



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
22nd City Council

PO22CC-031

29th Regular Session

ORDINANCE NO. SP- 3185, S-2023

AN ORDINANCE BANNING THE OPERATIONS OF UNREGULATED ELECTRONIC OR ONLINE SABONG (E-SABONG) IN QUEZON CITY, AND FOR OTHER PURPOSES

Introduced by Councilor TATAY RANNIE Z. LUDOVICA

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Nikki V. Crisolago, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Godofredo T. Liban II, Kate Galang-Coseteng, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Don S. De Leon, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Alfred Vargas, MPA, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Victor "Vic" Bernardo and Julian Marcus D. Trono

WHEREAS, Sabong is a live cockfighting match of two gamecocks pitted against each other being watched by spectators inside a licensed cockpit arenas or a Filipino tradition for entertainment and pastime leisure during Sundays, legal holidays, and local fiestas which is usually done with placing of bets;

WHEREAS, to make Sabong more accessible and a potential income-generating activity, cockpit owners/operators, gamefowl breeders, and notable cockfighting aficionados developed a platform or system that will allow the live streaming and/or broadcasting of cockfight feeds through the internet which they called Electronic or Online Sabong, now popularly known as E-Sabong;

WHEREAS, the innovation of traditional cockfighting to E-Sabong which catapulted to online gambling, just like online casino, encouraged more wagers/bettors to engage in game of chance without need of personally going to the cockpit arenas and betting stations, as they can simply open their computers or mobile phone devices with internet connection to register their bets, watch the game, and claim their winnings, especially during the height of COVID-19 pandemic where crowding or throng of people is restricted or prohibited;

q

W

to

T

WHEREAS, while E-Sabong is a regulated gambling activity by Philippine Amusement and Gaming Corporation (PAGCOR) and has to secure permit from the concerned local government unit, still, due to lack of adequate government internet infrastructure and facilities, its wide operations remain unsupervised to the extent that even minors could easily access the same twenty-four (24) hours a day, and illegal E-Sabong websites proliferate where betting can also be done in Off-Track Betting (OTB) Stations and in the premises of other business establishments;

WHEREAS, as a consequence of mushrooming, widely promoted, and highly visible E-Sabong, gambling addiction, which is brought about by the allure of big payoffs and perks, becomes a perennial problem which does not only destroy the moral fiber of the society, but adversely affect the mental health of the pathetic gamblers leading to the commission of crimes, job loss, irritable behavior and arguments, neglect and abandonment of family members, strained marriage relationships, financial devastation, and other stressful life;

WHEREAS, while the operations of E-Sabong is immensely contributing to the government in terms of taxes, there is an imperative need to halt the same in order to protect the interest and promote the welfare of the people whose lives might be put in possible damnation due to gambling addiction and its related ill-effects;

WHEREAS, in the exercise of its police power and by sheer necessity, the City Council may enact an ordinance to restrain any activity or interfere with property rights within its territorial jurisdiction, such as the operation of online gambling or E-Sabong, to promote public welfare, guided by the Latin maxim "salus populi est suprema lex" (the welfare of the people is the supreme law);

WHEREAS, the power and authority of the Sangguniang Panlungsod to authorize the establishment, licensing, operation and maintenance of cockpit, as enshrined in Section 458 (a)(3)(v) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, carries with it the power to prohibit or ban any business activity perceived to be inimical to public interest and welfare;

WHEREAS, the regulation or banning of E-Sabong is an offshoot of autonomy of the local government as amplified in the case of Province of Camarines Sur vs. COA, G.R. No. 227926, March 10, 2020, wherein the Supreme Court ruled that "local autonomy should give local government units sufficient discretion to act on matters of local importance without undue interference from central government agencies";

(Handwritten signatures and initials)

WHEREAS, in the same jurisprudence, the Supreme Court also pronounced that “the decentralization of powers involves the abdication of political power in favor of the autonomous LGUs as to grant them the freedom to chart their own destinies and to shape their futures with minimum intervention from the central government as this amounts to self-immolation, because the autonomous LGUs thereby become accountable not to the central government but to their constituencies”;

WHEREAS, Republic Act No. 9487, also known as the Revised PAGCOR Charter, does not specifically grant any authority to PAGCOR to issue license to operate or regulate E-Sabong, as the said agency merely relies on legal opinions rendered by the Office of the Solicitor General (SolGen) and the Department of Justice (DOJ), thereby emphasizing that the power to establish, license, operate and maintain cockfighting and other similar activity purely belongs to the local government unit.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. SHORT TITLE. - This Ordinance shall be known and cited as the “Unregulated E-Sabong Ban Ordinance” of Quezon City.

SECTION 2. DECLARATION OF POLICY. - It is hereby declared the policy of the Quezon City Government to protect and preserve the moral fiber, mental health, and economic resources of its constituency for the betterment of the society. Towards this end, a city ordinance must be enacted to help quell any activity that is perceived to be inimical to public interest and welfare.

SECTION 3. DEFINITION OF TERMS. - For the purpose of this Ordinance, the following terms shall be defined as follows:

- a) “E-Sabong” - refers to the electronic, online/remote or off-site wagering/betting on live cockfighting matches, events, and/or activities streamed or broadcasted live from cockpit arena/s duly licensed or authorized by the local government units having jurisdiction thereof.
- b) “Traditional Sabong” - refers to cockfighting match being physically watched live by the spectators held inside a licensed cockpit or indoor arena, as well as those held during Sundays, legal holidays, and local fiestas, regardless whether the same is for entertainment, charitable purpose, or in the nature of game of chance.

9



- c) *“Unregulated E-Sabong” - refers to the following: (1) cockfighting matches, events or activities which are not streamed or broadcasted live from cockpit arena/s; (2) watching of E-Sabong and similar activities which are through websites, laptop, computer desktop, mobile phones, and other computer platforms/applications outside of the authorized/licensed business establishments; and (3) the placing of bets for the circumstances mentioned in (1) and (2) which are being done in unauthorized/unlicensed business establishments or betting stations.*
- d) *“Person” - refers to natural and juridical person/s.*
- e) *“BPLD” - refers to the Business Permits and Licensing Department of Quezon City.*
- f) *“QCPD” - refers to the Quezon City Police Department.*
- g) *“NTC” - refers to the National Telecommunication Commission.*
- h) *“Punong Barangay” - refers to the local chief executive of the barangay.*

SECTION 4. PROHIBITION. - It is hereby prohibited and declared illegal the establishment, operation and maintenance of unregulated E-Sabong in Quezon City. Thus, only the Traditional Sabong and E-Sabong duly authorized/licensed by the Quezon City Government will be issued permit by the City Government, through the BPLD, subject to the provisions of existing national laws, rules and regulations. Additionally, in the case of authorized/licensed E-Sabong, minors are not allowed, and the time frame for patronizing the same shall not exceed six (6) hours.

All business permits issued by the Quezon City Government for the operation of E-Sabong, found to be or deemed unregulated, prior to the approval of this Ordinance are hereby cancelled or revoked.

SECTION 5. MONITORING AND APPREHENSION. - The BPLD and QCPD are hereby tasked to closely monitor the establishment, operation and maintenance of unregulated E-Sabong in Quezon City, to report to the NTC the existence and use of unregulated E-Sabong websites or computer applications for the purpose of blocking the same, and to apprehend the owners, operators, bettors or patrons thereof. Accordingly, the BPLD and QCPD are hereby empowered to close/padlock the unregulated E-Sabong premises and to confiscate all computers, laptops, mobile phones, internet connection and other gadgets or devices being used for its operations or found therein.

g

[Signature]

[Signature]

[Signature]

SECTION 6. INVENTORY OF CONFISCATED DEVICES/GADGETS. - *The BPLD and the QCPD shall conduct a joint inventory of all devices/gadgets confiscated during the apprehension or crackdown of unregulated E-Sabong which devices/gadgets shall be used as evidence for the institution of appropriate legal action.*

SECTION 7. TRAINING AND EQUIPMENT. - *The BPLD and QCPD personnel, who will be assigned or designated to conduct the monitoring and apprehension of unregulated E-Sabong, shall undergo the necessary training to be conducted by law enforcement and concerned agencies of the government and be provided with the modernized equipments/gadgets necessary for the purpose at the expense of the City Government.*

SECTION 8. DUTY OF THE BARANGAY. - *It is also the duty of the Punong Barangay to conduct surveillance on the operation of unregulated E-Sabong within his/her territorial jurisdiction and to immediately report the same to BPLD or QCPD upon discovery or receiving of first-hand/reliable information.*

In case of failure of the punong barangay to report the existence of unregulated E-Sabong operation, which is later monitored and apprehended by the BPLD and QCPD, the punong barangay shall be held administratively liable in accordance with law, except for justifiable reason.

SECTION 9. PENALTIES. - *For the purpose of this Ordinance, the following penalties shall be imposed:*

- a) An imprisonment of one (1) year for any person who will be found the owner/operator of the unregulated E-Sabong. In case of juridical person, the President, Manager and/or any responsible officer of the corporation shall be held liable;*
- b) In case of a bettor outside of the authorized/licensed business establishments or betting stations, a fine of Three Thousand Pesos (Php3,000.00) for the first offense, Five Thousand Pesos (Php5,000.00) for the second offense; and an imprisonment of one (1) year for the third and succeeding offense; and*
- c) In case of a lessor, who is leasing a building or any property for the operation of unregulated E-Sabong, an imprisonment of one (1) year plus revocation of his/her business permit. If the lessor is a juridical person, the President, Manager and/or any responsible officer of the corporation shall be held liable.*

SECTION 10. LEGAL ACTION. - *The City Legal Department, in coordination with the BPLD and QCPD, shall be responsible for the institution of appropriate legal action for violation of this Ordinance.*

SECTION 11. IMPLEMENTING RULES AND REGULATIONS. - *The City Mayor, through the City Administrator, shall promulgate the necessary implementing rules and regulations within thirty (30) days from the approval of this Ordinance.*




SECTION 12. SEPARABILITY CLAUSE. - If, for any reason, any portion or provision of this Ordinance is declared void or unconstitutional by a competent court, the other provisions not affected thereby shall continue to be in full force and effect.

SECTION 13. REPEALING CLAUSE. - All City ordinances, resolutions, local executive orders and administrative issuances found to be inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 14. EFFECTIVITY CLAUSE. - This Ordinance shall take effect after fifteen (15) days following its complete publication in a newspaper of general circulation.

ENACTED: May 8, 2023.


JOSEPH JOE VISAYA
City Councilor
Acting Presiding Officer

ATTESTED:


ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

APPROVED: JUN 5 2023


BERNARD R. HERRERA
Acting City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on May 8, 2023 and was PASSED on Third/ Final Reading on May 15, 2023.


ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

