

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE
S. B. No. 2602

Introduced by Senator Robinhood Padilla

AN ACT
PROHIBITING ONLINE PUBLICATION AND PROMOTION OF GAMBLING-RELATED CONTENT PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Section IX, Article II of the 1987 Constitution provides that it is the policy of the State to promote just and dynamic social order that will ensure the prosperity of our nation.

One concern that is associated with the disruption of social order is gambling, as it is oftentimes linked to addiction, criminal activities, and even social issues that destroy the moral fiber of our nation.

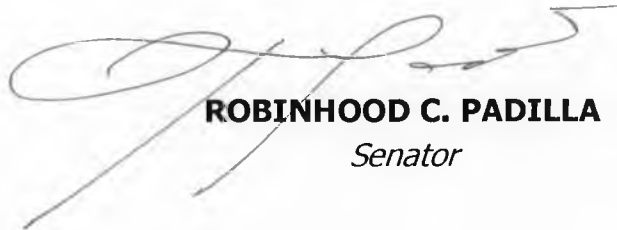
The Supreme Court, in its ruling in *Lim vs. Pacquing* (G.R. No. 115044, 27 January 1995), opined that "gambling is essentially antagonistic to the objectives of national productivity and self-reliance; it is a vice and a social ill which the government must minimize (or eradicate) in pursuit of social and economic development.

Considering the evolving landscape of social media platforms, this representation has been apprised of the availability of online user-generated content relating to gambling that demonstrates, promotes, and provides instructions on betting or staking to the general public.

In this regard, this representation proposes the prohibition of online publication of materials that instruct or demonstrate gambling, commentaries, and advertisements that promote awareness of gambling activities.

This bill is deemed instrumental to lessen, if not at all eliminate, the exposure and impact of gambling to the general public, especially the youth, that brings lasting damage to individuals, families, and even communities.

In view of the foregoing, the immediate passage of this bill is earnestly sought.




ROBINHOOD C. PADILLA
Senator

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

1 Section 1. *Declaration of Policy.* — It is the policy of the State to protect its
2 people from all matters affecting the security of its social order, particularly the
3 preservation of good order and public morals. Consistent thereto is the adoption of
4 measures to suppress gambling, which has been a notorious social menace impairing
5 family relationships, finances, and values.

6 Sec. 2. *Definition of Terms.* —

- 7 (a) *Internet* refers to an international computer network of interoperable
8 packet-switched data networks. It includes the electronic medium in
9 which online communication takes place;
- 10 (b) *Gambling* refers to the betting or staking of something of value, with
11 consciousness of risk and hope of gain, on the outcome of a game, a
12 contest, or an uncertain event whose result may be determined by
13 chance or accident or have an unexpected result by reason of the
14 bettor's miscalculation. It is likewise the practice or activity of betting
15 or the practice of risking money or other stakes in the game or a bet;

1 (c) *Online content* refers to the textual, aural, or visual content
2 published on a website including social media platforms;

3 (d) *Service Providers* refers to:

4 (i) Any public or private entity that provides to users of its service
5 the ability to communicate by means of a computer system; and

6 (ii) Any other entity that processes or stores computer data on
7 behalf of such communication service or its users.

8 *Sec. 3. Prohibited Contents.* — It shall be unlawful for any person, natural or
9 juridical, to:

10 (a) instruct or demonstrate gambling, or to distribute information online,
11 in whole or in part, on placing, receiving, or otherwise knowingly
12 transmitting a bet or wager by any means;

13 (b) to cause the publishing of commentaries on gambling activities
14 through online platforms; and

15 (c) to advertise or publicize gambling activities online to an individual,
16 group, or the general public, or promote awareness of the gambling
17 activities.

18 *Sec. 4. Restricting or Blocking Access to Prohibited Content.* — When an online
19 content is *prima facie* found to be in violation of the provisions of this Act, the
20 Department of Justice (DOJ) shall issue a disabling order to restrict or block access to
21 such content with notice to the Department of Information and Communications
22 Technology (DICT) and National Telecommunications Commission (NTC) to monitor
23 compliance thereto.

24 *Sec. 5. Duty of Service Providers.* — Service providers must comply with the
25 disabling orders within forty-eight (48) hours of the issuance of the disabling order
26 and must disable the pages bearing the prohibited contents penalized under this Act
27 by implementing an effective technical measure to disable or prevent access thereto
28 which may include domain name system (DNS) blocking, IP blocking, URL blocking,
29 server name indicator blocking, or other means.

30 *Sec. 6. Penalties.* — Any person who shall publish any of the following
31 prohibited online content mentioned in Section 4 of this Act shall be punished with a
32 penalty of imprisonment ranging from six (6) months to one (1) year or a fine not less

1 than Three Hundred Thousand Pesos (P300,000.00) but not more than Five Hundred
2 Thousand Pesos (P500,000.00).

3 The maximum penalty of three (3) years imprisonment and the fine of Five
4 Hundred Thousand Pesos (P500,000.00) shall likewise be imposed if the offender has
5 linked the prohibited content to an online gambling site, or has received any form of
6 remuneration or commissions for publishing the prohibited content.

7 If the offender is a juridical person, the maximum penalty of three (3) years
8 imprisonment and a fine of Five Hundred Thousand Pesos (P500,000.00) shall be
9 imposed upon the President, director/s, manager, or managing partner/s, and/or
10 responsible officer/s thereof.

11 *Sec. 7. Jurisdiction.* — The Regional Trial Court shall have jurisdiction over any
12 violation of the provisions of this Act, including any violation committed by a Filipino
13 national, regardless of the place of commission.

14 *Sec. 8. Implementing Rules and Regulations.* — Within thirty (30) days from
15 the effectivity of this Act, the Department of Justice and, in consultation with the
16 Department of Information and Communications Technology, other appropriate
17 government agencies, and other stakeholders, shall promulgate the rules and
18 regulations for the effective implementation of this Act.

19 *Sec. 9. Separability Clause.* — If any provision of this Act shall be held
20 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
21 full force and effect.

22 *Sec. 10. Repealing Clause.* — All laws, decrees, orders, issuances, and rules
23 and regulations or parts thereof inconsistent with the provisions of this Act are hereby
24 repealed or modified accordingly.

25 *Sec. 11. Effectivity Clause.* — This Act shall take effect fifteen (15) days after
26 its publication in the Official Gazette or in at least two (2) newspapers of general
27 circulation.

Approved,