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SENATE
S. No. 1480

Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The attached bill seeks to expressly exclude jai-alai games from the franchised activities of the Philippine Amusement and Gaming Corporation (PAGCOR) by an express amendment of Presidential Decree No. 1869, the PAGCOR charter.

The basic principle, conceded by all legislators, is that the permit or franchise for the operation and regulation of any form of gambling is a legislative prerogative. In other words, gambling - in this instance jai-alai - being a prohibited activity can only allowed by clear and express provision of law.

The proposed legislation will settle with finality the issue of authority of PAGCOR to operate and manage jai-alai games. This, in view of the recent judicial ruling that PAGCOR is vested with power to operate jai-alai games, a ruling arrived at when the issue was raised before the Court for the third time, a ruling marked by strong disagreements between and among the members of the highest court.

The issue of jai-alai is not merely and simply a legal issue; it involves peace and order, public policy and public morals. We cannot quibble about this. As all Cebuanos know only too well, the pernicious gambling activity called *masiao* - the illegal numbers game in the Visayas and Mindanao - is rooted in jai-alai. *Masiao* is hitched to - and thrives on - the three number winning combination that results kom what is known as the special Have in professional jai-alai games. With *masiao* in the streets because of jai-ala;, Cebu would have to contend with criminal activities, the shady dealings and the dubious characters that *masiao* is sure to bring. It happened in the past when jai-alai was around; it will happen again the moment jai-alai is back - unless jai-alai games are totally stopped by Congress.

This is consistent with the strong policy of the President that - exercising her power of control over all executive offices - she is against the resumption of jai-alai operations by PAGCOR and the proliferation of any form of gambling. Needless to say, the quick response of the President clearly indicates the sincerity and passion with which she wages her war against the proliferation of gambling and other vices and affirms her confidence in the unstinting moral crusade of the people of the Visayas against *masiao* and the ill effects and deeds it breeds. It gives us the assurance needed to push for the most restrictive reforms in the area of gambling.


This is a Senate counterpart bill to one filed in the House of Representatives by Rep. Raul V. Del Mar 11.¹

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MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the 14th Congress 1st Regular Session

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 AMENDING PRESIDENTIAL DECREE NO. 1869, EXPRESSLY EXCLUDING JAI-
3 ALAI GAMES FROM THE FRANCHISED ACTIVITIES OF THE
4 PHILIPPINE AMUSEMENT AND GAMING CORPORATION

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

5 SECTION 1. Section 1(b) of Presidential Decree No. 1869 is hereby amended to read as
6 follows:

7 "(b) To establish and operate clubs and casinos, for amusement and
8 recreation, sports gaming pools (basketball, football, lotteries, etc.) and such
9 other forms of amusement and recreation including games of chance, EXCEPT
10 JAI-ALAI, which may be allowed by law within the territorial jurisdiction
11 of the Philippines and which will : (1) generate sources of additional
12 revenue to fund infrastructure and socio-civic projects, such as flood control
13 programs, beautification, sewerage and sewage projects, Tulungan ng Bayan
14 Centers, Nutrition Programs, population Control and such other essential public
15 services; (2) create recreation and integrated facilities which will expand and
16 improve the country's existing tourist attractions; and (3) minimize, if not
17 totally eradicate, the evils, malpractices and corruptions that are normally
18 prevalent in the conduct and operation of gambling clubs and casinos without
19 direct government involvement."

20 SECTION 2. Section 10 Presidential Decree No. 1869 is likewise amended to read as
21 follows:

1 “Sec. 10. Nature and term of franchise - Subject to the terms and
2 conditions established in this Decree, the Corporation is hereby granted for a
3 period of twenty-five (25) years, the rights, privileges and authority to operate and
4 maintain gambling casinos, clubs, and other recreation or amusement places,
5 sports, gaming pools, i.e. basketball, football, lotteries, etc. EXCEPT JAI-ALAI,
6 whether on land or sea, within the territorial jurisdiction of the Republic of the
7 Philippines.”

8 SECTION 3. Any law, presidential decree or issuance, executive order, letter of
9 instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions
10 of this act is hereby repealed, modified or amended accordingly.

11 SECTION 4. This Act shall take effect fifteen (15) days after its publication in at least
12 two (2) newspapers of general circulation.

13 Approved,