

S E N A T E



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**COMMITTEE REPORT NO. 646**

Submitted by the Committee on Public Order and Dangerous Drugs on **MAY 24 2022**

Re: Investigation in aid of Legislation, on the Rising Number of Missing Persons Allegedly Involved in *Sabong* and *E-sabong* Related Incidents Based on News Reports

Recommending the adoption of the recommendations and their immediate implementation.

Sponsor: Ronald "Bato" Dela Rosa

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**MR. PRESIDENT:**

The Committee on Public Order and Dangerous Drugs on the conduct of investigation in aid of legislation, on the rising number of missing persons allegedly involved in *sabong* and *e-sabong* related incidents based on news reports has considered the same and has the honor to submit its report on its investigation back to the Senate, recommending the adoption of the recommendations as contained in this Report and their immediate implementation.

*"...Nagtutungo sa sabungan ang maralita upang ipagsapalaran ang anumang mayroon siya, sa hangad na magkasalapi nang hindi nagbabanat ng buto. Nagtutungo ang mayaman upang maglibang, dala*

*ang salaping lumabis sa kaniyang mga papista at pamisa ng pasasalamat. Subalit sa kaniya ang yamang ipinupusta, inaalagaan niyang mabuti ang tandang, higit pa marahil kaysa pag-aalaga sa anak, na magiging tagapagmana ng ama sa sabungan, kaya wala kaming maaaring itutol.”<sup>1</sup>*

## **I. Background**

Cockfighting has been around for hundreds of years. When Ferdinand Magellan arrived in 1521, it was already a roaring spectacle.<sup>2</sup> Filipinos from all social classes join this gambling sport which has been ingrained into the Filipino culture. To date, cockfighting has grown into a multi-billion industry,<sup>3</sup> with thousands of venues and an estimated one million cocks murdered around the country because of its popularity.

Although cockfighting has been outlawed in many countries because of its violent and vicious nature, it is nonetheless permitted in the Philippines by virtue of Presidential Decree No. 449, otherwise known as the "Cockfighting Law of 1974". Cockfighting, according to the law, is a vehicle for the preservation of Filipino culture, which may help strengthen national identity. However, the law expressly provides that cockfighting "should neither be exploited as an object of commercialism or business enterprise, nor made a tool of uncontrolled gambling".<sup>4</sup> As such, it is only permitted in approved cockpits and limited to days allowed by the law.

Years later, we find the COVID-19 pandemic changing the course of so many things, affecting every industry in the world, including the gambling industry. In fact, casinos, horse racing, cockfighting and operation of cockpits were prohibited during heightened community quarantine restrictions in the country. However, despite the threat of the virus and with the advancement of digital technology, Filipinos were able to wager on cockfights without having to be physically present in the cockpit. This advancement is known as "e-sabong" or online cockfighting.

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<sup>1</sup> Jose Rizal, "Kabanata 47: Sabungan," in *Noli Me Tangere*, trans. Virgilio Almario (Pasig City: National Centennial Commission, 1998).

<sup>2</sup> Aurora Almendral, NBC News: 'Just making a living': Cockfighting a way of life in the Philippines, accessed on 5 May 2022, <https://www.nbcnews.com/business/travel/just-making-living-cockfighting-way-life-philippines-fina6c10945776>

<sup>3</sup> <https://www.wheninmanila.com/watch-a-look-into-the-pinoy-game-of-sabong/>

<sup>4</sup> Presidential Decree No. 449

E-sabong is defined as the online/remote or off-site wagering/betting on live cockfighting matches, events, and/or activities streamed or broadcasted live from cockpit arena/s or authorized by the Local Government Units (“LGUs”) having jurisdiction thereof.<sup>5</sup> “*Talpak*” is a slang term used in online sabong but is also an acronym that stands for *tirahan, alahas, lupa, pundar, asawa, at kwarta*, everything that one stands to lose in online sabong.<sup>6</sup>

Regulation of live cockfighting in cockpit arenas is exercised by the LGU concerned pursuant to Presidential Decree No. 449. On the other hand, the Philippine Amusement and Gaming Corporation (“PAGCOR”) taking authority on the memoranda issued Office of the Solicitor General (“OSG”) and the Department of Justice (“DOJ”) regulated e-sabong operators.<sup>7</sup>

While the employees worked from home and the students had their online classes, there were those who busied themselves with online sabong. And what appeared to be risk-taking in the spirit of *talpak* quickly took an ominous turn. Several reports have been circulating in news and media outlets of missing persons allegedly involved in e-sabong and “sabong”:

1. According to the news report dated 20 January 2022,<sup>8</sup> police are investigating the disappearance of ten (10) men who were last seen in a cockfighting arena. Four (4) male friends were reported missing after going to Sta. Cruz, Laguna to participate in a cockfight last 13 January 2022.
2. On the same day, in Manila Arena, another six (6) men were also reported missing after joining a cockpit tournament;
3. On 28 January 2022, the Philippine National Police (“PNP”) released a statement saying that there are ten (10) more cockfight enthusiasts from Bulacan who went missing aside from the other ten (10) missing persons initially reported who went missing in Laguna and Manila. These persons went missing after attending a similar event in Sta. Cruz, Laguna.<sup>9</sup>

<sup>5</sup> <https://www.pagcor.ph/regulatory/e-sabong.php>

<sup>6</sup> <https://mediacommoner.medium.com/e-sabong-cockfightings-billion-peso-pandemic-response-measure-2e7298956e86>

<sup>7</sup> <https://www.pagcor.ph/regulatory/e-sabong.php>

<sup>8</sup> <https://www.gmanetwork.com/news/topstories/content/818909/10-men-went-missing-after-visiting-cockfighting-arena/story/>

<sup>9</sup> <https://www.gmanetwork.com/news/topstories/nation/819864/number-of-missing-sabungeros-under-ppn-investigation-rises-to-20/story/>

4. On 01 February 2022, the CIDG stated that there are now twenty-six (26) missing persons reported after attending a cockfight event in different cockfighting arenas.<sup>10</sup>
5. Based on the 16 February 2022 news report, the abduction of one (1) missing sabungero, Ricardo "Jonjon" Lasco, in Brgy. San Lucas, San Pablo, Laguna, was caught on CCTV last 30 August 2021. He is a rooster breeder and master agent who handles online cockfighting bets.<sup>11</sup>

To date, there are still no reports on the whereabouts of the missing persons allegedly involved in sabong and e-sabong related incidents.

## **II. Committee's Action**

Pursuant to the increasing reports of disappearances of persons allegedly participated in cockfighting events, the Senate through its Committee on Public Order and Dangerous Drugs and in the exercise of its oversight function, conducted an investigation, in aid of legislation, with the end in view of attuning policies to ensure maintenance of peace and order into the country.

As a result of several additional information provided by the Philippine National Police ("PNP"), witnesses and the relatives of the victims, the Committee conducted four (4) hearings in order to fully grasp the cases and testimonies of the resource persons, *to wit*:

### ***a. 24 February 2022***

Among the attendees of the first hearing were the representatives from the PNP, Criminal Investigation and Detection Group ("CIDG"), PAGCOR, DOJ, National Bureau of Investigation ("NBI"), Land Transportation Office ("LTO"), Commission on Human Rights ("CHR"), Lucky 8 Star Quest Inc., Belvedere Vista Corporation, and relatives of the missing persons.

<sup>10</sup> <https://www.gmanetwork.com/news/balilambayan/balita/820237/mga-nawawalang-sabungero-nadagdagan-pa-1-buntis-kasama-sa-listahan/story>

<sup>11</sup> <https://www.gmanetwork.com/news/topstories/nation/822119/video-captures-abduction-of-sabungero-families-anxiously-see-missing-kin/story/>

During the said hearing, the PNP gave a brief background of the cases on the missing persons involved in e-sabong and updates on their investigation. The relatives also shared the information based on their personal knowledge on the alleged abduction.

***b. 04 March 2022***

Among the attendees of the second hearing were the representatives from the PNP, CIDG, DOJ, NBI, LTO, CHR, PAGCOR, Lucky 8 Star Quest Inc., Bureau of Permits - City of Manila, License and Permit Office - Sta. Cruz Laguna, City Permits and Licensing Office - Lipa City, Globe GCash ("GCash"), Paymaya Philippines ("Paymaya"), Belvedere Vista Corporation, Visayas Cockers Club Inc., Newin Cockers Alliance Gaming Corporation, Jade Entertainment and Gaming Technologies Inc., Philippine Cockfighting International Inc., United Association of Cockpit Owners and Operators of the Philippines, Inc., and relatives of the missing persons.

During the hearing, updates were given by the PNP on the ongoing investigation being conducted. Meantime, PAGCOR clarified their position as to their regulatory authority on e-sabong and its impact on the remittances of the said industry to the country's economy. The relatives who were not present during the first hearing also shared the information based on their personal knowledge on the alleged abduction. The LGUs of Manila, Sta. Cruz, Laguna, and Lipa City, Batangas, likewise discussed their ordinances, or the lack thereof, on the mandatory installation of CCTV cameras. The owner of Lucky 8 Star Quest, Inc., Charlie "Atong" Ang, discussed the alleged conspiracy against him and his company.

The Committee also manifested that it filed Senate Resolution No. 996 urging PAGCOR to suspend the licenses of e-sabong operations and immediately halt all activities relating to e-sabong which was unanimously supported by all the members of the Senate – twenty-four (24) senators.



***c. 21 March 2022***

Among the attendees of the third hearing were the representatives from the PNP, CIDG, DOJ, NBI, LTO, CHR, PAGCOR, BIR, DTI, BSP, MATES, GCash, Paymaya, Lucky 8 Star Quest Inc., Belvedere Vista Corporation, Visayas Cockers Club Inc., Jade Entertainment and Gaming Technologies Inc., Philippine Cockfighting International Inc., E-Sports Encuentro Live Corporation, Absolute Security Agency, guests with subpoena and relatives of the missing persons.

As advised by the Committee, the PNP handled all eight (8) cases of alleged abduction in relation to e-sabong for the period 18 April 2021 to 13 January 2022, from the initially reported six (6) cases. Vital witnesses were also presented to further corroborate the initial testimonies during the first two (2) hearings who positively identified persons in interest on the alleged abduction. These witnesses, through the initiative of the Committee, were placed under the Witness Protection Program of the DOJ.

***d. 18 April 2022***

Among the attendees of the fourth hearing were the representatives from the PNP, CIDG, Regional Drug Enforcement Unit – National Capital Region Police Office (“RDEU-NCRPO”), DOJ, NBI, DTI, Lucky 8 Star Quest Inc., Jade Entertainment and Gaming Technologies Inc., Nicasio and Nicholas Manio from NBI Manila Detention Facility, and relatives of the missing persons.

The hearing focused on Case No. 7 and the resource persons who are relatives of the missing individuals, persons involved prior to their disappearance, and other different government agencies who are related to the cockfighting industry.

## **FACTS GATHERED DURING THE FOUR (4) HEARINGS**

In the course of four (4) exhaustive hearings conducted by the Committee, the committee investigated eight (8) separate reported cases of missing persons allegedly involved in e-sabong, with the following facts gathered:

### **CASE NO. 1**

**Manila Arena**

**Sta. Ana, Manila**

**Date of Incident: 13 January 2022**

Name	Information	Residence
1. James E. Baccay	40 y.o. / Game fowl handler	Brgy. Sampaloc, Tanay, Rizal
2. Marlon E. Baccay	20 y.o. / Assistant game handler	
3. Rondel F. Cristorum	24 y.o. / Helper / Seller of chicken feeds	
4. John Claude Venson Inonog	34 y.o. / Driver of the group	
5. Mark Joseph L. Velasco	34 y.o. / Assistant game fowl handler	
6. Rowel Gomez	32 y.o. / Gaffer	Tondo, Manila

On 13 January 2022, at about 1 o'clock in the afternoon, the above-enumerated missing persons allegedly went to Manila Arena onboard a white Toyota Tamaraw FX with plate number UGE368 to join a 6-Stag Derby. At about 7:45 in the evening of even date, Venancio Inonog called his son, John Claude Inonog, to inform him his car rental schedule. However, the latter disclosed that they are being held against their will inside a van within the vicinity of the said arena. Since then, the relatives have not been receiving communications from the six (6) missing persons.<sup>12</sup>

During the hearing, it was revealed that there were no CCTV's installed within the Manila Arena during the incident thereby making it difficult for the investigators

<sup>12</sup> TSN dated 24 February 2022, 51-66.

to trace the whereabouts of the missing individuals. According to Lucky 8 Star Quest, Inc., the e-sabong operator of Manila Arena, they have yet to install CCTV cameras within the premises.<sup>13</sup>

Meantime, on 14 January 2022, a white Tamaraw FX with plate number UGE 368 was reportedly abandoned in Sitio Waray, Barangay Plaza Aldea, Tanay, Rizal, near the residences of the missing individuals. During the follow-up operation, it was found out that the said vehicle is the same vehicle utilized by the victims.<sup>14</sup> The discovery of the abandoned Toyota Tamaraw FX of the missing persons made the investigators backtrack on the possible route of the alleged abductors. Through CCTV footages it was found out that from Manila Arena, it was observed that a convoy of vehicles composed of a black van followed by a white van, gray sedan, Toyota Tamaraw FX, and silver Toyota Wigo went towards Osmeña Highway. Unfortunately, after Osmeña Highway, investigators discovered that existing and/or available CCTV footage was either overwritten or already deleted.<sup>15</sup>

***Identification of security personnel by the witnesses and relatives of the missing persons***

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According to the testimony of Venancio Inonog, father of John Claude Inonog, when his son called him, the latter mentioned the names of three (3) security personnel of Manila Arena which were allegedly part of the group who was holding them. Venancio Inonog was able to confront these security personnel when he allegedly went to the Manila Arena at around 9 in the evening of even date.<sup>16</sup>

This statement and positive identification of the security personnel was further corroborated by the father of Mark Joseph Velasco, MSG Mario Velasco Jr (Ret.), who likewise went to Manila Arena, together with LT Baccay, the father of Marlon Baccay, at around 11:30 in the evening of even date, but upon arriving thereat, the

<sup>13</sup> TSN dated 24 February 2022, 51-66.

<sup>14</sup> TSN dated 24 February 2022, 51-66.

<sup>15</sup> TSN dated 24 February 2022, 51-66.

<sup>16</sup> TSN dated 24 February 2022, 72-73.



security personnel who were likewise mentioned by Venancio Inonog, were allegedly uncooperative and refused to entertain their queries.<sup>17</sup>

Further, Engr. Barry Baricar, the alleged owner of the slot used by the missing persons, likewise positively identified Virgilio Bayog and Robert Matillano as those who were uncooperative when they went to Manila Arena. He stated that Venancio Inonog, called him on 13 January 2022, seeking for help because the group of John Claude Inonog was allegedly being held by the management. John Claude allegedly informed his father and said, "*Pa, bakit ipinasok sila sa van? Tapos pati ako ipapasok.*" Thereafter, an unknown person allegedly took his phone away while asking, "*Sino iyan*". Due to the following events Engr. Barry Baricar immediately went to the cockpit arena where the guards on duty, Robert Matillano and Virgilio Bayog, allegedly merely informed him that based on the logbook, the group he's looking for already left Manila Arena.<sup>18</sup>

As a defense, the security personnel said that they did not understand what the relatives were asking for as they had no knowledge on the alleged abduction.<sup>19</sup>

During the 04 March 2022 hearing, CIDG reported that a vital witness gave his statement on how he saw how victims were held and loaded by security personnel of Manila Arena in a grey van parked at the basement of the said arena. There are allegedly fourteen (14) persons involved that the witness implicated and positively identified six (6) suspects.<sup>20</sup>

Security guards: Roquillo Anding, an in-house roving personnel; Virgilio Bayog, security personnel assigned in Manila Arena; Roberto Matillano, an employee of Alpha Red Management Systems, Inc., a production company which handles that events of Lucky 8 Star Quest, Inc.; Rogelio Borican, in-house roving personnel; Raffy Fuentes, security personnel in Manila Arena; Mark Carlo Zabala, in-house roving personnel; and Joseph Maldo, operations Manager of Absolute Golden Forest, all denied knowledge as to the alleged abduction of the missing persons within the premises of Lucky 8 Star Quest, Inc.<sup>21</sup>

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<sup>17</sup> TSN dated 24 February 2022, 98-99.

<sup>18</sup> TSN dated 04 March 2022, 194-251.

<sup>19</sup> TSN dated 04 March 2022, 241-243.

<sup>20</sup> TSN dated 04 March 2022, 94-95.

<sup>21</sup> TSN dated 04 March 2022, 192-220.

Nonetheless, during the third hearing on 21 March 2022, three (3) witnesses personally appeared before the Committee to testify on the alleged identity of the suspects for this case. The CIDG investigators were able to acquire electronic evidence such as CCTV footage and telecommunication subscribers information and traffic data that would support the testimonies of the witnesses.<sup>22</sup>

One of the witnesses, Denmark Sinfuego alias "Arvie", testified that he saw a group of Lucky Star 8 Quest, Inc. security personnel namely: Julie "Dondon" Patidongan, Johnrey Consolacion, Virgilio Bayog, Mark Carlo Zabala, and Roberto Matillano among others, approached cockhouse 33G which was then occupied by the missing persons. At that time, he was occupying the adjacent cockhouse, 32G. Arvie further testified that he witnessed the victims being taken in a light gray van while security personnel: Johnrey Consolacion, Virgilio Bayog, Mark Carlo Zabala and Roberto Matillano, allegedly took all the belongings of the missing persons and cleaned up their cockhouse.<sup>23</sup>

Despite being subpoenaed by the Committee in order to shed light on their identification by witnesses during the 21 March 2022 hearing, Virgilio Bayog and Robert Matillano did not attend the hearing due to their medical condition, while the others allegedly tested positive for COVID-19.<sup>24</sup>

## **CASE NO. 2**

### **United Association of Cockpit Owners & Operators of the Phils., Inc.**

#### **Sta. Cruz, Laguna**

#### **Date of Incident: 13 January 2022**

Name	Information	Residence
1. Ferdinand Dizon	39 y.o. / Gaffer	Tanay, Rizal
2. Manny Maslog Magbanua	43 y.o. / Game fowl handler / Trainer	
3. Mark Paul Fernandine	22 y.o. / Helper	
4. Melbert John Santos	21 y.o. / Driver	

<sup>22</sup> TSN dated 21 March 2022, 13-14.

<sup>23</sup> TSN dated 21 March 2022, 18-28.

<sup>24</sup> TSN dated 21 March 2022, 34-35.

On 13 January 2022, the above-enumerated four (4) missing cockfighting aficionados, all residents of Tanay, Rizal, were reportedly missing and last seen after attending a scheduled derby at United Association of Cockpit Owners and Operators of the Philippines, Inc. in Barangay Palasan, Sta. Cruz, Laguna,<sup>25</sup> which is being operated by Lucky 8 Star Quest, Inc.<sup>26</sup>

The CIDG identified a person of interest, Julius Javillo, the alleged employer of the missing persons for Case No. 2 and the same person in interest in Case No. 1, whose whereabouts is currently unknown.<sup>27</sup>

During the 24 February 2022 hearing, Rowelyn Ebit, partner of Melbert John Santos, testified that at around 11 in the evening of 12 January 2022, Melbert called her to inform her that they are at the farm of Julius Javillo.<sup>28</sup> This was likewise corroborated by the testimonies of Geraldine Magbanua, wife of Manny Magbanua<sup>29</sup> and Tess Regondola, sister of Mark Fernandine, who additionally testified that a certain "Marvin Flores", the driver of Julius Javillo, is likewise missing. Tess Regondola further testified that she was able to talk to the partner of Marvin Flores, Hannah Bonan, who informed her about the alleged abduction of the above-mentioned missing persons by the security personnel of Lucky 8 Star Quest, Inc.<sup>30</sup> *to wit:*

**"MS. REGONDOLA.** Tapos po, iyon nga po, hindi na po sumasagot hanggang umabot na po ng--kinabukasan po ng 14, nag-message po sa akin iyong Hannah Bonan na kinakasama ni Marvin Flores, iyong driver po sa ...[inaudible].

**THE CHAIRPERSON.** Iyong driver. Okay, anong message niya?

**MS. REGONDOLA.** Ang sabi niya po sa akin, "Ate, may importante akong sasabihin." Sabi ko, "Ano iyon? Bakit?" Sabi niya, "Nakokontak mo pa ba sina Mak?" Iyon po iyong kapatid ko sa sabungan. Sabi ko, "Hindi. Bakit?" sabi ko sa kanyang ganoon. Tapos sabi niya, "Basta, ate, tatawag ako mamaya importante lang." Tapos nag-send po sa akin

<sup>25</sup> TSN dated 24 February 2022, 123.

<sup>26</sup> TSN dated 24 February 2022, 136.

<sup>27</sup> TSN dated 24 February 2022, 126-127.

<sup>28</sup> TSN dated 24 February 2022, 158-159.

<sup>29</sup> TSN dated 24 February 2022, 162.

<sup>30</sup> TSN dated 24 February 2022, 168-174.

siya ng--sa Messenger ng emoji po na malungkot. Tapos sabi ko, "Bakit? May nangyari ba?" sabi ko po sa kanyang ganoon. Tapos sabi, "Basta malalaman pa. Kawawa naman sila." Iyon po ang sabi noong Hannah. Sabi ko, "Bakit nga?" Parang doon na po ako kinabahan. **Tapos ang sabi niya po sa akin, "Hindi pa namin alam kung saan sila dinala." Tapos sabi ko, "Ano? Bakit? Saan sila dadalhin?" Tapos sabi niya po sa amin—tapos nag-reply po siya sa akin na, "Kahapon ko pa sila tinatawagan. Pati si Taba walang—" hindi po sila makontak. Iyon po iyong nagri-ring iyong cell phone pero hindi po sila sumasagot.**

X X X

**THE CHAIRPERSON.** Hindi mo kinulit iyong kausap mo? "Bakit sila nandiyan kasama man sila tapos bakit iyong ang aking kapatid nawawala?"

**MS. REGONDOLA.** Hindi po kasi wala pa po sa ano namin na nawawala na sila. Iyon lang po. Tapos ang sabi po sa akin, iyon nga po na sana—may iba nga—tinatawagan nga sila, hindi na daw po sila sumasagot. Kaya ang sabi niya, "Kaya nga." Tapos ang sabi ko; "Oo nga. Kausapin ko lang si Mak kahapon—" Sabi ko, "Kausap ko lang kapatid ko kahapon ng umaga," sabi kong ganoon po. Sabi niya, "Kaya nga e. Hindi ba, inarkila lang iyong van?" Sabi ko, "Oo." Tapos ang sabi niya po—Sabi ko, "Bakit? Sinong may sabi? Ano?" Sabi ko kung— iyon nga po sabi niya na hindi daw din nila alam kung saan daw dinala iyong apat po—si Mark Paul Fernandine, iyong kapatid ko, si Magbanua at saka po si Melbert at saka po si Dizon.

**THE CHAIRPERSON.** Sinong nagsabi na hindi niya alam kung saan dinala? Sino iyon?

**MS. REGONDOLA.** Ito pong Hannah na ano po ni Marvin Flores, kinakasama.

**THE CHAIRPERSON.** Kinakasama ni Marvin Flores.

**MS. REGONDOLA.** Opo. Kasi po may—Opo. May tumawag po daw kasi kay Julius noong hapon—ay, bandang tanghali ng 13 po na iyon daw pong mga tauhan niya is hinold (hold) po daw sa sabungan.

x x x

**MS. REGONDOLA.** May tumawag po daw kay Boss Julius nila na iyon po daw mga tauhan ni Julius sa sabungan, na-hold po daw.

**THE CHAIRPERSON.** Na-hold sa sabungan?

**MS. REGONDOLA.** Opo.

**THE CHAIRPERSON.** Sinong nag-hold?

**MS. REGONDOLA.** Iyon po daw—Komite po ba iyon?

**THE CHAIRPERSON.** Committee?

**MS. REGONDOLA.** Sa sabungan po.

**THE CHAIRPERSON.** Iyong in charge sa sabungan?

**MS. REGONDOLA.** Opo. Hinold (hold) po daw sila. Iyong pati sa guwardiya, hinold po daw para hindi daw po sila—

x x x

**MS. REGONDOLA.** Tapos po noon, "Ate, kahapon pa sila dinala ng mga tao ni Atong Ang."

**THE CHAIRPERSON.** Sino ang nagsabi na tao ni Atong Ang?

**MS. REGONDOLA.** Ito pong si Hannah dahil iyon po daw ang sabi ata doon sa Boss Julius nila na tumawag po noong tanghali.

**THE CHAIRPERSON.** Si Julius—

**MS. REGONDOLA.** May kausap po doon sa loob ng sabungan na para pong nagsabi na iyong mga bata mo is hinold (hold) dito sa loob ng sabungan ng mga ano po daw ni Atong Ang.

**THE CHAIRPERSON.** Mga tao ni Atong Ang...

**MS. REGONDOLA.** Opo.

**THE CHAIRPERSON.** ...ang nag-hold?

**MS. REGONDOLA.** Iyon po ang sabi sa akin. Kasi po sila-sila po magkakasama noon kaya po alam niya kung ano nga po mga pinag-uusapan." (*Emphasis supplied.*)



She further testified that on 13 January 2022, her brother, Mark Fernandine, was able to contact her and inform her that some security personnel of the arena were surrounding and observing them,<sup>31</sup> *to wit*:

**"MS. REGONDOLA.** ... Tapos, napanood ko pa po iyong kapatid ko ng umaga doon, noong January 13, kasi fight nila ng—pangatlo nga po daw sila. Tapos, tumawag po sa akin iyong kapatid ko ng 9:24 a.m., nag-video call pa po kami. **Siya po mismo tumawag sa akin. Ang sabi niya po sa akin kung okay daw iyong laban noong manok. Sabi ko naman po—ang sagot ko naman po sa kanya, "Okay lang."** Tapos, may nabanggit po sa akin din iyong kapatid ko about doon sa loob ng sabungan na sabi niya nga po sa akin na mayroon nga daw parang umaaligid-aligid sa kanila na tauhan po daw sa sabungan sa Santa Cruz.

**THE CHAIRPERSON.** When you say "tauhan ng sabungan ng Santa Cruz" ...

**MS. REGONDOLA.** Opo, ano po—

**THE CHAIRPERSON.** ...paano niya nalaman na taga-Santa Cruz na sabungan iyon?

**MS. REGONDOLA.** Para po daw kasing mga—para pong guwardiya po daw—guard. Para pong tauhan kasi mga—Siguro po alam niya iyong mga guard po na naka-itim, ganoon po."  
*(Emphasis supplied.)*

During the 24 February 2022 hearing, Lambert Santos, father of Melbert John Santos, testified that immediately upon learning of the alleged abduction of his son, he went to the arena and inquired as to the whereabouts of his son to which the security personnel denied and informed them that the group has left, as verified by the gate pass. However, upon examining the said gate pass, he noticed that the signature on the gate pass was not his son's signature.<sup>32</sup> This statement was further

<sup>31</sup> TSN dated 24 February 2022, 167.

<sup>32</sup> TSN dated 24 February 2022, 152-153.

corroborated by Tess Regondola, sister of Mark Fernandine, who was likewise able to examine the logbook and verified that it was not his brother's signature.<sup>33</sup>

According to the CIDG, the vehicle used by the missing persons is yet to be located.<sup>34</sup> Bank withdrawals from the ATM account of Melbert Santos on 14 January 2022 in the amount of Twenty-Nine Thousand Nine Hundred Pesos (P29,900.00) was recorded at BDO Lipa City Branch and the person captured in the CCTV footage who withdrew money using the said ATM account is considered as one of the persons of interest.<sup>35</sup>

### CASE NO. 3

#### Royal Octadome

#### Lipa City, Batangas

**Date of Incident: 6 January 2022**

Name	Information	Residence
1. Alexander G. Quijano	50 y.o. / Helper	San Jose, Calumpit, Bulacan
2. Edgar Tamano Malaca	50 y.o. / Gaffer	San Jose, Calumpit, Bulacan
3. Ricardo "Atong" Sacdalan	37 y.o. / Driver / Helper	Bolo, Cabanatuan, Quezon
4. Jonalyn Lubuguin	22 y.o. / Girlfriend of Nomer De Pano	Cavinti, Laguna
5. Nomer Aniscol Depano	37 y.o. / Handler	San Sebastian, Hagonoy, Bulacan
6. Jeffrey Aniscol Depano	Brother of Nomer / Driver / Helper	San Sebastian, Hagonoy, Bulacan

The above-mentioned group of missing persons used the entry "caveman extreme" which was allegedly being financed and owned by a certain Kevin

<sup>33</sup> TSN dated 24 February 2022, 176 to 178.

<sup>34</sup> TSN dated 24 February 2022, 155.

<sup>35</sup> TSN dated 04 March 2022, 95.

Dimayuga, a resident of Sto. Tomas, Batangas and owner Windjammer Gamefarm, together with his father, Joselito Dimayuga.<sup>36</sup>

The van with plate number NDB 1338, allegedly used by the missing persons, was found abandoned in Calumpit, Bulacan last 09 January 2022. Three (3) pieces of evidence were found inside: (1) ID entry pass of AA Cobra Game Farm; (2) two (2) pieces computer bet receipts from Royale Octadome; and (3) control tag indicating GAFF 165D driver. This prompted the investigators to continue digging more evidence in Royale Octadome located in Barangay Tangub, Lipa City, Batangas.<sup>37</sup>

During the 04 March 2022 hearing, Kevin Dimayuga, utterly denied that he is the financier of Nomer Depano, as the latter ownly used his entry name for Pitmaster. He likewise denied participation during the date of the incident as he was allegedly in Subic that day. According to him, he was merely hiding for safety reasons.<sup>38</sup>

**CASE NO. 4**

**United Association of Cockpit Owners & Operators of the Phils., Inc.**

**Sta. Cruz, Laguna**

**Date of Incident: 29 December 2021**

Name	Information	Residence
1. John Paul Ramos	18 y.o. / Caretaker of 3G-S Farm	Bgy. Bolo, Catanauan, Quezon
2. Nazarino Bescante	40 y.o. / Gaffer	
3. Ricky Boy Ignacio	22 y.o. / helper	
4. Ariel Teposo	30 y.o. / handler	

<sup>36</sup> TSN dated 24 February 2022, 195.

<sup>37</sup> TSN dated 24 February 2022, 202-203.

<sup>38</sup> TSN dated 04 March 2022, 226-236.

5. Myson Ramos	14 y.o. / helper	
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The above-enumerated missing persons allegedly left Quezon Province on 28 December 2021 on a white Hyundai H100 with Plate No. NFW 9474 and proceeded to a cockpit in Barangay Palasan, Sta. Cruz, Laguna, to join an eight-cock derby from 28 to 30 December 2021. The said cockpit arena in Barangay Palasan, Sta. Cruz, Laguna was issued a business permit under the registered name United Association of Cockpit Owners and Operators of the Philippines, Inc.<sup>39</sup>

According to CIDG, on 14 February 2022, the South District Highway Patrol Team and Taguig City Police Station Investigation Section recovered the vehicle which was abandoned at Purok 15, Barangay South Daang Hari, Taguig City, and later identified as the vehicle owned by Gerry Gumapac Gordiel Jr., the alleged financier of the missing persons.<sup>40</sup>

During the 04 March 2022 hearing, Francisca De Luna-Ramos, mother of John Paul Ramos, testified that it was Gerry Gumapac Gordiel Jr. who informed her that her son is missing but is no longer coordinating with the families of the victims.<sup>41</sup> This was further corroborated by the statement of Elgie Bescante, wife of Nazarino Bescante and sister of Ricky Boy Ignacio. According to her, a week after the victims were reported missing, Gerry Gumapac Gordiel Jr. called to inform her that their missing relatives are already dead.<sup>42</sup> The counsel of Gerry Gumapac Gordiel Jr. appeared during the 04 March 2022 hearing to merely inform the Committee that his client will testify during the next hearing as he is willing to cooperate with the ongoing investigation.<sup>43</sup> Despite the said manifestation however, Gerry Gumapac Gordiel Jr. failed to attend the subsequent hearings conducted by the Committee.

The CIDG further reported that the gate pass of the victims were allegedly signed by security guard Reyboy Rosales.<sup>44</sup> Despite being subpoenaed, the latter failed to appear before the Committee.

<sup>39</sup> TSN dated 24 February 2022, 214-21.

<sup>40</sup> TSN dated 24 February 2022, 216.

<sup>41</sup> TSN dated 04 March 2022, 133-135.

<sup>42</sup> TSN dated 04 March 2022, 157.

<sup>43</sup> TSN dated 04 March 2022, 139-141.

<sup>44</sup> TSN dated 04 March 2022, 125.

**CASE NO. 5**

**United Association of Cockpit Owners & Operators of the Phils., Inc.**

**Sta. Cruz, Laguna**

**Date of Incident: 11 May 2021**

Name	Information	Residence
1. Glenn Arzen Germar	Driver	Sta. Maria, Bulacan
2. Kiel Daniel A. Bohol alias "Moymoy"	Owner / Financier of the group	
3. Mark Joseph C. Ignacio alias "Bornok"	Gaffer	
4. Romaldo Agan Diano	Handler	
5. Nerio Anticristo	Gaffer	
6. Eric Legaspi a.k.a "Buddy"	Assistant/helper	

On 10 May 2021, at around 3 o'clock in the morning, Group 1 which was composed of: Nerio Anticristo, Kevin Morris, Jordan Morris, Paul Pascual alias "Ricky", Dondon Calestinin and Jeffrey Santiago, boarded a white Starex Van with Plate No. PNQ 182 with eight (8) fighting cocks.<sup>45</sup>

When the first group returned to Norzagaray, Bulacan, they met another group, Group 2, who were also about to participate in cockfighting. The latter allegedly asked them if they could borrow Group 1's gaffer, Nerio Anticristo, since their gaffer has no license, to which they agreed.<sup>46</sup>

Thus, on 11 May 2021, at about 10 o'clock in the morning, Group 2 composed of: Jericho Ignacio, Gerald Ignacio, Glenn Germar, Mark Joseph Ignacio alias "Bornok", Kiel Daniel Bohol alias "Moymoy", Ronald Diano, Eric Legaspi alias "Buddy", and Lowell Oropesa, all residents of Sta. Maria, Bulacan, went to Sta. Cruz, Laguna, to also participate for a cockfighting event on board a white Starex Van with Plate No. CQC 310.<sup>47</sup>

<sup>45</sup> TSN dated 24 February 2022, 221-226.

<sup>46</sup> TSN dated 24 February 2022, 221-226.

<sup>47</sup> TSN dated 24 February 2022, 221-226.



Thereafter, between 7:30 to 8 o'clock in the evening of 11 May 2021, Daniel Bohol alias "Moymoy" came out of the arena and went to the cockhouse of Group 1. Group 1 then noticed and heard that "Moymoy" was using his cellphone and told them that Mark Joseph C. Ignacio alias "Bornok" informed him, "*Kailangan ka dito. May problema ang grupo natin. Hinold tayo ng management.*" Daniel Bohol alias "Moymoy" then went inside the cockpit arena and never came back. Jeffrey Santiago alias "Ipe" thereafter went to the adjoining cockhouse of Group 2 and told Jericho Ignacio, Gerald Ignacio and Lowell Oropesa to join them in going back to Bulacan.<sup>48</sup> Group 1 immediately left the place in order not to get involved with the problem of Group 2.<sup>49</sup>

This was corroborated by the testimony of the companions of missing persons who testified on 21 March 2022, namely: Gerald Ignacio, Jericho Ignacio, Lowell Oropesa, Dondon Calitesen, Kevin Morris Jordan and Jeffrey Santiago, when they appeared before the Committee. Jeffrey Santiago testified that that he heard from Kevin Morris Jordan that the victims were being held within the facility due to some unknown reason. Kevin Morris Jordan on the other hand testified that while waiting for Nerio Anticristo, they have received a call saying that Group 2 was involved in "*tyope*" which prompted them to immediately leave the premises.<sup>50</sup>

**CASE NO. 6**

**United Association of Cockpit Owners & Operators of the Phils., Inc.**

**Sta. Cruz, Laguna**

**Date of Incident: 28 April 2021**

Name	Information	Residence
1. Michael B. Bautista	Driver	San Jose Del Monte, Bulacan
2. Jayson Amoroto	Gaffer	
3. Erlindo Tahup	Gaffer	

<sup>48</sup> TSN dated 24 February 2022, 221-226.

<sup>49</sup> TSN dated 24 February 2022, 221-226.

<sup>50</sup> TSN dated 21 March 2022, 224-233.

4. Domingo Carable, Jr.	Gaffer	
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On 26 April 2022, at around 11 o'clock in the evening, the four (4) missing persons, were instructed by Brindon Retusto, their alleged financier, to attend the eight (8) cock derby in Brgy. Palasan, Sta. Cruz, Laguna.<sup>51</sup>

On 28 April 2021, the wife of Brindon called the relatives of Michael B. Bautista and informed them that their group has been held by the personnel of the arena. The following day, Brindon Retusto called the wife of Michael B. Bautista, Lanie Bautista, to inform her to go to the arena, *to wit*: "x x x kinabukasan po maagang-maaga tinawagan ako ni Brindon na sabi niya pumunta na daw kami doon sa sabungan habang maaga pa, habang may oras pa para kausapin daw po naming iyong Dick Olaño po doon daw po sa loob ng office ng sabungan." She further testified that she was instructed to talk to the management to release their relatives,<sup>52</sup> *to wit*:

**"MS. BAUTISTA.** Tapos po di sabi ko po, "Bakit po kami iyong kailangan pumunta ng sabungan, akala ko po ba sabi noong asawa ninyo ay nandiyan na kayo pumunta kayo kagabi?" **Sabi niya para daw kausapin din namin iyong taga-management para daw po makalabas na iyong mga asawa namin.** Sabi ko, "Bakit po ako iyong makikipag-usap, ikaw po iyong amo? Ano po iyong kailangan na kausap sa akin bakit ako iyong kakausap? Ano pong alam ko diyan, wala po akong alam tungkol sa sabong." **Ang sabi niya, "Basta po pumunta kayo ng sabungan hahanapin ninyo lang itong Dick Olaño sabihin ninyo lang sa guard para papasukin kayo."** Tapos pumunta po kami agad-agad, April 29 po. Nakarating po kami doon mga 7:00 to 8:00 am po. Pinapasok naman po kami sa loob ng sabungan dahil sinabi po namin iyong taong hinahanap. Ano, totoong tao iyong sinabi niyang Dick Olaño kasi noong sinabi namin, pinapasok po kami. Tapos noong may nagtatanong kami na asan po iyong office, asan po iyong mga ganito, doon na po sila nagsimulang hindi na—hindi

<sup>51</sup> TSN dated 24 February 2022, 258-269.

<sup>52</sup> TSN dated 24 February 2022, 266.

na sila sumasagot, wala nang umaano sa amin. Tapos nagsunod-sunod na lang iyong mga tingin nila, mga naka-black po na polo shirt, tapos may nakatatak sa likod na "security". (*Emphasis supplied.*)

A case for obstruction of justice has been filed against Brindon Retusto for failure to appear during the investigation of the PNP despite receipt of subpoena in his residence at Barangay Lingga, Calamba City. He likewise allegedly informed a relative to erase their conversation and change the password of her husband.<sup>53</sup>

According to the CIDG, upon serving subpoena to the cockpit arena, the investigators were informed by OIC Cimafranco that Dick Olaño, Cesar Garcia and Jocel Mangubat, were already re-assigned. On the date of the hearing conducted by the CIDG, their counsel, Atty. Ernest Labasa, attended who requested that the hearing be rescheduled.<sup>54</sup>

#### **CASE NO. 7**

#### **Shell Gas Station**

#### **Meycauayan, Bulacan**

**Date of Incident: 18 April 2021**

Name	Information	Residence
1. Johnver Francisco	32 y.o. / Golden Agent of Pit Master	Meycauayan, Bulacan
2. Franc Tabaranza	Companion / Driver of Johnver Francisco	

On 18 April 2021, between 5:30 pm to 6:00 pm, the above-enumerated missing persons were allegedly abducted at Shell Gas Station in Barangay Banga, Meycauayan City, Bulacan. They were on board a black Hyundai Reina with temporary Plate No. K1-0850.<sup>55</sup>

<sup>53</sup> TSN dated 24 February 2022, 258-269.

<sup>54</sup> TSN dated 24 February 2022, 258-269.

<sup>55</sup> TSN dated 24 February 2022, 287-294.

The investigators are looking for approximately eight (8) suspects on board three (3) sedan vehicles: one (1) black Honda Civic; one (1) gray Hyundai Accent; and one (1) black Hyundai Accent.<sup>56</sup>

During the 21 March 2022 hearing, Cristy Ladao, partner of Johnver Francisco, testified that on 18 April 2021 at around 7:30 in the evening, she noticed that the money of Johnver Francisco has been withdrawn.<sup>57</sup> On 21 to 22 April 2022, she then received information from an unknown caller that a nearby vendor witnessed the alleged kidnapping of Johnver Francisco and Franc Tabaranza.<sup>58</sup> She further testified that she sought the help of the NBI. Two (2) assets were thereafter arrested by the NBI who allegedly belonged to the group who abducted the two (2) missing persons. According to Cristy Ladao, the assets, namely: Nicholas and Nicasio Manio, informed her that during the alleged abduction, they were working with some of the operatives of RDEU Camp Bagong Diwa. The watch of Johnver Francisco was obtained from Nicasio Manio as evidence that they know the missing persons.<sup>59</sup>

Cristy Ladao further stated that she witnessed the extraction of the Sworn Statements of the two (2) assets by the NBI. She was informed by NBI that currently, these assets are facing charges regarding illegal drugs with no relation to the missing persons.<sup>60</sup>

This statement was however contradicted by the two (2) assets, denying all allegations of Cristy Ladao including the watch that was obtained in their possession that is allegedly from Johnver Francisco, and any connections with the RDEU, stating that they do not know any of them.<sup>61</sup>

NBI on the other hand, confirmed that based on the CCTV video of the alleged abduction, it was confirmed by the NBI-TFAID that it is a legitimate Anti-Drug Operation by the PNP.<sup>62</sup>

RDEU-NCRPO Chief, PLTCOL Ryan Jay Orapa, likewise denied such allegations.<sup>63</sup> The current Chief of Police of Meycauayan, Bulacan, PCOL Leandro Gutierrez presented the coordination documents from first, Regional Mobile Force

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<sup>56</sup> TSN dated 24 February 2022, 287-294.

<sup>57</sup> TSN dated 21 March 2022, 202-203.

<sup>58</sup> TSN dated 21 March 2022, 204.

<sup>59</sup> TSN dated 21 March 2022, 214-215.

<sup>60</sup> TSN dated 21 March 2022, 214-218.

<sup>61</sup> TSN dated 18 April 2022, 54-57.

<sup>62</sup> TSN dated 21 March 2022, 207-209.

<sup>63</sup> TSN dated 18 April 2022, 16-17.



("RMFB"), NCRPO - Intelligence Section that they will operate in the area of Region III, PRO IV-A, AOR, from 17 to 20 April 2021. This coordination includes a vios and two motorcycles and was initiated by the RMFB, NCRPO, Intelligence Section.<sup>64</sup> Another coordination was made on the same date, 17 April 2021, by the RMFB Intelligence Section, which will operate in NCR, Region IV-A, and Region III. The duration of the operation included in the coordination is dated 17 to 19 April 2021 which involves five (5) vehicles, one Mitsubishi Adventure, three (3) motorcycles, a Honda and ADV marked vehicle. The nature of operation involves most wanted persons, validation, monitoring and possible police operation based on the coordination documents. The persons who made these coordinations with these operations are PCPT Renz Figueroa and PMAJ Rhoderick A. Pasilan.<sup>65</sup>

**CASE NO. 8**

**San Pablo, Laguna**

**Date of Incident: 30 August 2021**

Name	Information	Place of Residence
Ricardo "Jonjon" Lasco Jr.	44 y.o. / Master agent	San Lucas 1, San Pablo City, Laguna

At around 10 o'clock in the morning of 30 August 2021, a kidnapping incident occurred at C.G. Brion Subdivision, Barangay San Lucas 1, San Pablo City, Laguna. The victim was identified as Ricardo Lasco Jr., a pitmaster franchisee of e-sabong and a real estate agent. Upon entering his house, approximately twelve (12) individuals alighted from three (3) vehicles, immediately followed and entered his house and introduced themselves as NBI personnel. According to witnesses, the suspects showed a document which was allegedly a warrant of arrest, and informed them that Ricardo Lasco Jr. was charged of the crime of large-scale estafa and subsequently effected the arrest. It was alleged that in the course of the apprehension, said suspects took away numerous belongings of the victims and his

<sup>64</sup> TSN dated 18 April 2022, 17-18.

<sup>65</sup> TSN dated 18 April 2022, 19-25.



relatives. Thereafter, they immediately fled towards Barangay San Lucas 1 road, bringing with them the victim.<sup>66</sup>

Initial inventory of the alleged stolen items of the victim and his relatives consists of eight (8) cellular phones, jewelries amounting to approximately Five Hundred Thousand Pesos (P500,000.00), and cash money amounting to more or less One Hundred Eighty Thousand Pesos (P180,000.00), and assorted IDs and bags.<sup>67</sup>

A case for kidnapping has been filed against two (2) suspects namely: Mark Anthony Gonzales, the owner of the black Toyota Fortuner with Plate No. NAI 3194 which was used in the incident, and Alec Decena, the owner of the silver Hyundai Starex with Plate No. AAK 4585.<sup>68</sup>

Unfortunately, there were no CCTV cameras in the victim's house where the incident occurred. Upon leaving the premises, Ricardo Lasco Jr.'s secretary immediately called the police station of San Pablo, which is only six (6) minutes away from their house, but the police allegedly were able to respond only after an hour.<sup>69</sup>

According to the statement of Princess Montanes-Lasco, partner of the victim, and Charlene Biligan, sister of the victim, Ricardo Lasco Jr. was allegedly involved in cloning or replication of website of e-sabong which could be one of the motives behind his abduction. The NBI confirmed that they have been working on cases against hacking of e-sabong sites. Ricardo's family upon further questioning, informed the Committee of an alleged video of Charlie "Atong" Ang threatening the people who are involved in game-fixing or "*tyope*" and cloning of websites, and that he is already working with the CIDG and NBI to identify and effect their arrest.<sup>70</sup>

Lucky 8 Star Quest, Inc. confirmed that they have coordinated with CIDG and the Special Action Unit of the NBI in 2021 regarding those who were allegedly stealing their videos and creating another betting platform. As a result, they were able to file several criminal complaints, direct filing with the City Prosecutor of Manila and were able to effect arrests in Tarlac.<sup>71</sup>

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<sup>66</sup> TSN dated 24 February 2022, 304-328.

<sup>67</sup> TSN dated 24 February 2022, 304-328.

<sup>68</sup> TSN dated 24 February 2022, 304-328.

<sup>69</sup> TSN dated 24 February 2022, 304-328.

<sup>70</sup> TSN dated 24 February 2022, 334-348.

<sup>71</sup> TSN dated 24 February 2022, 348.

***Identification of policemen as suspects by the victim-witnesses***

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During the 21 March 2022 hearing, four (4) victim-witnesses, namely: Honey Sason, Elaine Montañes, Princess Montañes-Lasco and Gilda V. Montañes, who were present during the incident, positively identified individuals who abducted Ricardo Lasco Jr.<sup>72</sup>

They positively identified policemen, PAT Roy Navarette and PSSG Daryl Paghangaan, as suspects on the alleged abduction of Ricardo Lasco Jr. Both however denied the allegations and stated that they were nowhere near the scene on the day of the abduction.<sup>73</sup> Both were formerly assigned at the Provincial Intelligence Branch ("PIB") of Laguna Police Provincial Office based in Sta. Cruz, Laguna.<sup>74</sup>

**The Case of Darwin and Alvin Indon**

During the course of the investigation, two (2) witnesses namely: Alvin and Darwin Indon, who were allegedly victims of abduction by the management of Lucky 8 Star Quest, Inc. reached out to the Committee and offered to testify in order to further shed light to the investigation.

According to them, on 18 November 2020, Alvin and his companions namely: Darwin Indon, Sherwin Garcia, Arkie Garcia and Narel Dilagan, went to Charlie "Atong" Ang's farm in Palasan Sitio 2, Sta. Cruz, Laguna, to join the 6-Stag Daytime Derby with two entries under the name of the financier Licerio Tolentino for Gamefarm 1 and 2.<sup>75</sup>

Due to the result of the fight, (Gamefarm 1, 2 wins 1 draw; Gamefarm 2, 2 wins 1 loss), they were allegedly suspected of being engaged in game-fixing or "*tyope*". Thereafter, they were allegedly guarded by the security personnel at the cockhouse while their remaining games were cancelled. The witnesses identified

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<sup>72</sup> TSN dated 21 March 2022, 145-146.

<sup>73</sup> TSN dated 21 March 2022, 190-191.

<sup>74</sup> TSN dated 21 March 2022, 192-195.

<sup>75</sup> TSN dated 21 March 2022, 41-63.

Julie "Dondon" Patidongan as the person who informed them not to join cockfighting anymore and threatened to kill them.<sup>76</sup>

After that, they were allegedly asked to choose between death or a case will be filed against them, to which they chose the latter.<sup>77</sup>

They were then arrested by the police on 19 November 2020 at the farm owned by Charlie "Atong" Ang located at Sitio 2, Brgy. Palasan, Sta. Cruz, Laguna and was brought to a safehouse in Brgy. Patimaw, Sta. Cruz Laguna. Afterwards, Alvin, Darwin and Arkie were driven all the way to Pagsanjan, Laguna, and were arrested by barangay tanods and was brought to the police station in Pagsanjan on the ground of violation of Sections 5 and 11 of Republic Act No. 9165 or the "Comprehensive Dangerous Drugs Act of 2002." They alleged that shabu was planted on the hood of the pick-up they were being held in.<sup>78</sup>

In addition, during the hearing, Alvin and Darwin Indon have both identified policemen PMSG Michael Claveria and PAT Roy Navarette as persons involved in their case who allegedly planted false evidence of illegal drugs on the hood of the truck they were arrested in. PMSG Michael Claveria, PAT Roy Navarette, and Julie "Dondon" Patidongan on the other hand denied the allegations of the Indon brothers.<sup>79</sup>

### **Defense of Lucky 8 Star Quest, Inc.**

During the entire course of the investigation, Charlie "Atong" Ang, owner of Lucky 8 Star Quest, Inc., the company which operates the three (3) arenas where most of the missing individuals were last seen, consistently raised the defense that the allegations against him and his company is part of a conspiracy given that they are the highest earner in e-sabong,<sup>80</sup> *to wit*:

**"SEN. DRILON.** Since the resource person has mentioned that he is the owner—he admitted he is the owner of Lucky 8; he mentioned that there are other licensees, would the good resource person be able to state for the record who are these licensees of e-sabong? Sinabi niya—

<sup>76</sup> TSN dated 21 March 2022, 43-46.

<sup>77</sup> TSN dated 21 March 2022, 120-121.

<sup>78</sup> TSN dated 21 March 2022, 122-124, and Sworn Statements of Alvin and Darwin Indon from the Philippine National Police dated March 05, 2022.

<sup>79</sup> TSN dated 21 March 2022, 51-63.

<sup>80</sup> TSN dated 04 March 2022, 71-75.

**THE CHAIRPERSON.** Yes, we can do that. Yes, we can do that.

**SEN. DRILON.** Yes. If he can enumerate.

X X X

**MR. ANG.** Ang alam ko rito, anim kami na magkakakilala rito.

Okay. Number 1, ako; so, number 2, kay Cong Pineda; number 3, kina Congressman Teves; number 4, hindi ko kilala iyong mga kompanya nila, kay ex-Congressman Patrick Antonio; number 5, kina Mayor Elan Nagaño; number 6, kina General Cascolan, Class '86.

Masyadong mahirap, mabigat—kung titingnan ninyo ang conspiracy rito, makikita ninyo, makikita ninyo itong laban na ito. Your Honor, nasabi ko naman, hindi ako—well, tatal delikado rin naman ang buhay ko diyan, bahala na kung anuman ang mangyari diyan, papunta na rin kasi sa senaryo na talagang gusto nila—kasi 90 percent sa income ng sabong, sa operation, 90 to 95, kami iyon dahil nasa akin lahat naka—members ko lahat ang buong Pilipinas na big-time na sabungero. Kasi legit talaga na maayos lahat ito, nakita rin naman nila kung ano ang purpose nito, hindi lang gumawa ng pera, tumutulong tayo sa tao, binabayad natin sa gobyerno.”

Charlie “Atong” Ang further shared to the Committee additional information wherein he explained how Venencio Inonog and Julius Javillo have worked together to create a game-fixing scheme also known as “*tyope*”, and that resulted to them having a revenue of more than Eight Million Pesos (P8,000,000.00) within a few days. He further stated that game-fixing is most likely the possible cause of the disappearances of missing persons.<sup>81</sup>

Mr. Ang also clarified that Julie “Dondon” Patidongan is his trusted employee who is responsible in overseeing construction jobs for different cockpit arenas. Nonetheless, Julie “Dondon” Patidongan was allegedly being falsely accused on several occasions stating that a case of frustrated murder was filed against him in 2019, and in 2020, where he was accused of being a suspect in a bank robbery in Metrobank, Manila. All these cases were nevertheless dismissed.<sup>82</sup>

<sup>81</sup> TSN dated 21 March 2022, 80 and 86-87.

<sup>82</sup> TSN dated 21 March 2022, 80 and 86-87.



To further elaborate on the alleged conspiracy against him, Charlie "Atong" Ang narrated that on 19 June 2021, around 10:30, his house in Mandaluyong City was attacked by unknown individuals who threw grenades and fired gunshots their at their gate.<sup>83</sup>

Mr. Ang also imputed some allegations against PCOL Rogarth Campo who allegedly offered to abduct the persons involved in the incident last 19 June 2021, *to wit*: "*Gusto mo dukutin na lang namin eh*".<sup>84</sup> In his defense, PCOL Rogarth Campo alleged that it was only "a slip of a tongue" if ever he uttered those words. He claimed that the only people he arrested are those involved in cloning, and it was a legitimate operation. He also denied any involvement with the case of the missing persons.<sup>85</sup>

Venancio Inonog also denied the allegations of Charlie "Atong" Ang and stated that he never said that he never knew Julius Javillo. He further clarified that he knew but he is not the financier of the missing group where his son belongs to.<sup>86</sup>

As to the positive identifications of the witnesses of the security personnel of Lucky 8 Star Quest, Inc. as perpetrators of the alleged abduction, all security personnel who testified during the Committee hearing denied knowledge on the abduction as a defense.

### **III. Issues**

1. Whether the disappearances of thirty-four (34) individuals are connected to sabong and/or e-sabong operations;
2. Whether Atty. Angelo Niño Santos, Mr. Charlie "Atong" Ang and other officers and management team of Lucky 8 Star Quest Inc. are involved in the disappearances of the thirty-four (34) individuals;
3. Whether law enforcement agents are involved in the disappearances of thirty-four (34) individuals;
4. Whether PAGCOR has the legal mandate to regulate e-sabong operations; and
5. Whether e-sabong operators should be allowed to continue its operations.

<sup>83</sup> TSN dated 21 March 2022, 76-102.

<sup>84</sup> TSN dated 21 March 2022, 76-102.

<sup>85</sup> TSN dated 21 March 2022, 117.

<sup>86</sup> TSN dated 21 March 2022, 144-145..



#### **IV. Discussion**

##### **1. DISAPPEARANCES OF THIRTY-TWO OUT OF THIRTY-FOUR MISSING PERSONS ARE CONNECTED TO SABONG AND E-SABONG OPERATIONS**

Based on the hearings conducted by the Committee, it was clear from the testimonies of the witnesses that from Case Nos. 1 to 6, the last known location of the missing individuals are either inside or within the premises or vicinity of cockpit arenas.

To recap:

<b>Case No.</b>	<b>Last Known Location</b>	<b>Date Last Seen</b>
1	Manila Arena - Sta. Ana, Manila	January 13, 2022
2	United Assosiation of Cockpit Owners and Operators of the Phils. Arena - Sta. Cruz, Laguna	January 13, 2022
3	Royal Octadome, Inc. Arena - Brgy. Tangob, Lipa City, Batangas	January 6, 2022
4	United Assosiation of Cockpit Owners and Operators of the Phils. Arena - Sta. Cruz, Laguna	December 29, 2021
5	United Assosiation of Cockpit Owners and Operators of the Phils. Arena - Sta. Cruz, Laguna	May 11, 2021
6	United Assosiation of Cockpit Owners and Operators of the Phils. Arena - Sta. Cruz, Laguna	April 28, 2021

As mentioned by the witnesses during the course of the four (4) hearings, all six (6) cases were almost identical with each other. The victims of these abductions

went to cockfight arenas with their fighting cocks to participate in cockfighting; after some fights, security personnel of the arenas held them and suspected them of game-fixing due to the result of their games; from then on, all of them disappeared and can no longer be contacted.

As per the PNP's assessments, one of the motives being looked into is "*tyope*" or the act of purposely putting one own's fighting cock in a deliberate disadvantage to ensure the victory of his opponent's cock.<sup>87</sup> Based on the foregoing, one can logically conclude that given the motive and the circumstances surrounding their disappearances, they are missing because of sabong and e-sabong.

Likewise, while Case No. 8 did not happen inside a cockpit arena, it is likewise concluded to be connected with sabong and e-sabong operations. The witnesses present during the abduction testified that the disappearance of Ricardo Lasco Jr. was due to some allegation of "cloning" of an e-sabong website, to wit:

**THE CHAIRPERSON.** Ikaw, asawa ka, anong duda mo na atraso niya sa opisina? Anong tingin mo, bakit siya nagkaatraso? Mayroon ba siyang nadispalkong pera? Mayroon ba siyang ginawang hindi maganda?

**MS. LASCO.** Usap-usapan na po about sa investigation is sa cloning daw po.

**THE CHAIRPERSON.** Ano, ano?

**MS. LASCO.** Cloning.

**THE CHAIRPERSON.** Cloning?

**MS. LASCO.** Opo.

**THE CHAIRPERSON.** When you say cloning—

**MS. LASCO.** Doon po siya napag—pinagbintangan.

**THE CHAIRPERSON.** Ano iyong cloning?

**MS. LASCO.** Iyong nanggagaya ng site.

**THE CHAIRPERSON.** Huh?

**MS. LASCO.** Nanggagaya ng site.

**THE CHAIRPERSON.** Please, paki—tulongan mo kami para kuwan—ano iyong cloning, as far as you know, ano iyong cloning?

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<sup>87</sup> TSN dated 24 February 2022, 113-122.

**MS. LASCO.** Hina—Paano ba iyon i-explain? Ginaga—

**MS. BILIGAN.** Sir, can I be ano?

**THE CHAIRPERSON.** Sige po. Sige po, tulungan ninyo kami. What is cloning?

**MS. BILIGAN.** Sir, ganito po iyan. **Iyong kapatid ko, we found out, after ng abduction na ito, he was charged daw po of cloning. Ginagaya niya raw po iyong system. Ngayon, noong araw na nawala po siya, parang kinabukasan, maraming naging—maraming parang lumabas na report na, unang-una, may video si Mr. Atong Ang, nakalagay doon sa video na—puwede ninyong i-search po iyon, nasa YouTube iyon, iyong video niya, sinasabing, “Kayong mga master agent, kayong mga nagtyotyope, nagko-cloning, ay pinaimbestigahan ko na kayo sa CIDG, sa NBI.”<sup>88</sup> (*Emphasis supplied.*)**

As to Case No. 7, the Committee concludes that the disappearances of Johnver Francisco and Franc Tabaranza lack proof that these incidents are connected with sabong and e-sabong operations.

While the Committee acknowledged the fact that Johnver Francisco is a Gold Agent of Pitmaster, however, based on the CCTV video of the alleged abduction, it was confirmed by the NBI-TFAID that the arrest that happened in Shell Gas Station, Meycauayan, Bulacan, is a legitimate Anti-Drug Operation by the PNP<sup>89</sup> to wit,

**“MR. DONGALLO.** First of all, sir, good afternoon, Mr. Chairman, and to our fellow resource speakers, sir.

First of all, sir, I am the regional director of the National Capital Region, NBI. The case being mentioned by the lady here is an active case being investigated, sir, by our Anti-Illegal Drugs Task Force. So, I cannot really comment on that, sir. That’s a separate unit, a task force. But after this hearing, sir, I will immediately ask or coordinate with TFAID, our Task Force on Anti-Illegal Drugs, because, sir, we all know that their investigation is strictly confidential. So, gagawin ko po lahat, sir, para ma-verify natin iyan. Pero one thing I can say, sir, **“is that we studied**

<sup>88</sup> TSN dated 24 February 2022, 334-335.

<sup>89</sup> TSN dated 21 March 2022, 207-209.

the video, the footage, na tinutukoy ni ma'am, iyong kidnapping nga sa Bulacan on April 18, something like that, at it was really a drug operation. Na-confirm naman po ng task force natin. Pero iyong detail po, hindi po ako nakapagtanong sa kanila".

**THE CHAIRPERSON.** Ah, okay. So, confirmed ng anti-drugs task force ninyo na it was a legitimate anti-drug operation?

**MR. DONGALLO.** Yes, sir. Parang ganoon, sir, ang sinasabi nila. Actually, sir, I am requesting—Na-busy sila last week dahil iyong sa trabaho nila sa Quezon, sir, iyong malaking hall ng ano.

**THE CHAIRPERSON.** Okay.

**MR. DONGALLO.** So, I'm requesting really a conference with them para upuan namin ito.

**THE CHAIRPERSON.** Kaya nga.

**MR. DONGALLO.** Yes, sir.

**THE CHAIRPERSON.** Kung sabi nila na legitimate anti-drug operation, bakit nawawala iyong tao? Hindi makita ngayon? Missing hanggang ngayon?

**MR. DONGALLO.** Yes, sir. Kinonfirm (confirm) lang nila, sir, na it is a drug operation.

**THE CHAIRPERSON.** By whom?

**MR. DONGALLO.** I think the PNP, sir. I think parang ganoon. Oo.

**THE CHAIRPERSON.** So, mayroon dito siya sa affidavit niya, RDEU daw—RDEU ng NCR.

**MS. LADAO.** Opo.

**THE CHAIRPERSON.** NCR RDEU. Nagtatataka ako, bakit missing ang tao kung legitimate iyon

**THE CHAIRPERSON.** ... legitimate iyon per anti-drug operation unit ninyo, task force.

**MR. CRUZ.** Yes, sir. I will verify on that, sir. But iyon nga, sir, kinonfirm (confirm) nila na isang drug operation iyong video, with respect to the



video lang, sir. So, hindi rin naman kami basta makapagtanong sa kanila ng mga details, sir, kasi that's very confidential. Pero with this development, sir, I will coordinate with their head, Atty. Galicia, sir, para mabigyan ng linaw po ito immediately." (*Emphasis supplied.*)

Nevertheless, even if Case No. 7 cannot be conclusively determined to be related to sabong and e-sabong, the fact remains that two (2) individuals, who were supposedly the subject matter of a legitimate Anti-Drug Operation are missing. This Committee recommends that criminal and administrative cases be filed against these PNP personnel who conducted the operation and caused the disappearance of the two (2) individuals.

**2. FURTHER INVESTIGATION AGAINST LUCKY  
8 STAR QUEST, INC., ITS OFFICERS,  
DIRECTORS INCLUDING MR. CHARLIE  
"ATONG" ANG MUST BE CONDUCTED TO  
SHED LIGHT AS TO THE WHEREABOUTS OF  
THE MISSING PERSONS.**

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Lucky 8 Star Quest, Inc. insisted that their corporation was not part to any betting transactions in the matches it broadcasts or facilitates and thus, they claim to be not directly interested or invested in the results of the matches thereby making them indifferent to whoever wins or loses in a match. The corporation further claims that they are primarily engaged in broadcasting, live streaming, and aggregation of wagers on matches. Hence, according to them, they are merely a service provider, a bridge between bettors and those who can provide the necessary materials for the matches. Furthermore, the corporation asserts that they have no direct connection with the employees of the breeders nor the financiers and their employees. The workers of said breeders and financiers are beyond the corporation's purview. Any dispute between one bettor and another is also not within the corporation's capacity to resolve, unless the dispute directly involves the corporation's system.<sup>90</sup>

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<sup>90</sup> TSN dated 24 February 2022, 62-64.



In contrast, Atty. Angelo Niño Santos, President of Lucky 8 Star Quest Inc., admitted that the arenas where the missing persons disappeared are under the management and operation of Lucky 8 Star Quest, Inc., *to wit*:

**“MR. A. SANTOS.** Just to clarify, Mr. Chairman, Manila Arena—the property in Manila Arena is registered under Royal Octadome Incorporated. And as of the present, **Lucky 8 is presently leasing the entire property of Royal Octadome including the Manila Arena.** That is why **the management and operation of the entire Manila Arena right now is under Lucky 8.**

**THE CHAIRPERSON.** So, under Lucky 8, sa inyo.

**MR. A. SANTOS.** Yes, Mr. Chairman.”<sup>91</sup> (*Emphasis supplied.*)

X X X

**“MR. A. SANTOS.** Actually, Mr. Chairman, that **Santa Cruz cockpit arena**, that is also under Royal Octadome. And **we are also leasing it.**

**THE CHAIRPERSON.** So, kasama ito sa inyo? Kayo ang may-ari nito?

**MR. A. SANTOS.** Nagli-lease po kami doon sa property po.

**THE CHAIRPERSON.** Kaya nga. **Kayo ang nag-o-operate nito?**

**MR. A. SANTOS.** Opo.

**THE CHAIRPERSON.** **You’re the one operating?**

**MR. A. SANTOS.** Yes, Mr. Chairman.”<sup>92</sup> (*Emphasis supplied.*)

X X X

**“THE CHAIRPERSON.** Okay. Atty. Santos, iyong **Lipa** sa inyo pa rin, hindi ba?

**MR. A. SANTOS.** Yes, Mr. Chairman.

**THE CHAIRPERSON.** **Lipa arena, inyo pa rin?**

**MR. A. SANTOS.** Yes, Mr. Chairman. **We hold events there.**”<sup>93</sup> (*Emphasis supplied.*)

Operation and management of the arenas entails that the cockfighting event being held there are in accordance with established rules of sabong. Despite the

<sup>91</sup> TSN dated 24 February 2022, 65.

<sup>92</sup> TSN dated 24 February 2022, 135-136.

<sup>93</sup> TSN dated 24 February 2022, 205.

claim of Lucky 8 Star Quest, Inc. that they are merely broadcasting the matches, they are still the one in control of what matches or fights will be held in their arenas.

The President of Lucky 8 Star Quest Inc. himself testified during the Committee hearing that they manage and operate the cockpit arenas, and even hold events, where the missing individuals disappeared. The corporation did not also deny that the security personnel inside their arenas, who were allegedly identified by some of the witnesses, were the same persons who detained the missing individuals are employed by them. In fact, when the Committee inquired as to the failure of some of the security personnel to respond to the subpoenas issued by the Committee, the President of Lucky 8 Star Quest, Inc. was even the one who manifested the following:

**“THE CHAIRPERSON.** Being the president of your company, kung wala kayong itinatago, please, papuntahin ninyo sila dito, lalung-lalo na iyong si Matillano at saka si Bayog.

**MR. A. SANTOS.** Mr. Chairman, as I mentioned earlier, we were able to present them last week, during the last hearing. So we are really cooperative with this honorable Committee.

**THE CHAIRPERSON.** Kaya nga.

**MR. A. SANTOS.** And we were able to bring some of the security personnel who were also subpoenaed.”<sup>94</sup>

As mentioned above, several security personnel of Lucky 8 Star Quest, Inc. have been positively identified by the witnesses who testified during the hearings as being involved in the alleged abduction of the missing persons. As confirmed by the CIDG during the 04 March 2022 hearing, the persons of in interest in Case No. 1 all included security personnel of Lucky 8 Star Quest, Inc.<sup>95</sup> Not to mention, the two (2) witnesses, Alvin and Darwin Indon likewise testified on their ordeal who also pointed against the management of Lucky 8 Star Quest, Inc. Moreover, a vital witness gave his statement on how he saw how victims in Case No. 1 were held and loaded by security personnel of Manila Arena in a grey van parked at the basement of the said cockpit arena.<sup>96</sup> Denmark Sinfuego alias “Arvie”, testified that he saw a group of

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<sup>94</sup> TSN dated 21 March 2022, 36.

<sup>95</sup> TSN dated 04 March 2022, 118-120.

<sup>96</sup> TSN dated 04 March 2022, 94-95.

security personnel namely: Julie "Dondon" Patidongan, Johnrey Consolacion, Virgilio Bayog, Mark Carlo Zabala, and Roberto Matillano among others, as the alleged perpetrators of the abduction.<sup>97</sup>

It is worth noting that while the witnesses were testifying on the incidents which are separate and distinct from one another, they positively identified the same security personnel of Lucky 8 Star Quest, Inc.

Security guards Roquillo Anding, an in-house roving personnel, Virgilio Bayog, security personnel assigned in Manila Arena, Roberto Metillano, an employee of Alpha Red Management Systems, Inc., a production company which handles that events of Lucky 8 Star Quest, Inc., Rogelio Borican, in-house roving personnel, Raffy Fuentes, security personnel in Manila Arena, Mark Carlo Zabala, in-house roving personnel, Joseph Maldo, operations Manager of Absolute Golden Forest, who all denied knowledge as to the alleged abduction of the missing persons within the premises of Lucky 8 Star Quest, Inc. All of the above-mentioned persons merely gave general denials on their knowledge on the incident.<sup>98</sup> Worse, some of the security guards repeatedly failed to attend the Committee hearings despite being subpoenaed.

Moreover, the Committee took note of the testimony of the Indon brothers who pinpointed Mr. Julie "Dondon" Patidongan, the personnel of Mr. Charlie "Atong" Ang, , as the person who informed them not to join cockfighting anymore and threatened to kill them,<sup>99</sup> *to wit:*

**"MR. A. INDON.** Noon pong binantayan po kami sa may tent, mga siguro po mga pa-alas singko, bigla pong may lumapit sa akin isang lalaki na hinalbot po ako sa ganito at ang tanong po, "Kayo ba iyong may entry ng Gay Farm?"

**THE CHAIRPERSON.** Ano, ano ang ginawa sa iyo?

**MR. A. INDON.** Hinalbot po akong bigla sa damit po.

**THE CHAIRPERSON.** Sino iyong lalaki na iyon?

**MR. A. INDON.** Si alias Dondon po.

**THE CHAIRPERSON.** Dondon?

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<sup>97</sup> TSN dated 21 March 2022, 133-141.

<sup>98</sup> TSN dated 04 March 2022, 192-220.

<sup>99</sup> TSN dated 21 March 2022, 43-46.

**MR. A. INDON.** Opo.

**THE CHAIRPERSON.** Nandito ba siya sa session hall?

**MR. A. INDON.** Si alias Dondon po.

**THE CHAIRPERSON.** Saan? Puwede mo ituro?

**MR. A. INDON.** Opo.

**THE CHAIRPERSON.** Sino? Saan? Ano ang ginawa ni Dondon sa iyo?

**MR. A. INDON.** Hinalbot po niya ako sa batok po, sabi, "Subukan mong lumaban, papatayin na kita."

**THE CHAIRPERSON.** Tapos?

**MR. A. INDON.** Tapos po noon, sabi ko po, "Bakit ninyo po kami ginaganito wala naman po kaming alam diyan?" Sabi, "Mga magtyotyope kayo." Sabi ko naman po sa kanila, "Hindi ninyo naman po napapatunayan at marami po kaming laban na beses dito na pabalik-balik po kami."

**THE CHAIRPERSON.** Then?

**MR. A. INDON.** Noong ano po, dinala po niya kami doon sa tinatawag niyang "pahingahan" po sa may loob ng sabungan po. Tapos po tinanong po niya sa akin kung nasaan po daw iyong mga kasama namin, kasi po dalawa lang po kami noong dinampot. Iyon pong dalawa, iyong kapatid ko po at saka iyong anak ni Sherwin Garcia po, inutusan ko po na kumuha na ng gate pass para makauwi na po kami.

**THE CHAIRPERSON.** Tapos ano ang ginawa ni Dondon sa iyo?

**MR. A. INDON.** Noong pagkahalbot po sa akin, dinala po niya ako sa may bahay pahingahan po niya.

**THE CHAIRPERSON.** Bahay? Bahay?

**MR. A. INDON.** Doon po may para pong pahingahan po niya.

**THE CHAIRPERSON.** Tapos?

**MR. A. INDON.** Noong dinala po niya ako, sabi po sa akin, huwag na po daw akong lalaban baka po daw kami mamatay.

**THE CHAIRPERSON.** Tapos?

**MR. A. INDON.** Noon pong ano, sabi ko, "Hindi naman po kami lalaban at wala naman po kaming ginagawang kasalanan sa inyo."



Tapos tinanong po niya kung nasaan po iyong mga kasama namin. Sinabi ko po, "Nandoon po, kumukuha ng gate pass po para makauwi na kami."

**THE CHAIRPERSON.** Mayroon kang sinabi dito as affidavit mo na "Maya-maya ay tumawag itong si Dondon ng cell phone."

**MR. A. INDON.** Opo. Opo.

**THE CHAIRPERSON.** Sino ang tinawagan niya?

**MR. A. INDON.** Ang pakirinig ko po, kalapit ko po siya, ang tawag niya po ay "Boss A."

**THE CHAIRPERSON.** Sino iyong "Boss A?"

**MR. A. INDON.** Iyon po ang inaano po namin na sinasabi niya si Atong Ang po daw.

**THE CHAIRPERSON.** Ano ang sabi ni Dondon kay Boss Atong Ang?

**MR. A. INDON.** Ang sabi po ay, "Boss A, may mga tao na naman dito na pumasok na mga mantyotyope."

**THE CHAIRPERSON.** Tapos?

**MR. A. INDON.** Ang sabi niya po—Naka-loud speaker po iyong cell phone niya.

**THE CHAIRPERSON.** Naka?

**MR. A. INDON.** Naka-loud speaker po.

**THE CHAIRPERSON.** Loud speaker.

**MR. A. INDON.** Opo. Rinig ko po.

**THE CHAIRPERSON.** Rinig mo?

**MR. A. INDON.** Opo.

**THE CHAIRPERSON.** Kilala mo ang boses ni Atong Ang?

**MR. A. INDON.** Opo, medyo malat po sa cell phone.

**THE CHAIRPERSON.** Malat? Ano ang sinabi ni Atong Ang, ano ang sagot niya?

**MR. A. INDON.** Ang sabi po noong tinawagan po niya, ang sabi po ay, "Sige, paaminin niyo kung sino ang boss. Pag hindi niya inamin, patayin n'yo na."

**THE CHAIRPERSON.** "Patayin n'yo na?"



**MR. A. INDON.** Oo.

**THE CHAIRPERSON.** Narinig mo?

**MR. A. INDON.** Opo.

**THE CHAIRPERSON.** Sigurado ka?

**MR. A. INDON.** Opo. Hindi lang naman po ako ang nakakarinig noon.

**X X X**

**THE CHAIRPERSON.** Paano mong nalalaman na boses ni Atong Ang iyong nasa loud speaker?

**MR. A. INDON.** Siya lang naman po ang tinawagan niya na Boss A eh. Si Boss Atong lang po ang inaano na A eh." (*Emphasis supplied.*)

After that, they were were allegedly asked to choose between death or a criminal case to be filed against them. They chose the latter.<sup>100</sup>

It is also worthy to note that all three (3) cockpit arenas similarly did not have any CCTV cameras installed within their premises despite being operational:

**"SEN. LACSON.** Mr. Chairman, the thing is, kung isa o dalawang gaffers lang iyong nawala, puwede nating sabihin personal. Pero, 31? And there are common denominators, huh. Albert, ano iyong mga common denominators dito for you to work on or focus on?

**MR. FERRO.** The same owner of all of the cockpit...

**SEN. LACSON.** One.

**MR. FERRO.** Yes.

**SEN. LACSON.** Second?

**MR. FERRO.** And iyon ano, sir, iyong WPC. Iyong kanilang online sabong doon sa tatlong involved, sir.

**SEN. LACSON.** Aside from that?

**MR. FERRO.** Iyong ano, sir, iyong nakikita namin dito talaga, sir, is makahanap ng witness sa actual na kung mayroong actual or—

**SEN. LACSON.** Another common denominator, wala lahat CCTV.

**MR. FERRO.** Yes.

**SEN. LACSON.** What a pattern, ano?

**MR. FERRO.** Yes."<sup>101</sup>

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<sup>100</sup> TSN dated 21 March 2022, 120-121.

While the Committee hearings primarily focused on investigations in aid of legislation, the Committee recommends, based on its findings, that further investigation be conducted against Lucky 8 Star Quest, Inc., its President, Atty. Angelo Niño Santos, Vice-President, Mr. Charlie "Atong" Ang and other officers and directors involved in operation of their corporation and the arenas under their management to shed light as to the whereabouts of the missing persons.

### **3. LAW ENFORCEMENT AGENTS IDENTIFIED TO BE INVOLVED IN THE DISAPPEARANCES**

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During the course of the hearing, attention was brought to armed individuals who introduced themselves as NBI Agents serving a warrant of arrest to Ricardo "Jonjon" Lasco Jr., the missing person in Case No 8.

Four (4) victim-witnesses, namely: Honey Sason, Elaine Montañes, Princess Montañes-Lasco and Gilda V. Montañes, who were present during the incident, positively identified individuals who abducted Jonjon.<sup>102</sup>

They positively identified policemen, PAT Roy Navarette and PSSG Daryl Paghangaan, as perpetrators of the alleged abduction of Ricardo Lasco. Both Navarette and Paghangaan however, denied the allegations and claimed that they were nowhere near the scene on the day of the abduction.<sup>103</sup> Both were formerly assigned at the PIB of Laguna Police Provincial Office based in Sta. Cruz, Laguna.<sup>104</sup>

In addition, during the hearing, Alvin and Darwin Indon have both identified policemen PMSG Michael Claveria and PAT Roy Navarette as persons involved in their case who allegedly planted false evidence of illegal drugs on the hood of the truck they were arrested in. PMSG Michael Claveria, and PAT Roy Navarette on the other hand denied the allegations of the Indon Brothers.<sup>105</sup>

Positive identification of the PNP personnel should cause the commencement of investigation as to their possible participation on the disappearances of the missing individuals.

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<sup>101</sup> TSN dated 24 February 2022, 240-241.

<sup>102</sup> TSN dated 21 March 2022, 145-146.

<sup>103</sup> TSN dated 21 March 2022, 190-191.

<sup>104</sup> TSN dated 21 March 2022, 192-195.

<sup>105</sup> TSN dated 21 March 2022, 51-63.

On a different note, during the last hearing of the Committee, it was mentioned that relatives of some of NBI and PNP personnel were involved in providing security services in the cockpit arena where the sabungeros disappeared.

**THE CHAIRPERSON.** Colonel Orapa, mayroon pa akong isang isyu na gusto kong i-clarify mo. Are you familiar with POV Security Agency Incorporated?

**MR. ORAPA.** Yes, Your Honor.

**THE CHAIRPERSON.** Sino ang may-ari nito?

**MR. ORAPA.** My wife is part owner of that. She is one of the shareholders and one of the incorporators, Your Honor.

**THE CHAIRPERSON.** Kasama dito ang wife mo?

**MR. ORAPA.** Yes, Your Honor.

**THE CHAIRPERSON.** Sa mga may-ari?

**MR. ORAPA.** Yes, Your Honor.

**THE CHAIRPERSON.** Now, totoo ba ang information na nakalap nitong Komite na ito na kayo ngayon ang naggagwardiya sa mga sabungan ng Pitmaster ni Atong Ang—iyong Manila Arena, iyong sa Lipa Arena, at saka iyong sa Santa Cruz, Laguna kung saan doon nawawala itong mga tao na ito? Kayo daw ang security provider doon. Security agency ninyo ang na-deploy doon.

**MR. ORAPA.** During the time ng mga nawala na incidents, Your Honor, hindi pa po ang security agency nila misis. It just takes post February 15, 2022, Your Honor. So during the time of missing incidents, Your Honor, POV Security Agency is not the one providing security po, as those mentioned, Your Honor.

**THE CHAIRPERSON.** So kailan kayo nakakuha ng kontrata with the Pitmasters or kumpanya ni Atong Ang na kayo ang mag-provide ng security guards doon?

**MR. ORAPA.** This year, Your Honor, February 2022, Your Honor.

X X X

**THE CHAIRPERSON.** February 2022?

**MR. ORAPA.** Yes, Your Honor.

**THE CHAIRPERSON.** Hindi kaya ito ay reward ni Atong Ang sa iyo, sa iyong mga pabor na ibinigay mo sa kanya iyong pagbigay sa iyo ng kontrata? Diretsahang tanong.

**MR. ORAPA.** No, Your Honor. This is a legitimate business, Your Honor. You have to apply or bid for such a contract to be rewarded or awarded to you. So such allegation na sinasabing reward, hindi po, Your Honor.

**THE CHAIRPERSON.** Alam mo, I have nothing against you doing business with any clients, kahit si Atong Ang man iyan o kung sino ang ang pwede mong makanegosyo, wala. Kasi sa akin, we encourage – I even encourage you to do business para hindi ka mangungurakot. Kung ikaw ay pulis, engage ka sa negosyo, maganda iyon para alalay sa income mo. Kahit na malaki na iyong sweldo, you do business basta legal lang. We encourage you to do that. But itong mga coincidence na ito very kuwan iyong mga coincidence na ito, very suspicious on my part, ha. Huwag mo akong sisihin dahil pulis rin ako na kagaya mo na marunong magsuspetsya na something wrong is, maybe, happening behind the scene. Na dati ang kakontrata diyan na security agency na naggugwardiya sa mga arena ni Atong Ang ay, sabi nila, dating NBI, ex-NBI, tapos tinanggal. Ngayon, ikaw ang pumalit—iyong agency ng asawa mo, not necessarily you. Iyong agency ng asawa mo; pero after all those incidents na nangyayari.

Kaya ako, with my malicious mind—forgive me if I’m malicious dahil dati rin akong pulis, marunong rin akong mag-isip—naisip ko tuloy na baka reward ito ni Atong Ang sa iyo dahil sa mga pabor na ibinigay mo, services na ibinigay mo—whatever services na ibinigay mo sa kanya. Iyon lang ang sa akin, ha.”<sup>106</sup>

Due to facts uncovered on the business engagement of the wife of the PNP personnel with Lucky 8 Star Quest, Inc., a company being investigate by the same agency, the issue of impropriety was brought out, *to wit*:

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<sup>106</sup> TSN 18 April 2022, 70-73.



**SEN. TOLENTINO.** Mr. Chairman, my curiosity was broadened and triggered by your line of questioning.

I'd like to ask the chief of the Philippine National Police, General Carlos, and, probably, I'm alerting the representative of the Secretary of Justice.

Is this allowed under existing PNP policies? Is there a conflict of interest wherein a police officer not yet retired from the service is allowed to have his wife be part of the board of directors of a security agency being supervised also by the Philippine National Police? I am sure, Colonel, wala rin naman akong masamang bagay tungkol sa iyo, but you might have classmates, being part of the—ano ba iyong agency na iyon—among tawag doon? SOSIA?

x x x

**SEN. TOLENTINO.** SOSIA. I'm sure you have classmates, you have future classmates who will be there; and, who knows, in the near future, you might be a member, or even the head of SOSIA.

General Carlos, is this allowed? Is this a potential conflict of interest issue, na iyong nasa serbisyo pa ay allowed iyong asawa niya? Kahit bukod iyong asawa, knowing fully well the conjugal nature of a business entity, pinapayagan ba ho ito na magnegosyo iyong asawa na nasa serbisyo pa? Hindi ba dapat hintayin muna mag-retire, umalis sa serbisyo bago ka pumasok sa security agency? General Carlos, sir?

**MR. CARLOS.** Yes, thank you, Mr. Chair, Your Honor.

Ang sa amin naman po ay napapayagan po iyong amin pong asawa o kamag-anak as long as legitimate po iyong business. At ang iniawasan nga po namin doon ay magamit iyong impluwensiya. Maaaring impluwensiya ng isang pulis doon sa negosyo. So, very clear na po iyon, kapag ito po ay hindi po doon sa pulis ay napapayagan naman po iyon.

Ngayon, kapag magkakaroon po ng conflict of interest, doon naman po pumapasok iyong pulis na nagda-divest siya kung mayroon din ho siyang negosyo na maaari ngang magamit po niya iyong kanyang



impluwensiya. Marami po sa amin pong mga kasama ang nagtatayo po o nai-involve po sa business as makadagdag ng kita para sa amin pong pamilya. Ngunit doon na rin po nag-iisip iyong amin pong mga pulis na kapag ka iyong aming puwesto o amin pong impluwensiya ay magagamit, ay kailangan naman pong hindi po namin gamitin po iyon. Hopefully, ganoon po ang pag-iisip ng amin pong mga kasama sa Philippine National Police na uunahin po muna iyong kapakanan ng serbisyo ng amin pong organisasyon kahit na po napapayagan po namin iyong amin pong mga kamag-anak o iyong aming asawa na ma-involve sa legitimate businesses. Yes, Your Honor.

**SEN. TOLENTINO.** Thank you, General Carlos.

The same line of questioning addressed to the DOJ.

There would be a thin line of boundary that would separate, demarcate what is allowed legally and what can probably transgress a borderline conflict of interest issue, not just for the police but—I'm not also against this, mga kaibigan ko ang Bureau of Fire, may magtayo ng fire extinguisher company na asawa naman, ganoon.

So, Usec Ortha, how would you differentiate the very thin line of where one should stop, one should not proceed and one should be neutral in all of these? Because I look at some of our Republic Act 3019 instances that, perhaps kayo rin sa Department of Justice, halimbawa, iyong asawa mo naman naging involved sa, halimbawa, sa DOJ, supplier naman ng papel o computer. So, saan hihinto ito? Nandoon na lang ba sa tao? Or do we need a special regulation for this coming from the Civil Service Commission, in NAPOLCOM, or any other agency?

Wala po akong—hindi ako against dito. Tama iyong sinabi ni Senator Dela Rosa that kailangan i-augment din natin iyong income noong ating uniformed personnel. Pero saan hihinto? Saan iyong invisible barrier, so to speak, Usec?

**MR. ORTHA.** Thank you, Mr. Senator, Mr. President.

Right now po, I am not aware of any law that expressly prohibits the spouses, except po iyong sa Constitution natin na the President, Vice

President, *et cetera*. Pero po doon sa iba po, hindi ko po maisip na usually po kasi the prohibition is on the government official himself or herself.

Pero tama po kayo, **gaya rin po nang nabanggit ni PNP Chief, kung wala pong malinaw na batas ngayon tungkol diyan, siguro po on our own ay parte na po ng delikadesa natin is kung mayroon po tayong nakikitang potential na conflict of interest, baka dapat po ay hindi po tayo ma-involve doon sa proseso.** Kung legitimate naman po iyong papasukin na negosyo, siguraduhin lang po sana natin na susundin po natin iyong proseso at hindi po natin mabibigyan ng, kumbaga, special treatment po iyong asawa. **At siguro po, mas maganda na rin na kung parte po tayo ng proseso, mag-inhibit na lang po siguro tayo doon sa proseso para hindi po mabigyan ng hindi magandang kulay.** Pero titingnan pa rin po natin. **Ang pinakamalapit po kasi nating naiisip is iyong 6713—iyong Code of Ethics po natin for government officials.** Kung may makita po kami, babalikan po namin iyong Komite tungkol po dito sa bagay na ito.

Salamat po.

**SEN. TOLENTINO.** Thank you, Usec. And I am sure you can provide us with a draft or a work in progress guidelines para sa lahat na—the ethical aspect of this.

Again, I reiterate, there is nothing wrong with the current practice, Mr. Chairman. **Doon lang, pag dumating doon sa yugto na pagpipilian kung ano iyong mauuna, iyong pampersonal o iyong pambayan, baka mayroong very thin line that can be transgressed na hindi kaagad nakikita.**

Again, siguro, Mr. Chairman, this should be part of a long-range reform on all of these. Ganoon din iyong nakita natin noong araw, iyong mga teacher natin, Mr. Chairman, nagtitinda ng Avon products, mga shampoo dala sa eskuwelahan to augment their income; and there is nothing wrong with that. May mga teachers tayo may mga

dalang— noong face-to-face classes pa, may mga dalang mga suman pambenta na sa school, there is nothing wrong with that. **Ang kailangan lang ay maging transparent siguro lahat dito nang sa ganoon alam noong nagsu-supervise, alam noong sinu-supervise kung saan iyong hangganan.** Ang puno't dulo naman nito ay ang gusto ng lahat ay ma-augment, ma-augment iyong income para sa mga pamilya noong mga lingkod-bayan."<sup>107</sup> (*Emphasis supplied.*)

While the business venture of PNP personnel as well as all government officials and employees are not prohibited by law, however, it is worthy to note that Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees" provides that:

**"Section 7. Prohibited Acts and Transactions.** - In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

(a) Financial and material interest. - **Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.**

(b) Outside employment and other activities related thereto. - Public officials and employees during their incumbency shall not:

(1) **Own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law;**

(2) x x x

(3) x x x

These prohibitions shall continue to apply for a period of one (1) year after resignation, retirement, or separation from public office,

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<sup>107</sup> TSN 18 April 2022, 74-78.

except in the case of subparagraph (b) (2) above, but the professional concerned cannot practice his profession in connection with any matter before the office he used to be with, in which case the one-year prohibition shall likewise apply.”

In addition, the same law provides that public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

In view of the foregoing, the Committee recommends to the PNP Chief to issue a policy that ensures the strict compliance of the provisions Republic Act No. 6713 including its implementing rules and regulations and related executive issuances, especially on the disclosure of business and financial interests of every PNP personnel. This will prevent the potential conflict of interest of PNP personnel in case they will be promoted to a position or an office which is directly regulating the business of his wife or immediate relatives.

#### ***4. PAGCOR HAS NO CLEAR LEGAL MANDATE TO REGULATE E-SABONG***

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Legal cockfighting is permitted only under strict regulations pursuant to Presidential Decree No. 449. This is because the current law views cockfighting as part of Filipino customs and traditions. As such, it is expressly provided in the Whereas clause of the law that cockfighting should neither be exploited as an object of commercialism or business enterprise, nor made as a tool of uncontrolled gambling, but more as a vehicle for the preservation and perpetuation of native Filipino heritage and thereby enhance our national identity.

In line with the declared policy of the Cockfight Law of 1974, the holding of cockfights is only allowed during Sundays, legal holidays, and during local fiestas, fair, carnival or exposition, for not more than three (3) days, in a duly license cockpits, 100% owned by Filipino citizens. Only licensed cockfighting officials such as gaffers, referees, or bet takers and promoters can act as such during cockfights.



Cockfighting, like other customs and traditions, has adapted to the technology and modernity of the current times. From being merely part of traditional entertainment, sabong, in today's internet era, has taken the form of e-sabong. Like wildfire, it quickly spread and became the preferred game of chance of Filipinos during the height of COVID-19 pandemic [source?].

Guided by the policies established by the Cockfighting Law of 1974, as early as the first hearing, the Committee members have raised their concern as to the legal standing of the regulatory power being exercised by the PAGCOR, which is not provided for under Republic Act No. 9487 or the "PAGCOR Charter."<sup>108</sup>

PAGCOR in its 01 March 2022 letter to the Committee, stated that the Office of the President, through the Executive Secretary, in a Memorandum dated 26 February 2021 stated that "**E-sabong is not as yet within the specific mandate of any agency to regulate.**" In consonance with the tenor of the aforementioned Memorandum, it must be pointed out that there is no provision in Presidential Decree No. 1869, or the PAGCOR Charter, as amended by Republic Act No. 9487, that grants PAGCOR the authority to issue licenses to e-sabong operators.<sup>109</sup>

Despite that, PAGCOR claimed that through the above mentioned Memorandum, it was mandated by the Office of the President to craft regulations which shall, among others, respect and uphold the licensing authority to local government units over all cockpits from which the e-sabong broadcasts or livestreaming will emanate.

By virtue of said Memorandum, e-sabong operations is now being licensed and regulated only by PAGCOR. PAGCOR's e-sabong regulatory function includes the development of a regulatory framework, processing of applications, issuance of licenses to conduct e-sabong operations, and other related tasks.<sup>110</sup>

Since then, PAGCOR has issued licenses to eight (8) e-sabong operators namely: (a) Belvedere Vista Corporation, (b) Lucky 8 Star Quest Inc., (c) Visayas Cockers Club Inc., (d) Jade Entertainment and Gaming Technologies Inc, (e) Newin Cockers Alliance Gaming Corporation, (f) Philippine Cockfighting International Inc.,

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<sup>108</sup> TSN dated 24 February 2022, 38-41, and 61.

<sup>109</sup> Letter of Senator Francis "Tol" N. Tolentino addressed to the Chairperson of the Senate Committee on Public Order and Dangerous Drugs, dated 5 May 2022, 2.

<sup>110</sup> <https://www.pagcor.ph/regulatory/e-sabong.php>

(g) Golden Buzzer Inc. and (h) E-Sports Encuentro Live Corporation. However, only the first seven (7) e-sabong operators possess valid licenses as of 08 March 2022.

PAGCOR further asserts that its authority to grant licenses to e-sabong operators has been derived by virtue of the opinion from the OSG dated 13 May 2018 and opinion from the DOJ dated 28 January 2021, which allegedly identify or recognize their authority,<sup>111</sup> *to wit:*

**1. *Opinion of the Department of Justice dated 28 January 2021***

- a. "PAGCOR, under its Charter, can authorize and license the establishment, operation and maintenance of e-sabong Betting Stations and e-sabong Betting Platform/System and regulate e-sabong activities.
- b. PAGCOR's authority under its Charter to regulate e-sabong activities is not in conflict with the authority of the local government units to regulate cockfighting under the Local Government Code as these two laws govern different activities.
- c. PAGCOR's authority to license and regulate e-sabong will not violate Article 199 of the Revised Penal Code."

**2. *Opinion of the Office of the Solicitor General dated 31 May 2018***

"Since and LGU cannot regulate, and consequently issue licenses on bets/games of chance made outside its local jurisdiction, it may be argued that PAGCOR under its Charter has the authority to authorize, regulate and issue licenses for e-sabong. However, it must be emphasized that PAGCOR can only authorize and regulate games of chance that are allowed by law. Considering that PD 449 allows betting on cockfights being conducted in licensed cockpits, it is therefore a condition precedent that the cockfights, which are being offered for betting are those duly licensed by the GAB for international derbis or the LGUs for local cockfighting."

The Committee does not object to the interpretation that perhaps PAGCOR should be given the authority to regulate e-sabong considering it currently regulates electronic games. However, the confusion lies in the fact that there is an existing law

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<sup>111</sup> TSN dated 24 February 2022, 39-40.

that regulates cockfighting. Without the actual cockfighting, there will be no e-sabong operation. As such, the conclusion of the Office of the President that e-sabong is a gambling activity that is distinct from cockfighting holds water; however, e-sabong is dependent on the same actual cockfighting it broadcasts.

Undoubtedly, the lack of existing laws which properly delineates the powers and functions of government agencies mandated to formulate regulations and tasked to enforce such regulations on e-sabong creates confusion.

With the intention to address the apparent vagueness on the regulation of e-sabong, last September 2021, the House of Representatives passed House Bill No. 10199, granting a 25-year franchise to online cockfighting or "e-sabong" to Lucky 8 Star Quest, Inc., for live broadcast of cockfighting activities and derbis through online and other similar means. The bill also allows the e-sabong firm to construct, establish, operate and maintain onsite-cockpit and offsite-cockpit betting stations. In approving the said measure, lawmakers cited the benefits to be derived from the e-sabong operations of the firm, particularly the revenue of offsite betting activities.<sup>112</sup> The aforesaid bill was deliberated by the Senate Committee on Public Services on 09 December 2021 and was sponsored before the plenary last 02 February 2022.

However, given this discussion on the dependency of the actual cockfighting with the operation of e-sabong, there is a need to reassess the granting of legislative franchise to e-sabong operators to ensure that it will be in accordance with the Cockfighting Law of 1974.

With the obvious conflict as to whether a franchise can be issued by the legislature or a mere license issued by PAGCOR will suffice, not to mention conflicting opinions of different agencies of the government, a thorough study must be conducted to be able to ensure that the proper government agency will be given regulatory power over e-sabong operators. Without a law specifically regulating e-sabong and its operators, , government agencies are given too much leeway to interpret existing laws not directly applicable to e-sabong, especially as it is a fairly recent technological innovation.

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<sup>112</sup> <https://www.philstar.com/headlines/2021/09/25/2129521/house-grants-25-year-franchise-atong-angs-e-sabong-firm>

## **5. REGULATION OF E-SABONG SHOULD BE STUDIED FURTHER BEFORE ALLOWING ITS OPERATION AGAIN**

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*"Sa ambag na ito ng bawat pumapasok ay isang bahagi, na umaabot sa ilang daang piso santaon, ang tinatanggap ng Pamahalaan. Sinasabing ang salaping ito, na bayad ng bisyo upang magkaroon ng Kalayaan, ang ipinagpatayo ng malaking paaralan, pinagpagawa ng mga tulay at lansangan, ginamit na mga gantimpala upang paunlarin ang pagsaka at pangangalakal..."<sup>113</sup>*

Immortalized in the pages of the *Noli Me Tangere* is, what was then, in colonial times, the significant contribution of sabong in funding government endeavors. Who would have thought that more than a century since Rizal's novel was published, sabong would not only survive the test of time but would also adapt to the technological advancement of modern day Filipino society? To this day, the government recognizes the contribution of the cockfighting industry as an additional source of revenue especially during the COVID-19 pandemic where public funds have been scarce.

While there was a race against time to pass the two (2) Bayanihan Acts to cushion the blow of the pandemic, e-sabong alternatively became a bountiful source of money for the government. Based on the submission of PAGCOR, from April 2021 to February 2022, it received PhP 4,350,351,612.90 as regulatory fees from their licensed e-sabong operators. Silently, e-sabong was able to fuel our COVID response and get the government moving through the past two (2) years.

Gambling consistently became a blessing not only to the government because of the billions of pesos it brought to the nation's coffers but also to some ordinary people who had the courage to push their luck. In the case of e-sabong, Filipinos turned to this game of chance to augment their income. And yet, unfortunately, though some may have profited from betting in e-sabong, there are alsomany who have been reported to embrace the negative impact of gambling.

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<sup>113</sup> Jose Rizal, "Kabanata 47: Sabungan," in *Noli Me Tangere*, trans. Virgilio Almario (Pasig City: National Centennial Commission, 1998).



In comparison to jueteng, wherein after betting, bettors can go on with their day, go to work, do their chores and attend to the needs of the family while waiting for the kubrador's announcement, e-sabong is very much different. E-sabong takes over the bettor's life. Streamed online, in the palm of the bettor's hand via cellular phone while the matches are being conducted 24/7, the fascination of instantly turning wealthy in every bet gradually becomes an addiction. Bettors forget themselves, their work, their friends, and their families. In a short period of time, this addiction may turn into desperation.

Recently, a young PNP officer who just graduated last year was arrested for allegedly splurging some Five Hundred Thousand Pesos (P500,000.00) supposedly meant for drug sting operations in e-sabong.<sup>114</sup> Another policeman was arrested after robbing a gasoline station in Batangas because he needed money to pay off his e-sabong debts. It is very alarming but most of all, disgusting.

Another heartbreaking news was reported last 03 March 2022 when a 22-year-old mother sold her 8-month-old child for Forty-Five Thousand Pesos (P45,000.00) because of e-sabong debts.<sup>115</sup>

These are the lives of ordinary Filipinos ruined by a game of chance and those who directly took part in this enterprise may have just gambled not only what little money they had but their lives. How ironic that the ones who came to play are the ones that were treated as mere pawns by the same industry of which they chose to be a part.

It is often joked about that a father engaged in sabong treats his fighting cock like his own child. He takes care of it, feeds it, bathes it, and gives it all the love and attention he would give his own family. Whenever a sabungero's fighting cock loses, the sabungero grieves, and a part of him also dies.

What is even more devastating is when it was not the fighting cocks that weren't able to come home after going to a cockpit arena but the sabungeros. They were fathers, sons, brothers and friends who did not come home and, perhaps, are never to be seen again.

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<sup>114</sup> Cabalza, Dexter. "Inquirer.net: Just-graduated cop nabbed for crimes link to e-sabong" Accessed on 5 May 2022. <https://newsinfo.inquirer.net/1577311/just-graduated-cop-nabbed-for-crimes-linked-to-e-sabong-2>

<sup>115</sup> <https://news.abs-cbn.com/videc/news/03/14/22/sanggol-sa-pasig-binenta-pambayad-sa-e-sabong>

Alarmed by the increasing rate of disappearances, the Senate, with the support of all its members, urged the PAGCOR to suspend the license to operate of e-sabong operators and to immediately stop all activities related to e-sabong until the cases of missing sabungeros are resolved. This move was opposed by PAGCOR claiming economic implication since the e-sabong industry earned P640 million monthly during the current year.

Fortunately, President President Rodrigo Roa Duterte has a different stand with that of the PAGCOR and made a pronouncement, "E-sabong will end tonight o bukas." President Duterte further said, "*...may naririnig na ako loud and very clear to me that it was working against our values... Iyong impact sa pamilya pati sa tao, ang labas hindi na natutulog ang mga sabungero 24 hours.*"

No amount of money can equal the value of a man's life. It is our firm belief that our government would not want to feed our people from the money which came from the blood of their fellow Filipinos. President Duterte stopping the operation of e-sabong has been a welcome development in the cause of this Committee. Perhaps, the President saw what we did. He saw how this e-sabong destroys the Filipino Family. This Committee thanks the President for answering the calls of this Committee.

Nevertheless, in case the future administration decides to proceed in a policy direction different from that of President Duterte, the Committee offers its findings on several issues raised specifically as to the current regulations being implemented with regard to the operation of e-sabong.

### **Installation of CCTV Cameras in Cockpit Arenas**

During the hearing, it was revealed that there were no CCTVs installed within Manila Arena during the incident thereby making it difficult for the investigators to trace the whereabouts of the missing individuals. According to Lucky 8 Star Quest, Inc., they have yet to install CCTV cameras within the premises.<sup>116</sup>

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<sup>116</sup> TSN dated 24 February 2022, 51-66.

Additionally, according to Lucky 8 Star Quest, Inc., the lack of CCTV cameras in cockpit arenas in Sta. Cruz, Laguna and Lipa City, Batangas, was due to the fact that it is still under construction.<sup>117</sup>

When questioned as to whether PAGCOR has inspected whether its licensees have installed CCTV cameras within its premises prior to the issuance of license, PAGCOR reiterated that the licensing of cockpit arenas is within the LGUs jurisdiction and thus, they merely presume regularity with the submitted documents of the operators.<sup>118</sup> Ironically, PAGCOR mandates the installation of CCTV cameras as a requirement off-cockpit stations<sup>119</sup> but not in cockpit arenas where the anomalous activities it seeks to deter, and the proactive security monitoring it seeks establish, is mostly needed.

On the other hand, according to the Bureau of Permits of Manila City, installation of CCTV camera is a requirement prior to the issuance of a permit. However, with the law on ease of doing business, they preliminarily issue a permit prior to inspection.<sup>120</sup> The licensing office of Lipa City, Batangas, likewise confirmed that while the installation of CCTV is required in businesses with capitalization of more than One Million Pesos (P1,000,000.00), an inspection is yet to be conducted at Royal Octadome given that at the time they applied for a permit, the business was not yet operating but they have nonetheless signed an undertaking that they will comply with the necessary requirements. However, upon visiting the premises, the LGU personnel were allegedly not allowed to enter their premises.<sup>121</sup> As to the Business Permit and Licensing Office of Sta. Cruz, Laguna, their ordinance does not include the installation of CCTV cameras in cockpit arenas, as it was promulgated back in 2013.<sup>122</sup>

It bears stressing that while it is of no doubt that these arenas are already operating and thus, required to comply with the ordinances of the LGUs which have jurisdiction therein, it is also alarming that these LGUs failed to conduct the necessary inspection on the premises of these establishments given the magnitude of missing persons which, as per those reported, dates as early as April 2021.

<sup>117</sup> TSN dated 24 February 2022, 157-158.

<sup>118</sup> TSN dated 24 February 2022, 142-146.

<sup>119</sup> Article 3, Section 3, PAGCOR Regulatory Framework for E-Sabong Offcockpit Betting Stations (OCBS).

<sup>120</sup> TSN dated 04 March 2022, 144-150.

<sup>121</sup> TSN dated 04 March 2022, 161-163.

<sup>122</sup> TSN dated 04 March 2022, 158-160.

In addition to the non-compliance of Lucky 8 Star Quest, Inc. with the mandatory requirement of installation of CCTV cameras, the fact remains that the three (3) cockpit arenas being operated by Lucky 8 Star Quest, Inc. does not have sufficient security protocols for failure to control the ingress and egress of the persons who enter their premises, as well as lack of protocols to be followed whenever its personnel receive reports of anomalous activities or crimes carried out within its premises, *to wit*:

**“SEN. LACSON. You are not aware of the 31 persons that disappeared inside your arena until now? Ngayon ninyo lang nalaman?”**

**MR. A. SANTOS. Yes, to be candid po.**

**THE CHAIRPERSON.** Ito, Attorney, isipin mo, ikaw ang presidente ng kumpanya, wala man lang nakarating sa iyo na report na iyong particular day na iyon, iyong security guards ninyo doon sa loob ay may na-hold na limang tao? Hindi sila nagre-report sa iyo na na-hold nila iyong limang tao na involved in whatever kalokohan? Walang report. Hinold (hold) lang iyong tao, tapos walang report sa inyo.

**MR. A. SANTOS. As far as I’m concerned, Mr. Chairman, we have not—I have not checked the incident reports, but no report has come from—**

**THE CHAIRPERSON.** Then, please, tanungin mo iyong security ninyo doon bakit hindi nag-report sa inyo. That’s your moral obligation as officer of that company. Ngayon na nakarating sa attention ninyo na may ganoon palang nangyayari, ay pagkakasuhan mo iyong mga security ninyo doon. Bakit hinold (hold) iyong tao, ngayon missing ang mga tao na ito. Moral obligation natin iyan, Attorney, kahit na huwag na nating idaan sa legal na pamamaraan, kundi sa konsensiya na lang natin bilang tao. Ito, ngayon, nawawala mga anak nito, ilang buwan na. At sabi noong kasama na nakasibat, na nakalayas, na-hold doon sa security guard, sa security ng Santa Cruz Arena ninyo, cockpit arena.



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**SEN. LACSON.** The apparent is break procedures on ingress and egress. Walang report sa inyong nakarating na mayroong in-abduct doon sa loob o kaya hinold (hold) doon sa loob? Walang report man lang?

**MR. A. SANTOS.** Wala po, Mr. Chairman.

**SEN. LACSON.** Wala. Okay. That's unusual."<sup>123</sup> (*Emphasis supplied.*)

Moreover, during the 24 February 2022 hearing, Lambert Santos, father of Melbert John Santos, testified that immediately upon learning of the alleged abduction of his son, he went to the arena right away and inquired as to the whereabouts of his son to which the security personnel denied and informed them that the group of his son has left, as verified by the gate pass. However, upon examining the said gate pass, he noticed that it was not his son who signed the same.<sup>124</sup> This statement was further corroborated by Tess Regondola, sister of Mark Fernandine, who was also able to examine the logbook and verified that it was not his brother who signed the log out.<sup>125</sup> The fact that the logbook or gate pass can be signed by any person raises questions as to the integrity and accuracy of its contents.

Noticeably, upon careful examination of the logbook submitted by the security personnel of United Association of Cockpit Owners & Operators of the Phils., Inc. in Sta. Cruz, Laguna, to the Committee in relation to Case No. 2, most, if not all persons who logged in did not have a time out. The security protocols, which could have been an additional safeguard for the security of persons who enter the premises of their arenas, are unequivocally lacking.

### **24/7 Operations of E-Sabong**

Section 5(d) of Presidential Decree No. 994 or the "Cockfighting Law of 1974" provides that: "cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas for not more than three (3) days. It may also be held during provincial, city or municipal, agricultural, commercial or industrial fair, carnival or exposition for a similar period of three days upon

<sup>123</sup> TSN dated 24 February 2022, 238-239.

<sup>124</sup> TSN dated 24 February 2022, 152-153.

<sup>125</sup> TSN dated 24 February 2022, 176-178.

resolution of the province, city or municipality where such fair, carnival or exposition is to be held, subject to the approval of the Chief of Constabulary or his authorized representative: *Provided*, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions a year in the same city or municipality: *Provided, further*, that no cockfighting shall be held on December 30 (Rizal Day), June 12 (Philippine Independence Day) November 30 (National Heroes Day), Holy Thursday, Good Friday, Election or Referendum Day and during Registration Days for such election or referendum.”

Presidential Decree No. 994 emphasizes that while cockfighting has been and still is a popular, traditional and customary form of recreation and entertainment among Filipinos it should neither be exploited as an object of commercialism or business enterprise, nor made a tool of uncontrolled gambling, but more as a vehicle for the preservation and perpetuation of native Filipino heritage and thereby enhance our national identity.<sup>126</sup>

E-sabong, which is defined as the online/remote or off-site wagering/betting on live cockfighting matches, events, and/or activities streamed or broadcasted live from cockpit arena/s licensed or authorized by the LGUs having jurisdiction thereof,<sup>127</sup> on the other hand, operates twenty-four (24) hours a day, seven (7) days a week. Worse, this can be done at the comfort of your homes. Such 24/7 operation is unquestionably in clear contravention of the intent of the Presidential Decree No. 994:

**“SEN. DRILON.** Thank you very much, sir. So if we are saying, Mr. Ang, kung sinasabi po natin ang gross bets on the average would be at least minimum of one billion to two billion per day, how many days do you operate in a month?

**MR. ANG.** Thirty days, 31 days.

**SEN. DRILON.** Thirty days.

**MR. ANG.** Araw-araw po mayroon po kaming laro.<sup>128</sup>

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<sup>126</sup> Whereas Clause, Presidential Decree No. 449.

<sup>127</sup> Article I(1), PAGCOR Regulatory Framework for Electronic Sabong (E-Sabong).

<sup>128</sup> TSN dated 04 March 2022, 102.

Aside from being operated 24/7, e-sabong has become a gambling activity which arguably, became a business enterprise for some.

### **Collection of Taxes**

The Bureau of Internal Revenue ("BIR"), on its part, issued Revenue Memorandum Circular 25-2022 ("BIR RMC 25-22") on 11 March 2022 or after two (2) hearings have been conducted by the Committee. It is worthy to note that the operations of the licensees of e-sabong dates back as early as 08 April 2021.

BIR RMC 25-2022 clarified the taxability of e-sabong operations. However, as admitted by the BIR, taxes are yet to be collected by the latter from e-sabong operators. In fact, it is only the regulatory fee of PAGCOR that were collected from the operators,<sup>129</sup> *to wit*:

**SEN. TOLENTINO.** So narinig mo iyong sinabi ni Mr. Ang na pinag-aaralan pa ngayon ng PAGCOR. What is Mr. Ang paying? Is it—

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**SEN. TOLENTINO.** Is it part of a regulatory fee or is it a form of a tax under the National Internal Revenue Code?

**MR. DY.** Sir, he's paying PAGCOR regulatory fees. For the BIR, it's a tax, sir.

**SEN. TOLENTINO.** For the BIR, it's the franchise tax of 5 percent, am I correct?

**MR. DY.** Yes, sir. But aside from franchise tax, sir, he is also liable for other taxes.

**SEN. TOLENTINO.** Such as?

**MR. DY.** Sir, income tax and VAT.

**SEN. TOLENTINO.** Just income tax of the corporation which is Pitmaster, probably?

**MR. DY.** Yes, sir.

**SEN. TOLENTINO.** Okay. So in the same manner ...

**SEN. TOLENTINO.** ... in the same manner, for every transaction on the part of PayMaya and GCash, are there corresponding taxes?

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<sup>129</sup> TSN dated 21 March 2022, 250-270.

**MR. DY.** Sir, there should be.

**SEN. TOLENTINO.** There should be.

**MR. DY.** Yes, sir, based on winnings, sir.

**SEN. TOLENTINO.** I'm leading you to this because Malacañang issued a statement na kailangan kumita ang gobyerno. So, by answering, "it should be," it appears—DOJ is listening—we now expose the flaw. Nilalabas natin iyong pagkakamali dito.

Magtanong ka sa abogado mo, Mr. Ang—ang lumalabas, ang binabayaran ngayon, ang napupunta sa gobyerno is a regulatory fee.

**PAGCOR.** On the part of PAGCOR, iyong regulatory fee, hindi iyon napupunta sa kaban ng bayan — pampagawa ng ospital, pangsweldo sa mga pulis na nandon sa likuran nagkukuwentuhan, pambayad ng mga tulay. Napupunta iyan doon sa PAGCOR special laws. And I am referring to those to be used for sports development, for PhilHealth, for agri-agra or the agri-agra laws implementation, and other small laws that Congress, the Senate decided to implement to support small sectors. So, these regulatory fees are given to the Office of the President, given to various agencies for their special projects, while the taxes, especially that 5 percent franchise fee that you mentioned—tax that you mentioned, will go to the coffers of the national government, the Bureau of Treasury, to be appropriated by Congress, through the General Appropriations Act, to fund the requirements of the national government. Tama po ba ako doon, BIR?

**MR. DY.** Yes, sir.

**SEN. TOLENTINO.** Okay. So, ang lumalabas ngayon—ang lumalabas ngayon, walang buwis pa na tinatanggap ang pamahalaan buhat sa e-sabong, unlike—pakinggan mo, BIR—unlike sweepstakes winnings, lotto, binabawas kaagad iyan manalo ka ng lotto winnings, hindi ba? Horse racing, may bawas iyon. Sa e-sabong wala pa. Bakit ganoon?—DOJ, you're listening—Kasi nga wala pa tayong batas tungkol sa e-sabong.



When you talk of gambling, you talk of three items: prize, iyong premyo; consideration, iyong bayad na dinadaan sa GCash, PayMaya, iyong pusta; and number three, chance. Walang skill dito. Chance. Iyong tsamba kung sino ang mananalong manok, hindi ba? Unlike iyong basketball, may skill iyon, nagpapraktis iyong player. So, nakikita natin dito mayroon talagang gap.”

Per PAGCOR’s data submitted to the Committee, the total bets from all operators from date of their operation until February 2022 is at Seven Hundred Forty-Two Billion Seven Hundred Sixty-Five Million Three Hundred Six Thousand One Hundred Sixty-Three and 50/100 Pesos (P742,765,306,163.50).

As mentioned, the BIR issued BIR RMC 25-22, which clarifies the taxability of e-sabong operations regulated by PAGCOR. BIR RMC 25-22 lists the different types of income earned/generated from e-sabong operations. It likewise provides the tax treatment for each of these incomes. However, the list does not specify the taxability of winnings earned by bettors in e-sabong. During the Committee hearing on 21 March 2022, Atty. Sixto C. Dy, Jr. from the BIR stated that such taxability of winnings are covered by the general statement in Item III (4) of BIR RMC 25-22 which provides:<sup>130</sup>

“Withhold the required creditable/expanded withholding tax, final tax on compensation of employees, and other withholding taxes, if applicable. They are obliged to remit the same to the BIR at the time or times required, and issue to the concerned payees the necessary Certificate of Tax withheld.”

Atty. Dy likewise stated that e-sabong operators are liable under the National Internal Revenue Code (“NIRC”), as amended, which provides the taxability of winnings under Section 24 (B). It provides that prizes are subject to final tax at the rate of 20% (*except prizes amounting to Php10,000.00 or less, which shall be subject to the graduated scale of income tax under Subsection (A), Section 24 of the NIRC*) and other winnings (*except winnings amounting to Php10,000.00 or less from*

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<sup>130</sup> Letter of Senator Francis “Tol” N. Tolentino addressed to the Chairperson of the Senate Committee on Public Order and Dangerous Drugs, dated 5 May 2022, 8-9.

*the Philippine Charity Sweepstakes and Lotto, which shall be exempt*), derived from sources within the Philippines.<sup>131</sup>

Prizes and other winnings are regarded as passive income under the Philippine tax code and are required to be withheld by the payor-corporation. Thereafter, taxes deducted and withheld shall be covered by a return and paid to, except in cases where the Commissioner otherwise permits, an authorized Treasurer of the city or municipality where the withholding agent has his legal residence or principal place of business, or where the withholding agent is a corporation, where the principal office is located.<sup>132</sup>

However, despite the requirements provided by the law, e-sabong licensees, as withholding agents, never withheld or remitted any tax on the winnings earned by bettors. The BIR also confirmed in the hearing last 21 March 2022 that they have yet to collect any taxes on e-sabong winnings. Section 57 (A) of the NIRC provides that:<sup>133</sup>

(A) Withholding of Final Tax on Certain Incomes. - Subject to rules and regulations the Secretary of Finance may promulgate, upon the recommendation of the Commissioner, **requiring the filing of income tax return by certain income payees, the tax imposed or prescribed by Sections 24(B)(1) x x x x of this Code on specified items of income shall be withheld by payor-corporation and/or person and paid in the same manner and subject to the same conditions as provided in Section 58 of this Code.**

Unfortunately, while the ongoing operation of e-sabong operators of more than a year, the BIR has not taken proactive steps in issuing the necessary circulars and collecting taxes due to the government. In fact, it was likewise pointed out that while the said circular clarified the taxability of income generated from e-sabong, there are still gaps needed to be clarified by the BIR such as the imposition taxes on winnings and prizes, among others.

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<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

Given the foregoing, undoubtedly, in case the next administration will steer towards allowing the operation of e-sabong, there is a need to craft a law regulating the e-sabong industry that will address the above-mentioned issues and concerns. The law should provide, among others, limited e-sabong operations to Sundays and legal holidays, almost similar to that provided in PD 449 or the Cockfighting Law of 1974. Such regulation will also include clear delineation of powers and functions of government agencies involved in sabong, strict implementation of imposition of taxes to e-sabong operators and its agents, and installation of CCTV cameras not only in betting station but as well as in areas where the actual cockfighting are being conducted. Without a law regulating it, government agencies and other e-sabong operators will be left with the discretion on interpreting existing available laws in relation thereto.

### **Money Transfer Facilities**

The issue on lack of sufficient safeguards being implemented by the money transfer facilities, such as GCash and Paymaya, was likewise raised during the hearings conducted.

For its part, Bangko Sentral ng Pilipinas ("BSP") reiterated that the license granted to the money transfer facilities is subject to certain conditions, such as for any changes in the products/services, the money transfer facility has to notify BSP. In this case, when GCash or Paymaya would use its e-wallet to load its account holder's e-sabong account created/maintained with the licensed e-sabong operator, money transfer facilities is required to notify the BSP and present the pertinent product changes. E-sabong accounts, which is a pre-requisite for this payment option, could only be accessed by persons twenty-one (21) years old and above is an additional requirement or basis for allowing money transfer facilities on the inclusion of e-sabong operator as one of the merchants is the issued license by the PAGCOR to these e-sabong operators.<sup>134</sup>

BSP further asserts that when e-sabong engagement was allowed by BSP, there were certain conditions imposed on these money transfer facilities as necessary and applicable such as: (i) the restriction on the use of the facility by

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<sup>134</sup> BSP Position Paper on E-Sabong Operations dated 27 April 2022.

minors; (ii) for the money transfer facilities to strengthen its Know-Your-Customer and risk management system; and (iii) to ensure that adequate oversight and monitoring mechanisms are in place.<sup>135</sup>

Unfortunately, even with PAGCOR's regulatory power, they have admitted that they are yet to develop their framework to this regard, *to wit*:

**“SEN. VILLANUEVA.** So puwede. Again, sa PAGCOR, din, to points na lang. If government employees, including police officers, are prohibited – they are prohibited, eh from going to casinos – are they prohibited from participating or betting sa e-sabong, ma’am?

**MS. JOGNO.** Yes po, Your Honor. We are in the process of developing po, including the e-sabong po, in the national –

**SEN. VILLANUEVA.** Can you answer my question, they are prohibited from participating or betting sa e-sabong, ma’am?

**MS. JOGNO.** Yes po, Your Honor. We are in the process of developing po, including the e-sabong po, in the national –

**SEN. VILLANUEVA.** Can you answer my question, they are prohibited, ma’am?

**MS. JOGNO.** Yes po, Your Honor.

**SEN. VILLANUEVA.** So, they're prohibited. But do you have the capacity to find out? As I mentioned earlier, its so east to say, "I'm not a government official." Pipindutin ko lang po dito sa telepono ko, makakataya na pala ako.

**Ms. JOGNO.** What we have provided po, Your Honor, in our regulatory framework are means po of identifying them by providing us government-issued identification cards, Your Honor. But we are constantly developing po our framework to address that concern, Your Honor.

**Sen. VILLANUEVA.** Yes, you are doing something now, ma’am. But you agree with me also that, at this point in time, wala ho. There's no way for you to check, there's no way for you to

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<sup>135</sup> Ibid.



exercise that regulatory function of yours to ensure na hindi po sila nagbe-bet, is that correct?

**MS. JOGNO.** Our regulatory framework provides, Your Honor, that we be issued with a government-issued ID and kapag po nakita namin doon na sila po ay included doon sa mga taong prohibited to engage in e-sabong, then they should not be allowed access po to the platform, Your Honor.

**SEN. VILLANUEVA.** But will you agree with me, ma'am, that you cannot do this right now? Because as I was saying, dito ho sa telepono ko, if I say I'm not a government official and I click "I'm a businessman, I'm not a government official," I can bet right away.

**MS. JOGNO.** We admit, Your Honor, na under development stage pa po ang aming regulatory framework, Your Honor.

**SEN. VILLANUEVA.** Yeah. Thank you, ma'am, I appreciate your answer. Kaya nga, Mr. Chairman, you see, hindi pa maayos iyong sistema, hindi pa nade-develop, but we are doing this."<sup>136</sup> (*Emphasis supplied.*)

This was likewise confirmed no less than by the PayMaya during the hearing last 04 March 2022<sup>137</sup>:

**SEN. TOLENTINO.** Pangalawa po. Sa PayMaya ba bagama't mayroong mga Bangko Sentral circulars dito na ini-implement, for instance, BSP Memorandum No. M-2018002, nalalaman din ninyo po ba kung ang nagtaya o ang kinunan ninyo ng, ano bang tawag dito, commission ba ito sa digital financial services ay minor?

**MS. SY.** There is no—it's impossible, Your Honor, because there is a KYC done by PayMaya. So, you cannot create an account, Your Honor .

**SEN. TOLENTINO.** Know Your Customer. So, you know you customer. So, if—

**MS. SY.** Because we have to submit a verified valid IDs.

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<sup>136</sup>TSN dated 24 February 2022, 90-92.

<sup>137</sup>TSN dated 04 March 2022, 168-172.

**SEN. TOLENTINO.** So, there is no way of segregating minors or minors pretending to be elderlies to identify whether the money came from a minor bettor? Walang ganoon?

**MS. SY.** Yes, Your Honor, I confirm.

**SEN. TOLENTINO.** But you are required to ensure due diligence insofar as our current trend. There is an executive order issued by the President, this has something to do with online illegal gambling before, this is 2017. Papaano ninyo po ginagawa ito, lalo iyong mga advisory relative to anti-money laundering, kung dito pa lang sa minor ay hindi ninyo ma-identify?

**MS. SY.** Your Honor, we only rely on the IDs, those government IDs that were submitted by subscribers to us.

**SEN. TOLENTINO.** So, kahit po Grade 7, Grade 6 ay puwede talagang makataya dahil hindi maa-identify ng mga electronic money issuers kung minor po iyong gumagamit ng sistema. Tama po ba iyon?

**MS. SY.** It could be, Your Honor. And this I just surmise. It could be that, let's say I have my own account in PayMaya and then maybe someone will borrow my PayMaya account and use it to fund their e-sabong account. That, Your Honor, that's beyond the control ... —that is totally impossible for PayMaya to determine.

**SEN. TOLENTINO.** So pwedeng malusutan?

**MS. SY.** In that given example that I gave, Your Honor, yes.

**SEN. TOLENTINO.** So kung pwedeng malusutan ng minor, pwede ring malusutan ng mga money launderers at mga terrorist financial activities.

**MS. SY.** I wouldn't go that far, Your Honor. But as I said, Your Honor, we only rely with our own KYC process."

While it may be argued that PayMaya and GCash are only money transfer facilities, the fact remains that through their platform, those who avail of their services or their users are easily redirected to the website of Pitmaster or Sabong International thereby giving them convenience of accessing e-sabong websites.

Further, issues on money laundering and cybersecurity related to the operation of e-sabong were likewise raised during the hearings in the use of digital payment system or money transfer facilities.<sup>138</sup>

The e-sabong platforms allowed aficionados to place their wagers through Gcash or Paymaya, which are money transfer facilities or electronic money issuers (EMIs) under the supervision of the Bangko Sentral ng Pilipinas (BSP).

Republic Act No. 9160, otherwise known as the "Anti-Money Laundering Act (AMLA)" of 2001," as amended, was enacted to ensure that the Philippines does not serve as a money laundering site for the proceeds of any unlawful activity. Republic Act No. 10927 amended the AMLA by expanding the AMLA's coverage to include casinos, whether internet or ship-based.<sup>139</sup>

From the foregoing prevalent laws on money laundering, it is obvious that the State, together with the Congress and PAGCOR, sees the necessity of placing safeguards that would prevent laundered money from circulating in the country through casinos. Yet, the amendment on "covered persons" introduced by R.A. No. 10927 only included specific gambling activities related to casinos. This *lacuna* relating to gambling activities outside casino operations should be addressed if the government were to fully regulate the entire umbrella of games of chance and numbers. Because of the growing popularity of digital payment platforms and the convenience they offer, stricter rules on the use of EMIs should be enacted beyond casino operations, i.e. extending to new electronic gambling activities.<sup>140</sup>

The Committee hearings conducted on e-sabong also shed light on the serious regulatory lapses on cybersecurity, particularly that of ensuring that no minor had access to electronic gambling platforms.<sup>141</sup>

In the Philippines, minors are not allowed to engage in any form of gambling activity. R.A. No. 9287, entitled "*An Act increasing the penalties for illegal numbers games, amending certain provisions of Presidential Decree No. 1602, and for other purposes,*" increased the penalties for illegal number games and imposed liabilities

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<sup>138</sup> Letter of Senator Francis "Tol" N. Tolentino addressed to the Chairperson of the Senate Committee on Public Order and Dangerous Drugs, dated 5 May 2022, 10-14.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

upon parents or guardians found to have induced or caused minors to engage in illegal number games, thus:<sup>142</sup>

SECTION 6. Liability of Parents/Guardians. — The penalty of imprisonment from six (6) months and one (1) day to one (1) year or a fine ranging from One hundred thousand pesos (P100,000.00) to Four hundred thousand pesos (P400,000.00) shall be imposed upon any parent, guardian or person exercising moral authority or ascendancy over a minor, ward or incapacitated person, and not otherwise falling under any of the foregoing subsections, who induces or causes such minor, ward or incapacitated person to commit any of the offenses punishable in this Act. Upon conviction, the parent, guardian or person exercising moral authority or ascendancy over the minor, ward or incapacitated person shall be deprived of his/her authority over such person in addition to the penalty imposed.

Pursuant to its Gaming Site Regulatory Manual on Electronic Games dated March 2017, PAGCOR's regulatory role includes disallowing minors and other financially vulnerable persons from accessing gaming venues. Moreover, in its Code of Practice for Responsible Gaming dated November 2014, PAGCOR expressly precluded minors from going near gaming establishments or being targeted as audience of gambling advertisements, thus: <sup>143</sup>

2. Messages should not: a. be directed to persons below 21 years old - must neither catch the attention nor give interest to the viewing minors

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1. Child Care - Where gaming establishments do not have separate passageways from the gaming floor to and from food outlets and entertainment venues, minors(children less than 18 years old) must never linger, be left alone unaccompanied nor be unsupervised by their adult companions at all times.

Moreover, under PAGCOR's Regulatory Framework for Electronic Sabong, approved on 23 March 2022, e-sabong operators that failed to prevent minors from

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<sup>142</sup> Letter of Senator Francis "Tol" N. Tolentino addressed to the Chairperson of the Senate Committee on Public Order and Dangerous Drugs, dated 5 May 2022, 10-14.

<sup>143</sup> Ibid.



participating in e-sabong operations face administrative penalties, ranging from a Notice of Demerit and Warning to Cancellation of License.<sup>144</sup>

The hearings on e-sabong revealed not just the lack of regulation over e-sabong operations. Regulation of gambling activities coursed through EMIs, such as GCash and Paymaya that could readily be accessed by minors, is similarly wanting.<sup>145</sup>

For Gcash, minors can verify their account by submitting a copy of their passport, passing the selfie verification check, providing their parents name and addresses, and declaring whether the minor lives with his/her parents. For Paymaya, minors can verify their account by submission of any of the acceptable IDs, valid ID of their parents (based on the list of acceptable primary IDs), signed parental consent form, a copy of the minor's birth certificate, and proof of legal guardianship.<sup>146</sup>

Based on the letter dated 11 March 2022 that Paymaya sent to the Committee, "Paymaya has internal controls that prevent minors from accessing e-sabong services. It implemented a system wherein account owners below 21 years old are automatically blocked from accessing the Pitmasters platform."

While Know-Your-Customer or KYC is being implemented by EMIs such as GCash and Paymaya prior to account creation, the act itself of placing wagers using EMIs remains unmonitored and thus may be circumvented. As explained by Gcash and Paymaya, they make use of proper KYC procedure before an account is opened (i.e. submission of a government ID and facial recognition). However, it was still possible for a minor to use an adult's EMI account to place bets in e-sabong platforms. There were neither checks in place to ensure that the user was indeed an adult nor system features that could totally block minors' access to said platforms. Yet, as Gcash and Paymaya confirmed in the hearing last 04 March 2022, there was no way to segregate minors pretending to be adults and who use their system to access e-sabong.<sup>147</sup>

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<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> Letter of Senator Francis "Tol" N. Tolentino addressed to the Chairperson of the Senate Committee on Public Order and Dangerous Drugs, dated 5 May 2022, 10-14.

<sup>147</sup> Ibid.

Hence, it should be conceded that current regulations on EMIs are not as sophisticated as they ought to be in order to address both the possibility of them being used to launder money and prevent minors from developing gambling addiction. Although the BSP is particularly involved in registering e-sabong activities for EMIs, the current regulatory measures in place may be compromised and easily circumvented.<sup>148</sup>

## **V. Conclusion**

Gambling is not illegal per se. While it is generally considered inimical to the interests of the people, there is nothing in the Constitution categorically proscribing or penalizing gambling or, for that matter, even mentioning it at all.<sup>149</sup> However, studies show that gambling is a "hidden addiction" because, unlike drug and alcohol abuse, gambling addiction is more difficult to spot even though its effects are no less insidious.<sup>150</sup> Nonetheless, the Committee hearings conducted on the thirty-four (34) reported missing persons in relation to e-sabong and sabong only proves that gambling can in fact have insidious effects similar to, if not worse than, drug and alcohol abuse.

While this Committee, together with the Government, recognizes the contribution of cockfighting to the country through the income it generates as well as the job opportunities it creates, it cannot be denied that the lives of Filipinos are far more important than any amount of money it could generate. Thus, it is of great importance that the Congress continue to craft laws that will secure the safety of the Filipinos participating in sabong and e-sabong which should involve regulation of the e-sabong industry, parameters on the conduct of its operations, penalties for those who fail to pay correct taxes and among others. The continuous efforts and coordination between the local government units, government agencies, and law enforcers should create an environment worthy of peaceful communities and enhancement of livelihood for our fellow Filipinos.

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<sup>148</sup> Ibid.

<sup>149</sup> Magtajas v. Pryce Properties Corporation, Inc. G.R. No. 111097, 20 July 1994

<sup>150</sup> Interaksyon, "Psychiatrist says gambling is one of the most challenging addictions," 5 June 2017, accessed from: <https://interaksyon.philstar.com/breaking-news/2017/06/05/76928/psychiatrist-says-gambling-is-one-of-the-most-challenging-addictions/>.

## **VI. Recommendation**

The Committee respectfully recommends the following actions:

### **ADMINISTRATIVE ACTION:**

1. For the PAGCOR, to conduct of an impact assessment study on e-sabong considering that more Filipinos are patronizing the online game as a way out of poverty;
2. For the PAGCOR, to ensure safeguards are in place to prevent minors' access to electronic gambling platforms, such as, but not limited to, requiring electronic gambling operators to do a verification check each time a user logs in to the system to determine that the user is not a minor;
3. In the absence of regulatory laws on e-sabong, the PAGCOR to study the inclusion in its Regulatory Framework, the commission of a crime and/or offense within its premises if the operator is found negligent, and failure to cooperate in its investigation, as grounds for suspension' and/or cancellation of license. They should also take a more proactive approach as regulator, in instances of unusual and/or criminal activities surrounding regulated gambling activities (e.g. kidnappings occurring after sabong), among others.;
4. For Money Transfer Facilities, to ensure that minors will not be able to use their facilities for gambling purposes, recommend the strict implementation of Know-Your-Customer (KYC) policy not only during registration stage but as well as usage and management of account;
5. For all LGUs, to suspend business permits of cockpit arenas found to non-compliant with their existing ordinances on the mandatory requirement of installation of CCTV cameras;
6. For the BIR, to immediately collect taxes due from e-sabong operators in accordance with Revenue Memorandum Circular No. 25-2022 and other memoranda to be released in relation thereto, as well as strict imposition of penalty for those who failed to pay the correct taxes;
7. For the BIR, to issue a clarificatory opinion regarding the tax treatment of income generated from e-sabong while taking into consideration the latest

order of the President to halt e-sabong operations in the country starting 03 May 2022;

8. For the PNP-CIDG and NBI, to conduct further investigation against the officers, personnel and employees of Lucky 8 Star Quest, Inc. including, Mr. Charlie "Atong" Ang, whose name has been repeatedly mentioned by witnesses during the hearing and operator of the arenas in Manila, Laguna and Batangas, where the missing persons were last seen; and
9. For the PNP-CIDG and NBI, to further investigate, those individuals who intentionally gave false or fabricated information to mislead law enforcement agencies in their investigation. When there is sufficient evidence, to file cases of obstruction of justice, false testimony and other appropriate charges;
10. For the PNP and NBI, to continue investigating all reported cases of missing persons in relation to e-sabong activities until they are finally resolved;
11. For the PNP, to ensure that laws enacted to regulate gambling activities are enforced and complied with by all concerned entities;
12. For the Department of Interior and Local Government and PNP, to continue to monitor and stop any possible illegal and unauthorized conduct of e-sabong operations while the directive of President Duterte to halt the operations of e-sabong is still in effect;
13. For the BSP, to check regularly the compliance of EMIs, non-bank institutions, and other digital payment platforms utilized by electronic gambling operators with prevailing anti-money laundering and cybersecurity laws and regulations;
14. For the Anti-Money Laundering Council, to coordinate with the Congress in amending Republic Act No. 9160, as amended by Republic Act No. 10927, to come up with a legal framework that would include monetary transactions from gambling activities other than casinos as "covered persons" and "covered transactions;"
15. For the Department of Social Welfare and Development ("DSWD"), to provide assistance, whether in the form of financial aid or otherwise, to the family and relatives of the missing *sabongeros* and help them cope with their existing crisis situation;



16. For the DSWD, to provide aftercare, post-traumatic, and psychosocial services to families left behind by persons who reportedly committed suicide as a result of e-sabong addiction pursuant to Republic Act No. 11036, otherwise known as the "Mental Health Act," and other pertinent laws and issuances;
17. For the Department of Migrant Workers Act, to orient overseas Filipino workers and seafarers prior to their deployment abroad on the evils of engaging in gambling activities, especially in countries that ban such activities like Saudi Arabia, among others; and
18. For the Department of Education, to incorporate in the curriculum of schools, through Republic Act No. 11476, otherwise known as the "GMRC and Values Education Act," a discussion on the perils of gambling and its nature as a social ill.

**LEGISLATIVE ACTION:**

1. In case the next administration decides to allow the operation of e-sabong, there is a need to craft a law regulating the e-sabong industry which includes, among others, limiting e-sabong operations to Sundays and legal holidays, almost similar to that provided in Presidential Decree No. 449 or the "Cockfighting Law of 1974." Such regulation will also include clear delineation of powers and functions of government agencies involved in sabong, strict implementation of imposition of taxes to e-sabong operators and its agents, and installation of CCTV cameras not only in betting station but as well as in areas where the actual cockfighting are being conducted;
2. To aid our law enforcement personnel in the conduct of their investigation, there is a need to institutionalize the reward system for person who witnessed and has actual knowledge of the commission of a crime;
3. To deter individuals in concealing the commission of a crime, there is a need to further increase the penalty for obstruction of justice under Presidential Decree No. 1829; and
4. There is a need to pass a law mandating all LGUs to include installation of CCTV cameras in commercial establishments especially in all offsite-betting

- stations, gambling arenas, gaming sites, among others, as a requirement for the issuance of business permit;
5. Possible appropriate amendments to Presidential Decree No. 449 of the "Cockfighting Law of 1974" by mandating safety measures on the establishment, operations and maintenance of cockpits, and impose stricter regulations including strict monitoring in the conduct of cockfighting activities within the jurisdiction of the concerned local government unit;
  6. The appropriate Senate Committee should study the need to revise Presidential Decree No. 1869, as amended by Republic Act No. 9487, and other prevailing laws related to PAGCOR and gambling activities to address current gaps as herein discussed with the end of eliminating any confusion as to what are considered as legal and illegal gambling activities; and
  7. Likewise, the Senate through its Senate Tax and Research Office ("STSRO") should conduct a study on the the taxation and regulatory fees issues raised during the hearings to guide the BIR and the appropriate regulatory agencies on the collection of just revenues from legal gambling activities.

Respectfully submitted:

*Chairperson*



**RONALD "BATO" DELA ROSA**

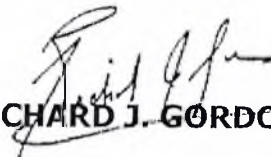
*Vice-Chairpersons*

**CHRISTOPHER BONG GO**

**PANFILO M. LACSON**

*Members*

**EMMANUEL D. PACQUIAO**



**RICHARD J. GORDON**



**FRANCIS "TOL" N. TOLENTINO**

**RAMON BONG REVILLA, JR.**

**LEILA M. DE LIMA**



**RISA HONTIVEROS**

Respectfully submitted:

*Chairperson*



**RONALD "BATO" DELA ROSA**

*Vice-Chairpersons*

**CHRISTOPHER BONG GO**

**PANFILO M. LACSON**

*Members*

**EMMANUEL D. PACQUIAO**

**RICHARD J. GORDON**

**FRANCIS "TOL" N. TOLENTINO**

  
**RAMON BONG REVILLA, JR.**

*may interpellate.*

**LEILA M. DE LIMA**

  
**RISA HONTIVEROS**



Respectfully submitted

*Chairperson*

  
RONALD "BATO" DELA ROSA

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FRANCIS "TOL" N. TOLENTINO

RAMON BONG REVILLA, JR.

*Leila de Lima*  
LEILA M. DE LIMA  
*subject to  
filing of  
separate  
report.*

*Risa Hontiveros*  
RISA HONTIVEROS

*Ex Officio Members*

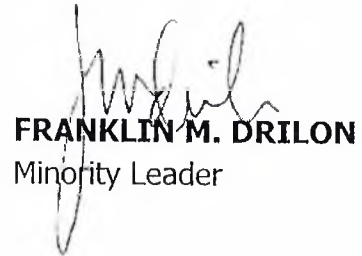


**RALPH G. RECTO**  
President Pro-Tempore

May amend



**JUAN MIGUEL F. ZUBIRI**  
Majority Leader



**FRANKLIN M. DRILON**  
Minority Leader

**HON. VICENTE C. SOTTO III**  
Senate President