



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



TWENTIETH (20TH) CONGRESS
First Regular Session

HOUSE BILL NO. **6204**

Introduced by KAMANGGAGAWA Partylist
Representative **ELIJAH R. SAN FERNANDO**

EXPLANATORY NOTE

Presidential Decree No. 1602, issued in 1978, sought to consolidate and strengthen the State's campaign against illegal gambling by imposing stiffer penalties and harmonizing previously fragmented gambling laws. At the time, it was meant to deter widespread illegal gambling activities viewed as threats to public morals, productivity, and social order.

More than four decades later, however, the socio-legal environment has evolved considerably. Since the enactment of PD 1602, Congress has passed more specific legislation addressing particular forms of gambling. Among these is Republic Act No. 9287, which increased penalties for illegal numbers games such as *jueteng*, *masiao*, and similar activities. These subsequent laws have rendered substantial portions of PD 1602 redundant and outdated, resulting in overlapping provisions and inconsistencies in law enforcement.

Recent jurisprudence has also exposed how PD 1602 has, in practice, become a tool for procedural abuse and arbitrary arrests. In G.R. No. 248583, *Plan and Enolva v. People*, the Supreme Court acquitted the petitioners for lack of sufficient evidence of gambling. In his Concurring Opinion, Senior Associate Justice Marvic M.V.F. Leonen noted a disturbing pattern in various cases where arrests supposedly made for gambling, particularly for *cara y cruz*, were later used as pretexts for warrantless searches leading to drug-related prosecutions.

Many of these cases resulted in acquittals due to violations of Section 21 of Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002), which requires law enforcers to properly inventory and photograph seized drugs in the presence of the accused, their counsel or representative, and representatives from the media and the Department of Justice (DOJ). This provision is intended to preserve the integrity of the chain of custody and prevent the planting or substitution of evidence. Non-compliance with Section 21 has frequently led courts to acquit the accused, underscoring how illegal gambling arrests have often served as unlawful gateways to drug cases built on defective evidence.

A notable example is *People v. Goyena*, where the accused testified that he had merely been playing *cara y cruz* when police officers accosted and handcuffed him. He alleged that items were planted in his pockets, which later became the basis for his drug possession conviction. Such incidents reveal how the continued enforcement of an antiquated decree like PD 1602 can facilitate procedural violations and erode public trust in law enforcement.

Moreover, the landscape of gambling today starkly contrasts with the environment in 1978. State-sanctioned gambling operations, such as casinos, online betting platforms, and government-licensed gaming entities under the Philippine Amusement and Gaming Corporation (PAGCOR) and the Philippine Charity Sweepstakes Office (PCSO), now operate openly with full government endorsement. Yet, small-scale or community-based gambling remains criminalized under PD 1602, a decree written nearly half a century ago.

This inconsistency has created a double standard that disproportionately affects marginalized sectors, workers, small vendors, and the urban poor, who are penalized under PD 1602 while large-scale gambling enterprises flourish under state regulation. Such disparity undermines the constitutional guarantees of fairness and equal protection of the laws, and weakens public confidence in the justice system.

In view of these developments, this bill seeks to repeal Presidential Decree No. 1602 to:

1. Eliminate obsolete, overlapping, and inconsistent laws;
2. Prevent the misuse of PD 1602 as a pretext for unlawful arrests, searches, or prosecutions; and

3. Refocus law enforcement efforts on organized, large-scale, and systemic gambling operations, rather than criminalizing low-level or recreational players.

In solidarity with the working class, the immediate passage of this bill is earnestly sought.



ELIJAH R. SAN FERNANDO
Representative
KAMANGGAGAWA PARTYLIST



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AN ACT
REPEALING PRESIDENTIAL DECREE NO. 1602 ENTITLED "PRESCRIBING
STIFFER PENALTIES ON ILLEGAL GAMBLING"

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

SECTION 1. Presidential Decree No. 1602, entitled "Prescribing Stiffer Penalties on Illegal Gambling", is hereby repealed.

SEC. 2. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the remaining provisions shall remain in full force and effect.

SEC. 3. Repealing Clause. – All laws, decrees, executive orders, rules, and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,