

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 1921

Introduced by Rep. Robert Ace S. Barbers

EXPLANATORY NOTE

The source of illegal gambling has for decades deeply afflicted many sectors of the Philippine society. Presidential Decree 1602, which was issued many years ago to address illegal gambling has proven practically ineffective in putting an end to, or at least containing, their operation.

Largely because the penalties it provides are light and the fines meted to those caught and found guilty of engaging in the said illegal activity are cheap, Presidential Decree 1602 has proven largely irrelevant. This can be inferred from the records of the Philippines National Police (PNP) and the Courts, which show apparent recidivism on the part of many who were involved in illegal gambling and who were arrested. Worse PD 1602 imposes only a penalty of imprisonment or, in the alternative, a fine or both at the discretion of the judge. Thus, almost always, people arrested for involvement in illicit gambling are sentenced by the Courts to pay only a fine which gambling lords can easily afford to pay.

This problem is further compounded by the fact that many Filipinos cannot be separated from leisure activities, such as mahjong and cockfighting, and are prone to continue with their "bahala na" attitude towards their future. The latter is indicative of the disregard by many Filipinos of the value of hard work, perseverance and thrift, equating instant monetary gains, through jackpots in games of chance, to success.

Gambling has gone beyond the control of government law enforcement agencies as shown by the proliferation of jueteng and other illegal gambling games that have permeated even far-flung areas of the country. Decades of proliferation in the country of jueteng, as a primary example has become a systematic social dilemma as it has been observed that the significant stakeholders an this illegal numbers game are mostly from the poor or those who belong in the lower strata. To stop the same is equated to depriving them of a viable and only source of income or means of livelihood. This problem is further aggravated by the observation that even minors can be hooked into this vicious cycle of betting, winning and losing.

Looking at another perspective, jueteng and other illegal numbers games have become too formidable to address as they have evolved to involve certain politicians, many law enforcement officers and even judges via a protection racket. Studies made in the past concluded that jueteng has become an avenue for corruption among the above officials.

In view of the above, the amendment of Presidential decree 1602 is imperative.

This primarily seeks to increase the penalties for those involved in illegal gambling to include not only the participants and the operators but government officials concerned with the full implementation of this Act. More importantly the bill provides for a penalty of both imprisonment and fine for those found to be involved in illegal gambling. It also includes provisions that consider seized gambling materials and other paraphernalia as prima facie evidence to warrant the immediate filing and prosecution of an illegal gambling case against the personalities involved.

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

ROBERT ACE S. BARBERS

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AN ACT
INCREASING THE PENALTIES FOR JUETENG AND OTHER ILLEGAL NUMBERS GAMES AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE 1602, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy - The State recognizes the urgent need to eradicate jueteng and other illegal numbers games in any part of the country.

SEC. 2. Punishable Acts- Any person who, in any manner, participates in jueteng masiao, last two or other illegal numbers games or variants thereof shall be punished by:

a)The penalty of prision correctional in its maximum period and a fine ranging from One Hundred Thousand Pesos (P100,000.00) to Three Hundred Thousand Pesos (P300,000), if such person takes part in any said gambling activities without being covered by the succeeding sub-paragraphs;

b)The penalty of prision mayor in its minimum period and a fine ranging from Three Hundred Thousand Pesos (P300,000.00) to Five Hundred Thousand Pesos (P500,000.00), if such person serves as a guard, watchman or employee of a building, vessel or any other place wherein any of the above mentioned gambling activities is operated or conducted;

c) The penalty of prision mayor in its medium period and a fine ranging from Five Hundred Thousand Pesos (P500,000.00) Eight Hundred Thousand Pesos (P800,000.00), if such a person knowingly permits any of the above-mentioned gambling activities to be conducted or carried out in a building, structure, vessel, or any other place owned or managed by him. The owner or manager shall be prima facie presumed to have knowingly permitted such illegal activity, if jueteng, masiao, last two or nay other illegal numbers game or variants thereof has been conducted or carried out by more than once in his building, structure,

vessel or any other place owned or managed by him, or such building structure, vessel, or place that has a reputation of being a gambling joint;

d) The penalty of prision mayor in its maximum period and a fine ranging from Eight Hundred Thousand Pesos (P800,000.00) to One Million Pesos (P1,000,000.00) , if such person finances, conducts or maintains the operation of any of the above mentioned gambling activities;

e) The penalty of reclusion temporal in its medium period and a fine ranging from One Million Pesos (P1,000,000.00) to Three Million Pesos (P3,000,000.00), if such a person finances, conducts or maintains the operation of any of the above mentioned gambling activities.

SEC. 3. – Liability of Government Officials –

a.) If the financier, collector, maintainer coordinator, supervisor, usher or runner of jueteng maisao, last two or any illegal numbers game or variants thereof is a government official, he shall suffer the penalty of reclusion temporal in its maximum period, perpetual disqualification from public office and a fine ranging from Three Million Pesos (P3,000,000.00) to Five Million Pesos (P5,000,000.00).

b.) The penalty of perpetual special disqualification shall be imposed upon any local official who, knowing the existence of operation of jueteng. Masiao, last two or any illegal numbers game or variant thereof in his jurisdiction, fails to stop the same or to take action in connection therewith. In case of any officer of the Philippine National Police (PNP) who fails to abate the above mentioned illegal numbers games in his area of responsibility, the penalty shall be suspension or dismissal at the discretion of a local government official or PNP officer shall be prima facie presumed to have knowledge of the existence of illegal gambling in his area of responsibility, if he has been furnished at least twice written reports of such existence of operation from any non-governmental organization, citizen's group or any other source.

SEC. 4. Recidivism – The penalty next higher in degree in imprisonment and fine as aforestated shall be imposed upon a recidivist who commits any of the offenses above enumerated.

SEC. 5. Subsidiary Imprisonment – In case of case of insolvency to pay the fine, the offender, if convicted, shall suffer subsidiary imprisonment in accordance with Article 39 of the Revised Penal Code.

SEC. 6. Possession of Illegal Gambling Paraphernalia or Materials – The possession of any illegal numbers game paraphernalia, computer tips and other materials related to jueteng masiao, last two or any other illegal numbers game or variants thereof, shall be deemed prima facie evidence that an offence as punished herein has been committed.

SEC. 7. Reward System – In the furtherance of the campaign against illegal numbers game, in this particular section hereby provides for a system of reward granting monetary incentives to informant/s conveying vital information leading to the arrest of apprehension of jueteng operators, coordinators, supervisor, usher or runner.

Relative thereto, said informant/s the identity of whom shall be held confidential for hi/her own safety, shall be granted fifty percent (50%) of the confiscated bets..

Any person found guilty of breaching this confidentiality shall suffer the penalty of reclusion temporal I its medium period and a fine ranging from One Million Pesos (P1,000,000.00) to Three Million Pesos (P3,000,000.00).

SEC. 8. Repeating Clause – The provisions of Presidential Decree NO.1602 pertaining to jueteng, masiao, last two or any other illegal numbers game or variants thereof are hereby repealed. The provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act, are hereby likewise repealed or amended.

SEC. 9. – This act shall take effect fifteen (15) days following its publication in the official gazette or any other newspaper of general circulation.

Approved.