

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

13 OCT -3 P 6:04

SENATE
S. No. 1825

RECEIVED BY: *ja*

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.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

13 OCT -3 P 6 :04

SENATE
S. No. 1825

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 AMENDING PRESIDENTIAL DECREE NO. 1602 TO PROVIDE FOR STIFFER
3 PENALTIES FOR GAMBLING AND/OR BETTING

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

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

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

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

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

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

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

23 (3) **ANY PERSON WHO PERMITS OR ALLOWS HIS**
24 **NAME TO BE USED FOR ILLEGAL GAMBLING OR WHO**
25 **USES OR PERMITS HIMSELF TO BE USED AS A DUMMY**
26 **IN CONNECTION WITH ILLEGAL GAMBLING.**

27 (b) The penalty of **PRISION MAYOR IN ITS MAXIMUM PERIOD**
28 **OR A FINE RANGING FROM THIRTY THOUSAND PESOS (P30,000.00)**
29 **TO SIXTY THOUSAND PESOS (P60,000.00), OR BOTH** [*prision*

1 *correccional* in its maximum period or a fine of six thousand pesos] shall be
2 imposed upon the maintainer or conductor of the above gambling schemes;
3 **PROVIDED, THAT THE PENALTY OF RECLUSION TEMPORAL AND A**
4 **FINE RANGING FROM FORTY THOUSAND PESOS (P40,000.00) TO**
5 **SIXTY THOUSAND PESOS (P60,000.00) SHALL BE IMPOSED UPON A**
6 **MAINTAINER OR CONDUCTOR WHO OPERATES THREE OR MORE**
7 **GAMBLING OR BETTING JOINTS, DENS, OR HOUSES, OR WHEN**
8 **THE GAMBLING OR BETTING OPERATION IS OF A LARGE SCALE,**
9 **SUCH AS WHEN IT COVERS A CITY, MUNICIPALITY, OR**
10 **BARANGAY.**

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

17 **ONCE THE PROSECUTION PROVES THAT THE PROPERTIES**
18 **OWNED, HELD OR ACCUMULATED BY THE ACCUSED, IN HIS OWN**
19 **NAME OR IN THOSE OF OTHER PERSONS, IS MANIFESTLY OUT OF**
20 **PROPORTION TO HIS LAWFUL INCOME, IT SHALL DEVOLVE**
21 **UPON THE ACCUSED TO SHOW THAT SUCH PROPERTIES WERE**
22 **ACQUIRED BY LAWFUL MEANS; PROVIDED, THAT ANY**
23 **PROPERTY WHICH HE DID NOT PROVE AS AMONG THOSE HE**
24 **ACQUIRED BY LEGAL MEANS SHALL BE PRESUMED TO HAVE**
25 **BEEN ACQUIRED ILLEGALLY.**

26 **UPON THE FILING OF THE CRIMINAL CASE, THE COURT**
27 **SHALL SCHEDULE A HEARING FOR THE DETERMINATION OF THE**
28 **PROPERTIES MENTIONED HEREIN WHICH MAY BE CONFISCATED**
29 **AND FORFEITED. DURING THE PENDENCY OF THE CASE, NO**

1 PROPERTY, OR INCOME DERIVED THEREFROM, WHICH MAY BE
2 CONFISCATED AND FORFEITED, MAY BE DISPOSED, ALIENATED,
3 OR TRANSFERRED, AND THE SAME SHALL BE IN *CUSTODIA LEGIS*
4 AND NO BOND BE ADMITTED FOR THE RELEASE OF THE SAME.
5 THE PROCEEDS OF ANY SALE OR DISPOSITION OF ANY
6 PROPERTY OR MONEY CONFISCATED OR FORFEITED UNDER
7 THIS SUBSECTION SHALL BE USED TO PAY ALL PROPER
8 EXPENSES OF SEIZURE, CUSTODY AND MAINTENANCE OF
9 PROPERTY PENDING ITS DISPOSITION, ADVERTISING,
10 PUBLICATION, AND COURT COSTS.

11 (c) The penalty of *prision mayor* in its **MAXIMUM PERIOD** [medium
12 period] with temporary absolute disqualification or a fine **RANGING FROM**
13 **FORTY THOUSAND PESOS (P40,000.00) TO SIXTY THOUSAND PESOS**
14 **(P60,000.00), OR BOTH**, [of six thousand pesos] shall be imposed if the
15 maintainer, conductor or banker of said gambling schemes is a government
16 official, or where such government official is the player, promoter, referee,
17 umpire, judge, or coach in case of game fixing, point shaving and machination.

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

1 **FOUND IN THE POSSESSION OF ANY PERSON SHALL BE SEIZED**
2 **AND CONFISCATED IN FAVOR OF THE GOVERNMENT.**

3 (e) The penalty of **PERPETUAL** [temporal] absolute disqualification
4 shall be imposed upon any **PUBLIC** [barangay] official who, with knowledge of
5 the existence of a gambling house or place in his jurisdiction, fails to abate the
6 same or take action in connection therewith.

7 (f) The penalty of *prision correccional* in its maximum period or a fine
8 ranging from **FIVE THOUSAND PESOS (P5,000.00) TO TEN THOUSAND**
9 **PESOS (P10,000.00), OR BOTH**, [five hundred pesos to two thousand pesos]
10 shall be imposed upon any security officer, security guard, watchman, private or
11 house detective of hotels, villages, buildings, enclosures and the like which have
12 the reputation of a gambling place or where gambling activities are being held.

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

24 SECTION 2. Section 2 of Presidential Decree No. 1602 is hereby amended to read as
25 follows:

26 “Section 2. *Informer’s Reward.* - Any person who shall disclose
27 information that will lead to the arrest and final conviction of the malefactor shall

1 be rewarded **THIRTY PERCENT (30%)** [twenty percent] of the cash money or
2 articles of value confiscated or forfeited in favor of the government.”

3 SECTION 3. *Separability Clause.* - If any provision or part thereof is held invalid or
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
5 valid and subsisting.

6 SECTION 4. *Repealing Clause.* - Any law, presidential decree, or issuance, executive
7 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
8 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,