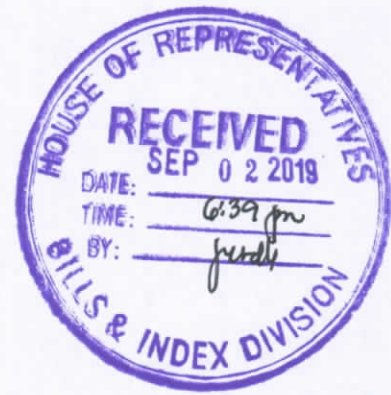


Republic of the Philippines  
House of Representatives  
Quezon City



**EIGHTEENTH  
CONGRESS  
FIRST REGULAR SESSION**

House Bill No. 4318

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**INTRODUCED BY REPRESENTATIVE BERNADETTE HERRERA-DY**

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**EXPLANATORY NOTE**

This bill seeks to repeal Republic Act No. 8485 as amended by RA.10631 by strengthening the provisions of law relating to animal welfare and by likewise creating the Animal Welfare Bureau, attached agency with the Department of Agriculture.

For the past years, there has been an increase in the consciousness of the Filipino people on the welfare of animals resulting in a massive surge of establishments catering to animals - from veterinary clinics and hospitals, grooming, pet hotels and pet cafes, pet friendly establishments, among others. The current structure of the Bureau of Animal Industry however, has shown weaknesses in responding to and in addressing the growing welfare issues and concerns affecting the animals. As a regulatory body for animal welfare under RA 8485 as amended, compliance monitoring has become a burden due to lack of dedicated and trained manpower and facilities. Implementation of the law has likewise been severely lacking as a result of the weak cooperation from the LGUS.

This Bill aims to strengthen and fortify animal welfare standards, policies, rules and regulation by improving the system of program implementation, monitoring and supervision including adjudication and response to violations. Penalties have also been defined and detailed to deter individuals from violating the law.

It is our hope that through the passage of this bill, animal welfare rules and regulations would be more effective as we build a society that not only respects the rights of people but also penalizes the ill-treatment of animals. After all, we serve as the voice for the voiceless animals that plays an important role and contribution to human welfare.

  
**BERNADETTE HERRERA-DY**

Republic of the Philippines  
House of Representatives  
Quezon City

**EIGHTEENTH  
CONGRESS  
FIRST REGULAR SESSION**

House Bill No. 4318

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Introduced by **Representative Bernadette Herrera-Dy**

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**THE REVISED ANIMAL WELFARE ACT OF THE PHILIPPINES CREATING FOR THE PURPOSE THE ANIMAL WELFARE BUREAU UNDER THE DEPARTMENT OF AGRICULTURE TO INSTITUTIONALIZE AND STRENGTHEN THE IMPLEMENTATION, GOVERN ITS OPERATION AND ITS ENFORCEMENT.**

*Be it enacted by the Senate and the House of Representatives in Congress assembled:*

**CHAPTER I**

**TITLE, DECLARATION OF POLICY AND DEFINITION OF TERMS**

**Sec.1. Title.** - This Act shall be known as the "Revised Animal Welfare Act of 2019".

**Sec.2. Declaration of Policy.** – As proven by modern science, animals are sentient beings, capable of experiencing pleasurable states, like joy, and aversive states, like pain and fear. Consequently, it shall be the policy of the state to protect and promote the good welfare of all animals, by establishing a system of supervision and regulation to ensure humane treatment in all aspects of the keeping, maintaining, handling, transporting, breeding, training, treating and use of animals. Good animal welfare involves adherence to the five basic freedoms of animals namely: (1) Freedom from thirst, hunger and malnutrition; (2) Freedom from physical discomfort and pain; (3) Freedom from injury and disease; (4) Freedom to express normal behaviours; and (5) Freedom from fear and distress.

**Sec. 3. Coverage.** - This Act shall apply to all programs, activities, and undertakings of individuals, corporations, associations, organizations, or entities, including but not limited to animal producers, small-hold farmers, private entities, or government agencies, that:

- a. handle, breed, train, keep, care for, transport, exhibit, display, use, or otherwise interact with any animals, whether as pets, livestock, wildlife, or animals used for education, entertainment, or show; or
- b. own, operate, or maintain any facility that interacts with animals.

**Sec. 4. Objectives** - The State shall promote the welfare of all animals by establishing rules, regulations, guidelines and standards and endeavour to achieve the following objectives:

- a. To protect and promote animal welfare by providing rules, regulations, guidelines and standards in the establishment and operation of animal facilities, transportation, and the like;
- b. To establish welfare guidelines and standards in the use, treating, breeding, maintaining, keeping, and training of all animals;
- c. To protect and promote animal health through the maintenance of adequate, clean and sanitary facilities used in the keeping, breeding, treating and training of animals;
- d. To promote responsible pet ownership through education and information dissemination;
- e. To regulate the operation and maintenance of animal facilities or any establishment where animals are kept for whatever reason or purpose;
- f. To formulate rules and regulations that will ensure the promotion of animal welfare in the establishment, maintenance and operation of any pet shop, kennel, pound, shelter, slaughter houses, veterinary clinic, veterinary hospital, stockyard, corral, stud farm, or stock farm or zoo for the breeding, raising, treatment, sale or trading, or training of animals;
- g. To establish inter-agency, multi-sectoral and local government cooperation for the promotion and protection of animal welfare;

To create an agency and establish an organizational structure that will effectively implement the provisions of this Act and all laws relevant to it;

- h. To promote public awareness and concern for caring for animals and its welfare.

**Sec. 5. Animal Welfare Principles** – Animal welfare standards, practices, policies and regulations must be based on the following principles:

- a. Decisions regarding animal care, use, and welfare shall be made by balancing scientific knowledge and professional judgment with consideration of ethical and societal values;
- b. Animals must be provided water, food, proper handling, health care, and an environment appropriate to their care and use, with thoughtful consideration for their species-typical biology and behaviour;
- c. Animals should be cared for in ways that minimize fear, pain, stress, and suffering; Conservation and management of animal populations should be humane, socially responsible, and scientifically prudent;
- d. Protection of animal habitat is an animal welfare consideration;
- e. Consider the five basic freedom of animals: (1) Freedom from thirst, hunger and malnutrition; (2) Freedom from physical discomfort and pain; (3) Freedom from injury and disease; (4) Freedom to conform to essential behavioral pattern; and (5) Freedom from fear and distress
- f. Animals shall be treated with respect and dignity throughout their lives and, when necessary, provided a humane death.

**Sec. 5. Definitions.** – As used in this Act, the following terms shall mean:

- a. Animal - refers to domesticated vertebrate and invertebrate species under the control of man, which may be food producing, companion, labor, aquatic or laboratory including birds. The term excludes human and non-mammalian species.
- b. Animal welfare – pertains to the physical and psychological wellbeing of animals. It includes, but not limited to, the avoidance of abuse, maltreatment, cruelty and exploitation of animals by humans by maintaining appropriate standards of accommodation, feeding and general care, the prevention and treatment of disease and the assurance of freedom from fear, distress, harassment and unnecessary discomfort and pain and allowing animals to express normal behaviour.
- c. Animal Facility. - refers to any facility, structure, or premises used for the purpose of keeping, caring, breeding, rearing, holding, gaming, training, trading, treating, or exhibiting animals, including but not limited to farms, zoos, aviaries, apiaries, kennels, race tracks, cockpits, pet shops, shelters, pounds, animal rescue centers, airport and seaport quarantine stations, animal holding facilities, stables, livestock markets, stockyards, corrals, stud farms, stock farms, slaughterhouses, aquaria, laboratories, veterinary clinics, and veterinary hospitals.
- d. Animal fighting venture – refers to any event, show, exhibition, program, or other activity that involves a fight conducted or to be conducted between two or more animals for purposes of sport, wagering, amusement, or entertainment.
- e. Animal welfare enforcement officer – refers to Philippine National Police, National Bureau of Investigation and other law enforcement agencies, citizens' groups, community organizations and other volunteers members of NGOs, Peoples organizations designated as such enforcement officers by the Bureau.
- f. Board - refers to the Animal Welfare Board
- g. Bureau – refers to the Animal Welfare Bureau
- h. Captive Animals. - refers to animals that are confined for educational or recreational purposes in places such as but not limited to zoos, sanctuaries, including rescue centers, sea or ocean facility and the like.
- i. Director – refers to the individual in charge of the Animal Welfare Bur
- j. Euthanasia. - refers to the Bureau approved process or method of painless death to animals
- k. Keeper – refers to any person who owns, possesses, or has control or custody over an animal.
- l. Local Government Unit (LGU) – refers to the Province, City or Municipalities
- m. Pets - refers to documented or otherwise, or domestic animals intended for companionship, therapy, seeing and hearing guides, recreation and value formation, and breeding such as but not limited to dogs, cat, fishes, rabbits, rodents, reptiles and birds that are either acquired locally or through importation under government rules and regulations.
- n. Person – refers to any individual, corporation, company, business, enterprise, association, partnership, syndicate, trust, or other entity.
- o. Reporter – refers to any person who reports a suspected violation of any provision of this Act to the proper authorities.
- p. Secretary – refers to the Secretary of the Department of Agriculture.
- q. Strategic Lawsuit Against Public Participation (SLAPP) – refers to a legal action filed to harass, vex, exert undue pressure, or stifle any legal recourse that any person, institution, or the government has taken or may take in the enforcement of this Act.
- r. Transport Facility- Any transportation public or private, whether air, water, land including tricycles and the like used to transport animals to a particular destination.
- s. Wild animal – refers to any individual of a species that is not normally domesticated in the Philippines, including those in captivity under the control of a person.

The Bureau may define such other terms as may be used in the implementation of this Act;

## CHAPTER II.

### THE ANIMAL WELFARE BUREAU

**Sec. 7. Animal Welfare Bureau** – The Animal Welfare Bureau is hereby created attached to the Department of Agriculture. As a government agency, it shall be primarily responsible for overseeing, supervising, regulating, enforcing, protecting, implementing and promoting the good welfare of all animals and shall serve as the controlling authority on all matters relating to animal welfare. It shall also supervise and regulate the establishment and operation of all animal facilities and transport of all animals, as well as ensure the prevention of any form of cruelty, maltreatment, torture, exploitation, and neglect of the animals

The Animal Welfare Bureau shall issue animal welfare policies, standards rules and regulations and ensure the implementation and enforcement of animal welfare regulations, programs and standards through interagency coordination, programs and agreements. They shall be authorized to issue fines and penalties for violation of this Act and to institute seizure proceedings.

**Sec. 8. Composition of the Animal Welfare Bureau** - The Bureau shall be headed by a Director who shall be appointed by the President as well as a Deputy Director. Each Divisions of the Bureau shall have a Division Head.

The staffing pattern may initially be based on the following Divisions.

The Director shall be responsible for the general administration and management of the Bureau. He/she must possess adequate knowledge, training and experience in the field of veterinary science and/or veterinary medicine. The Deputy Director shall be a permanent position shall assist the Director in the administration, operation and financial management of the Bureau.

The Bureau shall initially consist of the following Divisions:

1. Administration and Human Resources
2. Policy and Planning
3. Advocacy, Training and Communication
4. Inspection
5. Legal and Enforcement
6. Adjudication
7. Finance and Accounting

The Bureau may re-organize and expand its Divisions in the future to effectively and fully implement the provisions of this act.

**Sec. 8. Personnel and Staffing Pattern-** Notwithstanding the provisions of existing laws, the Secretary shall require the Director of the Bureau of Animal Industry, as an interim Director of the Bureau to submit within 30 days from the effectivity of this Act their recommendation on the personnel and staffing pattern of the Bureau and to submit the same to the Department of Budget and Management and the Civil Service Commission which shall include the functions of each of the named divisions. The BAI shall recommend the duties and responsibilities of the Divisions.

### **Sec. 9. Powers and Duties of the Animal Welfare Bureau –**

The Animal Welfare Bureau shall have the following powers and duties:

1. To establish a system for the effective implementation of this Act;

2. To formulate, adopt, and issue policies, guidelines, standards, rules, and regulations as part of a system for the effective implementation of this Act;
3. To provide detailed regulations and standards on the appropriate food, water, and shelter for each species of pet and animals depending on the age, breed, size, and special needs thereof.
4. To create, in consultation with the Land Transportation Office (LTO), Land Transportation Franchising Regulatory Board (LTFRB), Civil Aeronautics Board (CAB), the Maritime Industry (MARINA), other transport regulating body or agencies, experts, and animal welfare groups, species-specific standards for transportation of animals, including definitions for cruel confinement and restraint during transport, appropriate designs for transport cages and facilities, restraint types, provision of food and water, ventilation, and protection from extreme weather conditions, taking into consideration the species of the animal being transported, as well as its specific needs, size, behaviour, and nature;
4. To establish an emergency animal response and rescue system and mechanism to appropriately respond in cases of calamities such as but not limited to floods, earthquakes, and other natural disasters;
5. To promulgate standards and guidelines for humane slaughter of farm animals in coordination and consultation with the National Meat Inspection Service, the Local Government Units and other relevant government agencies;
7. To stop, inspect vehicles or any transport system used to transport animals and to order the closure, stoppage of operation of any transport facility violating the provisions of this act, its implementing rules and regulations, and other regulations and standards issued for the strict implementation of this act ;
8. To establish a system and regulations for the inspection of animal facilities, and to inspect such animal facilities to ensure compliance with animal welfare standards and regulations;
10. To delegate certain powers and functions to the local government units, to the Regional, City and Provincial Animal Welfare Officers relevant and necessary for purposes of effectively implementing animal welfare policies, guidelines, programs and standards;
11. To monitor compliance by the local government units of the animal welfare programs, standards, rules and regulations;
12. To ensure proper coordination and tie ups with non-government organizations, people's organizations and the academe for the strict implementation of the rules and regulations issued;
13. To formulate guidelines and qualifications related to research and testing on animals, ensuring that use of animals in research and testing is only undertaken as a last resort.
14. To supervise and monitor the implementation of this Act and to ensure strict compliance.
15. To deputize personnel from regional field units, local government units, non-government organizations, people's organizations, community organizations and certain veterinary professionals to assist in the implementation of this Act.

16. To exercise administrative adjudication, confiscation, and forfeiture powers, including the power to cite in contempt, in all cases of violations of this Act;

17. To impose, collect, and enforce administrative sanctions such as

(a) payment of fines,

(b) the suspension or cancellation of existing permits or certifications

(c) disqualification for future permits,

(d) the closure of animal facilities, and/or

(e) the confiscation and forfeiture of all animals, including products, and all paraphernalia, tools, implements and conveyances used in connection with the commission of the violation, and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter..

18. To issue appropriate adjudication procedures, rules, and regulations.

19. To establish and maintain a database surveillance and management information system on animal welfare in the Philippines.

20. To operate the Animal Welfare Fund, including collecting monies paid into it and utilizing monies in the account for animal welfare programs.

21. To levy and collect fees for registration, certification, inspection and monitoring system and other fees as the Bureau may deem necessary for the effective implementation of this Act.

22. To keep records and documents pertaining to animal welfare in the country as well as the maintenance of surveillance and management information system on the animal welfare;

23. To create and maintain a web-based registry accessible to the public of all the animal facilities in the country, whether public or private, which registry includes all collected information on each animal facility, including sanctions;

24. To create a system and guidelines for the determination of approval of applications of certifications, authorizations, and permits necessary for the establishment, maintenance, and operation of animal facilities, as well as to issue said certifications, authorizations, and permits and to collect associated fees;

25. To call upon any government agencies for assistance consistent with its powers, duties, and responsibilities for the purpose of ensuring the effective and efficient implementation of this Act and the rules and regulations promulgated thereunder, and it shall be the duty of such government agency to assist the Bureau when called upon for assistance using any available fund in its budget for the purpose.

26. To conduct regular as well as random inspections to ensure that the continuing qualifications for the release and renewal of the issued certifications, authorizations and permits are duly complied with and to impose necessary sanctions in case of non-compliance;

27. To create, establish and implement a national program on rewards and incentives for Most Animal Welfare Friendly Region, Province, City and Municipality;

28. To issue other permits or certificates that it may deem necessary from time to time

29. To utilize such other powers and perform such other duties and responsibilities which are necessarily to achieve the purposes of this Act.

### CHAPTER III

#### THE ANIMAL WELFARE BOARD

**Sec. 11. The Animal Welfare Board** - There is hereby created an Animal Welfare Board under the Animal Welfare Bureau which shall assist in the formulation of the policies and guidelines, rules and regulations as well as the development of welfare programs. It shall act as an advisor to the Bureau on all matters relating to the animal welfare programs, standards and practices.

**Sec. 12. Composition of the Board** - The Animal Welfare Board shall be composed as follows:

(1) Ex Officio Members - One representative from each of the following:

- (a) Department of Agriculture
- (b) Animal Welfare Bureau
- (c) Bureau of Animal Industry
- (d) Biodiversity Management Bureau of the Department of Environment and Natural Resources (DENR);
- (e) Department of Interior and Local Government (DILG);
- (f) Bureau of Fisheries
- (g) National Meat Inspection Service (NMIS) of the DA;
- (h) Provincial, City Veterinary League Association
- (i) Department of Education

(1) Appointive Members -

(a) Four (4) representatives from different nationally-recognized animal welfare organizations with proven track records on animal welfare and with established programs.

(b) One (1) representative from a nationally-recognized Veterinary Professional Association

(c) One Representative each from the Poultry, Livestock, Fisheries association

(d) The Secretary may appoint additional members as it may deem necessary to ensure adequate representation of various stakeholders upon recommendation of the Board and the Bureau

**Sec. 13. Chairman of the Board** - The Animal Welfare Board shall be chaired by the Director of the Bureau or his/her duly designated representative. The Bureau shall also act as the Secretariat and shall be responsible in calling the meetings and sending notices for such meetings.



The secretariat shall also be responsible in records keeping and ensuring correct transcription of minutes of meetings.

**Sec. 14. Meetings, Quorum, Per Diems, -** The Board shall meet at least quarterly, or more often should the need arise. Nine members of the Board shall constitute a quorum, which shall be necessary for voting on any matters before the Board. The Board members shall not receive any compensation but may receive honoraria from time to time the amount of which shall be decided by the Board;

**Sec. 15. Appointment by the Secretary -**Except for the identified Government agencies, the other institutional members of the Committee shall be appointed by the Secretary upon the endorsement of the Chief of the Bureau pursuant to the application or as nominated by their respective agencies/sectors. Each appointive member shall have a term of service of two (2) years subject to renewal or unless earlier removed for just cause pursuant to the rules on the matter subject to the assessment of the Animal Welfare Board.

The procedure for removal and replacement, as well as enforceable disciplinary actions of members of the Board shall be established in the internal rules and regulations of the Board. All policies and guidelines shall be approved by the Board including its internal rules and regulations.

#### CHAPTER IV

##### ANIMAL WELFARE ENFORCEMENT OFFICERS AND UNITS

**Sec. 16. Regional, Provincial, City, Municipal Animal Welfare Officers -** A Regional Animal Welfare Officer shall be appointed by the Secretary for each Region upon the recommendation of the Director from the associated regional offices of the Department of Agriculture. This Regional Animal Welfare Officer shall be responsible for implementing animal welfare programs in the region and shall report any issues and concerns directly to the Bureau. Each Regional Animal Welfare Officer must possess the following minimum qualifications:

1. Veterinarian with minimum 2 years of experience of veterinary practice or an animal husbandry graduate;
2. Has undergone relevant training on animal welfare and related trainings involving enforcement.

Provinces and cities shall also assign their respective Animal Welfare Officers and necessary technical support staff from the Provincial/ City Veterinary Offices to effectively implement the provisions of this Act. Municipalities shall likewise appoint an Animal Welfare Officer within its Municipal Agriculture office;

The Board may add other qualifications as it may deem appropriate to best serve the purposes of this Act.

**Sec. 17. Deputation of Animal Welfare Enforcement Officers. -** The Secretary of the Department of Agriculture shall deputize animal welfare enforcement officers from non-government organizations, citizens' groups, community organizations and other volunteers who have undergone necessary training for this purpose. The Philippine National Police (PNP), the

Armed Forces of the Philippines (AFP), the National Bureau of Investigation (NBI) and other law enforcement agencies shall designate animal welfare enforcement officers who shall assist in the implementation of this Act. In the absence of such enforcement officers, the said law enforcement officers shall continue to implement the law under their general mandate. The animal welfare enforcement officers shall have the full authority to seize and rescue illegally traded and maltreated animals and to arrest violators of this Act subject to existing laws, rules and regulations on arrest and detention. Regardless of the absence of a designated animal welfare enforcement officers in the law enforcement, the same shall not preclude them from the enforcement of the provisions of this act.

The Bureau shall set guidelines in the training, qualification, reporting, coordination of deputized animal welfare enforcement officers to cover the following:

1. guidelines on the criteria and training requirements for the deputation of animal welfare enforcement officers
2. mechanism for the supervision, monitoring and reporting of these enforcement officers;

## CHAPTER V

### BASIC ANIMAL CARE AND HANDLING GUIDELINES

**Sec. 18. Provision of Food and Water** – Any keeper of an animal must provide the animal with, or arrange to have the animal provided with, access to appropriate nutritious food at least once a day, or at a frequency that is typical for the species, sufficient to maintain good health; and, if appropriate for the species, continuous access to potable water that is not frozen, and is free of debris, feces, algae, and other contaminants;

The Bureau shall provide guidelines on the appropriate food, water and shelter for the animals depending on the kind, nature and special needs thereof.

**Sec. 19. Provision of appropriate shelter and facilities**- Any keeper of an animal must provide such animal with regular access to a shelter that has a solid floor; provides protection from the sun, rain and wind sufficient to maintain good health; is regularly cleaned and sanitized; and is large enough for the animal to lie down, fully stretch its limbs, turn around freely without any impediment, and stand up, including on its hind legs if applicable, allowing the animal to express natural behaviour and locomotion.

**Sec. 20. Provision of Veterinary Medical Care for Sick, compromised or Injured Animal.** – Any keeper of an animal must take all reasonable steps to ensure that the physical, health, and behavioural needs of the animals are met in accordance with good practice and scientific knowledge. This shall include, at minimum, a hands-on examination at least once yearly by a licensed veterinarian; prompt treatment of any illness or injury by a licensed veterinarian; and, where needed, humane euthanasia by licensed veterinarian.

**Sec 21. Provision of appropriate transport facility-** Transport facilities for animals must be constructed, provisioned, and utilized in such a way so as to avoid causing injury or undue suffering to the animals. Transport facilities shall include secure cages or restraint systems appropriate for the species being transported, as well as adequate ventilation to ensure comfort and safety of the animal appropriate to its nature and size.

**Sec. 22. Provision of opportunity for animals to express natural behaviours including play, provision of enrichment activities and exercise-** Any keeper of an animal must provide such animal regular opportunities to express species-specific natural behaviours, for play and exercise in an area of sufficient space, and for stimulation through environmental enrichment activities to promote their health and welfare;

## CHAPTER VI

### PROHIBITED ACTS

**Sec. 23. Prohibition on Cruelty, Maltreatment, abuse and exploitation of Animals.** – It shall be unlawful for any person to torture, abuse, exploit any animal, to neglect to provide adequate care, sustenance or shelter, or maltreat any animals, cause or procure to be tortured, or deprive such animals of adequate care sustenance or shelter, or maltreat or use the same in research or experiments not expressly authorized by the Bureau.

An act of cruelty includes but is not limited to the following:

- (a) beating, harming, injuring, crushing, mutilating, maiming, disfiguring, stabbing, cutting, poisoning, drowning, torturing, tormenting, starving, overworking, or abusing an animal, or any other act or omission toward an animal, including any act of neglect, causing the animal pain, suffering, or distress, whether physical or psychological;
- (b) exposing an animal to inhumane and unsafe conditions and situations including overcrowded, inappropriate, unclean, or unsanitary animal facilities, shelters, or transport facilities;
- (c) killing an animal by way of electrocution or gas chamber or using any petrol or diesel exhaust;
- (d) using an animal in research or experiments not expressly authorized by the Bureau; and
- (e) Overworking an animal

The Bureau may further define or declare other acts that it may consider or deem to constitute as animal cruelty;

**Sec. 24. Prohibition on Neglect.** - It shall be unlawful for any keeper of an animal to fail to provide such animal with basic care in accordance with Sections 18-23. It shall also be unlawful for any keeper of an animal to allow such animal to roam the streets resulting in its impoundment by the local impounding authority.

**Sec. 25. Prohibition on Killing of Animals.** – It shall be unlawful for any person to kill any animals other than cattle, pigs, goats, sheep, poultry, rabbits, carabao, horse. The killing of pets and animals not declared as food animals for human consumption, or cause or procure the same to be killed is prohibited except in the following instances:

(1) When it is done as part of the religious rituals of an established religion or sect or a ritual required by a tribal or ethnic custom of indigenous cultural communities; however, religious or tribal leaders shall keep records in accordance with relevant guidelines issued on the matter

(2) Euthanasia of pet animal is afflicted with an incurable communicable disease as determined and certified by a duly licensed veterinarian;

(3) When euthanasia of an animal is deemed necessary to put an end to the misery suffered by the animal as determined and certified by a duly licensed veterinarian;

(4) When it is done to prevent imminent danger to the life or limb of a human being;

(5) When done for the purpose of animal population control as a last resort duly certified by the Provincial/City Veterinary Officer.

(6) Euthanasia of an animal by a duly licensed veterinarian after the animal has been used in an authorized research or experiment in accordance with Section 32;

(7) Humane slaughter of a farm animal, in accordance with Section 33(d).

(8) Any other ground analogous to the foregoing as determined and certified by a duly licensed veterinarian.

In all of the above mentioned cases, the killing shall at all times be done only through euthanasia or other humane procedures approved by the . For this purpose, humane procedures shall mean the use of the most scientific methods available as may be determined by the Bureau.

**Sec. 26. Prohibition on Animal Fights** – It is prohibited to subject animals to fights such as but not limited to dog fighting, carabao or bull fighting or horse fighting and the like, not authorized or regulated by law. Any person who participates under circumstances as described herein shall be considered accessories in the commission of animal fighting and/or abetting in the commission of animal cruelty. It shall include but not limited to pitting one animal with another for the purpose of human entertainment, wagering, or sport. In certain instances, one of the **animals** involved may be a "bait **animal**" used for the ostensible purpose of sport or training.

The prohibition on animal fights shall include but not limited to the following:

(a) cause, procure, permit, encourage, promote, organise, sponsor, or incite a fight in which an animal is pitted against another animal for any purposes such as dog fighting and horse fighting and the like;

(b) advertise, promote, sell tickets or otherwise assist in an animal fighting venture

(c) attend such a fight

(d) Breed or train any animal for the purpose of having it fight, engage, or otherwise participate in an animal fighting venture

(e) Permit an animal fighting venture to take place on any site, structure, facility or

other premises under the person's ownership or control

(f) Attend, wager on, or otherwise patronize an animal fighting venture.

(g) Cause or allow a person who has not yet reached the age of 16 to attend an animal fighting venture.

Animal fighting ventures held during festivities, festivals, fiestas and the like are not exempt from this Section and are strictly prohibited.

**Sec. 27. Prohibition on Abandonment-** It shall be unlawful for any keeper of an animal, whether temporary or permanent to abandon such animal.

**Sec. 28. Prohibition on ear cropping, tail docking, de-vocalization, declawing-** The conduct of ear cropping, tail docking, devocalization, de-clawing, or any other similar mutilation is prohibited as constituting animal cruelty except in cases as may be required for the well-being of the animal as determined by a duly licensed veterinarian and not for aesthetic purposes. When allowed, the same may only be performed by a duly licensed veterinarian.

**Sec. 29. Operating an animal facility without Permit/Certification-** Operating any facility without necessary permit or certification from the Bureau is hereby prohibited.

## CHAPTER VII

### ENFORCEMENT

**Sec. 30. In General** – The Bureau, either independently, or in cooperation with local government units, the registered NGOs, Animal Welfare Enforcement Officers and the Philippine National Police and other concerned parties, is authorized to carry out enforcement operations and measures to ensure compliance with the provisions of this Act and to eradicate, stop and prevent activities prohibited under this Act.

**Sec. 31. Visitorial/Inspection power** -Owners and/or operators of animal facilities shall be subjected to regular, as well as random inspections by the Bureau on its own or through its deputized agencies and Enforcement Officers to ensure compliance with the standards set forth by this Act and subsequent rules and regulations. Fines and suspension or revocation of certificates as provided in the implementing rules and regulations of this Act shall be imposed in case of non-compliance.

**Sec. 32. Apprehension of Offending Person/s-** Any person who has knowledge or information about the commission of any of the prohibited acts heretofore cited may refer the same to the law enforcement authority or to the Animal Welfare Bureau and/or its deputized animal welfare enforcement officers, and other law enforcement agencies for appropriate action. The procedure in filing of criminal charges shall be as prescribed by the rules of criminal procedure contained in the Rules of Court.

**Sec. 33. Seizure of Effects** – Any items so seized including animals, pursuant to arrests made for violation of any provision of this Code shall be held by any person authorized by the

Bureau or the law enforcement agencies or any Bureau accredited NGO pending disposition of administrative, civil and criminal proceedings. Animals seized shall be referred to Bureau accredited animal facilities. For wildlife, the same shall be referred to the DENR-BMB, without prejudice to the latter's referral or transfer of the animals to other animal facilities provided it has better and more suited facilities.

Any animals seized and/or rescued from any inhumane condition or facility shall be immediately relieved from such condition or situation without prejudice to the immediate conduct of proper documentation such as photographing for purposes of preserving evidence.

**Sec. 34. Rescue of Animals in an enclosed facility-** Any animals found to have been kept, abandoned, deprived of basic care, protection and food or subjected to inhumane or cruel situations in an enclosed, locked, secured or sealed facility, whether public or private, may be rescued, relieved from the cruel situation or condition in coordination with the Barangay or the Law enforcement agencies or Animal Welfare Enforcement Officers/NGOs. The said enclosed facility may be broken open subject to diligent efforts shown to contact owner of facility. Except in case where there is an imminent danger to the life of the animal, diligent effort to contact owner of the facility may be dispensed with provided the Barangay or the Police or any licensed veterinarian has certified on the occurrence of such danger.

**Sec. 35. Protection Orders –** A protection order is a relief granted under this Act for the purpose of preventing further violations of the provisions herein as well as to protect an animal from further distress, fear, cruelty or discomfort by relieving them or removing them from such inhumane condition and granting other necessary reliefs. The protection order shall be enforced by law enforcement agencies, deputized animal welfare enforcement officers or the Bureau.

The protection orders that may be issued under this Act are the Barangay Protection Order (BPO), temporary protection order (TPO) and permanent protection order (PPO). A Barangay Protection Order is issued by the barangay office where the perpetrator of the prohibited act or the complaining individual or entity lives or holds office. This BPO shall be effective for 15 days.

A Temporary Protection Order shall be issued by the court having jurisdiction over the case filed against the respondent which shall last for a period of thirty 30 days. A Permanent Protection Order shall be issued by the appropriate court having jurisdiction over the case filed against the respondent which shall remain in effect unless revoked by the court after a dismissal of the case against the respondent.

A protection order may be sought by any concerned citizen, deputized animal welfare officer, law enforcement officers, the Board, or the LGU through the City or Provincial Veterinary Officers.

The protection under this Act may include any of the following reliefs:

- a. Prohibition of respondent from taking possession of the animal(s) that are or were in the respondent's possession;
- b. Prohibition of respondent from taking possession of any animal for the duration of the protection order;
- c. Prohibition of respondent from purchasing any live animal for any purpose for the duration of the protection order;
- d. Directing the respondent to stay away from the person who has caused the apprehension of respondent and his or her family or household member at a distance specified in the protection order or a minimum of 50 meters;

- e. Directing the respondent to stay away from the residence, school, place of employment or any specified place frequented by a particular Reporter, as well as such Reporter's designated family or household member/s
- f. Granting temporary or permanent custody of the animal to any animal welfare enforcement officer or any interested animal welfare group who shall apply for the custody of said animal/s;
- g. Restitution for actual costs for the rescue, care and rehabilitation of animal/s subject matter of the protection order;
- h. Such other forms of relief as the court deems necessary to protect any animals as well as any Reporter and the Reporter's designated family or household member/s.

The issuance of the BPO or the pendency of an application for BPO shall not preclude the application for or the granting of TPO or PPO. Any violation of the protection order shall be deemed as a multiple violation under this Act and shall be penalized accordingly.

**Sec. 36. Strategic Lawsuit Against Public Participation (SLAPP) in the Enforcement of this Act.** – If a person believes that a legal action filed against the person constitutes a SLAPP, such person may make such assertion as an affirmative defense in the action. A special hearing on the SLAPP affirmative defense shall be held by the court at the earliest possible juncture in the action. The hearing on the SLAPP affirmative defense shall be summary in nature, and the SLAPP affirmative defense shall be resolved within thirty (30) days after the summary hearing. If the court dismisses the action pursuant to the SLAPP affirmative defense, the court may award attorney's fees and costs of suit, as well as damages under a counterclaim if such has been filed. The dismissal shall be with prejudice.

If the court rejects the SLAPP affirmative defense, the evidence adduced during the summary hearing shall be treated as evidence of the parties on the merits of the case. The action shall proceed in accordance with the Rules of Court.

**Sec. 37. Disputable Presumption-** - If, at the time of apprehension, a person lacks the appropriate permit, certification or clearance, or authority, issued by the Bureau or other pertinent government agencies including duly licensed Local Government Veterinarian, the following shall constitute *prima facie* evidence of the corresponding illegal acts punishable under this Act:

a. The possession of a body, carcasses or any parts thereof, meats of any animals prohibited to be killed, whether raw, cooked or processed, other than those allowed under existing laws on food animals, without justification or necessary permit or veterinary certificate from the Bureau, LGU Veterinarian, or the National Meat Inspection Service or local slaughterhouses showing the reasons for the killing and the method used for the killing as well as the purpose for which the carcasses is to be used is a presumption that the animals were killed under circumstances prohibited under this Act thus, punishable, provided that such possession includes the possession of any paraphernalia used for killing, torture or maltreatment such as clubs, knife, cages, restraints along with live or dead animals including any of its products and derivatives shall be a disputable presumption that the possessor caused the killing and/or destruction, infliction of injury, maltreatment, as appropriate;

b. Presence of fresh and/or dried blood, by-products or derivatives of the animals, with or without the tools, equipment and/or paraphernalia derivatives, shall be a disputable presumption of the killing and/or destruction of the habitat of the animal involved;

## CHAPTER VIII

### ADJUDICATION AND AUTHORITY TO IMPOSE ADMINISTRATIVE FINES & PENALTIES

**Sec 38. Authority to adjudicate and administer administrative penalties.** – The Bureau or their respective authorized representatives are authorized to exercise administrative adjudication confiscation and forfeiture powers, including the power to cite in contempt, in all cases of violations of this Act and may impose administrative sanctions such as payment of fines, and/or order the suspension or cancellation of existing permits, certifications and disqualification for future permits, the closure of facilities, and/or the confiscation and forfeiture of all animals including products, and all paraphernalia, tools, implements and conveyances used in connection with the commission of the violation, and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter. The Bureau or their authorized representatives may, after due notice and hearing, cancel or suspend permits, clearances, agreements and/or certificates due to violation of this Act, its implementing rules and regulations, and/or the terms of the permits, agreements or certificates. The Bureau upon approval of the Secretary shall issue appropriate adjudication procedures, rule and regulations.

## CHAPTER IX

### PERMITS, CERTIFICATES AND AUTHORITY TO COLLECT FEES AND CHARGES

**Sec. 39. Certificate of Registration and Permits.** - No person, association, partnership, corporation, cooperative or any government agency or instrumentality shall establish, maintain, or operate any animal facility including transport facility public or private, without first securing from the Bureau a certificate of registration thereof. Any facility public or private, that has a minimum 10 dogs or cats combined or otherwise shall be considered as operating an animal facility when the following circumstances are present:

- a. when operating and representing itself publicly as such
- b. when it has been securing donations or effecting rescue under the definition of this code;

As such, the said facility shall be covered by the guidelines and requirements of the Act.

The Bureau may revoke or cancel the certificate of registration of an animal facility if such animal facility is found to be in violation of any provision of this Act or any associated guidelines, rules, regulations, or standards or other just causes.

**Sec. 40. Mayor's Permit Requirement.** - No LGU shall issue Mayor's or business permit to any person, association, partnership, corporation, cooperative or government agency or instrumentality without the presentation of certificate coming from the Bureau that it has complied with the animal welfare standards set forth herein or any rules and regulations as may hereafter be enforced.



## CHAPTER X

### OTHER ANIMAL WELFARE PROVISIONS

**Sec. 41. Use of Animals for Show, Media, TV, Movies or Entertainment.** – Promoters/organizers of animals show, media or entertainment, shall obtain necessary permit from the Bureau when using animals. The presence of a licensed veterinarian during the entire show, taping, shooting or program shall be required. The Bureau shall lay down requirements for this purpose. All other provision regarding proper care and treatment of animals in general shall be applicable to these animals used for show or entertainment especially with respect to transport, holding area, allowance for rest and provision of food and water.

It shall be unlawful for producers and promoters of shows where animals are used to import, procure or use animals from sources without animal welfare standards/laws and/or has been shown to have maltreated or exposed animals to inhumane conditions prior to its importation. The animal should be given sufficient food and accommodation as well as adequate rest for the entire duration of its stay in the Philippines.

**Sec 42. Use of animals for work** - Animals used as working animals including but not limited to carriage horses, farm animals and the like must comply with the health and welfare standards set forth herein and as may be issued by the Bureau taking into consideration their nature and behaviour. Working animals should not be allowed to work under circumstances where its health and safety will be at risk. Overworking of animals is hereby prohibited. Water and appropriate shelter protecting the same from extreme weather condition must be provided.

**Sec 43. Use of animals as guide or service animals-** Service animals, such as but not limited to guide/service dogs are hereby regulated by the Bureau. Certification guidelines and standards for accreditation of dogs shall be established to assist. Service dog / Guide dog shall be defined accordingly.

**Sec. 44. Use of animals in Research and Scientific study.** – Animals used in scientific procedures, research, and studies shall be regulated by the Bureau, ensuring that animal welfare regulations and guidelines in the use, experimentation, testing and manipulations of animals for said purpose are complied with at all times. The academe and research institutions are encouraged to use non-animal research, testing, or educational model or strategy when reasonably and practicably available. Animal experimentation may be performed only as a last resort upon exhaustion of alternative approaches

No person, partnership, corporation, cooperative, government agency or instrumentality undertaking or operating any research facility shall use any animal in research or experiments without first obtaining a written authorization from the Bureau upon compliance with such guidelines and qualifications necessary to obtain such authority.

**Sec. 45. Transportation of Animals.** –

a. No person shall transport an animal or cause an animal to be transported in a way likely to cause injury or undue suffering to such animal, including but not limited to overcrowding, lack of adequate ventilation and appropriate transport cages, unnecessary or painful restraint, improper

and unsafe stowing, transport during extreme weather condition and the like, as well as failure to adequately provide food and water for the transported animals.

b. No person transporting an animal in connection with an economic activity shall fail to:

- I. Ensure that such animal is fit to travel and checked regularly during the voyage, at least once every six hours;
- II. Protect such animal from extreme temperatures, with journeys limited to a duration as prescribed by the Bureau depending on the specie, nature and needs of the transported animal;
- III. Ensure that vehicle loading and unloading facilities are constructed and maintained to avoid injury and suffering;
- IV. Provide sufficient floor space and height allowance so as to allow such animal to lie down, stand up, fully stretch its limbs, and turn around freely without any impediment; and
- V. After each eight hour travel period, rest such animal off the vehicle for at least 24 hours, providing such animal sufficient water and feed.

For purposes of this Section, transport "in connection with an economic activity" includes but is not limited to journeys undertaken by commercial haulers, farmers, commercial animal breeders and horse racers. Such transport is not limited to transport where an immediate exchange of money, goods, or services takes place and instead includes, in particular, transport which directly or indirectly involves or aims at a financial gain.

c. No person shall transport an animal fewer than eight weeks old, a pregnant female who has passed through 90% of her expected gestational period, a female who has given birth in the past seven days, or a sick or injured animal, unless such transport is to or from a veterinary practice or clinic.

d. Any violation of this Section shall be penalized even if the transporter has a permit to transport from the Bureau.

e. Any violation of this Section shall be penalized even if the transporter has a permit to transport from the Bureau;

f. Any vehicle used in the transportation or importation/exportation of animals in violation of the provisions of this Act shall be deemed an instrument employed in the commission of the crime, and shall be ordered confiscated and forfeited in favor of the government upon conviction of the accused.

**Sec. 46. Importation and Export of Live Animals.** - For the import and/or export of live animals, compliance with the provisions of this Act must be ensured, including proper holding facilities. Import of animals from countries of extreme cold climates shall be prohibited unless specifically authorized on a case-by-case basis by the Bureau upon submission of approved care and sustainability program or plan.

**Sec. 47. Spay and Neuter and Vaccination of Stray Cats and Dogs-** The Local Government Units through the Office of the Provincial, City and First Class Municipalities shall implement a mandatory spay and neuter for stray dogs and cats to control animal strays and rabies.

**Sec. 48. Communication, Education and other Public Awareness campaigns-** The Bureau together with other agencies, NGO's and stakeholders shall implement programs towards

increasing awareness on animal welfare through education and various information awareness activities and programs.

## **CHAPTER XI**

### **APPROPRIATION**

**Sec. 49. Appropriation** – The initial funding to establish the Bureau shall be taken from the General Appropriations of the Department of Agriculture to the extent of the amount of 50,000,000 for the first year.

The subsequent funding shall be included in the General Appropriation Act which shall include all necessary amounts to achieve the purposes of this Act and to ensure the proper functioning of the Bureau, including the enforcement of this Act.

## **CHAPTER XII**

### **PENALTIES**

#### **Sec. 50. Penalties**

a. Any person who subjects any animal to cruelty, torture, maltreatment or any of the prohibited acts herein shall be punished with a minimum imprisonment of 1 year and 6 months to a maximum of three years and/or a minimum fine of P30,000 but not exceeding P100,000 pesos as maximum.

b. Abandonment of animal shall be punished by a penalty of 6 months to one year and /or a fine not exceeding P10,000.

If the animal is left in circumstances likely to cause the animal unnecessary suffering or if this abandonment results in the death or injury of the animal, the person liable shall suffer the maximum penalty.

c. Operating an animal facility including any animal transport facility, without the required permit shall be punished with a penalty of imprisonment of 6 months to a maximum of 1 year and/or fine not exceeding 10,000 or both such fine and imprisonment without prejudice to the administrative liability of the owner/operator.

d. Failure to obtain the required permits to use animals for show, entertainment, or any form of media, or use animals for research and /or scientific education experiment like shall be punished with a minimum imprisonment of 6 months to maximum of 1 year and 6 months and/ or fine not exceeding 30,000.

e. If the violation is committed by a juridical person, the offender responsible thereof shall serve the imprisonment. If the violation is committed by an alien, he or she shall be immediately deported after the service of sentence without any further proceedings;

f. The Penalty of two years and one day to three years and/or a fine of not exceeding Two Hundred Fifty Thousand Pesos (P250,000.00) shall be imposed if the offense involves any of the following circumstances:

- i. committed by a syndicate involving a group of three or more individuals;
- ii. committed by an offender who makes business out of cruelty to animal;

- iii. committed by a public officer or employee; or
- iv. where at least three animals are involved.

In any of the foregoing situations, the offender shall suffer subsidiary imprisonment in case of insolvency and the inability to pay the fine.

g. The maximum applicable penalty shall be imposed upon a person who, at the time of his or her trial for a violation of this Act, shall have been previously convicted by final judgment of the same or another violation of this Act.

i. Violation of any other provisions of this code shall be penalized by minimum imprisonment of three (3) months to a maximum of 1 year and/or fine not exceeding 5,000 or both such fine and imprisonment;

j. The liability of any person herein is without prejudice to his/her liability for any other offenses under another law including administrative.

k.. Any person who has been habitually convicted of a violation of this Act shall be permanently and perpetually disqualified from being issued any permits or certificate to operate any animal facility including owning or possessing an animal/pet;

l. The Court in its discretion may, in lieu of service in jail, require that penalties imposed less than one year be served by the defendant by rendering community service under such terms and conditions that the court may determine depending on the gravity of the offense. Under this circumstance, the court will prepare an order imposing the penalty of community service in lieu of the penalty, specifying the number of hours to be worked and the period for it to be completed. Community service to be rendered must be related to assistance to animals.

### CHAPTER XIII MISCELLANEOUS PROVISIONS

**Sec. 51. Animal Welfare Fund.** - There is hereby established an Animal Welfare Fund to be administered by the Bureau as a special account in the National Treasury. It shall finance the programs of the Bureau on animal welfare as well as enforcement process.

The Fund shall be derived from fines imposed and damages awarded pursuant to violations of this Act, fees charged for permits, registrations, and authorizations, donations, endowments, administrative fees or grants in the form of contributions. Contribution to the Fund shall be exempt from donor taxes and all other taxes, charges or fees imposed by the government.

**Sec. 52. Mandatory Animal Welfare Education.** - It shall be mandatory for all primary and secondary education schools, public and private to integrate in their curriculum and have activities on the following:

- (1) the promotion and protection of the welfare of animals;
- (2) responsible pet ownership; and
- (3) concept of animal welfare.

**Sec. 53. Emergency Response** —The Bureau shall create and implement, in collaboration with the local government units and animal welfare NGOs, an interagency emergency response program for rescuing and caring for animals in times of calamity including but not limited to floods, earthquakes and the like. Such program shall include placing of the

animals in identified temporary shelters and/or recognized rescue centers, whether public or private, until the same are claimed by their rightful owners or can be rehomed appropriately.

The Bureau, through the LGUs, shall likewise establish an emergency response system to rescue and/or refer animals victim of abuse, cruelty and maltreatment to recognized animal shelters or facilities whether public or private.

**Sec. 54. Custody of Rescued Animals-** Any animal/s seized or rescued from violators of this act made in response to a violation of any provision of this Act and subsequent guidelines, rules and regulations may be held in custody pending disposition of administrative, civil or criminal proceedings. Animals seized or rescued shall be referred to the Local Government Pound or Shelter, Bureau accredited animal facilities subject to rules and regulations as may be hereinafter be issued. For wildlife, the same shall be referred to the DENR-BMB or their nearest regional offices.

**Sec. 55. Role of Local Government Units and other government agencies.** –Local government units shall support the Bureau in the implementation of this Act by issuing necessary animal welfare ordinances and implementing animal welfare programs in coordination with the Bureau, including the conduct of spay and neuter to control dog and cat population as well as veterinary access. Other government agencies handling animals within the definition of this Act are required to adopt and implement animal welfare standards, policies, rules and regulations in their operation consistent with this Act.

Recognizing the important role of the Barangay, a Barangay Animal Welfare Task Force shall be created and shall adopt programs consistent with the provisions of this Act and rules and regulations issued to implement the purpose of this Act.

**Sec. 56. Construction of the law-** This Act shall be liberally construed in favor of the promotion and protection of the welfare of the animals.

**Sec. 57. Transition** – During the transition within one year from effectivity hereof, the existing Bureau of Animal Industry shall remain to be the supervisory and authority in the implementation of the provisions of this act and shall manage, supervise turn over and monitor the establishment of the Bureau until the same becomes operational including the assignment and appointment of personnel and staff during the transition.

**Sec. 58. Separability Clause** – If any portion or provision of this Act is declared unconstitutional or invalid, the other portions or provisions hereof, which are not affected, shall continue to be in full force and effect.

**Sec. 59. Repealing Clause-** All laws, decrees, rules and regulations inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

**Sec. 60. Effectivity** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.