



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

18th Congress
First Regular Session

Office of the Minority Floor Leader

HOUSE BILL No. 6700



INTRODUCED BY REP. BIENVENIDO "BENNY" M. ABANTE, JR.,
REP. JANETTE L. GARIN, REP. JOSE CHRISTOPHER "KIT" Y.
BELMONTE, REP. CARLOS ISAGANI T. ZARATE, REP. FERDINAND
R. GAITE, REP. MA. VICTORIA V. UMALI, REP. FRANCE L. CASTRO,
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"DITAS" RAMOS, REP. DIVINA GRACE C. YU, REP. JOSEPHINE
VERONIQUE R. LACSON-NOEL

**AN ACT BANNING AND DECLARING ILLEGAL PHILIPPINE
OFFSHORE GAMING OPERATORS (POGOs) AND OPERATIONS**

EXPLANATORY NOTE

*"In Defense, Promotion and Preservation of
Moral Values, Human Dignity, and Honest Labor."*

This Bill seeks to ban, prohibit and declare illegal the operation of Philippine Offshore Gaming Operators (POGOs).

Gambling is an evil which undermines the social and economic growth of the nation, a social menace which dissipates the energy and resources of the people. It promotes laziness and nurtures a false hope of advancement by luck rather than hard work. The Bible warns: "*He that oppresseth the poor to increase his riches, and he that giveth to the rich shall surely come to want*" [Proverbs 22:16, KJV].

We are a nation and a people that believe in God, in law and order, and in honest labor, hence, law must conform with and submit to the higher principles of morality, honesty and decency.

Thousands of mainland Chinese nationals have taken up, and continue to take up, residence all over the Philippines because they have been brought, and are being brought, in by Philippine Offshore Gaming Operators (POGOs) which provide online gambling services to foreigners. This is ironic, to say the least, because while *online gambling is illegal in China* (which does not, generally, believe in God, being a communist country) we made it legal through the operations of these POGOs (when our country has been identified as the *only Christian nation in Asia*, of which we are proud of). With this, perhaps we, Filipinos, having made legal the gambling activities of POGOs should also be proud if our country is to be called the *only Christian nation as Gambling Nest in Asia*.

The justification given by the government on the matter is the 'huge' revenue generated from the operation of POGOs. But such expected revenue is just a drop if compared to the revenue lost from graft and corruption. If only the Constitutional mandates and existing pertinent laws are honestly and fully enforced, implemented, observed and followed, we would not need the revenues from POGOs and perhaps even from the PAGCOR itself which are all derived from gambling. If all taxes, fees, duties, imposts, charges, dues, and the like, due the government are correctly and properly assessed and honestly collected and paid in full; if such taxes, fees, duties, imposts, charges, dues, and the like, collected all go to the government coffer; if all government projects and expenditures are given the correct and honest budget; if only government projects that are honestly necessary are implemented in all honesty and strictly according to specifications; and if no part or portion of the budgets for such government projects and expenditures are given to or taken by whomsoever, government funds would be sufficient to support itself and provide for the basic needs of the people even in times of national emergencies.

We have declared in the very Preamble of our Constitution that we are *imploping the aid of Almighty God* in order to build a just and humane society and establish a Government that shall embody our ideals and aspirations. How then can we in conscience implore the aid of Almighty God in gambling? God is not a God of chance but a God of design, of truth, of purpose and of assurance.

Any form of gambling ought to be outlawed and eradicated as it springs from the love of money, and God has this to say: "*the love of money is the root of all evil*" [1 Timothy 6:10]. Any form of gambling thrives on cheating, deception, fraud and dishonesty, and leads our people to covetousness and greed, and teach the character traits which all good citizen should disdain - *laziness, dishonesty, fraud and deceit*. Let us hear and listen to what the Lord said: "*Behold, I set before you this day a blessing and a curse.*

A blessing if you obey the commandments of the Lord your God and a curse if you will not obey”
[Deuteronomy 11:26-28].

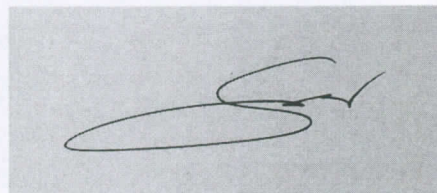
Gambling is an evil which undermines the social and economic growth of a nation, a social menace which dissipates the energy and resources of the people. It cannot be justified by the amount of revenue that may be derived therefrom, for such revenue no matter how big it may be would be totally wiped out by the irreparable harm that results to individuals, families and society in general.

Let us accept the reality that gambling does not lift the people from the quagmire of poverty but rather pull them down deeper into slavery and uselessness.

The continued operation of POGOs is a public exhibition and a confession of frustration over, and inability to properly address, our pitiful national economic condition. To argue that we need the revenues generated from POGOs (and PAGCOR for that matter) is to admit the helplessness of the national leadership and a surrender in bended knees to the rule of the *UNARMED* enemy of society called *gambling*. Let us hear the prophet Isaiah’s warning: “*Woe unto them that decree unrighteous decrees, and that write grievousness which they have prescribed*” [Isaiah 10:1].

But even setting aside moral and social considerations, we must wake up to the realities that these Chinese nationals are making a mockery of our laws, peace and order, and to our cherished moral values. Police and NBI records and operations show, among others: their rude behavior; ‘Chinese-only’ restaurants and Chinese signages bordering on discrimination; hotels and condominium units used by POGOs in their operation are actually sex dens or for online prostitution; and kidnapping. Added to these are the issues of taxes on the earnings of POGO employees, and their SSS and Pag-Ibig covers.

In the light of all the foregoing, the immediate passage of this Bill is earnestly requested.

A handwritten signature in black ink, appearing to be 'Benny M. Abante, Jr.', written on a light gray background.

BIENVENIDO “BENNY” M. ABANTE, JR.

Minority Leader

Representative - 6th District of Manila

CONGRESS OF THE PHILIPPINES
EIGHTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES

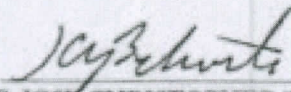
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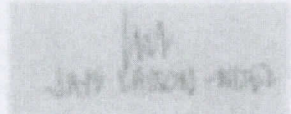
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OPERATORS (POGOs) AND OPERATIONS

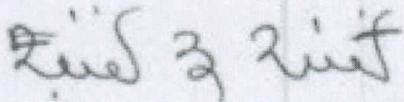
APPROVED:


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REP. JOSE CHRISTOPHER "KIT" Y.
BELMONTE


REP. JOSEPHINE VERONIQUE B.
LACSON-NOEL


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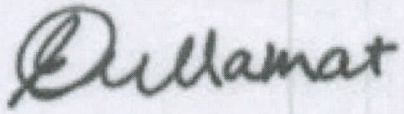

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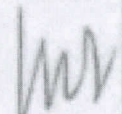
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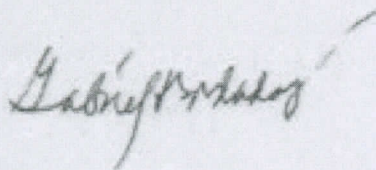

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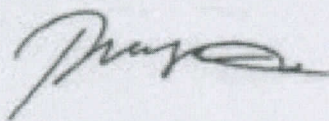
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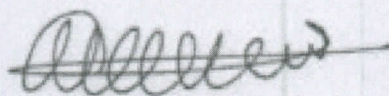
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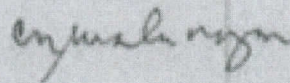
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AN ACT BANNING AND DECLARING ILLEGAL PHILIPPINE
OFFSHORE GAMING OPERATORS (POGOs) AND OPERATIONS

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

- 1 SECTION 1. *Short Title.*- This Act shall be known as the "Anti-POGO Act of 2020".
2
3 SECTION 2. *Declaration of Policy.* - It is a declared constitutional principle of the state
4 that the maintenance of peace and order, the protection of life, liberty, and property,
5 and the promotion of the general welfare are essential for the enjoyment by all the
6 people of the blessings of democracy.
7
8 It is the policy of the State to ensure the development and protection of the spiritual,
9 moral and social well-being of the people, especially the youth, the promotion and
10 maintenance of peace, law and order, and the promotion and preservation of moral
11 values, human dignity, and honest labor.
12

It is therefore declared by the State that "Philippine Offshore Gaming Operations" or "POGOs" conducted within the Philippines have increasingly become a social menace and a source of unimaginable corruption. It has made a mockery of our anti-money laundering, immigration and tax laws. It has been a source of untold criminal offenses and heinous crimes related to the conduct of such operations. But most of all, it has displaced hard-working Filipino people in favor of foreign workers. It has dissipated the energy and resources of our people and that there is a need to effectively combat this social menace because of its increasing danger to the State and its citizens.

SECTION 3. *Guiding Principles in Prohibiting POGOs.* – "Philippine Offshore Gaming Operations" or "POGOs" has become a social menace that in prohibiting these activities, the government has been guided by the following principles:

- a. **General Welfare Clause.** The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.
- b. **Crime Prevention.** Crime prevention is an increasingly important component of national strategies for public welfare, safety and security. The prohibition of these type of activities shall immediately curtail violations of Immigration laws, Anti-Money Laundering Act, Tax Laws, Kidnapping and Serious Illegal Detention, Murder, Bribery, Corruption of Public Officials and Extortion, Human Trafficking, and host of other heinous crimes related to its operations.
- c. **Money-Laundering Prevention.** The prohibition of these type of activities will immediately stop any form of money-laundering activities on the part of all persons who participates in these activities and will protect our financial system from influx of capital from illegal sources.
- d. **Vice Prevention.** As it is with crime prevention, vice prevention is also an important component of national strategies for public welfare, safety and security as well as protection of the family as a sacred institution. The prohibition of these type of activities shall prevent and curtail at-risk behavior and escalation of problematic behavior of people into or prone to gambling.
- e. **Address Immigration Corruption and Filipino Labor Displacement Prevention.** The prohibition of these type of activities will immediately stop or at the very least curtail immigration bribery and corruption due to the influx of foreign POGO workers as well as stop as Filipino labor displacement due to opportunities that were not created because of POGO activities. It will make room for other legitimate and real foreign capital investment in the country worthy of hiring Filipino workers.

SECTION 4. *Definitions and Terms.* – For this purpose, the following terms or words and phrases shall be understood as follows:

1. "Gaming" means participation in gambling events such as but not limited to casino games, facilitation of wagers in the operation of predicting the outcome and results of a sporting event and/or gaming event.
2. "Offshore Gaming" refers online games of chance or sporting events via the internet using a network and software or program, exclusively to offshore authorized players. It is broadly categorized into three (3) groups: (a) E-casino; (b) Purely Sportsbetting; and (c) Sportsbetting on Regulated Wagering Events or SBRWE.

- 1 3. E-Casino refers to the operation of Live Casino games or Random Number
2 Generator based games.
- 3 4. Sportsbetting is the acceptance and/or facilitation of wagers in operations of
4 predicting the outcome and results of sporting events such as football,
5 basketball or any collegiate, amateur or professional games.
- 6 5. Sportsbetting on Regulated Wagering Events or SBRWE is where the gaming
7 events are regulated by other jurisdiction or authority, including live event audio
8 and visual feeds to customers but are regulated by a foreign governing body.
- 9 6. "Foreign-based Operators" refers to any person/entities in any foreign country
10 that will engage the services of local gaming agent and service providers for its
11 offshore gaming operations.
- 12 7. "Local Gaming Agent" refers to any person/entity in the Philippines who will
13 represent the foreign-based operator in the Philippines.
- 14 8. "Gaming Laboratories" refers to any person/entity, whether located in the
15 Philippines or not, responsible for the testing of gaming systems and software
16 of all offshore gaming operations and Service Providers, and ensuring that the
17 same pass technical standards established and accepted by gaming jurisdictions
18 worldwide.
- 19 9. "Service Provider" refers to any person/entity in the Philippines who provides
20 components of offshore gaming operations in the Philippines such as, but not
21 limited to the following:
 - 22 a. Customer Relations Services Provider refers to any person/entity which
23 provide customer service to the players and cater to their various needs
24 through direct contact and interaction by means of any communication,
25 remote or otherwise.
 - 26 b. Strategic Support Provider refers to any person/entity that develop or
27 improve the business process of any offshore gaming operations. These
28 persons or entities usually operate as the back-office support of the offshore
29 gaming operations and do not have direct contact with players.
 - 30 c. IT Support Provider refers to any person/entity that provide technical
31 support to any offshore gaming operations, such as but not limited to
32 diagnosing and solving software faults, IT maintenance, installation and
33 configuration of computer systems, placement and management of player
34 accounts, creation and programming of IT system including supply of
35 hardware and software for their use. Any form of IT services, except for
36 providing internet connection, that will facilitate offshore gaming operation
37 shall be considered an IT Support Provider.
 - 38 d. Gaming Software Platform Provider refers to any person/entity that
39 provides proprietary products either as gaming systems such as sportsbook
40 for Sportsbetting or games itself such as RNG based games for E-casino.
41 This includes, but not limited to, any software program developed by the
42 person/entity conducting offshore gaming operations.
 - 43 e. Live Studio and Streaming Provider refers to entities that provide real time
44 streaming of authorized gaming activities coming from live studios and/or
45 licensed gaming venues via the internet to the website of offshore gaming
46 operations.
 - 47 f. Special class of BPO refers to entities that are servicing gaming operators
48 abroad and do not in any way handle betting but purely product marketing
49 and customer relations.

10. "Philippine-based Offshore Gaming Operator/s" or POGO/POGOs refers to any person/entities in the Philippines who will either conduct offshore gaming operations themselves or engage the services of service providers as defined under par. 9 of this Section.

11. "POGO Hub" is a complex which houses any of the operations in the Philippines, as well as other logistical, administrative and support services for offshore gaming operations.

12. "Gaming Paraphernalia" means apparatus, furnishing or accessories used in or necessary in the conduct of gaming operations.

SECTION 5. *Prohibitive Acts.* – It shall be prohibited for any person or entities, to conduct online games of chance or sporting events via the internet using a network and software or program, exclusively to offshore authorized players, within Philippine territory. This prohibition includes the following acts:

- A. Facilitation of any offshore gaming thru any means or device within Philippine territory.
- B. Acceptance of any form of betting for purposes of offshore gaming operations.
- C. Acting as a Service provider for offshore gaming operations in the Philippines as defined under Par. 9 of Section 4 of this Act;
- D. Creation of a POGO hub in the Philippines;
- E. Establishment of a gaming laboratory in the Philippines or providing services as a gaming laboratory;
- F. Possession of gaming paraphernalia.
- G. Aiding in, protecting or abetting, the conduct of any act or activity prohibited or declared illegal under this Act.

SECTION 6. *Licensed Foreign-based Operators/Local Gaming Agents/POGOs.* – Any person/entities who have been licensed by the Philippine government as Foreign-based Operators, Local Gaming Agents, POGOs, Service Providers, for purposes of offshore gaming operations in the Philippines, thru PAGCOR, or any other agencies, ecozones or otherwise, are deemed withdrawn, revoked or denied upon the approval of this Act.

SECTION 7. *Predicate Offense.* – Violation of the provisions of this Act shall constitute "unlawful activity" under Rep. Act No. 9160 ("Anti-Money Laundering Act of 2001, As Amended" or "AMLA") and shall be subject to money laundering offense and prosecution in accordance with law. For AMLA purpose:

- A. Any person/entity with knowledge any offshore gaming operations in the Philippines is considered a "covered person."
- B. Transactions entered into with the use of any foreign currency for purposes of offshore gaming operation in the Philippines is considered a "suspicious transaction."

SECTION 8. *Ban on Foreign Employment and Human Trafficking Offense.* – It shall be prohibited for any person/entity to recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive any alien, for purposes of employment or training or apprenticeship on offshore gaming operations in the Philippines.

To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of employment or training or apprenticeship, for the purposes of offshore gaming operations in the Philippines shall be considered unlawful under Section 4 of Rep. Act No. 10364 ("Expanded Anti-Trafficking in Persons Act of 2012") and shall be punishable under such law.

SECTION 9. *Responsibility of the Bureau of Immigration/DOLE and other agencies.* – The Department of Labor and Employment (DOLE) is hereby prohibited from issuing any work permit to any person for purposes of offshore gaming operations. The Bureau of Immigration is likewise prohibited from issuing any visa or Alien Employment Permit (AEP) for offshore gaming operations in the Philippines. This prohibition to issue any visa or work permit is likewise provided to any agency of the government tasked by law to issue visa or work permit.

SECTION 10. *Implementing Agency.*– An Inter-Agency Task Force – POGOs (IATF-POGOs), which shall have the exclusive power and function to administer and implement the provisions of this Act, is hereby created. The IAC-SSB shall be chaired by the Secretary of the Department of Justice and the Secretary of Department of Interior and Local Government (DILG) as Vice Chairperson. The IATF-POGOs shall have the following as members:

- a. Secretary of the Department of Finance (DOF);
- b. Secretary of the Department of Information, Communication & Technology (DICT)
- c. PAGCOR Chairman
- d. SEC Chairman
- e. AMLC Chairman
- f. A representative from a nongovernment organization (NGO) involved in public welfare nominated by DOF in consultation with the concerned NGOs;

The Department Secretaries may designate their Undersecretaries as their authorized representatives to the IATF-POGOs.

SECTION 11. *Powers of the IATF-POGOs.*– In addition to the respective powers of each government agency composing the IATF-POGOs under the law, the IATF-POGOs shall have the following powers:

- A. To investigate any person/entity for violation of this Act;
- B. To issue any orders addressed to any appropriate authority or persons in violation of this Act, including cease-and-desist orders to any persons/entity for violation of this Act;
- C. To formulate and implement such measures as maybe necessary and justified under this Act to prevent offshore gaming operations in the Philippines;
- D. To enlist the assistance of any branch, department, bureau, office, agency or instrumentality of the government, including GOCCs, in preventing any offshore gaming operations in the Philippines, which may include the use of its personnel, facilities and resources for the more resolute prevention, detection and investigation of offshore gaming operations and prosecution of offenders under this Act;

- 1 E. To impose administrative sanctions for the violation of laws, rules, regulations,
2 orders and resolutions issued pursuant thereto.
- 3 F. To institute civil forfeiture proceedings and all other remedial proceedings
4 through the Department of Justice for any violation of this Act, including
5 prosecution of money laundering offenses and other violations under this Act;
- 6 G. To receive and take action in respect of any request from foreign states for
7 assistance in their own anti-offshore gaming operations, as provided under this
8 Act;

9
10 SECTION 12. *Compliance Monitoring.*- Not later than one (1) year after the date of the
11 effectivity of this Act, and annually thereafter, the IATF-POGOs shall submit to the
12 President of the Philippines and to both Houses of Congress a Compliance Monitoring
13 Report on the compliance of the provisions of this Act. The report shall contain
14 pertinent information as maybe required by Congress with respect to the requirements
15 of this Act.

16
17 SECTION 13. *Penalties.*- Except for specific violations and prosecution under other laws
18 which already provided specific penalties, violations of the provisions of this Act shall
19 be punishable by:

- 20 A. First Offense: Punishable by imprisonment of not less than four (4) years nor
21 more than six (6) years and a fine of not less than One Hundred Thousand
22 Pesos (Php100,000.00) nor more than Three Hundred Thousand Pesos
23 (Php300,000.00), at the discretion of the Court.
- 24 B. Second Offense: Punishable by imprisonment of not less than six (6) years nor
25 more than eight (8) years and a fine of not less than Two Hundred Thousand
26 Pesos (Php200,00.00) nor more than Five Hundred Thousand Pesos
27 (Php500,000.00), at the discretion of the Court.
- 28 C. Third and Succeeding Offenses: Punishable by imprisonment of not less than
29 seven (7) years nor more than ten (10) years and a fine of not less than Five
30 Million Pesos (Php5,000,000.00) nor more than Ten Million Pesos
31 (Php10,000,000.00), at the discretion of the Court.

32
33 If the offender is a juridical entity, the penalties shall be imposed on the entity's
34 responsible officers, such as, but not limited to, the president, chief executive officer,
35 general manager, or partner directly responsible thereof.

36
37 If the guilty officer is an alien, he shall summarily be deported after serving his
38 sentence, and shall be forever barred from re-entering the Philippines.

39
40 Any person convicted for violation of any provision of this Act shall not be
41 subject to probation.

42
43 SECTION 14. *Liability of Government Employees and Public Officials.* – If the prohibited act
44 is committed by a government employee or public official, he shall, in addition to the
45 penalties provided for in this Act, be dismissed from his employment and shall be
46 disqualified from re-employment in any government office. In addition, all his
47 retirement benefits shall be forfeited in favor of the government.

SECTION 15. *Immunity from Prosecution.* – Any person who serves as a witness for the government or provides evidence in a criminal case involving any violation of this Act, or who voluntarily or by virtue of a subpoena *testificandum* or *duces tecum*, produces, identifies, or gives testimony on, the documents subject of or embraced in such subpoena, may be placed under the Witness Protection Program pursuant to Republic Act No. 6981, and shall be immune from criminal prosecution, subject to compliance with the provisions of Presidential Decree No. 1732, otherwise known as “Decree Providing Immunity from Criminal Prosecution of Government Witnesses” and the pertinent provisions of the Rules of Court.

SECTION 16. *Prosecution, Judgment and Forfeiture.* – Except for specific violations and prosecution under other laws which already provided specific penalties, prosecution or conviction under this Act is without prejudice to prosecution and punishment under the Revised Penal Code or other existing laws.

Upon conviction, all buildings or other structures or facilities, materials, equipment and instruments used directly or indirectly in violation of this Act, and the proceeds of such illegal act or activity, shall be confiscated and forfeited in favor of the government and may be disposed of in accordance with existing laws, rules and regulations.

SECTION 17. *Implementing Rules and Regulations.* – The IATF-POGOs shall issue the implementing rules and regulations of this Act, within sixty (60) days from the effectivity of this Act: Provided, That in the event the implementing rules and regulations are not promulgated within the specified period, the specific provisions of this Act shall immediately be executory.

SECTION 18. *Appropriations.* –The amount necessary to implement the provisions of this Act shall be charged against the current year’s appropriations of the concerned national government agencies. Thereafter, such funds as may be necessary for the continued implementation of this Act shall be included in the budgets of the concerned national government agencies under the annual General Appropriations Act.

SECTION 19. *Repealing Clause.* – For this purpose, Section 10 of Presidential Decree No. 1869 (s. 1983), Rep. Act No. 7922, Rep. Act No. 10083, Rep. Act No. 9728, insofar as their mandate, as interpreted under Executive Order No. 13, Series of 2017, to issue licenses to any person or entity for purposes of offshore gaming operations in the Philippines, as well as any agencies, are hereby repealed, revoked, and modified accordingly.

Rep. Act No. 9160 (“Anti-Money Laundering Act of 2001, As Amended”), insofar as Section 7 of this Act, is hereby amended and modified accordingly.

Rep. Act No. 10364 (“Expanded Anti-Trafficking in Persons Act of 2012”) insofar as Section 8 of this Act, is hereby amended and modified accordingly.

All other laws, decrees, ordinances, administrative orders, rules and regulations, or any part thereof, which are inconsistent with this Act are repealed or amended accordingly.

1 SECTION 20. *Separability Clause.* – If for any reason any section or provision of this Act,
2 or any portion thereof, or the application of such section, provision or portion thereof
3 to any person or entity, group or circumstance is declared invalid or unconstitutional,
4 the remaining provisions of this Act shall not be affected by such declaration and shall
5 remain in force and effect.

6
7 SECTION 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
8 in at least two (2) national newspapers of general circulation.

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10 Approved: