

Republic of the Philippines
Province of Cagayan
TUGUEGARAO CITY

NINTH CITY COUNCIL

COMMITTEE REPORT NO. 033-2024

January 29, 2024

Submitted by:

COMMITTEE OF THE WHOLE

HON. BIENVENIDO C. DE GUZMAN II	-	City Vice Mayor/Chairman
HON. MARK ANGELO B. DAYAG	-	Member
HON. MARIA ROSARIO B. SORIANO	-	Member (Via Zoom)
HON. RONALDO S. ORTIZ	-	Member
HON. MARY MARJORIE P. MARTIN-CHAN	-	Member
HON. IMOGEN CLAIRE M. CALLANGAN	-	Member
HON. JUDE T. BAYONA	-	Member
HON. KARINA S. GAUANI-VIERNES	-	Member (Via Zoom)
HON. ARNEL T. ARUGAY	-	Member
HON. GRACE B. ARAGO	-	Member
HON. TIRSO V. MANGADA	-	Member
HON. RESTITUTO C. RAMIREZ	-	Ex-Officio Member
HON. CERENE PEARL T. QUILANG	-	Ex-Officio Member (Via Zoom)

ABSENT:

HON. GILBERT S. LABANG
HON. MARC ALDOUS C. BACCAY

GUESTS/RESOURCE PERSONS:

ATTY. JOZSEF TED MENDOZA FURIGAY	-	Macababbab Law Offices
BUENAVENTURA F. LAGUNDI	-	City Treasurer
RYAN BALUBAL	-	BPLO Representative

SUBJECT: INQUIRY IN AID OF LEGISLATION ON THE USE OF BETTING MACHINE BY DUPAYA RECREATION CENTER, INC. AND FOR ENACTMENT OF APPROPRIATE RESOLUTION AND/OR ORDINANCE ON THE MATTER.

FOR THE PRESIDING OFFICER:

The Committee of the Whole met and deliberated on the information on the use of betting machine on the operations during regular days and special derbies of Dupaya Recreation Center, Inc. located at Leonarda, Tuguegarao City, Cagayan. The matter regarding the use of betting machine was brought to the attention of the members of the Sangguniang Panlungsod, 9th City Council during its regular sessions.

The meeting on the subject matter also stemmed from the continued failure and deliberate refusal of Ms. Elizabeth Dupaya to appear in the regular session of the sangguniang panlungsod despite several letters of invitation sent to her.

The Presiding Officer has directed the Chairman of the Committee on Games and Amusement to facilitate the discussions on the matter.

The members inquired the authority of Atty. Furigay to represent Ms. Dupaya and/or the Dupaya Recreation Center Inc. The members required Atty. Furigay to produce Board Resolution and Special Power of Attorney by the Board of Directors of the Dupaya Recreation Center, Inc. to authorize Ms. Elizabeth Dupaya and/or Atty. Glenn Macababbad and/or his associates to appear for the corporation in all Sangguniang Panlungsod proceedings.

Mr. Buenaventura Lagundi informed the body that Dupaya Recreation Center, Inc. is using betting machine. He stated that he prohibited his employees assigned to monitor the conduct of cockfighting operation of the Dupaya Recreation Center, Inc. from collecting amusement tax or any fee from the use of betting machine for lack of legal basis. He informed the Body that the collections by the city government from the amusement taxes have declined due to the use of betting machine by Dupaya Recreation Center, Inc.

Other proofs of using betting machine are videos taken in the premises during derbies and documents presented by the management admitting use of the same.

FINDINGS:

During the Regular Session of the Sangguniang Panlungsod held last January 23, 2024, Atty. Glenn M. Macababbad submitted a Request to put on record his formal entry of appearance as the legal counsel of Ms. Elizabeth Dupaya. During the session, the Letter dated January 19, 2024 of Atty. Macababbad was read in the plenary. In his letter, he stated among others:

*With the utmost respect, **repleading**, her previous reply-letters and to avoid being repetitive, as to your concern regarding the use of a betting machine, we would like to inform you that the records of the City Council will more than satisfy your concerns. The use of a betting machine was in fact first encouraged, even enjoined, by the Department of Interior and Local Government (DILG) during the COVID pandemic pursuant to its Memorandum No. 2022-003 and the practice was retained due to its beneficial effects on the LGU coffers.*

In fact, it is also of public knowledge that almost all cockpit operators, in the nearby City, has been utilizing said scheme, i.e., La Gallera de Cagayan, in Iguig, Cagayan; Solana Cockpit Arena, in Solana, Cagayan, to name a few.

My client, is very much willing and open to pay whatever lawful and reasonable assessment and collection, the City may impose in the operation and use of the betting machine under the premises.

Carefully perusing the Letter of Atty. Macababbad, there is an implied admission that Dupaya Recreation Center, Inc. had already been using betting machine in its cockpit operation. This admission can also be gleaned in her Letter-reply to Vice-Mayor Bienvenido C. De Guzman II.

Records reveal that during the presentation of Committee Report No. 271-272 of the Committee on Games, Entertainment and Amusement thru its Chairman Hon. Tirso Mangada, the Committee Report contains the following findings and conditions and paragraph 6 thereof is hereby quoted: ***“The Dupaya Recreation Center should adhere to traditional calling (kristo) and should not engage into machine during regular derby as manifested by Hon. Ronaldo S. Ortiz”***

Hon. Ronald Ortiz reiterated his manifestations that the prevailing law is PD No. 449 known as the Cock Fighting Law of the Philippines and City Ordinance No. 32-08-2019. He also cited Executive Order from Malacanang and Supreme Court jurisprudence.

Hon. Ortiz stressed that since there is no law allowing the use of betting machine, the use of the same is prohibited hence, Dupaya Recreation Center, Inc. should revert to traditional betting through human bet takers (Kristo).

Hon. Mary Marjorie P. Martin –Chan manifested that the use of betting machine during the cockfighting activities maybe a ground for revocation of the resolution granting special permit or even constitutes a violation of City Ordinance No. 51-09-2022 “*AN ORDINANCE GRANTING THE RENEWAL OF A LEGISLATIVE FRANCHISE TO DUPAYA RECREATION CENTER, INC. TO OPERATE A COCKPIT IN BARANGAY LEONARDA, TUGUEGARAO CITY FOR A PERIOD OF THREE (3) YEARS SUBJECT TO STRICT COMPLIANCE WITH THE PROVISIONS OF CITY ORDINANCE NO. 32-08-2019*”

The imposition of appropriate sanction for violation of the conditions even if it may amount to closure of the establishment, recall of any previous resolution or revocation of franchise for clear violations of the law or ordinance were also manifested by members of the Committee of the Whole.

Hon. Jude Bayona cited City Ordinance 32-08-2019 “An Ordinance Amending Ordinance No. 08-2005, Otherwise known as the Tuguegarao City Revised Cockfighting Ordinance of 2005”. *City Ordinance No. 32-08-2019* expressly provides in *Section 12* hereunder quoted for your proper information:

SECTION 12. REGISTRATION OF COCKFIGHTING OFFICIALS. *Only duly registered cockfighting officials shall be allowed to officiate in cockfights. The Following cockfighting officials are required to register with the Office of the City Mayor before they may be allowed to exercise their profession or work and perform their functions as such officials:*

- a. Pit Manager
 - b. Referees (Sentenciador)
 - c. **Bet Taker (Kristo)**
 - d. Bet Manager (Kasador)
 - e. Gaffers (Mananari)
 - f. Doctors
 - g. Cashiers
- (Emphasis supplied)*

Section 12 does not include “**Betting Machine**”. The section pertains to natural persons and are not machine. Betting machine is not included among those considered as cockfighting officials.

RECOMMENDATION:

After thorough discussions, the Committee of the Whole recommends the following:

1. To issue FINAL NOTICE with stern warning to Dupaya Recreation Center, Inc. to strictly adhere to the provisions of existing Law and City Ordinances relative to cockfighting operation. Any violation of the same after receipt of said notice shall be ground for any and all appropriate legal action by the Sangguniang Panlungsod;
2. To revert to the use of registered human bet takers (Kristos) and to stop the use of betting machine in soliciting bets from cock fighting aficionados;

3. To revisit the existing Cockfighting Ordinance and Revenue Code of Tuguegarao City;
4. To require Ms. Elizabeth G. Dupaya to provide the Sanggunian appropriate Board Resolution of the Dupaya Recreation Center, Inc. authorizing her and /or her counsel the Law Office of Atty. Glenn M. Macababbad to represent her and the corporation in all the proceedings of the Sangguniang Panlungsod of Tuguegarao City; and
5. To furnish Ms. Elizabeth G. Dupaya and the Law Office of Atty. Glenn M. Macababbad of the copies of this Committee Report which shall serve as Final Notice with Stern Warning and for their compliance of documentary requirements based on the manifestations of the members.

SO RECOMMENDED.

Respectfully submitted:



HON. BIENVENIDO C. DE GUZMAN II
 City Vice Mayor/Chairman


HON. TIRSO V. MANGADA
 Chairman, Committee on Games, Entertainment and Amusement

HON. MARK ANGELO B. DAYAG
 Member


HON. MARIA ROSARIO B. SORIANO
 Member



HON. MARY MARJORIE P. MARTIN-CHAN
 Member


HON. RONALDO S. ORTIZ
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