

May 9, 1974

PRESIDENTIAL DECREE NO. 449

COCKFIGHTING LAW OF 1974

WHEREAS, cockfighting has been and still is a popular, traditional and customary form of recreation and entertainment among Filipinos during legal holidays, local fiestas, agricultural, commercial and industrial fairs, carnivals or expositions;

WHEREAS, by reason of the aforestated meaning and connotation of cockfighting in relation to Filipino customs and traditions, it should neither be exploited as an object of commercialism or business enterprise, nor made a tool of uncontrolled gambling, but more as a vehicle for the preservation and perpetuation of native Filipino heritage and thereby enhance our national identity.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order to be part of the laws of the land, the following: cda

Sec 1. Title. - This Decree shall be known as the "Cockfighting Law of 1974".

Sec. 2. Scope. - This law shall govern the establishment, operation, maintenance and ownership of cockpits.

Sec. 3. Declaration of Policy. - It is hereby declared a policy of the government to insure within the framework of the New Society maximum development and promotion of wholesome recreation and amusement to bring about the following goals:

- (a) To effectively control and regulate cockfighting towards its establishment as a national recreation, relaxation and source of entertainment;
- (b) To provide additional revenue for our tourism program; and
- (c) To remove and prevent excessive and unreasonable business operation and profit considerations in the management of cockpits and, instead preserve Philippine customs and traditions and thereby enhance our national identity.

Sec. 4. Definition of Terms. - As used in this law, the following terms shall be understood, applied and construed as follows:

- (a) Cockfighting - shall embrace and mean the commonly known game or term "cockfighting derby, pintakasi or tupada", or its equivalent terms in different Philippine localities.
- (b) Zoning Law or Ordinance - Either both national or local city or municipal legislation which logically arranges, prescribes, defines and apportions a given political subdivision into specific land uses as present and future projection of needs warrant. cd
- (c) Bet Taker or Promoter - A person who calls and takes care of bets from owners of both gamecocks and those of other bettors before he orders commencement of the cockfight and thereafter

distributes won bets to the winners after deducting a certain commission.

(d) Gaffer (Taga Tari) - A person knowledgeable in the art of arming fighting cocks with gaff or gaffs on either or both legs.

(e) Referee (Sentenciador) - A person who watches and oversees the proper gaffing of fighting cocks, determines the physical condition of fighting cocks while cockfighting is in progress, the injuries sustained by the cocks and their capability to continue fighting and decides and make known his decision by work or gestures and result of the cockfight by announcing the winner or declaring a tie or no contest game.

(f) Bettor - A person who participates in cockfights and with the use of money or other things of value, bets with other bettors or through the bet taker or promoter and wins or loses his bet depending upon the result of the cockfight as announced by the Referee or Sentenciador. He may be the owner of fighting cock.

Sec. 5. Cockpits and Cockfighting: In General:

(a) Ownership, Operation and Management of Cockpits. - Only Filipino citizens not otherwise inhibited by existing laws shall be allowed to own, manage and operate cockpits. Cooperative capitalization is encouraged.

(b) Establishment of Cockpits. - Only one cockpit shall be allowed in each city or municipality, except that in cities or municipalities with a population of over one hundred thousand, two cockpits may be established, maintained and operated. cdt

(c) Cockpits Site and Construction. - Cockpits shall be constructed and operated within the appropriate areas as prescribed in Zoning Law or Ordinance. In the absence of such law or ordinance, the local executives shall see to it that no cockpits are constructed within or near existing residential or commercial areas, hospitals, school buildings, churches or other public buildings. Owners, lessees, or operators of cockpits which are now in existence and do not conform to this requirement are given three years from the date of effectivity of this Decree to comply herewith. Approval or issuance of building permits for the construction of cockpits shall be made by the city or provincial engineer in accordance with their respective building codes, ordinances or engineering laws and practices.

(d) Holding of Cockfights. - Except as provided in this Decree, cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas for not more than three days. It may also be held during provincial, city or municipal, agricultural, commercial or industrial fair, carnival or exposition for a similar period of three days upon resolution of the province, city or municipality where such fair, carnival or exposition is to be held, subject to the approval of the Chief of

Constabulary or his authorized representative: Provided, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions a year in the same city or municipality: Provided, further, that no cockfighting shall be held on December 30 (Rizal Day), June 12 (Philippine Independence Day) November 30 (National Heroes Day), Holy Thursday, Good Friday, Election or Referendum Day and during Registration Days for such election or referendum.

(e) Cockfighting for Entertainment of Tourists or for Charitable Purposes. - Subject to the preceding subsection hereof, the Chief Constabulary or his authorized representative may also allow the holding of cockfighting for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as "Balikbayan", or for the support of national fund-raising campaigns for charitable purposes as may be authorized by the Office of the President, upon resolution of a provincial board, city or municipal council, in licensed cockpits or in playgrounds or parks: Provided, that this privilege shall be extended for only one time, for a period not exceeding three days, within a year to a province, city, or municipality. cdtai

(f) Other games during cockfights prescribed. - No gambling of any kind shall be permitted on the premises of the cockpit or place of cockfighting during cockfights. The owner, manager or lessee of such cockpit and the violators of this injunction shall be criminally liable under Section 8 hereof.

Sec. 6. Licensing of Cockpits. - City and municipal mayors are authorized to issue licenses for the operation and maintenance of cockpits subject to the approval of the Chief of Constabulary or his authorized representatives. For this purpose, ordinances may be promulgated for the imposition and collection of taxes and fees not exceeding the rates fixed under Section 13, paragraphs (a) and (b); and 19; paragraph (g) 16 of Presidential Decree No. 231, dated June 28, 1973, otherwise known as the Local Tax Code, as amended. cd i

Sec. 7. Cockfighting Officials. - Gaffers, referees or bet takers or promoters shall not act as such in any cockfight herein authorized, without first securing a license renewable every year on their birthmonth from the city or municipality where such cockfighting is held. Cities and municipalities may charge a tax of not more than twenty pesos. Only licensed gaffers, referees, bet takers or promoters shall officiate in all kinds of cockfighting authorized in this Decree.

Sec. 8. Penal Provisions. - Any violation of the provisions of this Decree and of the rules and regulations promulgated by the Chief of Constabulary pursuant thereto shall be punished as follows:

a. By prison correccional in its maximum period and a fine of two thousand pesos, with subsidiary

imprisonment in case of insolvency, when the offender is the financier, owner, manager or operator of cockpit, or the gaffer, referee or bet taker in cockfights; or the offender is guilty of allowing, promoting or participating in any other kind of gambling in the premises of cockfights during cockfights.

b. By prison correccional or a fine of not less than six hundred pesos nor more than two thousand pesos or both, such imprisonment and fine at the discretion of the court, with subsidiary imprisonment in case of insolvency, in case of any other offender. aisa dc

Sec. 9. Repealing Clause. - The provisions of Section 2285 and 2286 of the Revised Penal Code, Republic Act No. 946, all laws, decrees, rules and regulations, or orders which are inconsistent with this Decree are hereby repealed or modified accordingly. cd

Sec. 10. Date of Effectivity. - This Decree shall take effect after fifteen (15) days following the completion of the publication in the Official Gazette.

Done in the City of Manila, this 9th day of May, in the year of Our Lord, nineteen hundred and seventy-four.

June 11, 1978

**PRESIDENTIAL DECREE NO. 1602
PRESCRIBING STIFFER PENALTIES ON
ILLEGAL GAMBLING**

WHEREAS, Philippine Gambling Laws such as Articles 195-199 of the Revised Penal Code (Forms of Gambling and Betting), R.A. 3063 (Horse racing Bookies), P.D. 449 (Cockfighting), P.D. 483 (Game Fixing), P.D. 510 (Slot Machines) in relation to Opinion Nos. 33 and 97 of the Ministry of Justice, P.D. 1306 (Jai-Alai Bookies) and other City and Municipal Ordinances or gambling all over the country prescribe penalties which are inadequate to discourage or stamp out this pernicious activities; cda

WHEREAS, there is now a need to increase their penalties to make them more effective in combating this social menace which dissipate the energy and resources of our people;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

Sec. 1. Penalties. - The following penalties are hereby imposed:

(a) The penalty of prison correccional in its medium period of a fine ranging from one thousand to six thousand pesos, and in case of recidivism, the penalty of prison mayor in its medium period or a fine ranging from five thousand to ten thousand pesos shall be imposed upon: cdt

(1) Any person other than those referred to in the succeeding sub-sections who in any manner, shall directly or indirectly take part in any illegal or unauthorized activities or games of cockfighting, jueteng, jai alai or horse racing to include bookie operations and game fixing, numbers, 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, panguingue 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 wagers consisting of money, articles of value or representative of value are at stake or made;

(2) Any person who shall knowingly permit any form of gambling referred to in the preceding subparagraph to be carried on in inhabited or uninhabited place or in any building, vessel or other means of transportation owned or controlled by him. If

the place where gambling is carried on has a reputation of a gambling place or that prohibited gambling is frequently carried on therein, or the place is a public or government building or barangay hall, the malfactor shall be punished by prison correccional in its maximum period and a fine of six thousand pesos.

(b) The penalty of prison correccional in its maximum period or a fine of six thousand pesos shall be imposed upon the maintainer or conductor of the above gambling schemes. cdt

(c) The penalty of prison mayor in its medium period with temporary absolute disqualification or a fine of six thousand pesos shall be imposed if the maintainer, conductor or banker of said gambling schemes is a government official, or where such government official is the player, promoter, referee, umpire, judge or coach in case of game fixing, point shaving and machination.

(d) The penalty of prison correccional in its medium period or a fine ranging from four hundred to two thousand pesos shall be imposed upon any person who shall, knowingly and without lawful purpose in any hour of any day, possess any lottery list, paper or other matter containing letters, figures, signs or symbols pertaining to or in any manner used in the games of jueteng, jai-alai or horse racing bookies, and similar games of lotteries and numbers which have taken place or about to take place.

(e) The penalty of temporary absolute disqualifications shall be imposed upon any barangay official who, with knowledge of the existence of a gambling house or place in his jurisdiction fails to abate the same or take action in connection therewith. casia

(f) The penalty of prison correccional in its maximum period or a fine ranging from five hundred pesos to two thousand pesos shall be imposed upon any security officer, security guard, watchman, private or house detective of hotels, villages, buildings, enclosures and the like which have the reputation of a gambling place or where gambling activities are being held.

Sec. 2. Informer's reward. - Any person who shall disclose information that will lead to the arrest and final conviction of the malfactor shall be rewarded twenty percent of the cash money or articles of value confiscated or forfeited in favor of the government.

Sec. 3. Repealing Clause. - Provisions of Art. 195-199 of the Revised Penal Code, as amended, Republic Act No. 3063, Presidential Decrees Numbered 483, 449, 510 and 1306, letters of instructions, laws, executive orders, rules and regulations, city and municipal ordinances which are inconsistent with this Decree are hereby repealed.

Sec. 4. Effectivity. - This Decree shall take effect immediately upon publication at least once in a newspaper of general circulation.

Done in the City of Manila, this 11th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.

February 20, 1979

LETTER OF INSTRUCTIONS NO. 816

TO: The Minister of National Defense

The minister of Local Government and
Community Development

The Chief of Staff
Armed Forces of the Philippines

The Chief Constabulary
Director-General, INP

The Chairman
Task Force Anti-Gambling

SUBJECT: TO EXCLUDE CERTAIN
PROHIBITED GAMES UNDER
PRESIDENTIAL DECREE NO. 1602

WHEREAS, it is the intent of the Presidential Decree No. 1602 to discourage and prohibit gambling not regulated or sanctioned under existing laws;

WHEREAS, there is need to exclude therefrom certain games like domino, bingo, poker when not played with five cards stud, cuajo, pangguingue and mahjong when exclusively intended for parlor games or for home entertainment;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, do hereby order that the games of domino, bingo, poker when not played with five cards stud, cuajo, pangguingue and mahjong, provided that they are played as parlor games or for home entertainment; and Provided Further, That they are not played in places habitually used for gambling and the betting is not disguised to defeat the intent of Presidential Decree No. 1602, are hereby exempted.

Done in the City of Manila, this 20th day of February, in the year of Our Lord, nineteen hundred and seventy-nine.
