

# REPUBLIC ACT NO. 309

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## REPUBLIC ACT NO. 309 - AN ACT TO REGULATE HORSE-RACING IN THE PHILIPPINES

Section 1. The Commission on Races. — The supervision and regulation of horse-races in the Philippines shall be vested in a Commission on Races, to consist of a chairman and four members, who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of Congress for such term as the President may determine and who shall be removable at his pleasure. The Chairman shall receive a salary of twelve thousand pesos per annum, and each member shall be entitled to a per diem of sixty pesos for each day of race and for attendance at meetings of the Commission, the number of meetings for which each attending member shall be compensated not to exceed two a week. For administrative purposes, the Commission shall be under the supervision and control of the Department of the Interior.

Section 2. Powers and duties. — The Commission on Races shall, subject to the approval of the Secretary of the Interior, have the power to prescribe additional rules and regulations not inconsistent herewith to govern the operation of race-tracks and the conduct of horse-racing. It shall be its duty to enforce the laws, rules and regulations relating to horse-races and to approve all rules and regulations issued by the Philippine Charity Sweepstakes Office or any other entity affecting all horse-races held by them; to require that race-tracks be properly constructed and maintained; that adequate sanitary accommodations be provided in the tracks, grandstands, stables and other structures of racing clubs; that there be an equipped emergency clinic for the care and treatment of injuries and ailments of jockeys and track personnel; it shall prohibit the use of improper devices, drugs, stimulants or other means, so as to artificially enhance the speed of horses or materially harm their condition; it shall have the supervision over all race-track or racing club officials or employees authorized or required to be appointed under this Act and over all horse-races, whether in connection with sweepstakes or otherwise, authorized to be held by the Philippine Charity Sweepstakes Office or any other entity; and it shall exercise such other powers and perform such other duties, as may hereafter be prescribed by law or regulations.

Section 3. Racing license. — It shall be unlawful for any person, race-track, racing club, or any other entity to hold or conduct any horse-racing, wherein betting in any form is allowed, unless duly licensed therefor by the Commission on Races. Every license issued shall specify the person, race-track, racing club, or entity to which the same is issued, the place, enclosure or track where the races are to be held, and the days upon which the same will be permitted. Such license may be suspended or revoked by the Commission on Races for any just cause.

Section 4. Racing days. — Private individuals and entities duly licensed by the

Commission on Races may hold horse-races on Sundays not reserved under this Act, on twenty-four Saturdays as may be determined by the said Commission, 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. The second Sunday and the first Saturday afternoon of each month shall be reserved for races held by the Philippine Anti-Tuberculosis Society. The fourth Sunday of February, April, June, August, October and the third Sunday of December shall be reserved for races held by the Philippine Charity Sweepstakes Office. The fourth Sunday of January, May, July, and September and the second Saturday afternoon of January, April, July, and October shall be reserved for races held by the White Cross, Inc. The fourth Sunday of March shall also be reserved for the national race, commonly known as the Grand Derby Race, held by the Philippine Anti-Tuberculosis Society. Other Saturday afternoons shall be reserved for races authorized by the President of the Philippines for charitable, relief or civic purposes.

Section 5. Racing officials. — No private individual or entity may employ any jockey, starter, weigher or any other official performing duties directly connected with the running of races, unless such person or track official has been duly licensed by the Commission on Races. Such license shall be obtained from the Commission yearly and shall, however, be subject to withdrawal or revocation in any case where the Commission shall have reason to believe that any of the aforesaid persons is incompetent, or is guilty of any dishonest or fraudulent practice, or was violated any law, rule or regulation on horse-racing. Charitable, relief, or civic organizations authorized to hold races may employ their own personnel to manage said races.

Section 6. Records of tickets sold. — No person, race-track, racing club, nor any other entity holding horse-races the crossings of which on any race day exceed fifty thousand pesos, shall be allowed to hold races, unless such person, race-track, racing club, or entity is provided with an automatic, electrically-operated public indicator system and ticket-selling machines, by means of which every ticket purchased on every horse in any race, shall be automatically and instantaneously recorded by electrical impulse on a prominently-displayed bulletin board, each figure, letter, or symbol of which shall be readable from a distance. However, any such person, race-track, racing club or entity may, upon proper application, be provisionally licensed by the Commission on Races to hold horse-races even without the required automatic electric totalizator: Provided, That it shall provide itself with mechanical or other devices by which every ticket purchased on every horse in any race shall be recorded on a prominently-displayed bulletin board readable from a distance in lieu of the required automatic electric totalizator which shall be subject to the approval of the Commission on Races after they have been tested and found by the Commission to be satisfactory: And provided, further, That such person, race-track, racing club, or entity shall acquire and install within its premises the required automatic electric totalizator within such period as may be determined by the Commission but not beyond June thirty, nineteen hundred and forty-eight, and failure to comply with this requirement shall cause the cancellation of their respective licenses.

Section 7. Official starters. — Every person, race-track, racing club, or any other entity

holding horse-racing shall appoint official starters for the races. The stewards of the day shall designate a starter from among those appointed by the club to officiate in each race.

Section 8. Stewards and judges. — There shall be at least three stewards on each racing day, who may also act as the judges of finish. They shall have the necessary powers to supervise the conduct of the races, and to enforce the rules and regulations applicable on all questions and matters arising during the racing day. It shall be their duty to determine and decide the win, place, and show horses in each race; to render the decision in all events in the order the winning horses shall have crossed the tape line, and in case of closely contested events as shown by the photo-finish picture, which in all such cases shall be taken, to apply and to enforce the penalties provided against offending jockeys, trainers, horse owners, track employees, or other persons, who in any way perform duties connected with the races; and to perform such other duties as may be prescribed by the Commission on Races.

Section 9. Handicappers. — Every person, race-track, racing club, or any other entity holding horse-races shall employ at least one handicapper. It shall be the duty of the handicappers to keep a complete and up-to-date record of all registered horses, their owners, color, height, and such other characteristics as will aid in their proper identification, the particular group or class to which each horse belongs, together with the weight each carried in the previous races participated in. The handicappers shall prepare the program of races in accordance with such rules and regulations as the Commission on Races may prescribe. Such program shall, however, be subject to the approval of the said Commission before it can be published as the official program of the person, race-track, racing club, or entity concerned.

Section 10. Field inspectors. — The Commission on Races shall appoint the necessary field inspectors to watch the event during each racing day. They shall be assigned at various places throughout the race-track. It shall be their duty to carefully observe and detect anomalies and irregularities of any nature that may be committed during the progress of a race, or at the starting or finishing of a race; and to detect any fraudulent or dishonest deals, transactions or acts that may be committed in the race tracks. They shall report immediately any such anomalies, irregularities or fraudulent or dishonest acts, which they may discover, to the stewards of the day, who shall promptly take such action as the circumstances may warrant. Their salaries or compensation shall be fixed by the Commission subject to the approval of the President of the Philippines.

Section 11. Track auditors and checkers. — For the purpose of supervising and verifying the accuracy of reports of any person, race-track, racing club, or any other entity holding races, with respect to the totalizator receipt or the total amount of wager made on each racing event, the dividends awarded for winning horses, whether win, place, or show on each event, and other matters referring to the financial computations or statements, the Commission on Races shall appoint such number of auditing officers and checkers as may be necessary to be placed in the offices and tracks of the person, race-track, racing club, or entity concerned. It shall be the duty of said auditing officers and checkers to report to the Commission any irregularities or erroneous computations, which

they may discover in connection with reports on the totalizator sales or the total sales of wager tickets, or the dividends awarded on each racing event. Their salaries or rate of compensation shall be fixed by the Commission, subject to the approval of the President of the Philippines.

Section 12. Jockeys. — No person, race-track, racing club, nor any other entity holding horse-racing shall allow a person to ride as jockey, unless such person possesses the qualifications to be prescribed by the Commission on Races. The Commission may, however, permit gentlemen or lady riders without license in special event.

Section 13. Quartering of jockeys. — Before the start of the races in any day, all the jockeys that are registered to ride during that day, shall be quartered in an assigned enclosure of the race-track apart from the public. They shall not be allowed to communicate with any person or persons in the race-tracks, except with authorized officials or representatives of the person, race-track, racing club, or any other entity holding horse-racing concerned or the officials of the Commission on Races. They shall be allowed to come out of the enclosure only at the time of riding in a race, and shall be kept there until after they have run their last race of the day.

Section 14. Entries. — When two or more horses belonging to one owner or are trained or cared for in one stable are entered in the same race, such horses shall be considered as an "entry" only and paired in the betting as one horse, so that if any of the said horses wins, the holders of the tickets for the "entry" shall be entitled to the dividends. No horse may participate in a race unless it carries a number and tickets are offered for sale on such a horse. The handicappers at their discretion may group two or more horses participating in a race in a "field" when such horses belong to different owners or are cared for or trained in different stables. Such horses shall be grouped in the betting as one and when any of such horses wins, all holders of the "field" tickets shall be paid the dividends corresponding to the "field".

Section 15. Betting. — The face-value of totalizator tickets for wager may be one peso, two pesos or five pesos, whether for win, place, or show. The face-value of said tickets, as the case may be, shall be the basis for the computation of dividends, and such dividends shall be paid after eliminating fractions of ten centavos: for example, if the resulting dividend is ten pesos and ninety-eight centavos, the dividend that shall be paid will be only ten pesos and ninety centavos. If no ticket has been sold on a winning horse, whether for win, place or show, the dividends corresponding to such race shall be paid out to the holders of tickets sold on the horses that finished dead heat, or on the horse that finished next to that on which not a single ticket was sold: Provided, That the owner of said winning horse shall be entitled to the corresponding stake or prize.

Section 16. Daily-double races. — Every person, race-track, racing club or any other entity holding horse-racing may hold daily-double events as may be authorized by the Commission on Races pursuant to the rules and regulations prescribed by said Commission.

Section 17. Announcement in daily-double races. — Before starting the first race of a daily-double event, the person, race-track, racing club, or any other entity holding the races, shall announce through loud-speakers, the names of jockeys mounting each horse, the weights on each horse, the number of tickets sold on each horse, and the total number of tickets sold on the race. The same process shall be repeated before starting the second race of a daily-double event, except that in this case, the number of tickets sold on each horse of the second race, coupled with the winning horse of the first race, shall be announced, instead of the tickets sold on each horse of the second race. The person, race-track, racing club, or any other entity holding a daily-double race shall submit to the auditors of the Commission on Races the stubs of tickets sold and such other information on the betting as may be required for verification.

Section 18. Hour of running daily-double races; posting of ticket sales. — The time for the running of the first race of any daily-double event shall be determined by the Commission on Races depending upon the circumstances surrounding each racing-day which shall be announced to the public by the person, race-track, racing club, or entity holding the races through loudspeakers at the time of the selection of the races constituting the daily-double event, and the second race thereof shall be run not later than forty-five minutes after the first race. The sale of tickets for the daily-double races shall be allowed after the Commission on Races or its authorized representatives has announced to the public the two races constituting each daily-double event. The number of tickets sold on each horse in the two races of each daily-double event and the totals thereof shall be posted at conspicuous bulletin boards. This information shall also be given to the public through loudspeakers. The closing of the sale of tickets for each event shall be properly announced by the ringing of a bell after which no more tickets shall be sold.

Section 19. Distribution of receipts. — The total wager funds or gross receipts from the sale of pari-mutuel tickets shall be apportioned as follows: eighty-seven and one-half per centum shall be distributed in the form of dividends among holders of win, place and show horses, as the case may be, in the regular races; twelve and one-half per centum shall be set aside as the commission of the person, race-track, racing club, or any other entity conducting the races, which shall include the amounts for the payment of authorized stakes or prizes for win, place and show horses, and authorized bonuses for jockeys; and in the case of daily-double races, the gross receipts derived from the total sale of daily-double tickets shall be apportioned in the same manner as provided hereinabove, except that the eighty-seven and one-half per centum of the gross receipts from the total sale of daily-double tickets shall be distributed in the form of dividends among the holders of the winning combination of horses, that is, the two horses that won first place in the two races, instead of among holders of win, place and show horses, as in the case of regular races: Provided, however, That of the twelve and one-half per centum representing the commission of the person, race-track, racing club, or any other entity holding horse-racing an amount equivalent to one-half per centum of the total wager funds or gross receipts from the sale of tickets shall be set aside and turned over by the person, race-track, racing club, or any other entity holding horse-racing as a special fund to the Commission on Races to cover its expenses and such other purposes authorized

under this Act. Any unexpended balance of this fund at the end of each year in excess of ten thousand pesos shall be turned over to the Bureau of Animal Industry to be used by the latter exclusively for the promotion of horse-breeding in the Philippines.

Section 20. Appeal from Commission. — Any ruling, decision, and order of the Commission on Races may be appealed to the Secretary of the Interior, whose decision shall be final.

Section 21. Persons prohibited from betting. — Racing clubs, race-tracks, persons or entities holding horse-races, and their officials, including stewards, judges, handicappers, jockeys and starters shall not be permitted to participate directly or indirectly, in the betting on races conducted in their own race-tracks; and members of the Commission on Races, including officials and employees of such Commission, on any race.

Section 22. Persons prohibited admission. — Minors under eighteen years of age, except when accompanied by their parents or guardians, persons carrying deadly weapons or firearms of any description, except peace officers or officials of the race-track or racing club or of the Commission on Races, in the performance of their official functions, and intoxicated persons, shall not be admitted or allowed to remain in a race-track during a racing day. Minors shall in no case be allowed to bet or to purchase wager tickets for others; and minors under fifteen years of age shall in no case be allowed admission in any race track.

Section 23. Personnel of the Commission. — The Commission on Races shall appoint such other assistants, agents and other personnel as it shall deem necessary; and it shall fix, subject to the approval of the President, their salaries or rate of compensation.

Section 24. Books, records and accounts. — The Commission on Races or its duly authorized representative shall have the power to inspect at all times the books, records and accounts of any person, race-track, racing club, or any other entity holding horse-racing. It may require that the books and financial or other statements of such person, race-track, racing club, or other entity holding horse-racing shall be kept in such manner as it may prescribe.

Section 25. Presentation of license or permit. — No city or municipal official in charge of the collection of license fees on race-tracks and occupations or trade connected with horse-racing mentioned in the next succeeding section and those which may be determined by the Commission on Races from time to time, shall collect such fees and issue a tax certificate, unless the applicant submits a license or permit in writing from the Commission on Races, authorizing such applicant to operate a race-track or conduct horse-racing on the days specified in the license or permit or to engage in such occupations or trades.

Section 26. License fees. — (a) A race-track licensed to conduct horse-racing shall pay a minimum annual fee of two thousand pesos. (b) For the privilege of holding or conducting races a person, race-track, racing club, or any other entity conducting horse-

racing shall pay a city or municipal license fee of six hundred pesos for each day of racing: Provided, That the national tax of three hundred pesos shall also be paid for each day of racing as provided in the National Internal Revenue Code.

Section 27. Laws affected. — Act Numbered Four thousand two hundred forty, entitled, "An Act to revise, amend, and consolidate all laws governing horse-races, limit the same to certain special dates, prohibit any person or body of persons other than that conducting a horse-race from maintaining or using a totalizer or system of betting or gambling on such race, provide penalties for the violation hereof, and for other purposes," Commonwealth Acts Numbered One hundred forty and One hundred fifty-four amending Act Numbered Four thousand two hundred forty; Executive Order Numbered Three hundred twenty, dated January twenty-seventh, nineteen hundred forty-one, regulating the maintenance and operation of race-tracks and horse-racing; and Executive Orders Numbered Ninety-nine, dated March eleventh, nineteen hundred forty-six, Numbered One hundred nine, dated December fifth, nineteen hundred forty-seven, and Numbered One hundred seventeen, dated January second, nineteen hundred forty-eight, amending Executive Order Numbered Three hundred twenty, are repealed. The following laws and regulations, as modified by this Act, shall remain in force: Act Numbered Four thousand one hundred thirty, entitled "An Act to revise, amend and consolidate all existing laws relative to horse-races with sweepstakes, for charitable purposes, create a board of trustees, and for other purposes," as amended by Commonwealth Act Numbered Three hundred one and Five hundred forty-six and Republic Act Number Seventy-two; Commonwealth Act Numbered One hundred fifty-six, entitled "An Act authorizing the Philippine Anti-tuberculosis Society to hold horse races, with betting, for charitable and civic purposes and to promote horse-breeding in these Islands," as amended by Commonwealth Act Numbered Four hundred eighty-four; Commonwealth Act Numbered Three hundred sixty-three, entitled "An Act authorizing the White Cross, Inc., to hold horse-races, with betting, for charitable and civic purposes and to promote horse-breeding in the Philippines;" Commonwealth Act Numbered Five hundred ninety-five entitled "An Act to authorize the Philippine Charity Sweepstakes Office to hold annually one special sweepstakes race for the benefit of the Boy Scouts of the Philippines and another for the benefit of the Philippine Amateur Athletic Federation; and Republic Act Numbered Seventy-nine, entitled "An Act to authorize the holding by the Philippine Charity Sweepstakes Office of horse-races, with betting, on Saturday afternoons, for charitable, relief and civic purposes."

Section 28. This Act shall take effect upon its approval: Provided, That all charitable institutions entitled to hold horse-races for a certain number of days every year shall be permitted to hold such races this year for the total number of days they are entitled to under the laws in force prior to the approval of this Act, and the Commissioner on Races shall make the necessary adjustments for such purpose.

*The Commission Approved: June 18, 1948*