



Republic of the Philippines  
Mountain Province  
Municipality of Bontoc  
OFFICE OF THE SANGGUNIANG BAYAN

EXTRACT FROM THE JOURNAL-MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, BONTOC, MOUNTAIN PROVINCE, HELD AT SANGGUNIANG BAYAN SESSION HALL ON SEPTEMBER 25, 2017

|          |                              |                                  |
|----------|------------------------------|----------------------------------|
| PRESENT: | HON. EUSEBIO S. KABLUYEN,    | Vice Mayor and Presiding Officer |
|          | HON. VIOLA P. OKKO,          | Member                           |
|          | HON. ESTEBAN O. NGUDDO,      | Member                           |
|          | HON. JULIAN F. CHUMACOG,     | Member                           |
|          | HON. ALSANNYSTER F. PATINGAN | Member                           |
|          | HON. ROBERT B. DACYON,       | Member                           |
|          | HON. ALEXANDER N. FANA-ANG,  | ABC President, Member            |
|          | HON. ALEXANDRE C. CLAVER,    | Member                           |
|          | HON. THOMAS LONGATAN,        | IPMR, Member                     |
| ABSENT:  | HON. ROSE C. FARNICAN,       | Member                           |
|          | HON. ALFREDO A. AWICHEN,     | Member                           |

**ORDINANCE NO. 293, S. 2017**

**Proponent: Hon. Alsannyster F. Patingan**

**AN ORDINANCE PROHIBITING AND PENALIZING MERE POSSESSION OF SLOT MACHINE/S OR SIMILAR GAMBLING DEVICE OR APPARATUS.**

**P R E F A T O R Y**

**Whereas**, despite the enactment of past ordinances to address the proliferation of gambling using slot machines or other similar gambling device or apparatus, it has been observed that the same continues to thrive and proliferate up to the present;

**Whereas**, one probable factor to this could be the lack of deterrent effect of Ordinance No. 84, S. 2005, the existing Municipal Ordinance penalizing the possession of slot machines or similar gambling device or apparatus *and* operate the same in the Municipality as eloquently held in its Title;

**Whereas**, the fact that possession of slot machines or similar gambling device or apparatus must be coupled with actual operation of the same, as provided in the ordinance, make it hard to secure a conviction under said ordinance considering the implied requirement that said device or apparatus must be actually in operation to make the possessor liable;

**Whereas**, there is a need to redefine the acts punishable and simplify the law to make it clear enough as to eliminate other possible interpretations contrary to the same;

**WHEREFORE AND CONSIDERING THE FOREGOING**, this Sangguniang Bayan now decrees the following:

**Section 1. Definition of Terms.** When used in this ordinance, the following terms are given their corresponding meaning-

a. **SLOT MACHINE** – Shall refer to any apparatus, machine or device through which a person wagers to win or lose monetary rewards by the act of depositing money therein;

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b. **POSSESS** – to have as property and plainly displayed within the confines of private homes or quarters or in business establishments. To possess means to be under a person's control. Possession may either be physical possession or constructive possession. Constructive possession exists where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Section 2. Jurisdiction.** This Ordinance shall be enforced where applicable within the territorial jurisdiction of the Municipality of Bontoc, Mountain Province.

**Section 3. Prohibited Acts.** Physical or constructive possession of slot machines or similar gambling devices, machines or apparatus shall render the possessor liable under this ordinance. There is no distinction whether the slot machine is operational or not or whether the same is used merely for family entertainment. Mere possession is prohibited and penalized.

**Section 4. Persons Liable.** Any person who is found in physical possession of these slot machines such as persons actually operating or playing the same shall be liable under this ordinance.

Further, the owner, lessor or any such person so situated to be in control of the room, space, house or building where the slot machine is found shall also be liable under the principle of constructive possession whether or not they participated in the operation of the slot machine found in their establishments, provided, there is proof of knowledge of the existence of said apparatus/devices, and said persons tolerated the same.

**Section 5. Penalties.** Upon conviction, the following penalties shall apply-

**A. FIRST OFFENSE:**

1. The penalty of fine of **ONE THOUSAND PESOS (PHP1,000.00) FINE and IMPRISONMENT FOR A PERIOD OF ONE (1) MONTH** shall be imposed upon the person/s found in possession of a slot machine or similar gambling device or apparatus which at the moment of seizure is found not operational.

2. The penalty of fine of **ONE THOUSAND FIVE HUNDRED PESOS (PHP1,500.00) FINE and IMPRISONMENT FOR A PERIOD OF TWO (2) MONTHS** shall be imposed upon the person/s found in possession of a slot machine or similar gambling device or apparatus which at the moment of seizure is found capable of being operational but was not in actual operation at the time of the seizure.

3. The penalty of **TWO THOUSAND PESOS (PHP2,000.00) FINE and IMPRISONMENT FOR A PERIOD OF THREE (3)** shall be imposed upon the person/s found in possession of a slot machine or similar gambling device or apparatus which at the moment of seizure is actually being operated.

**B. SECOND/SUCCEEDING OFFENSES:**

The penalty of **TWO THOUSAND FIVE HUNDRED PESOS (PHP2,500.00) FINE and IMPRISONMENT FOR A PERIOD OF SIX (6) MONTHS** shall be imposed

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upon such persons convicted under this Ordinance for the second and succeeding times.

### C. SEIZURE/FORFEITURE

The seized slot machine or similar gambling apparatus shall be forfeited in favor of the LGU and shall be subject to proper destruction/disposal.

**Section 6. ADMINISTRATIVE PENALTIES-** Where applicable, the Municipality shall revoke/cancel any business permits issued to the business establishment where such slot machine or similar gambling device is found.

**Section 7. NO CONTEST SETTLEMENTS-** Any person who does not wish to contest the charges of violation of this Ordinance before the Honorable Courts may enter into an amicable settlement with the Municipality under the terms that said offender shall pay a fine of FIVE THOUSAND PESOS (PHP5,000.00) for the first time; TEN THOUSAND PESOS (PHP10,000.00) for the second time; and FIFTEEN THOUSAND PESOS (PHP15,000.00) for the third and succeeding violations.

In case of multiple offenders, amicable settlement shall be undertaken individually.

**Section 8. AUTHORIZATION-** For purposes of this Ordinance, the Local chief Executive and/or the Municipal Legal Officer are hereto authorized to initiate the cases and actively prosecute the same before the Honorable Court for violations of this Ordinance up to its termination. The Local Chief Executive is authorized to enter into any settlements for and in behalf of the Municipality and to sign any and all documents relative to the same. The Municipal Treasurer is hereto authorized to receive the fines tendered for and in behalf of the Municipality and issue receipts therefor.

**Section 9. WHISTLEBLOWER'S INCENTIVE** – If slot machine/s or other similar gambling devices are confiscated through the initiative of a private person/s who actually makes a report with the authorities which results in a successful seizure of slot machines, said person shall be entitled to half of whatever amount is actually recovered in the slot machine/s or other similar gambling devices/apparatus actually seized as a result of the information provided by him.

For his safety, the identity and circumstances of the person who actually provides information of the location of said slot machines or similar gambling devices/apparatus shall be kept confidential by the police authorities.

Revealing of the identity of the whistleblower by any police officer or public official shall render him – administratively liable.

**Section 10. SEPARABILITY-** Should any provision of this Ordinance be declared unconstitutional/illegal/unenforceable by proper authorities, the other provisions no so affected shall continue to be in effect.

**Section 11. REPEALS/AMENDMENTS-** All other Municipal Ordinances, Resolutions, Issuances in conflict with the provisions of this Ordinance are hereto considered repealed, amended or modified accordingly.

**Section 12. TRANSITORY PROVISIONS** – Upon effectivity in the manner hereto provided, actual implementation/enforcement shall be suspended for a period of

sixty(60) days reckoned from date this ordinance is made effective. During the said period, information campaigns shall be conducted to inform the public with regards this ordinance and encourage them to surrender all slot machines, operational or not, in their possession, and should they do so within the sixty (60) day period, no charges shall be filed against them. After lapse of the sixty (60) day period, the ordinance shall then be fully implemented.

**Section 13. EFFECTIVITY-** This Ordinance shall take effect within fifteen (15) days after publication and posting which will be undertaken only after it has passed the review process with the Sangguniang Panlalawigan.

**ENACTED** this 25<sup>th</sup> day of September, 2017 at Bontoc, Mountain Province.

CERTIFIED TRUE, CORRECT AND DULY ADOPTED:

**EUSEBIO S. KABLUYEN**

Municipal Vice Mayor and SB Presiding Officer

**VIOLA P. OKKO**  
SB Member

**ESTEBAN O. NGUDDO**  
SB Member

**JULIAN F. CHUMACOG**  
SB Member

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SB Member

**ALSANNYSTER F. PATINGAN**  
SB Member

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SB Member

**ALEXANDRE C. CLAVER**  
SB Member

**ROBERT B. DACION**  
SB Member

**ALEXANDER N. FANA-ANG**  
ABC Pres, Ex-Officio Member

**THOMAS F. LONGATAN**  
IPMR, Member

ATTENDANCE ATTESTED:  
jpcs

**ARTHUR L. CULALLAD**  
SB Secretary

APPROVED:

**FRANKLIN C. ODSEY**  
Municipal Mayor