Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB NO. 1611

Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

This bill prohibits all public servants, both elected and appointed, including those officials of government-owned and controlled corporations (GOCCs) and their spouses from entering, playing and patronizing casinos and other similar establishments.

This proposed measure finds ground in Section 1, Article XI of the 1987 Constitution of the Philippines which stipulates that "[P]public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives."

This proposal complements the specific provision under PD No. 1869 which allowed the government to operate and run casinos nationwide in the sense that the law prohibits public officials and government employees from entering, playing and patronizing government-owned gambling and other similar entertainment establishments. Notably, however. the crafters of the said law apparently missed out the essential element in the penal provision that would have made the law enforceable and not prone to violation.

Considering, however, the prevailing intimate social affinity that we have, it is necessitated that spouses of elected and appointed public officials and of those officials of GOCCs shall also be covered and included in the prohibition. A spouse, in Philippine society, is often considered an alter-ego or perhaps even an "extension" of his/her own partner. So that whatever behavior a spouse may show and manifest in public necessarily reflects the image of the other spouse who is a public figure. The acts of a spouse are often attributed and could either bolster or demean the integrity and credibility of the one holding a government position.

In South Korea, public servants are even prohibited from playing golf. This particular practice though cannot be found in written documents as a matter of government policy. The practice is more of a self-restraining mechanism found in the unique way South Koreans ensure public accountability in government service. Like the one being proposed in this bill, the prohibition against immediate family members indulge into the prohibited activity or activities is also being observed in South Korea. And apparently, the practice is accepted by majority of its own people.

In the Philippines, a number of government officials, including military officers, naturally go to casinos as a matter of entertainment. These acts by government officials make many people question the propriety of the concerned people in public service. Even the ethical standards in governance are questioned. Doubts toward such public officials have become a common joke among people to the point that, at times, pubic office and trust are put to compromise. Doubts like these have setbacks on government's effort towards gaining people's trust and confidence in the government.

This bill is one of the answers to the clamor to bring back high ethical standards and morality in government – a situation that will ultimately help restore the credibility of the government which is precariously beset by worsening disillusion and apathy of the people.

It is for this reason that passage of this bill is sought.

ROSELLER L. BARINAGA
Representative
2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

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AN ACT
TO PROHIBIT ELECTED AND APPOINTED PUBLIC OFFICIALS AND EMPLOYEES, INCLUDING THOSE OFFICIALS OF GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS (GOCCS) AND THEIR SPOUSES FROM ENTERING, PLAYING AND PATRONIZING CASINOS AND OTHER SIMILAR ESTABLISHMENTS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* This Act shall be known as the "Decency in Public Service Act of 2004."

SEC. 2. *Prohibition.* All public officials and employees, including those who work in government-owned and controlled corporations (GOCCs), and their spouses, regardless of rank, designation, and status of employment, are hereby prohibited from entering, playing and/or patronizing casinos and other similar establishments whether operated by the Philippine Amusement and Gaming Corporation or any private entity, corporation or proprietorship: *Provided, however*, That an exemption to the prohibition for entry be given to public officials and/or employees who are conducting official and work-related functions such as, but not limited to the following:

a) police or security matters;

b) work-related activities for those who are officials and employees of GOCCs;

c) conduct of investigations and query;

d) other official functions that may be deemed necessary: *Provided*, That a written directive stating the purpose of such entry is issued by a competent authority.

Provided, further, That an exemption to the prohibition on entry shall be afforded to public officials and/or employees who enter the casino or other similar establishment during non-business hours.

SEC. 3. *Posting of Rules and Regulations*. The Civil Service Commission (CSC) shall ensure that copies of this Act shall be conspicuously posted at the main entrance of all casinos and/ or other similar establishments.

The same shall further cause the dissemination of the rules and regulations to all branches, agencies, divisions, units and instrumentalities of government for effective information and monitoring.

SEC. 4. *Penalty*. Any public official or employee or a spouse of a public official or employee who is found liable for violating the provision of section 2 hereof shall, upon conviction, be penalized by a fine ranging from Ten thousand pesos (Php 10,000.00) to Thirty thousand pesos (Php 30,000.00) or an imprisonment ranging from six (6) months to one (1) year or both at the discretion of the court, in addition to perpetual disqualification from holding public office.

Any official and/or employee in PAGCOR-operated establishment who shall knowingly allow a public official or employee or a spouse of public official or employee to play in the casino or any other similar gambling establishment shall, upon conviction, be penalized by a fine ranging from Ten thousand pesos (Php 10,000.00) to Thirty thousand pesos (Php 30,000.00) or an imprisonment ranging from six (6) months to one (1) year or both at the discretion of the court.

SEC. 5. *Guidelines*. Within ninety (90) days from the effectivity of this Act, the Civil Service Commission (CSC) shall issue the necessary implementing rules and regulations for the effective implementation of the provisions of this Act.

SEC. 5. *Repealing Clause*. All laws, decrees, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly

SEC. 6. *Separability Clause*. If any part or provision of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 7. *Effectivity*. This Act shall take effect fifteen days from its publication in two national newspapers of general circulation after its approval by the President.

Approved.