

AN ACT TO PROHIBIT GAMBLING, TO REPEAL ARTICLE EIGHTEEN HUNDRED AND OF THE CIVIL CODE AND ARTICLES THREE HUNDRED AND FORTY-THREE AND FIVE HUNDRED AND SEVENTY-NINE OF THE PENAL C...

Act No. 1757, October 09, 1907

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. Gambling within the meaning of this Act consists in the playing of any game for money or any representative of value or valuable consideration or thing, the result of which game depends wholly or chiefly upon chance or hazard, or the use of any mechanical invention or contrivance to determine by chance the loser or winner of money or of any representative of value or of any valuable consideration or thing.

SEC. 2. A gambling house within the meaning of this Act is any building or structure or vessel, or part thereof, in which gambling is frequently carried on. or in which gambling is reputed to be frequently carried on. or to which or in which any person is invited or solicited to gamble.

SEC. 3. Gambling in a public place, or in any building, structure, vessel, or part thereof, to which the public is ordinarily admitted is hereby forbidden, and any person violating this section shall be punished by a fine of not less than ten pesos nor more than five hundred pesos or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court. In case of a second conviction both fine and imprisonment shall be imposed.

SEC. 4. Any person having charge or being in the possession or control of any building, structure, vessel, or any part thereof, to which the public is ordinarily admitted, who permits gambling to take place therein shall be punished as provided in the last preceding section.

SEC. 5. Any person having charge or being in the possession or buildings in general, control of any building, structure, or vessel, or any part thereof, who permits any gambling game to take place therein at which game a charge of any kind is made for playing or for the use of the premises or apparatus, or for which game any percentage is taken or collected, and any person having charge or being in the possession or control of any gambling house shall be punished as provided in section three of this Act: Provided, however, That nothing in this section contained shall be construed to repeal the provisions of Act Numbered Fifteen hundred and thirty-seven or the existing law as to cockpits.

SEC. 6. Any person who shall keep, maintain, or have charge or possession or control of any gambling house, or who shall knowingly permit any property owned by him to be used as a gambling house or who shall have any interest in any gambling house, shall be punished as provided in section three of this Act. Any person who loses any money or valuable consideration or thing in any gambling house, or his heirs, executors, administrators, or judgment creditor may, within three years thereafter, recover the same or its value together with an additional sum equal to the value thereof in an action in which all persons keeping, maintaining, having charge or control oil any gambling game, or permitting or having any interest or participating therein, shall be jointly and severally liable.

SEC. 7. The playing at and the conducting of any game of monte jueteng, or any form of lottery or policy or any banking or per-game, or the use of any mechanical invention or contrivance determine by chance the winner or loser of money or of any representative of value or of any valuable consideration or thing, is hereby prohibited, and any person taking any part therein or owning or operating any such mechanical invention or contrivance shall be punished as provided in section three hereof. It shall be no defense to any criminal action under this section that the defendant acted as the agent of another or that he had no interest in the result. . Any person losing any money or any representative of value or any valuable consideration or thing at any such game or by means of any such mechanical invention or contrivance, or his heirs, executors, administrators, or judgment creditors, may, within three years thereafter, recover the money, consideration, or thing lost or the value thereof in a suit against the banker or the person conducting or owning such game or mechanical invention or contrivance, or against any person having any interest therein or against the person at the time in charge, control, or possession of the premises in which the loss occurred and knowingly permitting such game or the operation of such mechanical invention or contrivance and all of such persons shall be jointly and severally liable in such action.

SEC. 8. any person who shall lose any money or any representative of value or any valuable consideration or thing in any gambling house or other place where gambling is prohibited, or his heirs, executors, administrators, or judgment creditors, may, within three years thereafter, recover the same and an additional amount equal to the value of the loss in an action at law against the owner, tenant, or person in charge, possession, or control of such gambling house or prohibited place and knowingly permitting gambling to be carried on therein or knowingly permitting the operation of any mechanical gambling device or invention therein, and all of such persons shall be jointly and severally liable in such action.

SEC. 9. No owner or other gambling contract shall be enforceable at law and any promissory note, check, order for the payment of money, I. O. U., vale promise to pay, "chit," or contract or agreement given for money with which to gamble or for money lost at gambling or as a stake shall be void, except as to persons purchasing the same for a valuable consideration in good faith before maturity and not knowing and having no knowledge of facts sufficient to put them upon notice that such promissory note, check, order for the payment of money, I. O. U., vale, promise to pay, "chit," or contract or agreement was given in consideration of a gambling debt or for money lost at gambling or as a stake. Any conveyance or transfer of any property, real or personal, valuable thing, chose in action, franchise, or privilege, made for the purpose of gambling or as a stake or to pay gambling losses or debts, shall be void, and the subject of such transfer or its value may, within three years after the actual date of the conveyance or transfer or after the date the transfer took effect, be recovered by suit brought by the grantor, or his heirs, executors, administrators, or judgment creditors, against the transferee and all persons holding under him or purchasing from him having knowledge of facts sufficient to put them upon notice as to the nature of the consideration of the original transfer.

SEC. 10. Upon any investigation or proceeding for violation of this Act no person shall be excused from giving testimony upon the ground that such testimony would tend to convict him of a crime, but such testimony can not be received against him upon any criminal investigation or proceeding: Provided, however, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in the course of any proceeding or investigation had by virtue of this Act.

SEC. 11. Any game of cards at which more money is lost by any person engaging in such game than should be lost by a person of his financial condition, taking into consideration all his responsibilities, his honest debts, and the injury done to his family or others dependent upon him for their support, is a gambling game, and all persons engaging in such game shall be punished by a fine of not less than ten pesos nor more than five hundred pesos, and all winners engaging in such game shall be jointly and severally liable to the loser in such game for the

amount lost.

SEC. 12. Any peace officer charged with the duty of suppressing gambling who knowingly permits gambling to be conducted within his jurisdiction and who willfully fails to perform his duty shall be punished by a fine of not less than fifty pesos nor more than one thousand pesos or by imprisonment for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 13. Article eighteen hundred and one of the Civil Code and articles three hundred and forty-three and five hundred and seventy-nine of the Penal Code, and all Acts and parts of Acts inconsistent or in conflict with this Act, are hereby repealed.

SEC. 14. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act proscribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 15. This Act shall take effect on its passage.

Enacted, October 9, 1907.

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