

Demystifying Ambiguity: A Forensic Discourse Analysis of Senate Bill No. 2868 or The Anti-Pogo Act

Erika E. Marcos

University of Mindanao, Davao City, Philippines

e.marcos.525063@umindanao.edu.ph

Ronna Marie Nogalo

University of Mindanao, Davao City, Philippines

r.nogalo.524103@umindanao.edu.ph

Francis Mae Gunayan

University of Mindanao, Davao City, Philippines

f.gunayan.526957@umindanao.edu.ph

Kyrie Jacqfyll Monday

University of Mindanao, Davao City, Philippines

k.monday.512004@umindanao.edu.ph

Maico Demi B. Aperoch

University of Mindanao, Davao City, Philippines

maperocho@umindanao.edu.ph

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Abstract

This study investigates the linguistic ambiguities in Senate Bill No. 2868, also known as the Anti-POGO Act, using the Classifications of Ambiguity by Bernardo and Albaña-Garrido (2023) in their research on disambiguating the Philippine Republic Act. The researchers utilized forensic discourse analysis to examine the ambiguities employed in the legal text and shed light on the importance of plain language, clarity, precision, and legal intelligibility in drafting statutes to reduce misinterpretation by courts, lawmakers, and laypersons in the Philippine context when passed into law. The analysis of Senate Bill No. 2868 revealed that lexical, contextual, semantic, syntactic, vagueness, referential, cross-textual, and pragmatic ambiguities were identified in the proposed statute. The findings also showed that the modal verb "shall" engenders semantic ambiguity in its use in the legal text, and some typographical errors were discovered. Moreover, this paper highlighted the relationship between the linguistic ambiguities examined and socio-political issues surrounding POGOs in the Philippines. This research is helpful in the analysis of the growing number of forensic discourses in the country and understand the intersection of language and law in the area of scrutiny.

1. INTRODUCTION

Forensic linguistics (FL) is a specialized discipline within applied linguistics that studies the interface between language and law. It is concerned with the written and spoken discourse in

the legal system by providing careful examination and systematic analysis of language use, such as in regional, national, and international laws, transcripts of interviews, criminal messages, translations of legal documents, notes, phone messages, handwritten letters, social media posts, and witness, suspect, and victim interviews (Bernardo & Albaña-Garrido, 2023). However, forensic linguistics is not limited to criminal acts; legal texts or statutory documents, including legislative acts and bills, have also been scrutinized in forensic linguistics.

As Bernardo and Albaña-Garrido (2023) stated, one prevalent but often overlooked feature of language is ambiguity, and forensic linguistics analyzes these ambiguities, for instance, in Senate Bill, to resolve contradictory interpretations if passed into law. According to Schane (2016), ambiguity, in a general manner, refers to how language is utilized and understood. A term is ambiguous if it lacks clarity or uncertainty regarding its meaning or application. This type of language is frequently employed in legal contexts, such as documents, where it may give rise to disputes and legal action. However, Schane also criticized and clarified the restricted meaning of ambiguity, which alludes to the lexical and grammatical features intrinsic to language. Lexical ambiguity occurs if a term has several definitions in the dictionary, but syntactic or structural ambiguity happens when a sentence's grammatical structure allows for various interpretations. Only limited studies to date have addressed linguistic ambiguities in the country, especially in Philippine legal texts (such as statutes), for example, the study of Bernardo and Albaña-Garrido (2023) on the ambiguities in RA 10913. However, the ambiguity of a Senate Bill in the Philippines has not yet been explored. Therefore, statutes serve as the backdrop for the current study and remain a rich source of analysis from a forensic linguistics perspective.

Dosas (2024) argued that “the law in its truest and purest essence should be very simple and clear, the focus should not be on convoluted interpretations or the nuances of legal language.” Kardaleska-Radojkova and Srceva-Pavlovska (2025) ascertain that laws should be concise, simple, and void of vague expressions. However, ambiguities are still inherent in statutory provisions; so it is essential that anyone involved in the legal process, that is, lawmakers, judges, lawyers, and anyone who works in the legal system, possess a particular awareness of linguistic principles to have a fair, legal, and effective procedure, especially in interpreting and constructing the provisions of a statute. Hence, this study analyzes the Philippine statute, specifically Senate Bill No. 2868.

The current issue about the Philippine Offshore Gaming Operator, known as POGO, alarms the government and public about the illegal activities on their premises. With that said, they have become the subject of investigation since POGO mainly operates in the country by offering online gaming services, such as electronic casinos and sports betting, among others, to overseas customers, in which players make bets and payouts through various online platforms (Peralta-Malonzo, 2024). However, serious crime and human rights violations were executed inside their establishments, including illegal drug use, human trafficking, sexual exploitation, financial scamming, money laundering, kidnapping, brutal torture, and even murder, to name a few, serving as breeding grounds for unlawful operations. Additionally, concerns about immigration issues also arise from foreign nationals working for POGOs who appear to be entering and staying in the Philippines illegally (Iglesias, 2024). As a result, many are now calling for a total ban on POGOs.

On November 5, 2024, a bill was filed by the three Philippine senators to ban POGO hubs from operating in the country following the pronouncement of President Bongbong Marcos in his third State of the Nation Address (SONA), which they call Senate Bill No. 2686 or the Anti-POGO Act in substitution of the SB Nos. 2689 and 2752 aim to prohibit offshore gaming operations in the country and declare them unlawful. Thus, the said statute needs to be scrutinized in its linguistic application in the legal context to demystify potential ambiguities in the legislative text, which can cause misinterpretation and unintelligibility of legal documents, particularly in the Philippines.

Given the issues surrounding legislative text, such as a statute, this study aims to investigate and demystify the linguistic ambiguities used in Senate Bill No. 2868 or the Anti-POGO Act by exploring the lexical, semantic, syntactic, referential, cross-textual, and pragmatic features, to uncover the hidden meaning of the ambiguous language used in the legal document and how the lack of clear criteria affects and challenges legal interpretation and enforcement. To achieve these objectives, the researchers sought to answer the research question: (1) What categories of ambiguity are evident in Senate Bill 2868 or the Anti-POGO Act? The purpose of this study lies in the obscurity of the language used in the legislative text to shed light on the importance of plain language, clarity, precision, and legal intelligibility in drafting statutes to reduce misinterpretation by courts, lawmakers, and laypersons in the Philippine context when passed into law.

The findings of this study contribute to the growing field of forensic linguistics and legal discourse by examining the language and structure of Senate Bill No. 2868, the Anti-POGO Act. In addition, this analysis helps identify areas of ambiguity that could lead to misinterpretation and inconsistent application of the law. Ultimately, by bringing clarity to these issues, this study benefits the legislators in crafting a bill to avoid vagueness in language use and how it affects and challenges legal interpretation. Further, this study raises awareness among the Congress and Executive branches and guides them before a bill is passed and enacted in the Philippines. The result of this study can also impact a more informed and effective legislative process, creating more intelligible and equitable laws that empower the public to comprehend the rights and obligations outlined in the law. Lastly, the findings of this research help future researchers who wish to conduct the same study, as this may serve as a source of information and open opportunities to further improve and contribute to the study matter.

The discussion is grounded in Bernardo and Albaña-Garrido's (2023) Classification of Ambiguities in their study titled "Disambiguating Philippine Republic Acts: The Case of RA 10913," which serves as the theoretical framework for analyzing the findings. Bernardo and Albaña-Garrido (2023) argue for the resolution and disambiguation of ambiguity in legal text. Hence, several considerations must be followed to resolve these ambiguities in legal language. With these considerations, classifying ambiguities, such as lexical, semantic, syntactic, structural, contextual, unintended, referential, cross-textual, and pragmatic, should be understood regarding their occurrence and production. Each type of ambiguity arises under specific conditions and contributes uniquely to potential misunderstandings or complexities in communication (Dangwal & Alnuzailli, 2022).

2. METHOD

The researchers utilized qualitative research employing line-by-line analysis to examine and demystify the ambiguities of the statute known as Senate Bill No. 2868 or the Anti-POGO Act through its linguistic elements, such as words, phrases, clauses, sentences, and paragraphs (Bernardo & Albaña-Garrido, 2023). According to McCall (2024), qualitative research emphasizes collecting and examining non-numerical data to gain an in-depth understanding of human behavior, experiences, and perspectives, involving researchers to identify meaning, patterns, and themes. The researchers selected Senate Bill No. 2868 as the corpus of the study, collected from the official website of the Senate of the Philippines. The corpus was purposely chosen based on the following criteria: (a) it should be a legal document, (b) it should be from the Senate of the Philippines' official website, (c) the text should have ambiguous terms, and (d) it should be timely and relevant to society.

Senate Bill No. 2868 is a seven-page statute consisting of several sections, such as follows: Section 1: Short Title, Section 2: Declaration of Policy, Section 3: Definition of Terms, Section 4: Distracted Driving, Section 5: Revocation of POGO Licenses and Prohibition to Operate, Section 6: Cancellation of Work Permits and Visas, Section 7: Payment of Fees and Taxes, Section 8: Predicate Offense, Section 9: Ban on Local and Foreign Employment and Human Trafficking Offense, Section 10: Filipino Workers' Transition Program, Section 11: Compliance Monitoring and Reporting, Section 12: Penalties, Section 13: Liability of Government Employees and Public Officials, Section 14: Prosecution, Judgement and Forfeiture, Section 15: Implementing Rules and Regulations, Section 16: Amendatory Clause, Section 17: Repealing Clause, Section 18: Separability Clause, and Section 19: Effectivity. The chosen statute of this study is in substitution of Senate Bill Nos. 2689 and 2752, repealing RA No. 11590. Three Senators filed the Bill on November 5, 2024, at the Philippine Senate Committee on Public Services.

3. FINDINGS

This section presents the categories of ambiguities found in the study, focusing on their implications and contexts. In linguistics, ambiguity describes circumstances in which linguistic components allow several interpretations. This study categorizes ambiguity into specific subtopics: Lexical, Semantic, Syntactic or Structural, Contextual, Unintended, Referential, Cross-textual, and Pragmatic to examine each manifestation and impact systematically. Each category highlights how it appeared in language use, particularly in legal and formal texts, and its possible effects on interpretation and enforcement. The results showed how ambiguity affects intent, clarity, and comprehension, highlighting how these relationships influence texts' interpretation.

3.1. Lexical Ambiguity

According to Al-Sulaiman and Khoshaba (2018), lexical ambiguity occurs when a sentence containing a word has more than one meaning. This type of ambiguity causes misunderstandings that result in disagreements or ineffective application of policies and rules. The following example presents lexical ambiguity in Section 8, which states about predicate offense, focusing on the Anti-Money Laundering Act.

(a) Any person who, in any way, operates, participates, or finances offshore gaming operations in the Philippines shall be considered a "covered person";

xxx

The word "any person" in the provision is broad and vague, as it may apply to anyone, whether a natural person (individual) or an entity. For example, it could refer to citizens, residents, non-residents, and legal persons, like companies, organizations, and government bodies involved in operating, participating, or financing offshore gaming. As a result, it generates serious questions about the enforceability and clarity of the provision. The obscure definition creates legal uncertainty and challenges, as the law enforcers, authorities, or even the court may struggle to identify the "covered person". Furthermore, the inconsistent application of "any person" in the entirety of the statute's efficacy may be lessened due to a lack of precision, which could also make it vulnerable to objections under the vagueness theory. Thus, "any person" needs to be precisely defined to refer only to those involved or those who profit from offshore gaming activities to address the problems. Making it more straightforward would guarantee that it is adequately enforced, guards against abuse, and supports the law's goal of preventing money laundering.

In addition, the word "covered person" also creates ambiguity as it may change its exact meaning according to how the legislation understood or enforced it when it comes to the Anti-Money Laundering Act (AMLA) as a predicate offense and how it applies to offshore gaming because Section 8 mentions that taking part in, running, and funding offshore gambling is considered an "unlawful activity," especially for those who engaged in the said activity. Here, the absence of the word's precise meaning calls for a thorough analysis of the possible meanings and implications of the law.

In the Anti-Money Laundering Act (AMLA), "covered person" generally refers to a group of people or organizations subject to legal duties to prevent money laundering. Those involved in offshore gambling are expected to stick with reporting and oversight guidelines, including informing the appropriate department of questionable or illegal transactions. They need to follow the AMLA's rules and regulations, which highlight the possibility of legal repercussions for noncompliance.

Another interpretation is that the phrase might also mean that the people who assist law enforcement in investigating gambling activities and businesses have legal safeguards. That way, it can persuade participants or whistleblowers to help the authorities expose illegal or gambling activity.

Therefore, the meaning of the "covered person" affects how AMLA is enforced in offshore gaming operations. Adhering to compliance requirements reinforces the law's preventative mechanisms if it primarily designates people subject to legal responsibilities. If it emphasizes legal rights, collaboration can make law enforcement work easier. Using the term's

ambiguity highlights the necessity to work on precise legislative or regulatory guidelines to ensure consistent implementation.

Overall, the word "covered person" is essential when applying the Anti-Money Laundering Act offense, especially in offshore gaming. The definition may differ between providing legal safeguards and enforcing compliance duties, crucial in dealing with illegal gambling and activity. Clarifying the term would maximize the provision's impact and ensure consistent application. The effectiveness of the Anti-Money Laundering Act (AMLA) in stopping and looking into money laundering-related activities would be improved by clarifying the term's meaning.

3.2.Contextual Ambiguity

Contextual ambiguity occurs when a term or phrase's meaning can change based on the context or circumstance in which it is utilized. The use of the conjunction "or" is prevalent in this statute. According to the Cambridge Dictionary (2024), "or" is a conjunction that connects two or more possibilities or alternatives. Legal documents, such as statutes, may include subjects or objects, or only one is authoritative. Thus, it causes ambiguity regarding how the proposed statute is applied in the provision. This claim is supported by Robbins (2018) in his study about the proper use of and/or in legal language, in which he posits that the word "or" can be construed as exclusive or inclusive, leading to confusion about which variant of "or" applies in a given context. In this case, the interpretation of "or" can be inclusive, which indicates that the terms or propositions on either side of the disjunction are valid, either one or both. On the other hand, "or" also operates as exclusive, suggesting that only one of the terms or propositions that the disjunction joins can be true. Hence, both functions of the word "or" substantially impact the provision.

As presented in the first example presented in the lexical ambiguity, for those individuals who "participates, operates, or finances xxx", how the law is applied and who is the subject to legal responsibilities depends upon the usage of "or" whether it is inclusive or exclusive. Here, there are two interpretations in terms of the function of the word "or," such as:

- (a) If "or" is an inclusive disjunction, the clause would apply to anyone who is involved in the said activity, not just one or two, but all three capacities (i.e., participating, operating, and financing offshore gaming)
- (b) If "or" is an exclusive disjunction, any person involved in only one of the activities, i.e., participates, operates, or finances offshore gaming, is considered subject to the Anti-Money Laundering Act's regulatory purview.

Using persuasion to avoid accountability based on the extent of their involvement, this strategy improves enforcement. Therefore, the law would only apply to those who fulfill a single role, forbidding those who combine responsibilities or work in overlapping capacities, if "or" is interpreted solely. This interpretation could create a misunderstanding, weakening the

provision's ability to address the complex, interconnected nature of gaming operations and activities, particularly illegal ones.

In connection with that, while the interpretation of exclusive runs the risk of limiting the scope of the law, the inclusive approach promotes a comprehensive approach to both regulation and enforcement, holding the parties involved accountable. To ensure consistent implementation and to accomplish the goal of the provision, which is to prevent money laundering through offshore gaming, it is deemed necessary to clarify the meaning underlying the word "or." The legislators may use "both" or "and/or" to explicitly indicate that both options are possible, which is inclusive. On the one hand, they may use "either...or" to imply that only one option is possible, functioning as exclusive. The given example is just one of the many "or" employed in the statute to connect two or more subjects or objects.

3.3.Semantic Ambiguity

The modal verb "shall" is the most dominantly used in the legislative text. For example, the employed modal verb "shall" in the provision that states "BIR shall audit the aforementioned persons or entities" xxx is perceived as semantically ambiguous because it could have a different implied meaning in its use. Triebal (2006), as cited in Krapivkina (2017), posits that "shall" can be used to both convey obligation and imply future sense and thus introduce ambiguity. Moreover, the word "shall" has five entries in Black's Law Dictionary (2014) as cited in Curto (2018): (1) Must; more broadly, is required to, (2) Should (as often interpreted by courts), (3). May, (4) Will (as a future-tense verb), and (5) Is entitled to. Furthermore, Garner (2001) mentioned that courts have admitted that "shall" may be interpreted as must, may, future (will), or present simple (is). These varying functions of the modal verb "shall" cause vagueness of its implication.

Based on the initial example, it can be interpreted as an expression of mandatory obligation, given the imperative nature of the legal document, and it might also be used in the sense of "must". At the same time, the use of "shall" in the phrase, "Any person who, in any way, operates, participates, or finances xxx shall be considered a "covered person" may refer to a future sense since individuals who will be identified operating, participating, or financing offshore gaming in the Philippines performs future actions. As observed, "shall" can have a vague interpretation within text it is utilized. The ambiguity of the verb "shall" and its inconsistent use in legal English draw attention to the focus of legal language reforms in the English-speaking world and the European Union. This is because the Plain Legal English Movement proponent seeks to modernize the legal language and eliminate the linguistic components that make legal English Old-fashioned, complex, and difficult for non-experts or laypersons to understand (Williams, 2011). Instead of using "shall," lawmakers can replace it with "must," "is/are," or "will," depending on what they intend to convey.

3.4.Syntactic Ambiguity

This ambiguity refers to what modifies what and the unclear use of modifiers or references (Torbert 2014 as cited in Bernardo & Albaña-Garrido, 2023). This type of ambiguity involves prepositional phrase attachment, relative clause attachment, coordination, phrasal quantifier, operator scope, and pronouns. Here is an example of syntactic ambiguity found in Section 12 of the provision that presents the penalties imposed.

xxx

If the guilty officer is an alien, he shall summarily be deported after serving his sentence and shall be forever barred from re-entering the Philippines.

The example phrase is unclear and could cause ambiguity if more complex contexts arise. The ambiguous pronoun "he" with unclear antecedents could create confusion if multiple subjects (e.g., dependents, accomplices) are involved. Moreover, suppose the case is that the antecedent (guilty officer) is lost in longer sentences, especially if multiple subjects are introduced, or the future clauses introduce ambiguity (e.g., "and their dependents"). In that case, this leads to confusion about whom the penalties apply to. Furthermore, the pronoun ambiguity risks misinterpretation in legal proceedings, potentially delaying enforcement. Therefore, ambiguity in pronoun references could complicate enforcement, especially in cases involving multiple individuals or entities, unless nouns are used instead of pronouns in critical provisions to ensure clarity.

3.5.Referential Ambiguity

Messay et al. (2014) define this type of ambiguity as grammatically correct sentences with references that confuse the reader because of the provided context. Pronouns, common nouns, substitution items, nouns with appositives, and compound nouns all exhibit a form of ambiguity. Kreidler (2002) asserts that referential ambiguity occurs when a statement or utterance could represent two or more potential entities or interpretations, resulting from the lack of clarity in the language expression's reference.

Referential ambiguity is illustrated in the following provision:

SEC. 13. Liability of Government Employees and Public Officials - If a government employee or public official commits the prohibited act, he shall, in addition to the penalties provided for in this Act, be dismissed from his employment

Based on the stated provision, using the singular pronoun "he" engenders ambiguity on its applicability, whether it refers to the government employee alone or to both the government employee and public officials who committed the prohibited act. Additionally, it adds a problem to the accountability of individuals, which allows them to acquire immunity under the consequences of the Act because of the gendered pronoun "he." Notably, the provision will exempt female employees or officials, regardless of whether they are involved in offshore

gaming operations. According to Merriam-Webster (2024), "he" is a pronoun of the masculine gender used for males. Miller and James (2009) also said that "he" as a generic masculine pronoun (e.g., in legal writing) affects comprehension.

Moreover, it could reflect Philippine legislators' nature as an entity that reinforces gender stereotypes among Filipinos or foreign nationals. Thus, the gender bias pronoun used in this case is problematic, especially in modern legal writing, where gender-neutral language is emphasized to avoid excluding or misrepresenting individuals based on gender. By doing so, the legislators may use "they" for gender inclusivity, thereby including all officials regardless of gender and replacing "his employment" with "their employment," which corresponds to the pronoun "they," replacing "he." To resolve this ambiguity, this can be done in several ways, such as (1) repetition of the noun, (2) changing the pronoun (gender-neutral), and (3) rewording to avoid the need for a pronoun. Section 13 discusses liability, so it is essential to be specific about who is included in the violations and penalties for fair and just legal enforcement. Hence, gender-neutral writing in legal documents is about clarity, inclusivity, and equality (Bailey, 2020).

3.6.Vagueness

Vagueness is a kind of ambiguity that describes the quality of being imprecise, ambiguous, or without defined boundaries, leaving the term's meaning subject to multiple interpretations (Bernardo & Albaña-Garrido, 2023). The following example is from Section 14 of the Act of Senate Bill No. 2868 about prosecution, judgment, and forfeiture.

xxx

All buildings or other structures or facilities, materials, gaming equipment, and gaming paraphernalia used directly or indirectly in violation of this Act, and the proceeds of such illegal act or activity, shall be forfeited in favor of the government and may be disposed of by existing laws, rules, and regulations:

xxx

The term "indirectly" in Section 14 of the Anti-POGO Act produces uncertainty due to its imprecise boundaries and qualifications, leaving it subject to various interpretations. The provision stipulates the forfeiture of properties "used directly and indirectly in violation of this Act," yet the undefined scope of "indirectly" creates uncertainty about its application. The term "indirectly" raises multiple questions that may confuse people, such as the permissible distance a property, structure, or material may be from unlawful acts while still subject to legal purview. For instance, does "indirectly" include the owner of an office building who rents space to a tenant operating an illegal POGO operation without the landlord's knowledge? Does it also apply to a financial institution that unknowingly facilitates transactions for an illegal gambling

operator? And does it also include those who are unintentionally promoting such unlawful activities? Such instances illustrate how the word creates ambiguity about the requisite degree of association for forfeiture.

Furthermore, the ambiguity of the term “indirectly” may present difficulties in enforcing the law. In a broader interpretation, it could lead to confiscating items that are not directly related to the crime, such as a delivery company carrying game equipment without recognizing it. However, limited interpretations may allow the main subject, such as internet service providers or software developers, to avoid responsibility for POGO operations. Without clear guidelines, “indirectly” carries a significant risk, potentially leading to legal disputes and challenges.

Another provision that adds vagueness is Section 13, which focuses on the liability of government employees and public officials. At this time, the words used in the clause need clarification and correction, as they may affect the construction of the statute. The provision that falls under this category is shown.

xxx

In addition, all his retirement benefits shall be forfeited in favor of the government.

The above provision contains some typographical errors, such as the word “ali” and “shail” instead of “all” and “shall” respectively. This can cause significant issues in interpreting and implementing the proposed bill, especially when passed into law. Moreover, it could alter the scope and effect of the Act, and it weakens the credibility of the statute. The identified typographical error can also be used against the Act as a contradicting or conflicting provision to the preceding statements or sections. Hence, legislators must meticulously draft Acts to avoid confusion, misinterpretation, or inconsistency in enforcement. With that, legal writings must be thoroughly reviewed to prevent such errors, as they may affect the liability of the government employees and public officials involved in offshore gaming operations.

3.7. Cross-textual Ambiguity

This type of ambiguity rests not on a discrete phrase or sentence but on a larger body of text comprising many sentences (Pehar, 2001, as cited in Bernardo & Albaña-Garrido, 2023). This type is thus more complicated, involving not only the semantics of phrases or propositions and sentences but also the semantics of texts, the semantics of sets of interrelated sentences, and open-ended provision.

Section 12 of Senate Bill 2868 states:

xxx

(a) First Offense: Punishable by Imprisonment of not less than six (6) years nor more than eight (8) years and a fine of not less than Three Hundred Thousand Pesos (PhP300,000.00) nor more than Five Hundred Thousand Pesos 19 (PhP500,000.00), at the discretion of the Court.

(b) Second Offense: Punishable by imprisonment of not less than eight (8) years and one (1) day nor more than ten (10) years and a fine of not less than Five Hundred Thousand Pesos (PhP500,000.00) nor more than One Million Pesos (PhP1,000,000.00), at the discretion of the Court.

(c) Third and Succeeding Offenses: Punishable by imprisonment of not less than ten (10) years and one (1) day nor more than twelve (12) years and a fine of not less than of Five Million Pesos (PhP5,000,000.00) nor more than Ten Million Pesos (PhP10,000,000.00), at the discretion of the Court.

As seen in Sections 12 (a), (b), and (c), the penalty for the first, second, and third offenses is evident. However, it is indeterminate to whom, when, and to what degree of offense they have since it is not stated in the preceding sentence of the list of violations and their equivalent penalties. Here, what produces a cross-textual ambiguity is the "open-endedness" of the phrase "at the discretion of the Court." This indicates that the court has the authority to determine the exact punishment for each offense within the specified range, which provides flexibility for the offense. For instance, a court may impose penalties that deviate from the Act's minimum and maximum punishment ranges for each violation based on circumstances mentioned in other legal references (e.g., aggravating and mitigating factors). Henceforth, how far this discretion can go is uncertain.

On the other hand, the terms "not less than" and "nor more than" in this section may mean that the court is expected to follow specific limitations stated in the provision aside from permitting flexibility. Hence, it affects and challenges the enforcement of this statute when passed into law wherein it could result in disparate interpretations between courts and to whom it is intended, causing the application of the law to be inconsistent as the meaning of "discretion" may vary depending on the legal context or how courts interpret discretion in different types of cases.

3.8. Pragmatic Ambiguity

Pragmatic ambiguity arises when the statement is not specific, and the context does not provide the information needed to clarify the statement (Walton, 1996, as cited in Al-Sulaimaan & Khoshaba, 2018). The lack of context in legal text creates confusion for the reader, which causes ambiguity in the text and opens a door for multiple interpretations.

In Senate Bill No. 2868, a provision states:

(a) "Accredited Service Provider"

xxx

Support services may include customer service, information technology service, marketing, customer registration and verification, payment solutions, odds making, office support, leasing of office space, and other similar services that must prove indispensable for offshore gaming operations in the Philippines.

Based on the above provision, the phrase "and other similar services" adds a layer of ambiguity to the list of services that are deemed necessary for offshore gaming operations since what constitutes the phrase "similar services" is not clear, which allows for a variety of interpretations of what can fall under this category. For instance, one could argue that data analytics services, translation services, and staff training services for gaming software are crucial in maintaining their business operations and might be considered "other similar services" since they are not explicitly mentioned. Hence, the identified ambiguous phrase can be interpreted as other unspecified items within the same category, and the conciseness of the provision can be intimidating. This could result in the exemption of the provocation, given that what refers to similar services is vague.

Given that, a bill that mandates the imposition of penalties and prohibits business operations when passed into law might have been specific regarding the guidelines or scope of its enforcement. The drafter should be aware of defining terms to avoid vagueness in the legal text. This could be accomplished by establishing criteria or providing examples (e.g., "xxx and other similar services that directly support the operational needs of POGO" or an additional list of support services following the sentence) because what must prove to be "indispensable" is also subjective in this context for the Philippines offshore gaming operations, whether what list of services are legally or functionally necessary for a POGO to operate. Thus, by adding

clear definitions and guidelines, the statute can eliminate ambiguities about what support services are essential and what services may be included to avoid disputes and various interpretations.

Section 10 of the bill also states:

***SEC. 10. Filipino Workers' Transition Program.** - The DOLE shall formulate and implement plans, programs, and activities for the transition of all affected Filipino workers, such as, but not limited to, skilling, upskilling, and reskilling, employment facilitation, and other interventions: xxx*

Similarly, the phrase "and other interventions" needs demystification in the above provision since it serves as a broad term that could refer to a range of activities, but does not clarify which specific interventions may be involved for the affected Filipino workers apart from the skilling, upskilling, and reskilling. For instance, this includes financial assistance, mental health services for affected workers, or community-based initiatives facilitating worker transition. However, due to the provision's brevity and narrow parameters, it may cause confusion and misunderstandings. The lack of specificity allows for diverse interpretations, which may result in diverse understandings of the provision among different stakeholders. In that case, clarifying ambiguity in "other interventions" makes the DOLE's plans, programs, and activities more measurable and actionable, allowing employees to know what resources they may expect. Moreover, more precise terms and concrete information on what is intended can make it easier for agencies, policymakers, and affected employees to comprehend the proposed statute and its implementation, since the statute not only concerns POGO's banned operation due to illicit activities but also Filipino workers' transition to employment.

Another example that indicates pragmatic ambiguity is the following:

***SEC. 12. Penalties** - Except for specific violations and prosecution under other laws which already provide specific penalties, violations of the provisions of this Act shall be punishable by:*

xxx

***SEC. 14. Prosecution, Judgement and Forfeiture** - Except for specific violations and prosecution under other laws which already provided*

specific penalties, prosecution or conviction under this Act shall be without prejudice to prosecution and punishment under the Revised Penal Code or other existing laws.

Two pragmatic ambiguities exist under Sections 12 and 14 of the Anti-POGO Act Bill. The phrases "specific violations" and "other laws which already provided specific penalties" appeared twice in the provision and lacked proper context in their respective sections. Here, the "specific violations" confuse what violations are excluded from the penalties outlined in the provision, since they are not specified. It raises concerns over whether infractions that cross over into other laws will be prosecuted under the Anti-POGO Act or left out because of other legal Acts.

On the other hand, the reference to "other laws" is vague and does not clarify which laws are being referenced. The bill implies that existing laws cover certain violations with their penalties, but it does not specify which laws those are or how they interact with the provisions of this statute. Likewise, "specific penalties" for violations leave the provision incomplete and open to different interpretations. This raises the question about the scope of this Act's penalties and how they coexist with other legal frameworks. Hence, this could be done by clearly stating the penalties for violations to avoid confusion about the enforcement, or by indicating what specific violations and penalties Section 12 refers to for the intelligibility and clarity of the proposed statute.

Consequently, the ambiguity in the phrase "without prejudice to prosecution and punishment under the Revised Penal Code or other existing laws" overlaps the legal framework, suggesting that multiple prosecutions or penalties for the same offense could potentially be faced by individuals not only under the specific Act being referenced but also under other laws like the Revised Penal Code or other existing statutes. The overlap can confuse the legal hierarchy and the risk of double jeopardy, which could undermine the legal certainty that individuals are entitled to under the law. Furthermore, the lack of clarity may make it difficult for the general public and legal professionals to understand how multiple laws intersect, leading to inconsistent enforcement and interpretation.

The analysis of linguistic ambiguities in Senate Bill No. 2868 or the Anti-POGO Act revealed that the proposed statute has evident lexical, contextual, semantic, syntactic, vagueness, referential, cross-textual, and pragmatic ambiguities. These ambiguities challenge the interpretations of lawmakers, judges, lawyers, anyone involved in the legal process, and non-legal experts (laypersons), which can influence legal decisions and disputes. Moreover, the lack of clear criteria prompted the unintelligibility of the legal text and caused problems with its enforcement in the Philippine context. The findings also showed that the modal verb "shall" engenders semantic ambiguity in its use in the legal text, and some typographical errors were discovered. It indicates that "shall" is employed indiscriminately in legal drafting to imply different meanings apart from those which impose a duty, thus, introducing ambiguity and

errors in statute will significantly challenge the scope and effect of the Act and its credibility. Hence, investigating and demystifying ambiguities and errors in Senate Bill No. 2686 sheds light on the importance of plain language, clarity, and precision as it aids statutory documents, such as the Senate Bill, to reduce legal unintelligibility and misinterpretation by courts, lawmakers, and laypersons in the Philippine context when passed into law.

Considering the ambiguities and errors found in the proposed statute, the findings of this paper also highlighted the challenges of enforcing the Anti-POGO Act bill when passed into law, particularly the enactment of penalties or prosecutions to the intended individuals or entity, who violated the Act since these ambiguous terms, phrase, and clauses can lead to uncertainty, potential abuse, and unequal application of the law. As such, it raises concerns regarding fairness and the potential erosion of due process and legal rights.

This linguistic analysis relates to the socio-political issues surrounding POGOs (Philippine Offshore Gaming Operators) in the Philippines, including illegal activities, crime, and threats to national security. Exploring the ambiguities in the Anti-POGO Act bill showed how inconsistent enforcement, vague definitions and scope, and the lack of clear criteria in the statute challenge the effective and proper implementation of the provision, producing loopholes that some POGO operators and government officials may take advantage of. In this sense, it can undermine the effectiveness of the law in addressing the socio-political issues it seeks to resolve, such as illegal activities, tax evasion, and social disruptions, to mention some. Additionally, the ambiguity and unjust application can erode public trust in the government's ability to effectively address the grave problems caused by POGO in the Philippines. It can thereby exacerbate political division and social unrest regarding the said issue. Ultimately, the linguistic ambiguities in the statute provide opportunities for corruption, as they can be abused or exploited by unscrupulous government officials or individuals for personal gain, undermining government integrity and escalating public apprehensions about the rule of law. Inconsistent, vague, and overly broad definitions can have unintended consequences aside from multiple interpretations, such as human rights violations or the displacement of vulnerable populations. Addressing the ambiguities in Senate Bill No. 2868 or the Anti-POGO Act by clarifying the law and ensuring its equitable and effective implementation, policymakers can better resolve issues surrounding POGOs and mitigate their prospective negative impacts on Philippine society and national security, or completely cease and wind down their operations in the country.

4. CONCLUSION

The ambiguities analyzed in Senate Bill No. 2868, brought about by lexical, contextual, semantic, syntactic, vagueness, referential, cross-textual, and pragmatic ambiguities, provide insights into how it challenges comprehension, interpretations, and enforcement or implementation of the statute. It highlighted how language plays a critical role in shaping public policy, governance, and societal outcomes as it affects the clarity and effectiveness of legal enforcement, which impacts labor rights, fuels public discussions about governance and national security, and allows room for corruption and exploitation. These concerns reflect the struggle between social justice and socio-economic development, national sovereignty and foreign influence, and governance and accountability. Demystifying and addressing the ambiguities in Senate Bill No. 2868, or the Anti-POGO Act, is significant in creating a more

transparent and functional legislative framework that can balance the impacts of POGOs and the need for social responsibility and national security.

The analysis findings will aid Philippine lawmakers in considering the statute's comprehensibility, clarity, and precision to ordinary people and to whom the Act is intended. This way, a more transparent and precise law should be drafted to avoid obscurity in the language used in Philippine legal texts, especially a bill that needs amendments or clarifications before being passed into law. Overall, this research impacts a more informed and effective legislative process, creating more intelligible and equitable laws that empower the public to comprehend the rights and obligations outlined in the law.

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