

SENATE

Senate Bill No. 474

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Supreme Court in the case of Mayor Pablo P. Magtajas and the City of Cagayan de Oro vs. Pryce Properties Corporation, Inc. and Philippines Amusement and Gaming Corporation (PAGCOR) , promulgated on July 20, 1994, upheld the power of PAGCOR to establish, operate and maintain casinos anywhere in the country, invoking Presidential Decree No. 1869 (PAGCOR Charter). Local ordinance prohibiting the establishment and operations of casinos were declared by the Court as violative of the PAGCOR Charter.

The above case stemmed from the move of PAGCOR to expand its operation to Cagayan de Oro City in 1992. To implement the expansion, PAGCOR leased a portion of a building belonging to Pryce Properties Corporation, renovated and equipped it for its operations scheduled to commence in December 1992.

The City Government of Cagayan de Oro, however, opposed the move. The Sanguniang Panglungsod ng Cagayan de Oro later enacted two (2) ordinances in prohibiting the operations of casinos in the City.

PAGCOR's petition to nullify the two ordinances was sustained by the Court of Appeals. The City Government of Cagayan de Oro elevated the matter to the Supreme Court.

The Supreme court empathically ruled:

"The morality of gambling is not a justiciable issue. Gambling is not illegal per se. While it is generally considered inimical to the interest of the people, there is nothing in the Constitution categorically prescribing or penalizing gambling or, for that matter, even mentioning it at all. It is left to Congress to deal with the activity as it sees fit. In the exercise of its own discretion, the legislature may prohibit gambling altogether or allow it without limitation or it may prohibit some forms of gambling and allow others for whatever reasons it may consider sufficient. Thus, it has prohibited jueteng and monte but permits lotteries, cockfighting and horseracing. In making such choice, Congress has consulted its own wisdom, which this Court has no authority to review, much less reverse. Well has it been said that courts do not sit to resolve the merits of conflicting theories. That is the prerogative the wisdom, morality, or practicability of statutes are not addressed to the judiciary but may be resolved only by the legislative and executive departments, to which the function belongs in our scheme of government. That function is exclusive. Whichever way these

branches decide, they are answerable only to their own conscience and the constituents who will ultimately judge their acts, and not to the court of justice.”

It is imperative, in the light of the Supreme Court decision above-cited, to grant local government units where casinos are supposed to be established by PAGCOR or the government, authority to participate in the decision-making process insofar as the establishment of casinos in their respective localities.

The bill shall lend reality to the State policy of granting LGU's genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goal. Through this measure, LGUs shall be given the authority and responsibility to decide what forms of activities may be allowed in their respective jurisdictions and which they believe will rebound to the best interest of their constituents.

The approval of this bill is, thus, earnestly requested.



JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
REGULATING THE POWER OF THE PHILIPPINES AMUSEMENT AND
GAMING CORPORATION (PAGCOR) TO ESTABLISH, OPERATE AND
MAINTAIN CASINOS IN THE COUNTRY, AMENDING FOR THE PURPOSE
PRESIDENTIAL DECREE NO. 1869, AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Presidential decree No. 1869 is hereby amended
to read as follows:

"SECTION 1. *Declaration of Policy.* – it hereby declared to be policy
of the State to centralize and integrate all games of chance not heretofore
authorized by existing franchise or permitted by law in order to attain the following
objective:

- (a) To centralize and integrate the right and authority to
operate and supervised by the Government;
- (b) To establish and operate clubs and casinos, SUBJECT
TO THE APPROVAL OF THE SANGUNIANG
BARANGAY, SANGUNIANG BAYAN OR
PANLUNGSOD, IN THE CASE OF COMPONENT
CITIES, AND THE SANGUNIANG PANLALAWIGAN,
OR THE SANGUNIANG PANGLUNGSOD, IN THE
CASE OF HIGHLY URBANIZED CITIES, AS THE CASE
MAY BE, IN CONSULTANT WITH DULY-REGISTERED
PEOPLE'S ORGANIZATION OR NON-GOVERNMENT
ORGANIZATIONS, for amusement and recreation,
including sports gaming pools (basketball), football,
lotteries, etc and such other forms of chance, which may
be allowed by law within the territorial jurisdiction of the
Philippines and which will: (1) generate sources of
additional revenue to fund infrastructure and socio-civic
project, such as flood-control programs, beautification,
sewerage and sewage project, Tulungan ng bayan
Centers, Nutritional Programs, Population Control and
such other essential public services; (2) create
recreation and integrated facilities which will expand and
improve the country's existing tourist attraction; and (3)

minimize, if not totally eradicate, the evils, malpractices and corruptions that are normally prevalent in the conduct and operation of gambling clubs and casinos without direct government involvement.

SEC. 2. Effectivity – This Act shall effect upon its publication in at least two (2) national newspaper of general circulation.

Approved,