S. No. 2547
H. No. 6575

Republic of the Philippines
Congress of the Philippines
Metro Manila

Twelfth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, two thousand three.

[REPUBLIC ACT NO 9287]

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 House of Representatives of the Philippines in Congress assembled:

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 in any part of the country.

SEC. 2. *Definition of Terms*. - As used in this Act, the following terms shall mean:

a) *Illegal Numbers Game*. - Any form of illegal gambling activity which uses numbers or combinations thereof as factors in giving out jackpots.

b) *Jueteng*. - An illegal numbers game that involves the combination of thirty-seven (37) numbers against thirty-seven (37) numbers from numbers one (1) to thirty-seven (37) or the combination of thirty-eight (38) numbers in some areas, serving as a form of local lottery where bets are placed and accepted per combination, and its variants.

c) *Masiao*. - An illegal numbers game where the winning combination is derived from the results of the last game of Jai Alai or the Special Llave portion or any result thereof based on any fictitious Jai Alai game consisting of ten (10) players pitted against one another, and its variants.

d) *Last Two*. - An illegal numbers game where the winning combination is derived from the last two (2) numbers of the first prize of the winning Sweepstakes ticket which comes out during the weekly draw of the Philippine Charity Sweepstakes Office (PCSO), and its variants.

e) *Bettor* ("*Mananaya*", "*Tayador*" or variants thereof). - Any person who places bets for himself/herself or in behalf of another person, or any person, other than the personnel or staff of any illegal numbers game operation.

f) *Personnel or Staff of Illegal Numbers Game Operation*. - Any person, who acts in the interest of the maintainer, manager or operator, such as, but not limited to, an accountant, cashier, checker, guard, runner, table manager, usher, watcher, or any other personnel performing such similar functions in a building, structure, vessel, vehicle, or any other place where an illegal numbers game is operated or conducted.

g) *Collector or Agent* ("*Cabo*", "*Cobrador*", "*Coriador*" or variants thereof). - Any person who collects, solicits or produces bets in behalf of his/her principal for any illegal numbers game who is usually in possession of gambling paraphernalia.

h) *Coordinator, Controller or Supervisor* ("*Encargado*" or variants thereof). - Any person who exercises control and supervision over the collector or agent.

i) *Maintainer, Manager or Operator.* - Any person who maintains, manages or operates any illegal numbers game in a specific area from whom the coordinator, controller or supervisor, and collector or agent take orders.

j) *Financier or Capitalist.* - Any person who finances the operations of any illegal numbers game.

k) *Protector or Coddler.* - Any person who lends or provides protection, or receives benefits in any manner in the operation of any illegal numbers game.

SEC. 3. *Punishable Acts.* - Any person who participates in any illegal numbers game 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;

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 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.

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;

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;

e) The penalty of imprisonment from twelve (12) years and one (1) day to fourteen (14) years, if such person acts as a maintainer, manager or operator; 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;

g) The penalty of imprisonment from sixteen (16) years and one (1) day to twenty (20) years, if such person acts as a protector or coddler.

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

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 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 (P5,000,000.00) and perpetual absolute disqualification from public office.

In addition to the penalty provided in the immediately preceding section, the accessory penalty of perpetual disqualification from public office shall be imposed upon any local government official who, having knowledge of the existence of the operation of any illegal numbers game in his/her jurisdiction, fails to abate or to take action, or tolerates the same in connection therewith.

b) In the case of failure to apprehend perpetrators of any illegal numbers game, any law enforcer shall suffer an administrative penalty of suspension or dismissal, as the case may be, to be imposed by the appropriate authority.

SEC. 6. *Liability of Parents/Guardians.* - The penalty of imprisonment from six (6) months and one (1) day to one (1) year or a fine ranging from One hundred thousand pesos (P100,000.00) to Four hundred thousand pesos (P400,000.00) shall be imposed upon any parent, guardian or person exercising moral authority or ascendancy over a minor, ward or incapacitated person, and not otherwise falling under any of the foregoing subsections, who induces or causes such minor, ward or incapacitated person to commit any of the offenses punishable in this Act. Upon conviction, the parent, guardian or person exercising moral authority or ascendancy over the minor, ward or incapacitated person shall be deprived of his/her authority over such person in addition to the penalty imposed.

SEC. 7. *Recidivism.* - The penalty next higher in degree as provided for under Section 3 hereof shall be imposed upon a recidivist who commits any of the offenses punishable in this Act.

SEC. 8. *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 shall be immune from any criminal prosecution, subject to the compliance with the provisions of Presidential Decree No. 1732, otherwise known as Decree Providing Immunity from Criminal Prosecution to Government Witnesses and the pertinent provisions of the Rules of Court.

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 other existing laws.

During the pendency of the case, no property or income used or derived therefrom which may be confiscated and forfeited shall be disposed, alienated or transferred and the same shall be in *custodia legis* and no bond shall be admitted for the release of the same.

The trial prosecutors shall avail of provisional remedies provided for under the Revised Rules on Criminal Procedure.

Upon conviction, all proceeds, gambling paraphernalia and other instruments of the crime including any real or personal property used in any illegal numbers game 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 in his/her name or in the name of another person found to be manifestly out of proportion to his/her lawful income shall be *prima facie* presumed to be proceeds of the offense and shall likewise be confiscated and forfeited in favor of the State.

SEC. 10. *Witness Protection.* - Any person who provides material information, whether testimonial or documentary, necessary for the investigation or prosecution of individuals committing any of the offenses under Sections 3, 4, 5 and 6 herein shall be placed under the Witness Protection Program pursuant to Republic Act No. 6981.

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).

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.

SEC. 12. *Implementing Rules and Regulations.*- Within sixty (60) days from the effectivity of this Act, the DILG, DOJ, NAPOLCOM, and other concerned government agencies shall jointly promulgate the implementing rules and regulations, as may be necessary to ensure the efficient and effective implementation of the provisions of this Act.

SEC. 13. *Separability Clause.* - If for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision or portion thereof to any person, group or circumstance is declared invalid or unconstitutional, the remaining provisions of this Act shall not be affected by such declaration and shall remain in force and effect.

SEC. 14. *Amendatory Clause.* - The pertinent provisions of Presidential Decree No. 1602, in so far as they are inconsistent herewith, are hereby expressly amended or modified accordingly.

SEC. 15. *Repealing Clause.* - The provisions of other laws, decrees, executive orders, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 16. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,

JOSE DE VENECIA JR.
Speaker of the House

FRANKLIN M. DRILON
President of the Senate

This Act which is a consolidation of Senate Bill No. 2547 and House Bill No. 6575 was finally passed by the Senate and the House of Representatives on January 27, 2004 and February 4, 2004, respectively.

ROBERTO P. NAZARENO
Secretary General
House of Representatives

OSCAR G. YABES
Secretary of the Senate

Approved: APR 0 2 2004

GLORIA MACAPAGAL-ARROYO
President of the Philippines

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