



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2004-082

AN ORDINANCE PROHIBITING THE PLAYING OR ENGAGING IN THE MANUFACTURE, DISTRIBUTION, SALE, OPERATION AND POSSESSION OF VIDEO KARERA AND SIMILAR GAME MACHINES WITHIN THE CITY OF NAGA AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF:-

Author: Hon. John G. Bongat

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. TITLE. – This Ordinance, for brevity, shall be known as “THE ANTI-VIDEO KARERA ORDINANCE”.

SECTION 2. SCOPE. – This Ordinance shall cover the violations herein defined within the territorial jurisdiction of the City of Naga.

SECTION 3. LEGISLATIVE FINDINGS AND PURPOSE. – Illegal gambling in the form of video karera continues to proliferate in our city despite complaints and clamor of concerned residents to put a stop to this social menace. Parents of school children have become vocal in denouncing the presence of video karera machines near educational institutions, and even in residential and commercial areas.

Parents claim that children, even pre-school kids, are lured into gambling and learning to skip classes and steal, just to play the computerized horseracing and slot machines, more known as “fruit game” owing to the unrestricted operation of illegal gambling joints in the city.

Video karera and other game machines allow players to place bets for any two-number combination of computerized horses for every race called forecast. Even elders are reportedly addicted to this form of gambling that can now be seen in video shops. The expanded operation of these illegal gambling machines has mushroomed in Metro Manila, Bulacan, Malabon, Navotas and other premier cities of the Philippines, including Naga City. The Naga City Government is now duty-bound to enact an ordinance that will sanction and put a stop to the operation of this gambling craze that has corrupted many residents, particularly children.

To curb the operation of video kareras and similar gambling machines that undermine the social, moral and economic growth of our society, it becomes necessary, considering the lessons of the past and prevailing circumstances, to meet this problem head-on by imposition of a stiffer scheme of penalties against those engaged in the commission of gambling activities of this sort.

Under this ordinance, the owner, lessee or manager of the place where the video karera or similar game machine is found, and the illegal contraption (video karera and similar game

machine/s) will be confiscated and hauled to court for prosecution of violators while the apprehended player/s will be meted with corresponding penalties.

SECTION 4. DEFINITION OF TERMS. – The terms used for the purposes of this ordinance shall mean:

- (a) **video karera machine** – refers to a machine which is controlled by and allow players to place bets for any two number combination of computerized horses for every race called forecast;
- (b) **other game machine** – refers to a machine wherein players place bets similar to a video karera machine or variations thereof;
- (c) **betting** – refers to the act of betting money upon the result of a *video karera* number combination;
- (d) **video karera operator** – refers to any person or group of persons who shall act, directly or indirectly, as maintainer or conductor of *video karera*;
- (e) **maintainer** – refers to any person who sets up and furnishes/supplies the machine and means with which to carry on the illegal game of *video karera*;
- (f) **conductor** – refers to any person who manages or carries on the illegal game of *video karera*;
- (g) **bettor or player** – refers to a person who bets on the illegal game of *video karera* or upon time of apprehension is the one controlling and playing the video karera machine;
- (h) **minor** – refers to a person who is under eighteen (18) years of age and that include student/s for purposes of this ordinance;
- (i) **parent** - means a person who is a natural parent, adoptive parent, or step-parent of a minor;
- (j) **guardian** - means:
 - i. A person who, under court order, is the guardian of the person of a minor;
 - ii. A public or private agency with whom a minor has been placed for custody by a court;
 - iii. A person in charge of the custody or who is taking care of a minor, whether relative or not; or
 - iv. A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her.

SECTION 5. VIOLATIONS AND PENALTIES. The following shall be considered as illegal acts or violations of this ordinance and shall be penalized in the following manner:

- (a) Any person of legal age who shall take part in the illegal game of video karera and similar game machines as bettor/player shall be penalized with imprisonment of three (3)

months or a fine of two thousand five hundred pesos (P2,500.00) pesos, or both such fine and imprisonment at the discretion of the court;

(b) The penalty of imprisonment for a period of one (1) year or a fine of five thousand pesos (P5,000.00), or both, shall be imposed upon any person who manufactures, sells or distributes video karera and similar game machines or operates the same in public or private establishment/s or is found in possession of the same within the territorial jurisdiction of the City of Naga.

The video karera or game machine so found shall be confiscated. If two (2) or more video karera machines are confiscated, the establishment from where they are seized will be considered a gambling den, which would then be padlocked and its business permit cancelled.

SECTION 6. – VIOLATIONS, PENALTIES AND MANNER OF DEALING WITH VIOLATOR WHO IS A MINOR INCLUDING HIS/HER PARENT/S OR GUARDIAN.

- a) A minor who shall take part in the illegal game of video karera and similar game machines as bettor shall be penalized in the following manner:

For the 1st OFFENSE - a minor found violating this ordinance for the first time will be referred to the nearest police station, barangay hall or tanod outpost for counseling before being properly turned over to his/her parent/s or guardian/s;

For every subsequent OFFENSE - a minor found violating this ordinance for the second time and every time thereafter will be required to attend with prior notice to parent/s or guardian concerned, for every offense, two (2) consecutive regular barangay council sessions of the barangay where he/she is residing, for counseling by the barangay council, which shall include this matter as part of its session's agenda; PROVIDED, that the Barangay Chairman shall certify compliance or non-compliance by the concerned minor with this penalty; PROVIDED FURTHER, that the violator shall be required to submit the certification issued by the Barangay Chairman to the apprehending officer within a period not to exceed two (2) months from date of violation; AND PROVIDED FURTHER, that every non-compliance with the prescribed counseling session shall be automatically converted to an imposition of fine of two hundred (P200.00) pesos to be imposed against the violator's parent/s or guardian concerned.

SECTION 7. SPEEDY TRIAL. – With all due regard to the requirement of due process, violations of this ordinance shall be speedily investigated and subject to summary proceedings and/or continuous trial in order that the ordinance will achieve its purpose.

SECTION 8. IDENTITY OF THE OFFENDER. – It is hereby imposed a duty of the apprehending and/or investigating officer/s to exercise utmost diligence to ascertain the true identity and other personal circumstances of the offender.

SECTION 9. TRUST FUND. – Any and all sums of money which shall accrue to the city government by reason of this ordinance whether as fines or confiscated bets or winnings shall

be placed in a trust fund which shall be devoted solely for the law enforcement/peace and order programs of the City.

SECTION 10. SEPARABILITY CLAUSE. – Any provision or portion of this ordinance found to be violative of the constitution or invalid shall not impair the other provisions or parts thereof which shall continue to be in force and in effect.

SECTION 11. REPEALING CLAUSE. – Ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

SECTION 12. EFFECTIVITY. – This ordinance shall take effect upon its approval and publication in a local newspaper of general circulation.

ENACTED: August 16, 2004.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

(Sgd.) GIL A. DE LA TORRE
Board Secretary III
& Secretary-Designate

(Sgd.) GABRIEL H. BORDADO, JR.
City Vice Mayor & Presiding Officer

APPROVED:

(Sgd.) JESSE M. ROBREDO
City Mayor