENDER**
24 **SHALL BE PERPETUALLY DISQUALIFIED FROM BEING GRANTED**
25 **ANY FIREARM LICENSE OR PERMIT."**

1 **SEC. 3. *Separability Clause.*** - If any provision or part of this Act is held invalid or
2 unconstitutional, other provisions not affected thereby shall remain valid and subsisting.

3 **SEC. 4. *Repealing Clause.*** - All laws, orders, proclamations, rules and regulations, or
4 part thereof, which are inconsistent with any provision of this Act are hereby repealed or
5 modified accordingly.

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

Approved,