



HOUSE OF REPRESENTATIVES

H. No. 5750

BY REPRESENTATIVES ACOPI, NOGRALES (K.A.), NOGRALES (J.J.),
HERRERA-DY, SARMIENTO (C.), TAN (A.), ESPINO, DALIPE, BATAOIL,
BRAVO (M.V.), SUANSING (H.), OAMINAL, MENDING AND ALEJANO,
PER COMMITTEE REPORT NO. 265

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:*

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

3 "ART. 254. *Discharge of firearms.* - Any person who
4 shall shoot at another with any firearm OR ANY DEVICE shall
5 suffer the penalty of *prision correccional* in its [minimum and
6 medium periods] **MAXIMUM PERIOD**, unless the facts of the case
7 are such that the act can be held to constitute frustrated or

1 attempted parricide, murder, homicide or any other crime for
2 which a higher penalty is prescribed by any of the articles
3 of this Code.

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

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

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

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

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

27 "IF THE INDISCRIMINATE FIRING OF FIREARM OR
28 DEVICE SHALL RESULT TO THE DEATH OF A VICTIM, THE
29 PENALTY OF *RECLUSION TEMPORAL* SHALL BE IMPOSED.

1 **"IF THE OFFENDER IS A MEMBER OF THE NATIONAL**
2 **POLICE, ARMED FORCES OR ANY LAW ENFORCEMENT AGENCY**
3 **AUTHORIZED BY LAW TO BEAR ARMS, THE PENALTY ONE (1)**
4 **DEGREE HIGHER THAN THAT PROVIDED IN THE PRECEDING**
5 **PARAGRAPHS SHALL BE IMPOSED. THE OFFENDER SHALL**
6 **LIKewise BE SUBJECT TO SUMMARY DISMISSAL PROCEEDINGS**
7 **AND SHALL BE PERPETUALLY DISQUALIFIED FROM HOLDING**
8 **ANY PUBLIC OFFICE.**

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

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

17 SEC. 4. Article 254 of Act No. 3815 or the Revised Penal Code, and
18 Republic Act No. 10591 or the Comprehensive Firearms and Ammunition
19 Regulation Act, are hereby amended. All laws, decrees, orders, rules and
20 regulations or other issuances or parts thereof inconsistent with the provisions
21 of this Act are hereby repealed or modified accordingly.

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

 Approved,