

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH (15TH) CONGRESS
First Regular Session



House Bill No. 5849

Introduced by: Rep. Bernadette Herrera-Dy

EXPLANATORY NOTE

When the Animal Welfare Act of 1998 was passed in 1998, there were only two animal welfare organizations incorporated in the Securities and Exchange Commission, namely – the Philippine Society for the Prevention of Cruelty to Animals (PSPCA) and the primary lobbying organization for the Act, The Philippine Animal Welfare Society (PAWS) led by Nita Hontiveros-Lichauco.

The topography of animal welfare has changed considerably since then. More people are concerned about animal cruelty and have formed organizations across the country to help animals.

The bill therefore seeks to give greater representation to the animal welfare movement by amending the Act in to add six (6) slots for animal welfare organizations in the Committee on Animal Welfare (CAW) – with at least two from every major island – Luzon, Visayas and Mindanao.

The bill also provides an additional slot for the Philippine National Police (PNP) as the Sponsor believes that a key element in ensuring effective implementation of the law against animal cruelty is to have our police take part in the crafting of guidelines in terms of apprehension and gathering of evidence versus animal offenders.

Implementation is likewise affected by lack of budget appropriated for the this Act and the lack of systems that would enable the Bureau of Animal Industry perform its mandate of promoting animal welfare and prosecuting cruelty, as well as issuing permits and licenses to all people and establishments who keep and deal with animals.

Cruel acts against animals abound in social networking sites and in cyberspace, the proponents mocking the law of the land for its measly fines and apparent hesitation in imprisoning animal offenders for long periods of times through a legal loophole that allows animal offenders to serve their sentences out of jail, on parole. This Sponsor is of the firm belief that the way a Society protects its weakest members has a great bearing on the peace

and order situation of our land. FBI records in the United States prove this – track records of violent criminals include a pre-disposition to be cruel to animals for no known reason.

Animal health is also directly related to human health. How successful our country will be in eradicating deadly diseases such as rabies- which kills 300- 600 Filipinos every year (mostly, children)- will be determined not only by efforts to provide vaccines and information about rabies but by encouraging people to be responsible pet owners and to be compassionate towards the animals that we share our world with.

Further, the scientific basis of sentience or the capacity of animals to feel pain also brings forth an ethical aspect of the State's duty to protect them, akin to the principle that a society should protect its weakest members in order to achieve the greatest good- which was the major argument for the passage of the RA 8485 in 1998. Mahatma Gandhi's quote: "A nation's moral progress can be measured by the way it treats in animals."

This growing consciousness is a worldwide phenomenon: in 2002, the OIE1 whose role is to manage animal health across the world, began providing recommendations for positive animal welfare, underscoring an international recognition of the link between animal health and animal welfare.

The Philippines- being the first in Southeast Asia to come up with its own nationwide anti-cruelty law should likewise be at the forefront of improving upon such laws so that these law remain relevant and in step with the times Deputization of animal welfare officers among animal welfare NGOs that have successfully filed criminal cases in court may widen the reach of Bureau of Animal Industry. Clearer systems and logistics for seizures of animal welfare cases will strengthen the law, protect the rescuers from unjust suits and bring across the message that the government is serious in its endeavor to fight animal cruelty.

It is time that we, Filipinos, are recognized for our compassion to animals as this evokes the finest elements of our humanity. To be firm and resolute in condemning and punishing acts which show utter disregard for life, protects our Society from deteriorating into one whose people are less humane towards each other. We protect health, livelihoods, ecosystems. Animal welfare directly translates to human welfare.

It is in this light that I enjoin all my esteemed colleagues here in Congress to support and quickly pass this Amendment.



BERNADETTE HERRERA-DY

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AN ACT AMMENDING REPUBLIC ACT 8485 OTHERWISE KNOWN AS “THE
ANIMAL WELFARE AT OF 1998”

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

SEC 1. *Section 5 of the Animal Welfare Act, otherwise known as “The Animal
Welfare Act of the Philippines Section is hereby amended to read as follows:*

*“Sec. 5. There is hereby created a Committee on Animal Welfare attached to the
Department of Agriculture ..-*

X X X

The Committee shall be composed of the official representatives of the following:

1. The Department of Interior and Local Government
2. Dep Ed (formerly DECS or “Department of Education, Culture and Sports”)
3. Bureau of Animal Industry (BAI) of the Department of Agriculture (DA)
4. Protected Areas and Wildlife Bureau (PAWB) of the DENR
5. National Meat Inspection Service (NMIS) of the DA
6. Agricultural Training and Institute (ATI) of the DA
7. Philippine Veterinary Medical Association (PVMA)
8. Veterinary Practitioners Association of the Philippines (VPAP)
9. Philippine Animal Hospital Association (PAHA)
10. Philippine Animal Welfare Society (PAWS)
11. Philippine Society for the Prevention of Cruelty to Animals (PSPCA)
12. Philippine Society of Swine Practitioners (PSSP)
13. Philippine College of Canine Practitioners (PCCP)

14. Philippine Society for Animal Science (PSAS)
15. Philippine National Police (PNP)

and six (6) qualified animal welfare organizations

15-16. two (2) whose main operations are based in Luzon

17-18. two (2) whose main operations are based in Visayas

19-20. two (2) whose main operations are based in Mindanao”

SEC 2. *New Sections 5A to 5C is hereby inserted after Section 5 of RA 8485, to read as follows:*

“Section 5A. Requirements for CAW members and nominees

The existing and additional animal welfare organizations and non-animal welfare NGOs shall submit the following annually:

1. Updated SEC Registration
2. BIR Registration
3. Annual Report of Programs
 - 3.1 For animal welfare NGOs, programs in all the enumerated fields: humane education, spay-neuter, lobbying and campaigning against animal cruelty, rescue, rehabilitation and rehoming of animals, disaster-relief for animals.
 - 3.2 For veterinary organizations: spay-neuter outreach programs for indigent pet owners.

Non-submission of the said requirements annually upon the request of the Director of the Bureau of Animal Industry shall cause the representation of such organization to be revoked for the year. Each NGO shall be given sixty (60) days from receipt of yearly written notice to submit the documentary requirements.”

“Section 5B. Nomination and Appointment of Additional Animal Welfare NGOs

Animal welfare NGOs in Luzon, Visayas and Mindanao who meet the qualifications indicated in Section 5A may submit their applications to the Director of the Bureau of Animal Industry who will endorse qualified applicants to the Secretary of the Department of Agriculture for final appointment.

Additional qualified animal welfare NGO CAW members must be appointed within sixty (60) days from their submission of nomination forms to the BAI Director.

“Section 5C. Forfeiture or termination of CAW Membership for the Year

NON-GOVERNMENT MEMBERS. Three consecutive non-attendance of the official or his alternate CAW representative for the organization shall result in

the termination of the said NGO's CAW Membership for the year and forfeiture of voting rights of the said organization for that particular year.

GOVERNMENT MEMBERS. Two (2) consecutive non-attendance of the official representative from a government entity shall cause the issuance of a warning memo to the personnel involved with the third incident of non-attendance as grounds for replacement of the representative of the government agency. The BAI Director shall write asking for the replacement of the said representative to the CAW after the third absence. The government agency must immediately fill in the vacancy by appointing a new representative for the next CAW meeting."

"Section 5D. Honorarium for Attending CAW Members. CAW members shall receive honorarium for each monthly attendance and this honorarium shall be sourced from the penalties and fees gathered in the implementation of this Act."

SEC 3. *New Sections 4A to 4B is hereby inserted after Section 4 of RA 8485, to read as follows:*

"Section 4A. Prohibition to put live animals in cargo holds of buses or trunks of cars. It shall be a criminal offense to transport dogs or other animals in cargo holds of buses, trunks of cars or other places in vehicles which lack ventilation. Management and staff of transport companies – whether planes, bus or ships – shall be held liable for violation of this Act if they allow animals to be put in areas of their carriers unless these areas are specifically prepared to carry live animals without endangering their welfare or causing them suffering or death."

As per the Resolution for Transport of Live Specimens (Conf. 10.21), the Convention on International Trade in Endangered Species (CITES) recommends that all parties dealing with the preparation and transport of live animal specimens follow the instructions provided by IATA's Live Animals Regulations (LAR) and incorporate them in their national legislations.

"Section 4B. Humane Livestock Transport. - Live farm animals like pigs and chickens should likewise be transported in vehicles with ample space for them to stand up and with protection from elements like rain or extreme heat. This is regardless of whether they are bound for slaughter or not."

SEC 4. *New Sections 6A to 6E are hereby inserted after Section 6 of RA 8485, to read as follows:*

"Section 6A. Who may file
Complainants on animal cruelty or neglect may be any one of the following:

(1) Any ordinary citizen with personal knowledge on the incident / cruelty whether the animal is theirs or not

- (2) Owner or guardian or caregiver of the animal involved
- (3) Professional or non-professional working with animals with personal knowledge on non-adherence to legislated animal welfare standards in the handling or keeping, treatment or transporting of these animals (i.e. veterinarians, laboratory scientists, caretakers)
- (4) Officer or employee of Animal Welfare Division- Bureau of Animal Industry
- (5) Police officers
- (6) Barangay captains or LGU officials
- (7) Officer or representative of any animal welfare organization
- (8) Government official”

“Section 6B. Training for Humane Handling and Reporting Requirements for Facilities and Institutions which Use Animals. - Institutions that use or deal with animals are required to train personnel about humane handling and humane catching. Training of trainers shall be undertaken by BAI which may deputize animal welfare organizations and private organizations who have the expertise in humane handling or catching animals.

Further, methods through which deficiencies in animal care and treatment may be reported, including deficiencies in animal care and treatment reported by any employee of the facility will be specified in Implementing Rules and Regulations. No facility employee, committee member, or laboratory personnel may be discriminated against, or be subject to any reprisal, for reporting violations of any regulation or standards under the Animal Welfare Act.”

“Section 6C. Prohibition of Pest Control and Private Animal Control Companies to Treat Dogs and Cats as “Pests”. - It shall be a violation to treat companion animals such as dogs and cats as “pests” under this Act. Animal control of strays shall be solely assigned to the City Veterinarian’s Office. Should the City Veterinarian sub-contract private companies to do the trapping and euthanasia for the City, the Office of the said City Veterinarian shall draw up a contract and ensure that provisions on Euthanasia and Humane Catching under this Act are followed.

In the event of cruelty to dogs and cats captured for the purpose of animal control, both the private company and the City Veterinarian can be held liable.”

“Section 6D. Registration of Dog and Cat Breeders. - Any person breeding dogs and cats to sell them should be required to register with the Bureau of Animal Industry- Animal Welfare Division (BAI-AWD). BAI AWD shall require all licensed breeders keep record of their bitches, including name, date of birth, address where kept, breed, colour, details of sire, date of mating, and puppies birth dates, weight, description, and sale details - including date of sale, name, address and type of purchaser (pet shop/private).

Maintaining these records accurately is a condition of licensing and the records must be available for inspection at all times.

Aside from documentary requirements such as barangay clearances and SEC or DTI registrations, BAI-AWD shall also issue humane guidelines for breeding and shall make adherence to these guidelines a requirement before a breeder can be registered.”

“Section 6E. Working Dogs. - Before issuing permits, BAI-AWD must check compliance with issued minimum care standards that ensure the physical, mental and emotional well-being of working dogs such as K-9 units, bomb-sniffing dogs, search-and- rescue dogs, seeing-eye dogs.

Failure to comply with minimum standards of care shall make the owners, handlers and/or staff members of agencies that provide these working dogs liable under this Act.

Retired working dogs shall not be bred but must be neutered /spayed and rehomed by coordinating with accredited animal welfare organizations, or euthanized by a licensed veterinarian using the approved procedures under this Act.”

SEC 5. New Sections 7A to 7D are hereby inserted after Section 7 of RA 8485, to read as follows:

“Section 7A. Protection of Persons Intervening to Alleviate Pain, Fear and Suffering in Animals. - Any person who, acting in good faith, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of an animal being abused, shall not be held criminally, civilly or administratively liable.

Anyone who undertakes to get a chained or caged starving, suffering or sickly animal from the premises of an owner who has been remiss in providing for its basic needs shall not be held criminally, civilly or administratively liable provided that:

1. The barangay or subdivision association have confirmed in writing that all attempts to contact the owner of the dog or property where the dog is kept have failed;
2. Entry into the premises is supervised by at least two barangay officials or law enforcement officials.
3. During the seizure and transfer of the animal, no other item or piece of property is touched except for what is necessary to get the animal which is in imminent danger of death.
4. Steps are taken to secure the property or premises from succeeding intruders with new locks under the care of barangay or subdivision officials.
5. A written note to the owner of the dog or the premises is left in the area where dog used to be and a duplicate with the barangay or subdivision officials as to who may be contacted regarding the animal

Damage to property such as broken locks and other expenses related to the seizure such as replacement of locks or broken windows shall be for the account of the owner of the animal.”

“Section 7B. *Deputization of Inspection Officers.* – The Director of BAI shall deputize animal welfare enforcement officers from non-government organizations with proven track records in filing criminal charges against animal offenders. Guidelines for the gathering of evidence, filing criminal charges shall be drawn up by the Committee on Animal Welfare to guide the Inspection Officers. Procedures will include issuance of warning tickets with a checklist on the conditions to be improved. Warnings will be up to second warning only before filing of charges. Enforcement agencies shall designate animal welfare enforcement officers who shall assist in the implementation of this Act. As such, 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.”

“Section 7C. *LGU Facilities for Keeping Rescued Animals*
The Local Government Unit (LGU) should have a facility separate from its City Pound for rescued animals to be held as evidence in court cases. Food, water and vet care shall be provided for these animals for the account of the LGU until such a time that the animals can be presented as evidence in Court. After their presentation as evidence, they can be fostered by individuals screened by Animal Welfare NGOs accredited by the BAI AWD, neutered and rehomed, or euthanized according to the approved Euthanasia Procedures under this Act, if fostering or rehoming is not feasible due to lack of fosterers or due to health or behavior issues that may make an animal unsuitable for rehoming or fostering.

The Government may likewise sub-contract sheltering with an accredited private shelter for as long as funding will be provided for that shelter and a definite holding period for the animals is specified in the Memorandum of Agreement between said LGU and the accredited private shelter.”

“Sec. 7D. *Mandatory Spay-Neuter Of Dogs And Cats Rescued From Cruelty Before Rehoming or Adoption.* Rescued dogs or cats, once they are deemed fit for spay-neuter surgery, shall be neutered or spayed before rehoming, whether from an animal shelter or facility registered with BAI or an LGU facility.

Violation of this provision shall cause either the issuance of a written warning from BAI-AWD or a revocation of permit issued by BAI-AWD to that facility. The erring facility’s permit will not be renewed until the oversight is corrected and a written assurance from the facility veterinarian and facility manager is received by BAI-AWD that all animals to be placed will be neutered.

“Sec. 7E. *Establishment of Animal Welfare Desks in Police Stations and Barangay Outposts.* Animal welfare desks shall also be established in

each police station and barangay hall or outpost to ensure that those reporting incidents of animal cruelty and neglect may receive proper guidance and assistance. Barangay desk officers and officials, members of police that are assigned at these Desks are required to attend a seminar conducted by BAI-AWD or an accredited animal welfare NGO.”

“Section 7F. Legal Prosecution of Animal Welfare Violation Cases. For the prosecution of animal welfare cases, the Department of Justice (DOJ) through its public prosecutors may authorize any private law practitioner who may be well-oriented with animal welfare law to prosecute and/or assist in the prosecution of offenders.”

SEC 6 . Section 8 shall now read –

“Section 8. Penalties. Any person who violates any of the provision of this Act shall, upon conviction by final judgment, be punished by prison mayor or imprisonment of not less than six (6) years and one (1) to twelve (12) years and a fine of not less than Ten Thousand Pesos (P10,000.00). Those convicted of pet neglect shall be prohibited from owning a dog, cat or any companion animal in their lifetime. If the violation is committed by a juridical person, the officer 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 proceeding.”

SEC 7 . Section 9 shall now read –

“Sec. 9. Disaster-Relief and Response Program for Animals. The AWD shall create a Committee led by the City Veterinarian and the Regional Animal Welfare Officer who shall be responsible for drawing up guidelines for Disaster Preparedness, Response and Relief for farm and companion animals in their area. They will also set up a temporary holding or evacuation area for these animals and are tasked to report immediately to DA-BAI on the number of animals affected by a disaster occurring in their area. BAI will fund these temporary shelters for affected animals and coordinate with the LGU about providing food and water for them until the families or farmers who own these animals are able to rebuild and return to their homes or to a relocated area.”

SEC 8. Section 10 shall be added and shall read as

“Sec. 10. Appropriations and Animal Welfare Act Fund .- The amount of ONE HUNDRED MILLION PESOS (P100, 000,000.00) necessary for the implementation of the provisions of this amended Act shall be initially charged against the appropriations of the Department of Agriculture under the General Appropriations Act. The fines and penalties collected under this Act shall likewise form part of the Animal Welfare Act Fund. Donations from private institutions or

organizations may be accepted to carry out the mandate of implementing the Animal Welfare Act.

The Bureau of Animal Industry shall be in-charge of handling the proper accounting, disbursements and recording/documentation of all monies received for this Fund.”

SEC. 8. *Section 11 shall be added and shall read as*

“**Section 11. *Repealing Clause.*** All laws, decrees, executive orders, issuances or regulations inconsistent with the revisions of this Act are hereby revised and amended accordingly.”

SEC. 9. *Section 12 shall be added and shall read as*

“**Section 12. *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. 10. *Section 13 shall be added and shall read as*

“**Section 13. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.”