

Title: **El Debate, Inc. vs. Jose Topacio, Director of Posts**

Facts:

1. **Publication of Advertisement**: On November 16, 1922, El Debate, a newspaper in Manila, published an advertisement announcing two contests related to the Carnival Queen voting.
2. **First Contest**: Participants were to guess the total number of votes cast for any winning candidate for Carnival Queen. This contest would close on December 23, 1922.
3. **Second Contest**: Participants were to guess the total number of votes the elected Carnival Queen would receive. This contest would close on the final canvass date.
4. **Participation Conditions**: Only subscribers to El Debate could participate. Depending on the length of their subscription (quarterly, semi-annual, or annual), subscribers would receive corresponding coupons to enter the contests.
5. **Submission Requirements**: Each guess required an explanatory statement. Results and the winners' statements would be published in El Debate for transparency.
6. **Prizes**: A total of P6,000 in prizes for the first contest and P12,000 for the second contest, totaling P18,000, was to be awarded based on the number of subscriptions.
7. **Government Action**: The Director of Posts, advised by the Attorney-General, refused to admit issues of El Debate with the contest advertisement into the mails, citing provisions of the Administrative Code on non-mailable matter related to lotteries and similar schemes.
8. **Procedural History**: Unsatisfied with this ruling, El Debate filed a petition for a writ of mandamus against the Director of Posts to compel him to allow the newspaper into the mails.

Issues:

1. **Was the decision of the Director of Posts, refusing the use of mail for El Debate, clearly erroneous?**
2. **Did the guessing contest constitute a "lottery, gift enterprise, or similar scheme depending in whole or in part upon lot or chance" under the law?**

Court's Decision:

1. **Element of Chance**: The court emphasized that even minimal presence of chance in a

contest constitutes a lottery. The law covers schemes that depend in whole or in part on chance. Therefore, the estimation of votes has an element of chance as it cannot be predicted purely by calculation or certainty.

2. **Consideration Element**: For those who subscribed solely to participate in the contest, subscribing to El Debate provided a consideration. This fits the definition of a lottery wherein participants paid money partly for a chance to win a prize.

3. **Application of Law and Past Jurisprudence**: The court referenced multiple cases from the United States and other jurisdictions, establishing that guessing contests involving an element of chance are covered by laws against lotteries.

#### Doctrine:

1. **Lottery Definition**: The court confirmed the three essential elements of a lottery as established in precedent: prize, consideration, and chance.
2. **Interpretation of "Chance"**: Even if a contest includes an element of skill or calculation, it can still be classified as a lottery if chance plays any role.
3. **Consideration in Lottery**: A contest participant paying money, primarily motivated by the contest rather than the subscription itself, constitutes consideration making it a lottery.

#### Class Notes:

- **Key Elements of a Lottery**: Prize, Consideration, and Chance.
- **Prize**: Any reward given to the winner.
- **Consideration**: Any payment or expenditure by the participant.
- **Chance**: The outcome must depend on an element of randomness.
- **Relevant Statute**: Section 1954(a) of the Administrative Code, prohibiting mail related to lotteries.
- **Case Example Application**: A scheme where participants submit guesses based on vote totals for the hope of winning a prize, with payment required (e.g. a subscription fee offering participation) fits this definition despite parts of it being calculative.

#### Historical Background:

- **Legal Context**: The case was decided when Philippine law closely mirrored American legal principles regarding gambling, considering the United States' sovereign control over the Philippines until 1935.
- **Historic Legal Precedent**: The case drew on United States jurisprudence for lottery laws, showcasing the influence of American legal doctrines in Philippine law during this

period.

- **Societal Impact**: Reflects early 20th-century judicial efforts to curb gambling and protect public welfare, highlighting societal concerns about the detrimental effects of widespread lottery schemes.