

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
First Regular Session
House Bill no. **4864**



Introduced by Representative Wes Gatchalian

EXPLANATORY NOTE

This bill seeks to impose higher penalties on other forms of illegal gambling not covered by the provisions of Republic Act (RA) No. 9287, entitled *"An Act Increasing the Penalties for Illegal Numbers Games, Amending Certain Provisions of Presidential Decree No. 1602, and for Other Purposes."*

RA 9287 was enacted in 2004 as a response by Congress to the public's clamor for a tougher law against illegal numbers games, particularly jueteng, because it was observed that the weakness of the old anti-gambling law contributed to the continuing proliferation of illegal numbers games. In enacting RA 9287, Congress only increased the penalties for those involved in illegal numbers games while making no changes in the penalties for offenders engaged in other illegal gambling activities as enumerated under Presidential Decree (PD) No. 1602, as amended.

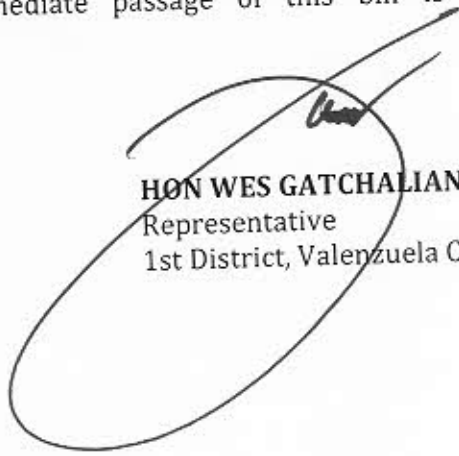
This measure aims to amend RA 9287 by including in its coverage the other illegal gambling activities enumerated under PD 1602, as amended. Illegal gambling, in its various forms, persists as a social menace which erodes the basic foundation of our moral fiber and its proliferation has continued to leave an impression on the public that it is a source of corruption to some public officials and law enforcers. By increasing the penalties of other forms of illegal gambling, it would be indicative of the government's strong willingness to minimize, if not eradicate, illegal gambling in its pursuit of social and economic development.

This proposed measure also seeks to address the persistent problem on illegal gambling in urban areas particularly the problem on "sakla" operations. Illegal gambling operators would usually conduct "sakla" during wakes in the guise of raising funds for the bereaved, thus, local government officials and law enforcers are forced to turn a blind eye on these patently illegal activities. They would also argue that "sakla" is just being conducted as a pastime for the visitors. However, it is very clear that "sakla" is an illegal gambling activity which has negative effects on society, particularly the young

people who are exposed to these illegal activities, In many reported cases in Metro Manila, wakes would last for weeks not because people would want to mourn the deceased but because "sakla" operators need to extend the wake to be able to continue their illegal gambling activity.

The enactment of this measure hopes to serve as a deterrent for illegal gambling operators and to motivate local government officials and law enforcement authorities to further strengthen and intensify their campaign against illegal gambling.

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



HON WES GATCHALIAN
Representative
1st District, Valenzuela City

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AN ACT
INCREASING THE PENALTIES FOR OTHER ILLEGAL GAMBLING
ACTIVITIES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
9287, ENTITLED "AN ACT INCREASING THE PENALTIES FOR
ILLEGAL NUMBERS GAMES, AMENDING CERTAIN PROVISIONS
OF PRESIDENTIAL DECREE NO. 1602, AND FOR OTHER PURPOSES"

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

SECTION 1. Section 1 of Republic Act No. 9287 is hereby amended to read as follows:

"SECTION 1. *Declaration of Policy.* - It is the policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all. It is likewise the policy of the State that the promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

Hence, the State hereby condemns the existence of illegal gambling activities [such as illegal numbers games] as this has become an influential factor in an individual's disregard for the value of dignified work, perseverance and thrift since instant monetary gains from it are being equated to success, thereby becoming a widespread social menace and a source of corruption.

Towards this end, the State shall therefore adopt more stringent measures to stop and eradicate the existence of illegal [numbers games] GAMBLING ACTIVITIES in any part of the country."

SEC. 2. Section 3 of the same Act is hereby amended to read as

follows:

"SEC. 3. *Punishable Acts.* - Any person who participates in any illegal [numbers game] GAMBLING ACTIVITY shall suffer the following penalties:

- a) The penalty of imprisonment from thirty (30) days to ninety (90) days, if such person acts as a bettor IN ANY ILLEGAL GAMBLING ACTIVITY;
- b) The penalty of imprisonment from six (6) years and one (1) day to eight (8) years, if such person acts as a personnel or staff of an illegal [numbers game] GAMBLING operation; The same penalty shall likewise be imposed to any person who allows his vehicle, house, building or land to be used in the operation of the illegal [numbers games] GAMBLING ACTIVITY.
- c) The penalty of imprisonment from eight (8) years and one (1) day to ten (10) years, if such person acts as a collector or agent OF ANY ILLEGAL GAMBLING ACTIVITY;
- d) The penalty of imprisonment from ten (10) years and one (1) day to twelve (12) years, if such person acts as a coordinator, controller or supervisor OF ANY ILLEGAL GAMBLING ACTIVITY;
- e) The penalty of imprisonment from twelve (12) years and one (1) day to ten (10) fourteen (14) years, if such person acts as a maintainer, manager or operator OF ANY ILLEGAL GAMBLING ACTIVITY; and
- f) The penalty of imprisonment from fourteen (14) years and one (1) day to sixteen (16) years, if such person acts as a financier or capitalist OF ANY ILLEGAL GAMBLING ACTIVITY;
- g) The penalty of imprisonment from sixteen (16) years and one (1) day to twenty (20) years, if such person acts as protector or coddler OF ANY ILLEGAL GAMBLING ACTIVITY.

SEC. 3. A new Section to be denominated as Section 3-A is hereby inserted after Section 3 of the same Act and shall read as follows:

"SEC. 3-A. *OTHER ILLEGAL GAMBLING ACTIVITIES.* - ANY PERSON, WHO IN ANY MANNER, SHALL DIRECTLY OR INDIRECTLY TAKE PART IN ANY ILLEGAL GAME OF COCKFIGHTING OR "TUPADA," JAI ALAI OR HORSE RACING TO INCLUDE BOOKIE OPERATIONS AND OTHER FORMS OF ILLEGAL LOTTERIES; CARA Y CRUZ OR POMPIANG AND THE LIKE; SEVEN ELEVEN (7-11) AND ANY GAME USING DICE; BLACK JACK, LUCKY NINE, "PUSOY" OR RUSSIAN POKER, MONTE, BACCARAT, "SAKLA," CUAJAO, PANGGUINGUE AND OTHER CARD GAMES; MAHJONG,

DOMINO AND OTHER GAMES USING PLASTIC TILES AND THE LIKE; SLOT MACHINES, ROULETTE, PINBALL, FRUIT GAME AND OTHER MECHANICAL CONTRAPTIONS AND DEVICES; DOG RACING, BOAT RACING, CAR RACING AND OTHER FORMS OF RACES; GAME FIXING, POINT SHAVING AND OTHER MACHINATIONS IN INDIVIDUAL OR TEAM SPORTS CONTESTS; BANKING OR PERCENTAGE GAME, OR ANY OTHER GAME OR SCHEME AND ITS DERIVATIVES, WHETHER UPON CHANCE OR SKILL, WHEREIN WAGERS CONSISTING OF MONEY, ARTICLES OF VALUE OR REPRESENTATIVE OF VALUE ARE AT STAKE OR MADE, SHALL SUFFER THE PENALTIES PRESCRIBED UNDER SECTION 3 OF THIS ACT: *PROVIDED*, THAT GAMES OF CHANCE, GAMES OF CARDS, GAMES OF NUMBERS, RACES, MECHANICAL CONTRAPTIONS AND DEVICES THAT ARE LICENSED, REGULATED, OPERATED OR AUTHORIZED BY THE PHILIPPINE AMUSEMENT AND GAMING CORPORATION, PHILIPPINE RACING COMMISSION, OTHER REGULATORY BODIES, AND LOCAL GOVERNMENT UNITS

AS PERMITTED UNDER EXISTING LAWS OR FRANCHISES SHALL NOT BE COVERED BY THIS SECTION."

SEC. 4. Section 4 of the same Act is hereby amended to read as follows:

"SEC. 4. *Possession of Gambling Paraphernalia or Materials.* The possession of any gambling paraphernalia and other materials used in the illegal [numbers game] GAMBLING operation shall be deemed prima facie evidence of any offense covered by this Act."

SEC. 5. Section 5 of the same Act is hereby amended to read as follows:

"Sec. 5. *Liability of Government Employees [and/]or Public Officials.* - a) If the collector, agent, coordinator, controller, supervisor, maintainer, manager, operator, financier or capitalist of any illegal [numbers game] GAMBLING ACTIVITY is a government employee [and/]or public official, whether elected or appointed shall suffer the penalty of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three million pesos (P3,000,000.00) to Five million pesos (5,000,000.00) and perpetual absolute disqualification from public office.

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SEC. 6. Section 9 of the same Act is hereby amended to read as follows:

"SEC. 9. *Prosecution, Judgment and Forfeiture of Property.* - Any person may be charged with or convicted of the offenses covered by this Act without prejudice to the prosecution of any act or acts penalized under the Revised Penal Code or existing laws.

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Upon conviction, all proceeds, gambling paraphernalia and other instruments of the crime including any real or personal property used in any illegal [numbers game] GAMBLING operation shall be confiscated and forfeited in favor of the State. All assets and properties of the accused either owned or held by [him/her] THE OFFENDER in [his/her] THE OFFENDER'S name or in the name of another person found to be manifestly out of proportion to [his/her] THE lawful income OF THAT PERSON shall be *prima facie* presumed to be proceeds of the offense and shall likewise be confiscated and forfeited in favor of the State."

SEC. 7. Section 11 of the same Act is hereby amended to read as follows:

"SEC. 11. *Informer's Reward.* - Any person who, having knowledge or information of any offense committed under this Act and who shall disclose the same which may lead to the arrest and final conviction of the offender, may be rewarded a certain percentage of the cash money or articles of value confiscated or forfeited in favor of the government, which shall be determined through a policy guideline promulgated by the Department of Justice (DOJ) in coordination with the Department of THE Interior and Local Government (DILG) and the National Police Commission (NAPOLCOM): *PROVIDED, THAT SAID REWARD SHALL BE AT LEAST THIRTY-FIVE PERCENT (35%) OF THE CASH MONEY OR ARTICLES OF VALUE CONFISCATED OR FORFEITED IN FAVOR OF THE GOVERNMENT.*

The DILG, the NAPOLCOM and the DOJ shall provide for a system of rewards and incentives for law enforcement officers and for local government officials for the effective implementation of this Act. THE DILG, NAPOLCOM AND DOJ SHALL ALSO CONDUCT ANNUAL MORAL RECOVERY AND VALUES ENHANCEMENT SEMINARS FOR LOCAL GOVERNMENT OFFICIALS AND LAW ENFORCERS UNDER THEIR RESPECTIVE JURISDICTIONS.

SEC. 8. **Implementing Rules and Regulations.** - Within thirty (30) days from the approval of this Act, the Secretary of the Interior and Local Government and the Secretary of Justice shall jointly promulgate the rules and regulations necessary to ensure the efficient and effective implementation of this Act.

SEC. 9. **Separability Clause.** - If any part or provision of this Act is declared invalid or unconstitutional, the remaining provisions or parts of this Act not affected thereby shall remain in force and effect.

SEC. 10. **Repealing Clause.** - The pertinent provisions of PD No. 1602, as amended, in so far as they are inconsistent herewith, are hereby expressly amended or modified accordingly. The provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 11. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a national newspaper of general circulation.

Approved,