



HOUSE OF REPRESENTATIVES

H. No. 6123

BY REPRESENTATIVES ACOP, BRAVO, PLAZA, REVILLA,
MARIANO-HERNANDEZ, LOYOLA, EBCAS, CABOCHAN,
TEVES (A.), BORDADO AND PADUANO, PER COMMITTEE
REPORT NO. 209

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.

1 "IF THE PERSON RESPONSIBLE FOR THE DISCHARGE
2 OF FIREARM IS A MEMBER OF THE PHILIPPINE NATIONAL
3 POLICE, ARMED FORCES OF THE PHILIPPINES, OR ANY
4 LAW ENFORCEMENT AGENCY AUTHORIZED BY LAW TO BEAR
5 ARMS, THE PENALTY OF ONE (1) DEGREE HIGHER THAN
6 THAT PROVIDED IN THE PRECEDING PARAGRAPH SHALL BE
7 IMPOSED."

8 For the purpose of this Act, the term "device" refers to anything
9 that may not have been designed as a firearm but can be functionally
10 adapted and used as a firearm.

11 SEC. 2. Republic Act No. 10591, otherwise known as the
12 "Comprehensive Firearms and Ammunition Regulation Act", is
13 hereby amended by inserting a new section after Section 41, which
14 shall read as follows:

15 "SEC. 41-A. *INDISCRIMINATE FIRING OF FIREARM;
16 DEFINITION; PENALTIES.* – ANY PERSON WHO SHALL
17 DISCHARGE OR SHOOT ANY FIREARM OR ANY DEVICE
18 WITHOUT LAWFUL AUTHORITY, OR IN A RANDOM, AIMLESS,
19 PURPOSELESS, OR INDISCRIMINATE MANNER, SHALL
20 SUFFER THE PENALTY OF *PRISION MAYOR* IN ITS MEDIUM
21 PERIOD.

22 "IF THE INDISCRIMINATE FIRING OF FIREARM OR
23 DEVICE SHALL RESULT IN INJURY TO A PERSON OR DAMAGE
24 TO PROPERTY, THE RESULTING CRIMES SHALL BE
25 CONSIDERED AS DISTINCT AND SEPARATE OFFENSES.

26 "IF THE INDISCRIMINATE FIRING OF FIREARM SHALL
27 RESULT IN THE DEATH OF A VICTIM, THE PENALTY OF
28 *RECLUSION TEMPORAL* SHALL BE IMPOSED.

29 "IF THE OFFENDER IS A MEMBER OF THE PHILIPPINE
30 NATIONAL POLICE, ARMED FORCES OF THE PHILIPPINES,

1 OR ANY LAW ENFORCEMENT AGENCY AUTHORIZED BY LAW
2 TO BEAR ARMS, THE PENALTY OF ONE (1) DEGREE HIGHER
3 THAN THAT PROVIDED IN THE PRECEDING PARAGRAPHS
4 SHALL BE IMPOSED. THE OFFENDER SHALL LIKEWISE BE
5 SUBJECT TO SUMMARY DISMISSAL PROCEEDINGS AND
6 SHALL BE PERPETUALLY DISQUALIFIED FROM HOLDING
7 ANY PUBLIC OFFICE.

8 "IN ADDITION TO THE PENALTIES IMPOSED HEREIN,
9 ANY FIREARM LICENSE OR PERMIT ISSUED IN FAVOR OF
10 THE OFFENDER SHALL BE SUMMARILY CANCELLED, AND
11 THE OFFENDER SHALL BE PERPETUALLY DISQUALIFIED
12 FROM BEING GRANTED ANY FIREARM LICENSE OR PERMIT."

13 SEC. 3. If any portion or provision of this Act is declared
14 unconstitutional, the remainder of the Act or any provision not
15 affected thereby shall remain in force and effect.

16 SEC. 4. Article 254 of Act No. 3815 and Republic Act No. 10591
17 are hereby amended. All laws, decrees, orders, rules and regulations
18 or other issuances or parts thereof inconsistent with the provisions of
19 this Act are hereby repealed or modified accordingly.

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

Approved,