

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the regular session of the Sangguniang Panlungsod of the City of Naga, Cebu held on February 27, 2013 at the City Session Hall, City of Naga, Cebu.

Present:

HON. DELFIN R. SEÑOR
HON. ELMER Q. LAPITAN
HON. OTHELLO M. CHIONG
HON. ALEXANDER R. LARA
HON. NILO B. ALINSONORIN
HON. LETECIA F. ABANGAN
HON. PORFERIO V. RESABA
HON. DOMINGA P. MILLENA
HON. RODRIGO A. NAVARRO
HON. VIRGILIO M. CHIONG

- Vice Mayor-Presiding Officer
- Sangguniang Panlungsod Member
- ABC President

Absent:

HON. ALEXA MANNA B. CHIONG
HON. CARMELINO N. CRUZ
HON. VENCI R. DEL MAR

- SK President-attending an official business activity
- Sang Panlungsod Member-attending an official business activity
- SangPanlungsod Member - attending on official business meeting



ORDINANCE NO. 2013-003

**AN ORDINANCE PROHIBITING ALL FORMS OF ILLEGAL GAMBLING
IN THE CITY OF NAGA AND PROVIDING PENALTIES THEREOF**

Whereas, Section 2, Article 12 of the Philippine Constitution provides that the promotion of social justice shall include commitment to create economic opportunities based on freedom of initiative and self reliance;

Whereas, the State, in Presidential Decree 1602, has increased the penalties of illegal gambling, to make them more effective in combating this social menace which dissipate the energy and resources of the people;

Whereas, Republic Act 9287 condemns the existence of illegal gambling activities or games as these have become influential factors 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;

Whereas, Section 17 of the Local Government Code provides that Local Government Units within their respective territorial jurisdictions shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance and support the development of self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

Now therefore, be it ordained by the Sangguniang Panlungsod of the City of Naga that:

Section 1. **Title.** This Ordinance shall be known and cited as the "Anti-illegal Gambling Ordinance of the City of Naga.

Section 2. **Policy.** It is hereby declared a policy of the City of Naga to:

- (a) Promote social justice with the commitment to create economic opportunities based on freedom of initiative and self-reliance.
- (b) Condemn the existence of illegal gambling activities or games in the City, as these have become influential factors in an individual's disregard for the value of work, perseverance and thrift.

Section 3. **Definition of Terms.** As used in this Ordinance, the following terms and phrases shall mean as follows:

- a) Gambling - The practice of playing games of chance or betting in the hope of gaining money

- such as, but not limited to jeuteng, masiao, last two, loteng, jai alai, cockfighting, horse racing to include bookie operations and game fixing, bingo and other forms of lotteries, cara y cruz, pompiang and the like, 7-11 and any game using dice, black jack, lucky nine, poker and its derivatives, monte, baccarat, cuajao, pangguingue and other card games, paik que, high and low, mahjong, domino and other games using plastic tiles and the likes, slot machines, roulette, pinball and other mechanical contraptions and devices, dog racing, boat racing, car racing and other forms of races, basketball, boxing, volleyball, bowling, pingpong, and other forms of individual or team contests to include game fixing, point shaving, and other machinations, banking or percentage game, or any other game scheme, whether upon chance or skill, wherein wages consisting of money, articles of value or representative of value are at stake or made.
- b) 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 gambling operation.
 - c) Personnel or Staff of Illegal gambling 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 illegal gambling is operated or conducted.
 - d) 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 gambling activity who is usually in possession of gambling paraphernalia.
 - e) Coordinator, Controller or Supervisor ("*Encargado*" or variants thereof). - Any person who exercises control and supervision over the collector or agent.
 - f) Maintainer, Manager or Operator - Any person who maintains, manages or operates any illegal gambling in a specific area from whom the coordinator, controller or supervisor, and collector or agent take orders.
 - g) Financiers or Capitalist - Any person who finances the operations of any illegal gambling activity.
 - h) Protector or Coddler - Any person who lends or provides protection, or receives benefits in any manner in the operation of any illegal gambling activity.

Section 4. **Coverage.** This Ordinance shall cover any and all gambling activities not registered or affiliated with the Philippine Amusement Gaming Corporation (PAGCOR).

Section 5. **Punishable Acts and its Penalties.** - Any person who participates in any illegal gambling activity shall pay an administrative fine of P5,000.00 without prejudice to the penalties imposed by applicable laws and statutes against illegal gambling.

Section 6. **Possession of Gambling Paraphernalia or Materials.** - The possession of any gambling paraphernalia and other materials used in the illegal gambling operation shall be deemed *prima facie evidence* of any offense covered by this Ordinance.

Section 7. **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, he/she shall suffer the penalty in accordance with pertinent provisions stated in Republic Act 9287.
- b) In the case of failure to apprehend perpetrators of any illegal numbers game, any law enforcer shall suffer an administrative penalty in accordance with pertinent provisions of Republic Act 9287.

Section 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 Ordinance 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.

Section 9. **Prosecution, Judgment and Forfeiture of Property.** - Any person may be charged with or convicted of the offenses covered by this Ordinance without prejudice

to the prosecution of any act or acts penalized under the Revised Penal Code and or 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 gambling operation shall be confiscated and forfeited in favor of the City. 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 City.

Section 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 5, 6, 7 and 8 herein shall be placed under the Witness Protection Program pursuant to Republic Act. No. 6981.

Section 11. **Informer's Reward.** - Any person who, having knowledge or information of any offense committed under this Ordinance 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 City, according to the policy guidelines promulgated by the Department of Justice (DOJ) in coordination with the Department of Interior and Local Government (DILG) and the Philippine National Police.

Section 12. **Separability Clause.** - If for any reason any section or provision of this Ordinance, 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 Ordinance shall not be affected by such declaration and shall remain in force and effect.

Section 13. **Repealing Clause.** - The provisions of other Local Ordinances and rules and regulations inconsistent with this Ordinance are hereby repealed, amended or modified accordingly.

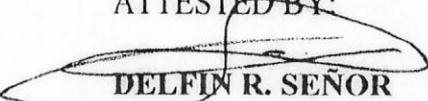
Section 14. **Effectivity.** - This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the City and posting in conspicuous places in the City.

UNANIMOUSLY CARRIED this 27th day of February 2013, on motion of Hon. Porferio V. Resaba, Jr., seconded by Hon. Rodrigo A. Navarro.

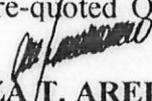
March 12, 2013

I HEREBY CERTIFY to the correctness of the afore-quoted Ordinance taken from the minutes on file.

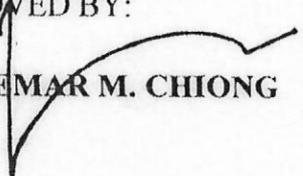
ATTESTED BY:


DELFIN R. SEÑOR

Vice Mayor/Presiding Officer


DELZA T. ARELLANO
Secretary to the Sanggunian

APPROVED BY:


VALDEMAR M. CHIONG
Mayor