

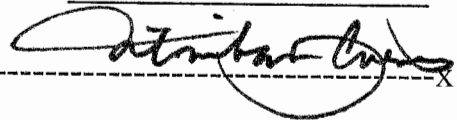
EN BANC

G.R. No. 207118 (REPUBLIC OF THE PHILIPPINES and the CITY OF BAGUIO, Petitioners, v. THE ASSOCIATION OF BARANGAY COUNCILS, represented by its President, RUFINO M. PANAGAN, Respondent)

Promulgated:

April 22, 2025

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DISSENT

LAZARO-JAVIER, J.:

I join the position of Justice Alfredo Benjamin S. Caguioa (Justice Caguioa) that “the *ponencia* cannot rely on Section 391(a)(11) of the Local Government Code as basis [to justify ‘Bingo sa Barangay’], as this only authorizes barangays to conduct ‘fund-raising activities.’”¹

For one. Since 1983, the Philippine Amusement and Gaming Corporation (PAGCOR) is the administrative agency² charged with “centraliz[ing] and integrat[ing] the right and authority to operate and conduct games of chance”³ and “establish[ing] and operat[ing] . . . forms of amusement and recreation including games of chance, which may be allowed by law within the territorial jurisdiction of the Philippines and which will: (1) generate sources of additional revenue . . . and (3) minimize, if not totally eradicate, the evils, malpractices and corruptions that are normally prevalent in the conduct and operation of gambling clubs and casinos without direct government involvement.”⁴

Its creation was impelled by its expertise which allows “the Government to identify potential sources of additional revenue, provided games of chance are strictly managed and made subject to close scrutiny, regulation, supervision and control.”⁵ Thus, it was given the power “to

¹ Reflection of Justice Caguioa, p. 4.

² Administrative Code of 1987 [Introductory Provisions], Section 2(4); *See Evangelista v. PAGCOR*, 941 Phil. 342 (2023) [Per J. Lopez, J., *En Banc*].

³ Presidential Decree No. 1869, Section 1(a).

⁴ Presidential Decree No. 1869, Section 1(b).

⁵ Presidential Decree No. 1869, 4th Whereas clause.



regulate and centralize thr[ough] an appropriate institution **all games of chance** authorized by existing franchise or permitted by law.”⁶

Notably, PAGCOR’s mandate is clear and all-encompassing. *Verba legis non est recedendum*. From the words of the statute, there must be no departure.⁷ As such, it was the burden of respondent to convincingly show that “Bingo sa Barangay” does not fall under the jurisdiction of PAGCOR. This, it failed to do.

On the contrary, and as astutely observed by Justice Caguioa, Section 391(a)(11) of Republic Act No. 7160 or the Local Government Code (LGC) contains the proviso that the barangay “cannot supersede the regulatory requirements over specific activities, as these are always subject to national policy standards and regulations on morality, health, and safety.”⁸ Presidential Decree No. 1869, as amended by Republic Act No. 9487 is one such national policy standard that respondent should have complied with.

More, PAGCOR has been regulating games of chance for more than 41 years. Thus, its classification of bingo as an activity within its jurisdiction is entitled to great weight and respect considering its experience and expertise in the field.

For another, I submit that the doctrine of *lex specialis derogate generali* applies here. In *Department of Health v. Philip Morris Philippines Manufacturing, Inc.*,⁹ the Court ordained:

General legislation must give way to special legislation on the same subject, and generally is so interpreted as to embrace only cases in which the special provisions are not applicable. **In other words, where two statutes are of equal theoretical application to a particular case, the one specially designed therefore should prevail.** (Emphasis supplied)

On the one hand, Presidential Decree No. 1869, as amended by Republic Act No. 9487, is specially designed to govern games of chance, including bingo. On the other, the LGC is geared towards “genuine and meaningful local autonomy” and “a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources.”¹⁰ On the level of the State’s declared policy, it is already clear which of the two laws law must govern.

The answer remains the same even if the Court were to dissect the very activity in question. By definition, bingo is a game of chance. That it is **incidentally** used as a fund-raising activity does not detract from its true

⁶ Presidential Decree No. 1869, 1st Whereas clause.

⁷ *Sison v. COMELEC*, 363 Phil. 510 (1999) [Per J. Romero, *En Banc*].

⁸ Reflection of Justice Caguioa, pp. 2 and 4.

⁹ 757 Phil. 212 (2015) [Per J. Perlas-Bernabe, First Division].

¹⁰ LGC, Section 2(a).

nature. Thus, there is an opportunity for the Court to make a clear delineation: (a) All games of chance, like bingo, are under the jurisdiction of PAGCOR; and (b) Other fund-raising activities, **which are not games of chance**, are within the jurisdiction of local government units, subject to the provisions of Section 391(a)(11) of the LGC.


AMY C. LAZARO-JAVIER