

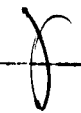
SEVENTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]



Senate
Office of the Secretary

'16 JUL 28 AM 11:07

SENATE

RECORDED BY: 

S.B. No. 909

Introduced by SEN. WIN GATCHALIAN

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"

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 "akla" 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.



WIN GATCHALIAN

SEVENTEENTH CONGRESS OF THE]
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SENATE
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

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

3
4 "SECTION 1. *Declaration of Policy.* - It is the policy of the
5 State to promote a just and dynamic social order that will
6 ensure the prosperity and independence of the nation and
7 free the people from poverty through policies that provide
8 adequate social services, promote full employment, a rising
9 standard of living, and an improved quality of life for all. It is
10 likewise the policy of the State that the promotion of social
11 justice shall include the commitment to create economic
12 opportunities based on freedom of initiative and self-reliance.

13 Hence, the State hereby condemns the existence of
14 illegal gambling activities [such as illegal numbers games] as

1 this has become an influential factor in an individual's
2 disregard for the value of dignified work, perseverance and
3 thrift since instant monetary gains from it are being equated to success,
4 thereby becoming a widespread social menace and
5 a source of corruption.

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

10
11 SEC. 2. Section 3 of the same Act is hereby amended to read as
12 follows:

13
14 "SEC. 3. *Punishable Acts.* - Any person who participates
15 in any illegal [numbers game] GAMBLING ACTIVITY shall
16 suffer the following penalties:

17
18 a) The penalty of imprisonment from thirty (30) days to
19 ninety (90) days, if such person acts as a bettor IN ANY
20 ILLEGAL GAMBLING ACTIVITY;

21 b) The penalty of imprisonment from six (6) years and
22 one (1) day to eight (8) years, if such person acts as a
23 personnel or staff of an illegal [numbers game] GAMBLING
24 operation; The same penalty shall likewise be imposed to any
25 person who allows his vehicle, house, building or land to be
26 used in the operation of the illegal [numbers games]
27 GAMBLING ACTIVITY.

28 c) The penalty of imprisonment from eight (8) years and
29 one (1) day to ten (10) years, if such person acts as a collector
30 or agent OF ANY ILLEGAL GAMBLING ACTIVITY;

31 d) The penalty of imprisonment from ten (10) years and
32 one (1) day to twelve (12) years, if such person acts as a
33 coordinator, controller or supervisor OF ANY ILLEGAL
34 GAMBLING ACTIVITY;

35 e) The penalty of imprisonment from twelve (12) years
36 and one (1) day to ten (10) fourteen (14) years, if such person

1 acts as a maintainer, manager or operator OF ANY ILLEGAL
2 GAMBLING ACTIVITY; and

3 f) The penalty of imprisonment from fourteen (14) years
4 and one (1) day to sixteen (16) years, if such person acts as a
5 financier or capitalist OF ANY ILLEGAL GAMBLING
6 ACTIVITY;

7 g) The penalty of imprisonment from sixteen (16) years
8 and one (1) day to twenty (20) years, if such person acts as
9 protector or coddler OF ANY ILLEGAL GAMBLING ACTIVITY.

10
11
12 SEC. 3. A new Section to be denominated as Section 3-A is hereby
13 inserted after Section 3 of the same Act and shall read as follows:

14
15 "SEC. 3-A. *OTHER ILLEGAL GAMBLING ACTIVITIES.* -
16 ANY PERSON, WHO IN ANY MANNER, SHALL DIRECTLY OR
17 INDIRECTLY TAKE PART IN ANY ILLEGAL GAME OF
18 COCKFIGHTING OR "TUPADA," JAI ALAI OR HORSE RACING
19 TO INCLUDE BOOKIE OPERATIONS AND OTHER FORMS OF
20 ILLEGAL LOTTERIES; CARA Y CRUZ OR POMPIANG AND
21 THE LIKE; SEVEN ELEVEN (7-11) AND ANY GAME USING
22 DICE; BLACK JACK, LUCKY NINE, "PUSOY" OR RUSSIAN
23 POKER, MONTE, BACCARAT, "SAKLA," CUAJAO,
24 PANGGUINGUE AND OTHER CARD GAMES; MAHJONG,
25 DOMINO AND OTHER GAMES USING PLASTIC TILES AND
26 THE LIKE; SLOT MACHINES, ROULETTE, PINBALL, FRUIT
27 GAME AND OTHER MECHANICAL CONTRAPTIONS AND
28 DEVICES; DOG RACING, BOAT RACING, CAR RACING AND
29 OTHER FORMS OF RACES; GAME FIXING, POINT SHAVING
30 AND OTHER MACHINATIONS IN INDIVIDUAL OR TEAM
31 SPORTS CONTESTS; BANKING OR PERCENTAGE GAME, OR
32 ANY OTHER GAME OR SCHEME AND ITS DERIVATIVES,
33 WHETHER UPON CHANCE OR SKILL, WHEREIN WAGERS
34 CONSISTING OF MONEY, ARTICLES OF VALUE OR
35 REPRESENTATIVE OF VALUE ARE AT STAKE OR MADE,
36 SHALL SUFFER THE PENALTIES PRESCRIBED UNDER

1 SECTION 3 OF THIS ACT: *PROVIDED*, THAT GAMES OF
2 CHANCE, GAMES OF CARDS, GAMES OF NUMBERS,
3 RACES, MECHANICAL CONTRACTIONS AND DEVICES THAT
4 ARE LICENSED, REGULATED, OPERATED OR AUTHORIZED
5 BY THE PHILIPPINE AMUSEMENT AND GAMING
6 CORPORATION, PHILIPPINE RACING COMMISSION, OTHER
7 REGULATORY BODIES, AND LOCAL GOVERNMENT UNITS

8
9 AS PERMITTED UNDER EXISTING LAWS OR FRANCHISES
10 SHALL NOT BE COVERED BY THIS SECTION."
11

12 SEC. 4. Section 4 of the same Act is hereby amended to read as
13 follows:
14

15 "SEC. 4. *Possession of Gambling Paraphernalia or*
16 *Materials.* The possession of any gambling paraphernalia
17 and other materials used in the illegal [numbers game]
18 GAMBLING operation shall be deemed prima fade evidence of
19 any offense covered by this Act."
20

21 SEC. 5. Section 5 of the same Act is hereby amended to read as
22 follows:
23

24 "Sec. 5. *Liability of Government Employees [and/]or*
25 *Public Officials.* a) If the collector, agent, coordinator,
26 controller, supervisor, maintainer, manager, operator,
27 financier or capitalist of any illegal [numbers game],
28 GAMBLING ACTIVITY is a government employee [and/]or
29 public official, whether elected or appointed shall suffer the
30 penalty of twelve (12) years and one (1) day to twenty (20)
31 years and a fine ranging from Three million pesos
32 (P3,000,000.00) to Five million pesos (5,000,000.00) and
33 perpetual absolute disqualification from public office.
34

35 xxx xxx xxx'

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

1 follows:

2
3 "SEC. 9. *Prosecution, Judgment and Forfeiture of,*
4 *Property.* - Any person may be charged with or convicted of
5 the offenses covered by this Act without prejudice to the
6 prosecution of any act or acts penalized under the Revised
7 Penal Code or existing laws.

8
9 xxx xxx xxx.

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

21
22 SEC. 7. Section 11 of the same Act is hereby amended to read as
23 follows:

24
25 "SEC. 11. *Informer's Reward.* - Any person who, having
26 knowledge or information of any offense committed under this
27 Act and who shall disclose the same which may lead to the
28 arrest and final conviction of the offender, may be rewarded a
29 certain percentage of the cash money or articles of value,
30 confiscated or forfeited in favor of the government, which
31 shall be determined through a policy guideline promulgated
32 by the Department of Justice (DOJ) in coordination with the
33 Department of THE Interior and Local Government (DILG)
34 and the National Police Commission (NAPOLCOM):

1 PROVIDED, THAT SAID REWARD SHALL BE AT LEAST
2 THIRTY-FIVE PERCENT (35%) OF THE CASH MONEY OR
3 ARTICLES OF VALUE CONFISCATED OR FORFEITED IN
4 FAVOR OF THE GOVERNMENT.
5

6 The DILG, the NAPOLCOM and the DOJ shall provide
7 for a system of rewards and incentives for law enforcement
8 officers and for local government officials for the effective
9 implementation of this Act. THE DILG, NAPOLCOM AND DOJ
10 SHALL ALSO CONDUCT ANNUAL MORAL RECOVERY AND
11 VALUES ENHANCEMENT SEMINARS FOR LOCAL
12 GOVERNMENT OFFICIALS AND LAW ENFORCERS UNDER
13 THEIR RESPECTIVE JURISDICTIONS.
14

15 SEC. 8. **Implementing Rules and Regulations.** - Within thirty
16 (30) days from the approval of this Act, the Secretary of the Interior and
17 Local Government and the Secretary of Justice shall jointly promulgate
18 the rules and regulations necessary to ensure the efficient and effective
19 implementation of this Act.
20

21 SEC. 9. **Separability Clause.** - If any part or provision of this Act
22 is declared invalid or unconstitutional, the remaining provisions or parts
23 of this Act not affected thereby shall remain in force and effect.
24

25 SEC. 10. **Repealing Clause.** - The pertinent provisions of PD No.
26 1602, as amended, in so far as they are inconsistent herewith, are
27 hereby expressly amended or modified accordingly. The provisions of
28 other laws, decrees, executive orders, rules and regulations inconsistent
29 with this Act are hereby repealed, amended or modified accordingly.
30

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

Approved,