

**MANILA JOCKEY CLUB, INC., PETITIONER AND APPELLANT, VS.
GAMES AND AMUSEMENTS BOARD, ET AL., RESPONDENTS AND
APPELLEES, PHILIPPINE RACING CLUB, INC.,
PETITIONER-INTERVENOR AND AP...**

G.R. No. 12727. February 29, 1960

Ponente: BARRERA, J.

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BARRERA, J.:

This is a petition for declaratory relief filed by petitioner Manila Jockey Club, Inc., in the Court of First Instance of Manila (Civil Case No. 31274), in which the Philippine Racing Club, Inc. intervened as party in interest with leave of court, praying that judgment be rendered against respondents Games and Amusements Board (GAB), Philippine Charity Sweepstakes Office (PCSO), and Executive Secretary Fortunato de Leon:

"(a) Interpreting Republic Acts Nos. 309 and 1502 in such a manner that the 30 Sundays unreserved for charitable institutions and therefore belonging to the private racing clubs under Section 4 of Republic Act No. 309 continue to pertain to said private entities, and that the 6 additional sweepstakes races authorized under Republic Act No. 1502 should be held on 6 of the 12 Saturdays not reserved for any private entity or particular charitable institution under Section 4 of Republic Act No. 309, or on any other day of the week besides Sunday, Saturday and legal holiday;

"(b) Holding that respondent PCSO does not have the right or power to appropriate or use the race tracks and equipment of petitioner without its consent, nor can respondents compel petitioner to so allow such use of its race tracks and equipment under pain of having its license revoked."

Respondents duly filed their respective answers to said petition and the case was heard. After hearing, the court, on July 5, 1957, rendered a decision which, in part, reads:

"The court does not deem it necessary to rule on the deprivation of property of the petitioner and the intervenor without due process of law, as feared by them, because as they have stated, the Philippine Charity Sweepstakes Office is using their premises and equipment under separate contracts of lease voluntarily, and willingly entered into by the parties upon payment of a corresponding rental. There is therefore no deprivation of property without due process of law.

"Wherefore, the court is of the opinion and so holds that once a month on a Sunday not reserved for the Anti-Tuberculosis Society, the White Cross and other charitable institutions by Section 4 of Republic Act No. 309, the Philippine Charity Sweepstakes Office is authorized to hold one regular sweepstakes draw and races, pursuant to Section 9 of Republic Act No. 1502, thus reducing the number of Sundays which may be allotted to private entities by the Games and Amusements Board. * * *."

From this judgment, petitioner and intervenor interposed the present appeal.

The issue is the proper placement of the six (6) additional racing days given to the Philippine Charity Sweepstakes Office, in virtue of Republic Act No. 1502, approved on June 16, 1956.

The authorized racing days specifically designated and distributed in Section 4 of Republic Act No. 309, the basic law on horse racing in the Philippines, as later amended by Republic Act No. 983, are as follows:

A. Sundays:

- (1) For the Philippine Anti-Tuberculosis Society.....
12 Sundays
- (2) For the Philippine Charity Sweepstakes Office (PCSO).....
6 Sundays
- (3) For the White Cross, Inc.....
4 Sundays
- (4) For the Grand Derby Race of the Philippine Anti-Tuberculosis Society.....
1 Sunday

Total.....

23 Sundays

- (5) For private individuals and entities duly licensed by the GAB, other Sundays not reserved under this Act, as may be determined by the GAB

29 Sundays

or 30 for Leap years

Total for the year or 53 for leap years.....

52 Sundays

B. Saturdays:

- (1) For the Philippine Anti-Tuberculosis Society.....
12 Saturdays
- (2) For the White Cross, Inc.....
4 Saturdays
- (3) For private Individuals and entities duly licensed by GAB and as may be determined by it
24 Saturdays
- (4) For races authorized by the President for charitable, relief, or civic purposes other than the particular charitable institutions named above, all other Saturdays not reserved for the latter.....
12 Saturdays

Total.....

52 Saturdays

C. Legal Holidays: All, except Thursday and Friday of the Holy Week, July 4th and December 30th, have been reserved for private individuals and entities duly licensed by the GAB.

As stated, Republic Act No. 1502 increased the sweepstakes draw and races of the PCSO to twelve, but without specifying the days on which they are to be run. To accommodate these additional races, the GAB resolved to reduce the number of Sundays assigned to private individuals and entities by six. Appellants protested, contending that the said increased should be taken from the 12 Saturdays reserved to the President, for charitable, relief, or civic purposes, or should be assigned to any other day of the week besides Sunday, Saturday, and legal holiday.

Appellants' contention cannot be sustained. Section 4 of Republic Act No. 309, as amended by Republic Act No. 983, by express terms, specifically reserved 23 Sundays and 16 Saturdays for the Philippine Anti-Tuberculosis Society, the White Cross, Inc. and the PCSO, and 12 Saturdays to the President for other charitable, relief, or civic purposes. These days can not be disposed of by the GAB without authority of law. As to the remaining racing days, the law provides:

"SEC. 4. Racing days.—Private individuals and entities duly licensed by the Commission on Races (now GAB) may hold horse races on Sundays not reserved under this Act, on twenty-four Saturdays as may be determined by the said Commission (GAB), and on legal holidays, except Thursday and Friday of Holy Week, July fourth, commonly known as Independence Day, and December thirtieth, commonly known as Rizal Day."

It is clear from the above-quoted provision that appellants have no vested right to the unreserved Sundays, or even to the 24 Saturdays (except, perhaps, on the holidays), because their holding of races on these days is merely permissive, subject to the licensing and determination by the GAB. When, therefore, Republic Act No. 1502 was enacted increasing by six (6) the sweepstakes draw and races, but without specifying the days for holding them, the GAB had no alternative except to make room for the additional races, as it did, from among the only available racing days unreserved by any law—the Sundays on which the private individuals and entities have been permitted to hold their races, subject to licensing and determination by the GAB.

It is suggested that the GAB should have chosen any week days or Saturday afternoons. In the first place, weeks days are out of the question. The law does not authorize the holding of horse races with betting on week days (See Article 198 of the Revised Penal Code). Secondly, sweepstakes races have always been held on Sundays. Besides, it is not possible to hold them on Saturdays afternoons as, it is claimed, a whole day is necessary for the mixing of the sweepstakes balls, the drawing of winning sweepstakes numbers, and the running of the sweepstakes races. Be that as it may, since the law has given certain amount of discretion to the GAB in determining and allocating racing days not specifically reserved, and since the court does not find that a grave abuse of this discretion has been committed, there seems to be no reason, legal or otherwise, to set aside the resolution, of the GAB.

Furthermore, appellants contend that even granting that the six (6) additional sweepstakes races should be run on Sundays, yet if they are held on a club race day, the GAB should only insert them in the club races and not give the whole day to the PCSO, to the exclusion of appellants. In support of this contention, the following Quotation from the debate in the House of Representatives before the voting on House Bill No. 5732, which became Republic Act No. 1502, is cited:

"Mr. ABELEDA. If there are no more amendments, I move that we vote on the measure.

"Mr. MARCOS. Mr. Speaker, before we proceed to vote on this bill, I want to make it of record that it is the clear intention of the House to increase by two the ten regular and special Sweepstakes races making it all in all, twelve, and that in cases where a sweepstake race falls in a club race days the Sweepstakes race should be inserted in the club race.

"Mr. ABELEDA. The gentleman from Ilocos Norte is correct. * * *." (t.s.n., Proceedings in House of Representatives, Congress, May 17, 1956; italics supplied.)

Appellants cite in their briefs a number of authorities sustaining the view that in the interpretation of statutes susceptible of widely differing constructions, legislative debates and explanatory statements by members of the legislature may be resorted to, to throw light on the meaning of the words used in the statutes. Upon the other hand, the appellees, likewise, quote in their briefs other authorities to the effect that statements made by the individual members of the legislature as to the meaning of provisions in the bill subsequently enacted into law, made during the general debate on the bill on the floor of each legislative house, following its presentation by a standing committee, are generally held to be inadmissible as an aid in construing the statute. Legislative debates are expressive of the views and motives of individual members and are not safe guides and, hence, may not be resorted to in ascertaining the meaning and purpose of the lawmaking body. It is impossible to determine with certainty what construction was put upon an act by the members of the legislative body that passed the bill, by resorting to the speeches of the members thereof. Those who did not speak, may not have agreed with those who did; and those who spoke, might differ from each other.[1]

In view of these conflicting authorities, no appreciable reliance can safely be placed on any of them. It is to be noted in the specific case before us, that while Congressmen Marcos and Abeleda were, admittedly, of the view that the additional sweepstakes races may be inserted in the club races, still there is nothing in Republic Act No. 1502, as it was finally enacted, which would indicate that such an understanding on the part of these two members of the Lower House of Congress received the sanction or conformity of their colleagues, for the law is absolutely devoid of any such indication. This is, therefore, not a case where a doubtful wording is sought to be interpreted; rather, if we adopt appellants' theory, we would be supplying something that does not appear in the statute. It is pertinent to observe here that, as pointed out by one of appellants' own cited authorities,[2] in the interpretation of a legal document, especially a statute, unlike in the interpretation of an ordinary written document, it is not enough to obtain information to the intention or meaning of the author or authors, but also to see whether the intention or meaning has been expressed in such a way as to give it legal effect and validity. In short, the purpose of the inquiry, is not only to know what the author meant by the language he used, but also to see that the language used sufficiently expresses that meaning. The legal act, so to speak, is made up of two elements—an internal and an external one; it originates in intention and is perfected by expression. Failure of the latter may defeat the former. The following, taken from 59 Corpus-Juris 1017, is in line with this theory:

"The intention of the legislature to which effect must be given is that expressed in the statute and the courts will not inquire into the motives which influence the legislature, or individual members, in voting for its passage; nor indeed as to the intention of the draftsman, or the legislature, so far as it has been expressed in the act. So, in ascertaining the meaning of a statute the court will not be governed or influenced by the views or opinions of any or all members of the legislature or its legislative committees or any other persons."

Upon the other hand, at the time of the enactment of Republic Act No. 1502 in June, 1956; the long, continuous, and uniform practice was that all sweepstakes draws and races were held on Sundays and during the whole day. With this background, when Congress chose not to specify in express terms how the additional sweepstakes draws and races would be held, it is safe to conclude that it did not intend to disturb the then prevailing situation and

practice.

"On the principle of contemporaneous exposition, common usage and practice under the statute, or a course of conduct indicating a particular undertaking of it, will frequently be of great value in determining its real meaning, especially where the usage has been acquired in by all parties concerned and has extended over a long period of time; * * *. (59 C. J. 1023)

Likewise, the language of Republic Act No. 1502 in authorizing the increase, clearly speaks of regular sweepstakes draws and races. If the intention of Congress were to authorize additional sweepstakes draws only which could, admittedly, be inserted in the club races, the law would not have included regular races; and since regular sweepstakes races were specifically authorized, and it would be confusing, inconvenient, if not impossible to mix these sweepstakes races with the regular club races all on the same day (and it has never been done before), the conclusion seems inevitable that the additional sweepstakes drawers and races were intended to be held on a whole day, separate and apart from the club races.

Appellants' contention that to compel them to permit the PCSO to use their premises and equipment against their will would constitute deprivation of property without due process of law, deserves no serious consideration. As the lower court has found, every time the PCSO uses appellants' premises and equipment, they are paid rentals in accordance with the terms of separate contracts of lease existing between them and the PCSO.

The decision appealed from, being in consonance with the above findings and considerations of this Court, the same is hereby affirmed, with costs against the appellants. So ordered.

Paras, C. J., Bengzon, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Gutierrez David, JJ., concur.
Padilla, J., on leave, took no part.

[1] Sutherland on Statutory Construction, 499-501; Ramos vs. Alvarez 97 Phil., 844; 51 Off. Gaz. [II] 56087.

[2] Vaughan Hawkins, in appendix to Thayer's Preliminary Treatise on Evidence.

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