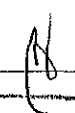


SENATE
S. B. No. 1279

'04 JUL -1 P1:27

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The proposed measure seeks to protect the general welfare through a more pragmatic penal regulation against gambling, which is certainly inimical to public interest. As it is a declared policy of the State to discourage and prohibit forms of gambling not regulated or sanctioned under existing laws, there is a need to review and amend the same in order to efficiently and effectively carry out the people's crusade against illegal gambling.

Law enforcement against illegal gambling will continue to be ineffective unless the laws provide stiffer penalties for violations thereof.

This bill is consolidation of related bills submitted during the previous congress before the Committee on Constitutional Amendments, Revision of Codes and Laws, of which the undersigned chaired.


MIRIAM DEFENSOR SANTIAGO

SENATE
S. B. No. 1279

'04 JUL -1 P1:27

RECORDED BY: _____

Introduced by Senator Miriam Defensor Santiago

AN ACT
RATIONALIZING THE LAW AGAINST GAMBLING AND/OR BETTING BY PROVIDING
STIFFER PENALTIES, FORFEITURE AND CONFISCATION PROVISIONS AND
ESTABLISHING A *PRIMA FACIE* PRESUMPTION FOR VIOLATIONS THEREFOR,
AMENDING FOR THESE PURPOSES PRESIDENTIAL DECREE NO. 1602.

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

SECTION 1. Section 1 of Presidential Decree No. 1602 is hereby amended to read as follows:

"Section 1. Penalties. - The following penalties are hereby imposed:

(a) The penalty of *PRISION MAYOR* IN ITS MEDIUM PERIOD OR A FINE RANGING FROM TWENTY THOUSAND PESOS (P20,000.00) TO FORTY THOUSAND PESOS (P40,000.00), OR BOTH [*prision correccional* in its medium period or a fine ranging from thousand pesos (1,000.00) to six thousand pesos (6,000.00), and in case of recidivism, the penalty for *PRISION MAYOR* IN ITS MAXIMUM PERIOD OR A FINE RANGING FROM THIRTY THOUSAND PESOS (P30,000.00) TO SIXTY THOUSAND PESOS TO SIXTY THOUSAND PESOS (60,000.00) OR BOTH [*prision mayor* in its medium period or a fine ranging from FIVE THOUSAND PESOS (5,000.00) to TEN THOUSAND PESOS (10,000.00), shall be imposed upon:

- (1) Any person other than those referred to in the succeeding subsections who in any manner, shall directly or indirectly take part in any illegal or unauthorized activities or games of cockfighting, jueteng, jai-alai or horse racing to include bookie operation and game fixing, numbers, bingo and other forms of lotteries, *cara y cruz*, *pompiang* and the like; 7-11 and any game using dice, blackjack, lucky nine, poker and its

derivatives, monte, baccarat, *cuajo*, *pagmningue* and other card games; paik que, high and low, mahjong, domino and other games using plastic tiles and the likes; slot machines, roulette, pinball and other mechanical contraptions and devices; dog racing, boat racing, car racing and other forms of races; basketball, boxing, volleyball, bowling, pingpong and other forms of individual or team contest to include game fixing, point shaving and other machinations; banking or percentages game, or any other game or scheme, whether upon chance or skill, wherein wagers consisting of money, articles of value or representative of value are at stake or made:

(2) Any person shall knowingly permit any form of gambling referred to in the preceding subparagraph to be carried on in an inhabited or uninhabited place or in any building, vessel or other means of transportation owned or controlled by him: *PROVIDED*, that i[If the place where gambling is carried on has a reputation of a gambling place or that prohibited gambling is frequently carried on therein, or the place is a public or government building or barangay hall, the malefactor shall be punished by PRISION MAYOR IN ITS MAXIMUM PERIOD OR A FINE RANGING ROM THIRTY THOUSAND PESOS (P30,000.00) TO FIFTY THOUSAND PESOS (P50,000.00), OR BOTH [prision correccional in its maximum period and a fine of SIXTY THOUSAND PESOS (P60,000.00);

(3) ANY PERSON WHO PERMITS OR ALLOWS HIS NAME TO BE USED FOR ILLEGAL GAMBLNMG OR WHO USES OR PERMITS HIMSELF TO BE USED AS A DUMMY IN CONNECTION WITH ILLEGAL GAMBLING;

(b) The penalty of PRISION MAYOR ITS MAXIMUM PERIOD OR A FINE RANGING FORM THIRTY THOUSAND PESOS (P30,000.00) TO SIXTY THOUSAND PESOS (60,000.00), OR BOTH, [prision correccional in its

the maintainer or conductor of the above gambling schemes: *PROVIDED*, THAT THE PENALTY OF RECLUSION TEMPORAL AND A FINE RANGING FROM FORTY THOUSAND PESOS (P40,000.00) TO SIXTY THOUSAND PESOS (60,000.00) SHALL BE IMPOSED UPON A MAINTAINER OR CONDUCTOR WHO OPERATES THREE OR MORE GAMBLING OR BETTING JOINTS, DENS OR HOUSES OR WHEN THE GAMBLING OR BETTING OPERATION IS OF A LARGE SCALE, SUCH AS WHEN IT COVERS A CITY, MUNICIPALITY OR BARANGAY;

THE PROPERTY DERIVED BY THE MAINTAINER OR CONDUCTOR, WHO OPERATES THREE OR MORE GAMBLING OR BETTING JOINTS, DENS OR HOUSES, OR WHO OPERATES ON A LARGE SCALE, FROM ILLEGAL GAMBLING OR BETTING SHALL BE FORFEITED AND/OR CONFISCATED IN FAVOR OF THE GOVERNMENT.

THE BURDEN OF PROVING THE COMMISSION OF CRIMES COVERED UNDER THIS SUBSECTION LIES WITH THE PROSECUTION, ONE THE PROSECUTION PROVES THT THE PROPETIES OWNED, HELD OR ACCUMULATED BY THE ACCUSED, IN HIS OWN NAME OR IN THOSE OF OTHER PERSONS, IS MANIFESTLY OUT OF PROPORTION TO HIS LAWFUL INCOME, IT SHALL DEVOLVE UPON THE ACCUSED TO SHOW THAT SUCH PROPERTIES WERE ACQUIRED BY LAWFUL MEANS; *PROVIDED*, THAT ANY PROPERTY WHICH HE DID NOT PROVE AS AMONG THOSE HE ACQUIRED BY LEGAL MEANS SHALL BE PRESUMED TO HAVE BEEN ACQUITRED ILLEGALLY;

UPON THE FILING OF THE CRIMINAL CASE, THE COURT SHALL SCHEDULE A HEARING FOR THE DETERMINAITON OF THE PROPERITES MENTIONED HEREIN WHICH MAY BE CONFISCATED AND FORFEITED. DURING THE PENDENCY OF THE CASE, NO PROPERTY, OR INCOME DERIVED THEREFROM, WHICH MAY BE CONFISCATED AND FORFEITED, MAY BE DISPOSED, ALIENATED OR TRANSFERRED AND THE SAME SHALL BE IN *CUSTODIA LEGIS* AND NO BOND BE ADMITTED FOR THE RELEASE OF THE SAME.

THE PROCEEDS OF ANY SALE OR DISPOSITION OF ANY PROPERTY OR MONEY CONFISCATED OR FORFEITED UNDER THIS SUBSECTION SHALL BE USED TO PAY ALL PROPER EXPENSES FOR THE CONFISCATION OR FORFEITURE AND THE SALE, INCLUDING EXPENSES OF SEIZURE, CUSTODY AND MAINTENANCE OF THE PROPERTY PENDING ITS DISPOSITION, ADVERTISING PUBLICATION AND COURT COSTS;

(c) The penalty of PRISION MAYOR IN ITS MAXIMUM PERIOD OR A FINE RANGING FROM FORTY THOUSAND PESOS (P40,000.00) TO SIXTY THOUSAND PESOS (P60,000.00), OR BOTH, [*prision mayor* in its medium period with temporary absolute disqualification or a fine of SIX THOUSAND PESOS] shall be imposed if the maintainer, conductor or banker of said gambling schemes is a government official, or where such government official is the player, promoter, referee, umpire, judge or coach in case of game fixing, point shaving and machination;

(d) The penalty of prision correccional in its medium period or a fine ranging from FIVE THOUSAND PESOS (5,000.00) TO TEN THOUSAND PESOS (P10,000.00), OR BOTH, [FOUR HUNDRED PESOS (400.00) to TWO THOUSAND PESOS (P2,000.00)] shall be imposed upon any person who shall knowingly and without lawful purpose in any hour of any day, possess any lottery list, paper or other matter containing letters, figures, signs or symbols AND OTHER GAMBLING PARAPHERNALIA pertaining to or in any manner used in the same games of *jueteng*, *jai-alai* or horse racing bookies, and similar games of lotteries and numbers which have taken place or about to take place: *PROVIDED*, THAT POSSESSION OF SAID ARTICLES OR PARAPHERNALIA SHALL BE *PRIMA FACIE* EVIDENCE OF THE VIOLAITON OF THIS SUBSECTION: *PROVIDED, FUTHER*, THAT SUCH ARTICLES FOUND IN HIS POSSESSION SHALL BE SEIZED AND CONFISCATED IN FAVOR OF THE GOVERNMENT;

(e) The penalty of PERPETUAL [temporal] absolute disqualification shall be imposed upon any PUBLIC [barangay] official who with knowledge of the

existence of a gambling house of place in his jurisdiction, fails to abate the same action in connection therewith;

(f) The penalty of *prision correccional* in its maximum period or a fine ranging from FIVE THOUSAND PESOS (P5,000.00) TO TEN THOUSAND PESOS (P10,000.00), OR BOTH, [FIVE HUNDRED (500.00) to TWO THOUSAND PESOS (P2,000.00) shall be imposed upon any security officer, security guard, watchman, private or house detective of hotels, villages, building, enclosure and the like which have the reputation of a gambling place or where gambling activities are being held; and

(g) ANY PERSON WHO USES DILATORY TACTICS TO HINDER, OBSTRUCT OR IMPEDE THE SUCCESSFUL EXECUTION OF AN OPERATION AGAINST ILLEGAL GAMBLING AND/OR BETTING BY LAW ENFORCEMENT AGENCIES OR BY ANY OTHER AGENCY OF GOVERNMENT OR OTHERWISE EXTENDS PROTECTION TO A MAINTAINER CONDUCTOR, BANKER OR ANY OTHER PERSON OTHERWISE INVOLVED IN ILLEGAL GAMBLING AND/OR BETTING SHALL BE PENALIZED WITH PRISION CORRECCIONAL IN ITS MAXIMUM PERIOD OR A FINE RANGING FROM TEN THOUSAND PESOS (P10,000.00) TO TWENTY THOUSAND PESOS (P20,000.00), OR BOTH.

SEC. 2. Informer's reward. Any person who shall disclose information that will lead to the arrest and final conviction of the malefactor shall be rewarded twenty five percent (25%) of the cash money or articles of value confiscated or forfeited in favor of the government.

SEC. 3. Separability Clause. If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 4. Repealing Clause. Presidential Decree No. 1602 is hereby amended and

rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 5. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved.