

SENATE
S. No. 1913

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, which this bill seeks to provide.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
as

¹ This bill was originally filed during the Thirteenth Congress, First Regular Session.

SENATE
S. No. **1913**

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

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

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

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

9 (a) The penalty of *PRISION MAYOR* IN ITS MEDIUM PERIOD OR A
10 FINE RANGING FROM TWENTY THOUSAND PESOS (P20,000.00) TO
11 FORTY THOUSAND PESOS (P40,000.00), OR BOTH [*prision correccional* in
12 its medium period or a fine ranging from one thousand pesos (P1,000.00) to six
13 thousand pesos (P6,000.00), and in case of recidivism, the penalty of *PRISION*
14 *MAYOR* IN ITS MAXIMUM PERIOD OR A FINE RANGING FROM THIRTY
15 THOUSAND PESOS (P30,000.00) TO SIXTY THOUSAND PESOS
16 (P60,000.00) OR BOTH [*prision mayor* in its medium period or a fine ranging
17 from FIVE THOUSAND PESOS (P5,000.00) to TEN THOUSAND PESOS
18 (10,000.00), shall be imposed upon:

19 (1) Any person other than those referred to in the succeeding subsections
20 who in any manner, shall directly or indirectly take part in any illegal or
21 unauthorized activities or games of cockfighting, *jueteng*, *jaijai*, or horse racing
22 to include bookie operation and game-fixing, numbers, bingo, and other forms
23 lotteries, *cara y cruz*, *pompiang* and the like 7-1 1 and any game using dice,

1 blackjack, lucky nine, poker and its derivatives, monte, baccarat, *cuujo*
2 *pagnningue* and other card games; *pailc que*, high and low, mahjong, domino
3 and other games using plastic tiles and the likes; slot machines, roulette, pinball,
4 and other mechanical contraptions and devices; dog racing, boat racing, car racing
5 and other forms of individual or team contest to include game fixing, point
6 shaving and other machinations; banking or percentages game or scheme, whether
7 upon chance or skill, wherein wagers consisting of money, articles of value or
8 representative of value are at stake or made.

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

20 (3) Any person who permits or allows his name to be used for illegal
21 gambling or who uses or permits himself to be used as a dummy in connection
22 with illegal gambling.

23 (b) The penalty of PRISION MAYOR IN ITS MAXIMUM PERIOD OR
24 FINE RANGING FROM THIRTY THOUSAND PESOS (P30,000.00) TO
25 SIXTY THOUSAND PESOS (P60,000.00), OR BOTH ; *PROVIDED*, THAT
26 THE PENALTY OF *RECLUSION TEMPORAL* AND A FINE RANGING
27 FROM FORTY THOUSAND PESOS (P40,000.00) TO SIXTY THOUSAND
28 PESOS (P60,000.00) SHALL BE IMPOSED UPON A MAINTAINER OR

1 CONDUCTOR WHO OPERATES THREE OR MORE GAMBLING OR
2 BETTING JOINTS, DENS, OR HOUSES OR WHEN THE GAMBLING OR
3 BETTING OPERATION IS OF A LARGE SCALE, SUCH AS WHEN IT
4 COVERS A CITY, MUNICIPALITY, OR BARANGAY;

5 THE PROPERTY DERIVED BY THE MAINTAINER OR
6 CONDUCTOR, WHO OPERATES THREE OR MORE GAMBLING OR
7 BETTING JOINTS, DENS OR HOUSES, OR WHO OPERATES ON A LARGE
8 SCALE, FROM ILLEGAL GAMBLING OR BETTING SHALL BE
9 FORFEITED AND/OR CONFISCATED IN FAVOR OF THE GOVERNMENT.
10 THE BURDEN OF PROVING THE COMMISSION OF CRIMES COVERED
11 UNDER THIS SUBSECTION, ONCE THE PROSECUTION PROVES THAT
12 THE PROPERTIES OWNED, HELD OR ACCUMULATED BY THE
13 ACCUSED, IN HIS OWN NAME OR IN THOSE OF OTHER PERSONS, IS
14 MANIFESTLY OUT OF PROPORTION TO HIS LAWFUL INCOME, IT
15 SHALL DEVOLVE UPON THE ACCUSED TO SHOW THAT SUCH
16 PROPERTIES WERE ACQUIRED BY LAWFUL MEANS; PROVIDED, THAT
17 ANY PROPERTY WHICH HE DID NOT PROVE AS AMONG THOSE HE
18 ACQUIRED BY LEGAL MEANS SHALL BE PRESUMED TO HAVE BEEN
19 ACQUIRED ILLEGALLY;

20 UPON THE FILING OF THE CRIMINAL CASE, THE COURT SHALL
21 SCHEDULE A HEARING FOR THE DETERMINATION OF THE
22 PROPERTIES MENTIONED HEREIN WHICH MAY BE CONFISCATED
23 AND FORFEITED. DURING THE PENDENCY OF THE CASE, NO
24 PROPERTY, OR INCOME DERIVED THEREFROM, WHICH MAY BE
25 CONFISCATED AND FORFEITED, MAY BE DISPOSED, ALIENATED, OR
26 TRANSFERRED AND THE SAME SHALL BE IN *CUSTODIA LEGIS* AND
27 NO BOND BE ADMITTED FOR THE RELEASE OF THE SAME. THE
28 PROCEEDS OF ANY SALE OR DISPOSITION OF ANY PROPERTY OR
29 MONEY CONFISCATED OR FORFEITED UNDER THIS SUBSECTION

1 SHALL BE USED TO PAY ALL PROPER EXPENSES OF SEIZURE,
2 CUSTODY AND MAINTENANCE OF PROPERTY PENDING ITS
3 DISPOSITION, ADVERTISING, PUBLICATION, AND COURT COSTS;

4 (c) The penalty of *PRISION M YOR* IN ITS MAXIMUM PERIOD OR A
5 FINE RANGING FROM FORTY THOUSAND PESOS (P40,000.00) TO SIXTY
6 THOUSAND PESOS (P60,000.00), OR BOTH, *prision mayor* in its medium
7 period with temporary absolute disqualification or fine of SIX THOUSAND
8 PESOS(P6,000.00) shall be imposed if the maintainer, conductor or banker of
9 said gambling schemes is a government official, or where such government
10 official is the player, promoter, referee, umpire, judge, or coach in case of game
11 fixing, point shaving and machination;

12 (d) The penalty of *prision correccional* in its medium period or a fine
13 ranging from FIVE THOUSAND PESOS (P5,000.00) TO TEN THOUSAND
14 PESOS (P10,000.00), OR BOTH [four hundred pesos (P400.00) to TWO
15 THOUSAND PESOS (P2,000.00) shall be imposed upon any person who shall
16 knowingly and without lawful purpose in any hour of any day, possess any lottery
17 list, paper, of other matter containing letters , figures, signs or symbols AND
18 OTHER GAMBLING PARAPHERNALIA pertaining to or in any manner used
19 in the same games *jueteng*, *jai-alai* or horse racing bookies, and similar games of
20 lotteries and numbers which have taken place or about to take place: *PROVIDED*,
21 THAT POSSESSION OF SAID ARTICLES OR PARAPHERNALIA SHALL
22 BE *PRIMA FACIE* EVIDENCE OF THE VIOLATION OF THIS
23 SUBSECTION: *PROVIDED, FURTHER*, THAT SUCH ARTICLES FOUND IN
24 HIS POSSESSION SHALL BE SEIZED AND CONFISCATED IN FAVOR OF
25 THE GOVERNMENT;

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

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

3 (f) The penalty of *prision correccional* in its maximum period or a fine
4 ranging from FIVE THOUSAND PESOS (P5,000.00) TO TEN THOUSAND
5 PESOS (P10,000.00), OR BOTH, [FIVE HUNDRED PESOS (P500.00) to TWO
6 THOUSAND PESOS (P2,000.00) shall be imposed upon any security officer,
7 security guard, watchman, private or house detective of hotels, villages, building,
8 enclosure and the like which have the reputation of a gambling place or where
9 gambling activities are being held; and

10 (g) ANY PERSON WHO USES DILATORY TACTICS TO HINDER,
11 OBSTRUCT OR IMPEDE THE SUCCESSFUL EXECUTION OF AN
12 OPERATION AGAINST ILLEGAL GAMBLING AND/OR BETTING BY
13 LAW ENFORCEMENT AGENIES OR BY ANY OTHER AGENCY OF
14 GOVERNMENT OR OTHERWISE EXTENDS PROTECTION TO A
15 MAINTAINER CONDUCTOR, BAKER OR ANY OTHER PERSON
16 OTHERWISE INVOLVED IN ILLEGAL GAMBLING AND/OR BETTING
17 SHALL BE PENALIZED WITH PRISION CORRECCIONAL IN ITS
18 MAXIMUM PERIOD OR A FINE RANGING FROM TEN THOUSAND
19 PESOS (P10,000.00) TO TWENTY THOUSAND PESOS (P20,000.00), OR
20 BOTH.”

21 SECTION 2. *Informer's Reward.* - Any person who shall disclose information that will
22 lead to the arrest and final conviction of the malefactor shall be rewarded twenty five percent
23 (25%) of the cash money or articles of value confiscated or forfeited in favor of the government.

24 SECTION 3. *Separability Clause.* - If any provision or part hereof, is held invalid or
25 unconstitutional, the remainder of the law or the provision otherwise affected shall remain valid
26 and subsisting.

1 SECTION 4. *Repealing Clause.* - Presidential Decree No. 1602 is hereby amended and
2 rule and regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed.

3 SECTION 5. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
4 publication in at least two (2) newspapers of general circulation.

Approved,