

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

7 JUL 18 1915

SENATE  
S. B. No. 1275

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The proposed measure seeks to protect the general welfare through a more pragmatic penal regulation against gambling, which is certainly inimical to public interest. As it is a declared policy of the State to discourage and prohibit forms of gambling not regulated or sanctioned under existing laws, there is a need to review and amend the same in order to efficiently and effectively carry out the people's crusade against illegal gambling.

Law enforcement against illegal gambling will continue to be ineffective unless the laws provide stiffer penalties for violations thereof, which this bill seeks to provide.\*

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*sd*

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

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

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

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

10 "Section 1. *Penalties.* – The following penalties are hereby imposed:

11 (a) The penalty of *PRISION MAYOR* IN ITS MEDIUM PERIOD OR A  
12 FINE RANGING FROM TWENTY THOUSAND PESOS (P20,000.00) TO  
13 FORTY THOUSAND PESOS (P40,000.00), OR BOTH [*prision correccional* in  
14 its medium period or a fine ranging from one thousand pesos (P1,000.00) to six  
15 thousand pesos (P6,000.00), and in case of recidivism, the penalty of *PRISION*  
16 *MAYOR* IN ITS MAXIMUM PERIOD OR A FINE RANGING FROM THIRTY  
17 THOUSAND PESOS (P30,000.00) TO SIXTY THOUSAND PESOS  
18 (P60,000.00) OR BOTH [*prision mayor* in its medium period or a fine ranging  
19 from FIVE THOUSAND PESOS (P5,000.00) to TEN THOUSAND PESOS  
20 (10,000.00), shall be imposed upon:

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

1 like 7-11 and any game using dice, blackjack, lucky nine, poker and its  
2 derivatives, monte, baccarat, *cuajo*, *pagnningue* and other card games;  
3 paik que, high and low, mahjong, domino and other games using plastic  
4 tiles and the likes; slot machines, roulette, pinball, and other mechanical  
5 contraptions and devices; dog racing, boat racing, car racing and other  
6 forms of individual or team contest to include game fixing, point shaving  
7 and other machinations; banking or percentages game or scheme, whether  
8 upon chance or skill, wherein wagers consisting of money, articles of  
9 value or representative of value are at stake or made.

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

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

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

1 PESOS (P60,000.00) SHALL BE IMPOSED UPON A MAINTAINER OR  
2 CONDUCTOR WHO OPERATES THREE OR MORE GAMBLING OR  
3 BETTING JOINTS, DENS, OR HOUSES OR WHEN THE GAMBLING OR  
4 BETTING OPERATION IS OF A LARGE SCALE, SUCH AS WHEN IT  
5 COVERS A CITY, MUNICIPALITY, OR BARANGAY;

6 THE PROPERTY DERIVED BY THE MAINTAINER OR  
7 CONDUCTOR, WHO OPERATES THREE OR MORE GAMBLING OR  
8 BETTING JOINTS, DENS OR HOUSES, OR WHO OPERATES ON A LARGE  
9 SCALE, FROM ILLEGAL GAMBLING OR BETTING SHALL BE  
10 FORFEITED AND/OR CONFISCATED IN FAVOR OF THE GOVERNMENT.

11 THE BURDEN OF PROVING THE COMMISSION OF CRIMES COVERED  
12 UNDER THIS SUBSECTION. ONCE THE PROSECUTION PROVES THAT  
13 THE PROPERTIES OWNED, HELD OR ACCUMULATED BY THE  
14 ACCUSED, IN HIS OWN NAME OR IN THOSE OF OTHER PERSONS, IS  
15 MANIFESTLY OUT OF PROPORTION TO HIS LAWFUL INCOME, IT  
16 SHALL DEVOLVE UPON THE ACCUSED TO SHOW THAT SUCH  
17 PROPERTIES WERE ACQUIRED BY LAWFUL MEANS; PROVIDED, THAT  
18 ANY PROPERTY WHICH HE DID NOT PROVE AS AMONG THOSE HE  
19 ACQUIRED BY LEGAL MEANS SHALL BE PRESUMED TO HAVE BEEN  
20 ACQUIRED ILLEGALLY;

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

1 THE PROCEEDS OF ANY SALE OR DISPOSITION OF ANY  
2 PROPERTY OR MONEY CONFISCATED OR FORFEITED UNDER THIS  
3 SUBSECTION SHALL BE USED TO PAY ALL PROPER EXPENSES OF  
4 SEIZURE, CUSTODY AND MAINTENANCE OF PROPERTY PENDING ITS  
5 DISPOSITION, ADVERTISING, PUBLICATION, AND COURT COSTS;

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

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

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

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

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

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

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

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

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

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

6           Approved,