

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



16 JAN 28 P3 56

SENATE
S. No. 3182

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

EXPLANATORY NOTE

The 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 be allowed by clear and express provision of law.

The proposed legislation will settle with finality the issue of authority of the 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. With *masiao* in the streets because of jai-alai, 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.¹


MIRIAM DEFENSOR SANTIAGO
at

¹ This bill was originally filed during the Fourteenth Congress, First Regular Session and refiled during the Fifteenth Congress, First Regular Session.

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

1 SECTION 1. Presidential Decree No. 1869, Section 1(b) is hereby amended to
2 read as follows:

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

16 SECTION 2. Presidential Decree No. 1869, Section 10 is likewise amended to
17 read as 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
3 for a period of twenty-five (25) years, the rights, privileges and
4 authority to operate and maintain gambling casinos, clubs, and other
5 recreation or amusement places, sports, gaming pools, i.e. basketball,
6 football, lotteries, etc. **EXCEPT JAI-ALAI**, whether on land or sea,
7 within the territorial jurisdiction of the Republic of the Philippines.

8 **SECTION 3. *Repealing Clause.*** – All laws, decrees, orders, and issuances, or
9 portions thereof, which are inconsistent with the provisions of this Act, are hereby
10 repealed, amended or modified accordingly.

11 **SECTION 4. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
12 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

clr/1Dec2015