

Republic of the Philippines
House of Representatives
Quezon City



**FIFTEENTH CONGRESS
SECOND REGULAR SESSION**

House Bill No. 6049

Introduced by Representative JC Rahman A. Nava

EXPLANATORY NOTE

This bill seeks to amend Republic Act No. 8485 by strengthening the Animal Welfare Division (AWD) of the Department of Agriculture as it is the government institution tasked to promote of animal welfare in the country.

Included in the bill is the provision on the appointment of regional, provincial and city animal welfare officers and deputized animal welfare enforcement officers to assist the AWD in its implementing the animal welfare law. Penalties on violations of animal welfare offences were also increased so as to deter individuals from violating the law. Also included are provisions to strengthen the enforcement of the law.

It is our hope that with this bill, animal welfare rules and regulations would be more effective in our country as we build a society that not only respects the rights of men but also treats the animals humanely.

A handwritten signature in black ink, appearing to read "JC Rahman A. Nava". The signature is stylized with a large initial "J" and a long, sweeping underline.

JC RAHMAN A. NAVA

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**AN ACT TO PROMOTE THE ANIMAL WELFARE IN THE PHILIPPINES,
STRENGTHENING FOR THIS PURPOSE THE ANIMAL WELFARE DIVISION UNDER
THE BUREAU OF ANIMAL INDUSTRY OF THE DEPARTMENT OF AGRICULTURE,
AND FOR OTHER PURPOSES**

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

CHAPTER I

TITLE, DECLARATION OF POLICY AND DEFINITION OF TERMS

Section 1. *Title.* - This Act shall be known as the Animal Welfare Act of 2012.

Sec. 2. *Declaration of Policy.* - It shall be the policy of the state to protect and promote the welfare of all animals, by establishing a system of supervision and regulation in all aspects of its keeping, maintaining, handling, transporting, breeding, training, treating and use, in adherence to the five basic freedom 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 conform to essential behavioral pattern; and (5) Freedom from fear and distress.

Sec. 3. *Coverage.* - This Act shall apply to all programs, activities and undertakings of persons, corporations, associations, organizations, animal producers, small-hold farmers, entities or government agencies that handle, breed, train, keep, care, transport, use any animals whether as pet, livestock, wildlife, thru entertainment or show; or operate, maintain any facility for animals either as shelter, kennel, pet shops, stockyard, corral, stud farm or stock farm, slaughter houses, zoo, pound, including sea or ocean animal facility, veterinary clinics and hospitals, laboratories, and the like.

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

- (1) To promote animal welfare by providing rules, regulations, guidelines and standards in the establishment and operation of animal facilities, transportation, and the like;
- (2) To establish welfare guidelines and standards in the breeding, maintaining, keeping, treating and training of all animals;
- (3) To promote animal health through the maintenance of adequate, clean and sanitary facilities used in the keeping, breeding, treating and training of animals;
- (4) To promote responsible pet ownership through education and information dissemination;
- (5) To regulate the operation and maintenance of animal facilities or any establishment where animals are kept for whatever reason or purpose;
- (6) 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;
- (7) To establish inter-agency, multi-sectoral and local government cooperation for the promotion and protection of animal welfare;
- (8) To create an organizational structure that will effectively implement the provisions of this Act and all laws relevant to it;
- (9) 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 take into account 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;
- (d) Conservation and management of animal populations should be humane, socially responsible, and scientifically prudent;

(e) Protection of animal habitat is an animal welfare consideration;

(f) 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

(g) Animals shall be treated with respect and dignity throughout their lives and, when necessary, provided a humane death.

Sec. 6. *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 - is the physical and psychological well being of animals including its overall health.

(c) Animal Facility. - refers to structures or premises used for the purpose of caring, breeding, rearing, holding, gaming, training, trading, treating, and exhibition such as but not limited to farms, zoos, aviaries, apiaries, kennels, race tracks, cockpits, pet shops, pounds, animal rescue centers, airport and seaport quarantine stations, animal holding facilities, stables, livestock, markets, slaughter houses, veterinary clinics, and veterinary hospitals.

(d) Captive Animals. - refers to animals that are confined for education or recreational purposes in places such as but not limited to zoos, sanctuaries, including rescue centers, sea or ocean facility and the like.

(e) Euthanasia. - refers to the process of painless death to animals.

(f) Pet Animals. - 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.

(g) Transport Facility- Any transportation public or private, whether air, water, land including tricycles and the like used to transport animals to a particular destination.

CHAPTER II

ANIMAL WELFARE DIVISION AND ANIMAL WELFARE ADVISORY COMMITTEE

Sec. 7. *Animal Welfare Division* – The Animal Welfare Division or AWD under the Bureau of Animal Industry of the Department of Agriculture shall be primarily responsible for overseeing, supervising, regulating and promoting the welfare of animals including all animal facilities and establishment where animals are held, treated, maintained, bred,

trained; or kept for sale and trade as well as transportation thereof whether public or private to ensure animal care and welfare; and prevent any incident of death, sickness or infliction of cruelty and maltreatment of animals. It shall be chiefly responsible in ensuring the implementation of animal welfare regulations, programs and standards.

The AWD shall be headed by a Division Chief who shall be responsible for the general administration and management of the AWD. The Division Chief of the AWD shall be appointed by the Secretary of the Department of Agriculture and shall perform such other duties that may be assigned to him/her. He/she must possess adequate knowledge, training and experience in the field of veterinary science and/or veterinary medicine.

Sec. 8. Powers and Duties of the AWD –

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

1. To establish a system for the effective implementation of this Act;
2. To adopt measures to ensure that no animal cruelty, maltreatment and the like are inflicted to animals in any animal facilities including but not limited to residential, zoos and sanctuaries, pounds, public and private transport system,
3. To establish an emergency response system to rescue and/or refer animals victim of abuse, cruelty and maltreatment to recognized animal shelter or facility whether public or private;
4. To establish an emergency animal response and rescue system in case of calamities such as but not limited to floods, earthquakes and the like;
5. To immediately seize, confiscate animals in any facility defined herein found to be violating the provisions of this act, its implementing rules and regulations and other regulations and standards issued for the strict implementation of act;
6. To inspect vehicles or any transport system used to transport animals and to order the closure, stoppage of operation of any said 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 ;
7. To stop, confiscate or order the impounding of any transport system public or private found to be violating the provisions of this act, its rules and regulations including other regulations and standards issued for the strict implementation of this act;
8. To inspect animal facilities used for training, keeping, maintaining, breeding, keeping or holding animals including veterinary clinics and hospitals to ensure compliance with animal welfare standards and regulations;
9. To close or order the closure of animal facilities found violating the provisions of this act or any animal welfare standards and regulations;

10. To delegate certain powers and functions to the local government units, relevant and necessary for purposes of effectively implementing animal welfare 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 supervise and monitor the implementation of this Act and to ensure strict compliance.
14. 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.
15. To establish and maintain a database surveillance and management information system on animal welfare in the Philippines.
16. To act as repository of data and documents which may be utilized by the Bureau, government agencies, non-government organizations
17. To levy and collect fees for its registration, certification, inspection and monitoring system.
18. To collect fines and penalties pursuant to the provisions of this Act;
19. To release data and information to the public through the use of both tri-media and non-traditional media;
20. 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;
21. To create and maintain a web based registry accessible to the public of all the animal facilities in the country, whether public or private;
22. To issue certifications, authorizations and permits necessary for the establishment maintenance and operation of animal and transport facilities, as well as to create a system and guidelines in the determination of approval of the application of said certifications, authorizations and permits;
23. To establish a system and regulations in the inspection of animal facilities;
24. 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;

25. To create, establish and implement a national program on rewards and incentives for Most Animal Welfare Friendly Region, Province and City;
26. To perform such other duties and responsibilities which are necessarily included in achieving the purpose of this Act.

Sec. 9. Regional, Provincial and City Animal Welfare Officers -

A Regional Animal Welfare Officer shall be appointed by the Secretary of the Department of Agriculture upon the recommendation of the Division Chief of the Animal Welfare Division. The said officers must possess the following minimum qualifications:

1. Veterinarian with minimum 1 year experience on the veterinary practice or an animal husbandry graduate;
2. Has undergone relevant training on animal welfare practices.

Provinces and cities shall also assign their respective Animal Welfare Officers and necessary technical support staff to effectively implement the provisions of this Act.

The said officers shall possess at the very least the same qualifications as that of the Regional Animal Welfare Officer.

Sec. 10. Deputation of Animal Welfare Enforcement Officers. – The Division Chief of the AWD shall depute 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. 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.

The AWD shall set guidelines in the reporting, coordination of deputized animal welfare enforcement officers.

Sec. 11. Animal Welfare Advisory Committee – There is hereby created an Animal Welfare Advisory Committee (AWAC) which shall, subject to the approval of the Secretary of the Department of Agriculture, recommend the necessary rules and regulations for the strict compliance of the provisions of this Act.

The AWAC shall likewise recommend to the AWD and from time to time, revise Code of Practice for the purpose of providing practical guidance in respect of any provision made under this Act. An adopted code of practice may specify requirements:

- (a) for the keeping, breeding, treatment, handling, transportation, sale, killing, catching, trapping, netting, marking, care, use, husbandry or management of an animal or a class of animal; or
- (b) in relation to licensed premises or facilities, transportation, equipment or conditions at licensed premises.

Sec. 12. *Composition and Meetings of the AWAC.* - The AWAC shall be composed of the official representatives of the following:

- (a) one (1) from the Animal Welfare Division of the Department of Agriculture (DA);
- (b) one (1) from the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources (DENR);
- (c) one (1) from the Department of Interior and Local Government (DILG);
- (d) one (1) from the National Meat Inspection Commission (NMIC) of the DA;
- (e) one (1) from a nationally recognized Veterinary Associations; and
- (f) one (1) from the Academe
- (g) one (1) from the Provincial, City Veterinary League Association
- (h) and four (4) representatives from the different nationally recognized animal welfare organizations.

The AWAC shall be chaired by the Division Chief of the AWD. The AWD shall act as secretariat to the advisory committee. It 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.

The AWAC shall meet quarterly or as often as the need arises. The Committee members shall not receive any compensation but may receive honoraria from time to time.

Within fifteen (15) days from the effectivity of this Act, the Secretary of the Department of Agriculture shall issue advisory to concerned government offices, academe, concerned NGOs, veterinary associations and animal welfare organizations to submit their recommendation and/or application for membership to the Advisory committee.

Except for the identified Government agencies, the other institutional members of the Committee shall be appointed by the Secretary of Agriculture upon the endorsement of the Chief of the AWD pursuant to an application or as nominated by their respective agencies/sectors.

The application and nomination of the institutional members shall commence after (15) days from the time this Code takes effect and shall last for thirty(30) days. The appointments shall be made within thirty (30) days from the nomination.

Each member shall have a term of service of two (2) years unless earlier removed for just cause pursuant to the rules on the matter subject to the assessment of the Animal Welfare Division.

The procedure for removal and replacement, as well as enforceable disciplinary actions of members shall be established in the internal rules and regulations of the Committee which shall be formulated and issued by the Committee thirty (30) days after the appointment of the minimum number of all its representatives.

CHAPTER III

ANIMAL WELFARE OBLIGATIONS, OFFENCES AND PENALTIES

Sec. 13. *Provision of Food, Drink and Shelter.* - A person in charge of an animal must provide the animal with food, drink and shelter:

- (a) that is appropriate and sufficient; and
- (b) that it is reasonably practicable for the person to provide

If an animal has been confined for a period exceeding 24 hours without appropriate and sufficient food or drink, any person may enter the premises where it is confined to supply the animal with food or drink and the person incurs no liability for entering the premises.

Sec. 14. *Provision of Medical Care for Injured Animal.* - Owners of animals and/or persons in charge of animals are required to 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. They are also required to ensure that the animals receive, where practicable, treatment that alleviate any unreasonable or unnecessary pain or distress from which the animals are suffering.

It shall be unlawful for any licensed veterinarian to neglect in providing medical care for an injured animal referred for emergency cases. Should the referring individual be an indigent, or if the government veterinary office is too far from where the injured animal is found, the injured animal shall be brought to the nearest private veterinary clinic and the animal shall be given free first aid by the said clinic. If it is impracticable or if it would be dangerous for such person to carry and transport the animal to the nearby clinic, said person must call the local government veterinary clinic/hospital for assistance so that the concerned local government unit may pick up the injured animal.

Sec. 15. *Prohibition on Cruelty and Maltreatment of Animals.* - The penalty of an imprisonment of not less than six (6) months nor more than six years (6) years and/or a fine of not less than five thousand pesos (P5,000.00) but not more than fifty thousand pesos (50,000.00) shall be imposed upon any person who maltreats or do acts of cruelty to any animal.

In addition, persons found guilty violating this provision shall be prohibited from owning or possessing any animal after serving his/her penalty. If found to own and possess any animal, an additional penalty of an imprisonment of six (6) months or a fine of not more than one hundred thousand pesos (P100,000.00) shall be imposed.

An act of cruelty includes the following:

- (a) an act that causes an animal unnecessary suffering or pain such as but not limited to torture, maltreatment and the like;
- (b) exposing the animal to inhumane conditions and situations including inappropriate shelter and /or transport facility;
- (c) treatment that is inhumane such as but not limited to overcrowding, neglect or failure to provide adequate care, sustenance and shelter

Sec. 16. *Prohibition on Killing of Animals.* – It shall be unlawful for any person to torture any animal, to neglect to provide adequate care, sustenance or shelter, or maltreat any animal or to subject any animal to fights not authorized or regulated by law, kill any such animals or cause or procure them to be to be killed, tortured or deprived of adequate care, sustenance, or shelter, or maltreat or use the same in research or experiments not expressly authorized by the AWD.

Killing of animals other than cattle, pigs, goats, sheep, poultry, rabbits, carabaos, horses, deer and crocodiles, or killing of pets and animals not declared as food animals for human consumption, or cause or procure the animals to be 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, leaders shall keep records in cooperation with the Committee on Animal Welfare;
- (2) When the pet animal is afflicted with an incurable communicable disease as determined and certified by a duly licensed veterinarian;
- (3) When the killing 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;
- (6) When the animal is killed after it has been used in an authorized research and experiment;
- (7) Any other ground analogous to the foregoing as determined and certified by a duly licensed veterinarian.

In all of the above mentioned cases, including those of cattle, pigs, goats, sheep, poultry, rabbits, carabaos, horses, deer and crocodiles, the killing shall at all times be done only through euthanasia or other humane procedures approved by the AWAC and in no case shall the animals be killed by way of electrocution or gas chamber using any petrol or diesel exhaust. For this purpose, humane procedures shall mean the use of the most scientific methods available as may be determined by the committee.

Likewise, possession of body carcasses or any parts thereof, meats of any animals, whether raw, cooked or processed, other than those allowed under existing laws on food animals, without the necessary permit or veterinary certificate from 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 will be used is a presumption that the animals were killed under circumstances prohibited under this Act thus punishable. Buying and selling of meat, raw, cooked or processed, carcasses or parts thereof contemplated under this provision shall likewise be prohibited.

The penalty of an imprisonment of not less than six (6) months nor more than six (6) years and/or a fine of not less than fifty thousand pesos (P50,000.00) but not more than

five hundred thousand pesos (P500,000.00) shall be imposed on any person who violates this provision.

Sec. 17. *Prohibition on Animal Fights* – It is prohibited to subject animals to fights not authorized or regulated by law such as, but not limited to dog fighting and horse fighting. A person must not:

- (a) cause, procure, permit, encourage, promote, organise or incite a fight in which an animal is pitted against another animal;
- (b) advertise, promote the intention to conduct such a fight; or
- (c) attend such a fight

Persons found guilty of violating this provision shall have a penalty of an imprisonment of not less than six (6) months nor more than six (6) years and/or a fine of not less than fifty thousand pesos (P50,000.00) but not more than five hundred thousand pesos (P500,000.00).

CHAPTER IV

ENFORCEMENT

Sec. 18. *In General* – The Secretary of the Department of Agriculture, either independently, or in cooperation with local government units, the Philippine National Police and other interested parties, is authorized to carry out enforcement operations and measures to eradicate, stop and prevent activities prohibited under this Act.

Sec. 19. *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 Bureau of Animal Industry through the Animal Welfare Division and/or its deputized animal welfare enforcement officers, and other law enforcement agencies for appropriate action.

Offending person/s found in the act of violating any provisions herein or the Animal Welfare Act shall be immediately reported to the nearest police station for purposes of filing of the necessary charges for violation of the provisions of this Act and rules and regulations as may be heretofore issued by the AWD.

The AWD or its deputized animal welfare enforcement officers shall immediately act on violations reported to it by referring the matter for police investigation and/or filing the necessary charges both administrative and criminal against the reported violator. In which case, the AWD or its deputized animal welfare enforcement officers shall be the one to act as complainant for cases filed under this provision and the person/s entity who reported the same may act as witnesses. AWD shall ensure that filing of necessary charges against erring persons shall be done. If warranted, warrant or arrest or search warrants be secured for purposes of pursuing the case. The procedure in filing of criminal charges shall be as prescribed by the rules of criminal procedure contained in the Rules of Court. The person/s who have personal knowledge about the offense/violation committed shall act as the complainant/witness.

Pursuant to existing provisions of law, citizen's arrest can be made if the person/s arrested were caught in the act of violating the law. Otherwise, arrest shall be made by the police or persons in authority in accordance with the rules prescribed in Rule 113 on Revised Rules on Criminal Procedure.

Sec. 20 : *Seizure of Effects* – Any item so seized pursuant to arrests made for violation of any provision of this Code shall be held by any person authorized by the BAI pending disposition of administrative, civil and criminal proceedings. Animals seized shall be referred to AWD accredited animal facilities. For wildlife, the same shall be referred to the DENR-PAWB, 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. 21. *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 the animals from further distress, fear 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 and deputized animal welfare enforcement officers.

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 due to a declaration of innocence of the respondent. The protection order may be filed by any concerned citizen, deputized animal welfare officer, law enforcement officers, the AWD and the LGU through the City or Provincial vets.

The protection under this Act shall include any, some or all of the following reliefs:

- (a) Prohibition of respondent from taking possession of the animal/s subject matter or the protection order;
- (b) Prohibition of respondent from taking possession of any animal for the duration of the protection order;
- (c) Prohibition of respondent from purchasing any animal for any purpose for the duration of the protection order with the exception of food animals already prepared for consumption;
- (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;
- (e) Directing the respondent to stay away from the residence, school, place of employment or any specified place frequented by the person who has caused the apprehension of the respondent as well as his or her designated family or household member/s;

(f) Granting temporary or permanent custody of the animal to the person who has caused the apprehension of respondent or 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 the animal/s subject matter of the protection order as well as the person who has caused the apprehension of the respondent and his 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. 22. Preservation of Evidence – The apprehending persons or law enforcement agencies shall ensure that all evidences necessary for the prosecution of the offender are classified, marked and/or tagged for purposes of identification and accounting. A summary of the evidences should be part of the documents to be turned over to the law enforcement agencies.

Available and standard police documentations shall likewise form part of the evidence gathering and preservation.

Sec. 23. Reportorial Requirement – The AWD or their deputized animal welfare enforcement officers shall always be furnished with copies of all such complaints filed against violators of the Animal Welfare Act. AWD shall monitor the progress of such complaints and shall actively participate whenever necessary either as complainant, witnesses or expert witnesses and assist in the successful prosecution of offenders and violators of the Animal Welfare Code.

CHAPTER V

OTHER ANIMAL WELFARE REGULATIONS

Sec. 24. Certification Requirement. - No person, association, partnership, corporation, cooperative or any government agency or instrumentality including slaughterhouses shall establish, maintain and operate any petshop, kennel, veterinary clinic, veterinary hospital, stockyard, corral, stud farm or stock farm, zoo, animal shelters, animal sanctuaries, pounds and the like without first securing from the AWD a certificate of registration thereof.

Operating without necessary permits, certification and authorizations required shall be punishable with imprisonment not exceeding one year and fine not exceeding fifty thousand pesos (P50,000.00). Subsequent violations, unless specified otherwise, shall merit the perpetual prohibition to apply for same permits, certifications and authorizations.

The certification shall be issued upon proof that the facilities of such establishment for animals are adequate, clean and sanitary and complies with animal welfare standards required for its use and purpose and that the same will not be used for, nor cause any pain or suffering to the animals. The certificate shall be valid for a period of one year unless earlier cancelled for just cause before the expiration of its term by the AWD and may be renewed from year to year upon compliance of the conditions imposed hereunder. The AWD shall charge reasonable fees for the issuance and renewal of such certificate.

The condition that such facilities be adequate and appropriate for the type of animal, clean and sanitary, and that they will not be used for, nor cause any pain and/or suffering to the animals is a continuing requirement for the operation of these establishments. AWD may revoke or cancel such certificate or registration for failure to observe this conditions and other just causes.

Government officials or employees who shall issue any permit, certification or authorizations when applicants are not qualified to obtain the same shall be punished with the same fine and term of imprisonment as the offenders and shall likewise be disqualified to work for government agencies and/or instrumentalities which issue certificates or permits to the public for same period as the term of imprisonment but shall in no case be less than one year. This sanction shall be imposed as a separate penalty from other administrative sanctions which may be imposed under other laws.

Sec. 25. *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 AWD that it has complied with the animal welfare standards set forth herein or any rules and regulations as may hereafter be enforced.

For purposes of this Act, what is adequate and appropriate, clean and sanitary, shall be defined in the Implementing Rules and Regulations taking into consideration the nature and needs of the specific animal or specie thereof. Other relevant international standards may be used as reference for this purpose.

Sec. 26. *Use of Animal for Show and Entertainment.* - Promoters/organizers of animals show or programs shall obtain necessary permit from the AWD. The presence of a licensed veterinarian during the entire show or program shall be required. 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. 27. *Animal Research Requirement.* - Animals in scientific procedures, research, and studies shall be regulated by the AWD, ensuring that animal welfare regulations and guidelines in the use and manipulations of animals for said purpose are complied with at all times.

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 AWD.

AWD shall formulate such guidelines and qualifications necessary to obtain such authority which in no case shall be no less than the submission of the following:

- (a) Certificate of no prior record of abuse or maltreatment of animals issued by the AWD;
- (b) Detailed application form stating at least the following:
 - 1. The procedure that requires the use of animals;
 - 2. The specie of animal to be used;
 - 3. The purpose for using the animal (i.e. expected results and relevance of using such specie in the research/experiment)
 - 4. Injury the animal may/will suffer during the experiment. Should the animal die in the process, there should be a detailed description on how the animal will be killed and how it will be disposed. In any case there must be proof that the killing shall be done as humanly as possible.
 - 5. Such other details as may be required by the AWD.
- (c) Payment of fees and charges that the AWD may impose;
- (d) Any other documents or evidences that the AWD may require.

After obtaining such authorization and upon the conclusion of the research or experiment, detailed report shall be submitted to the AWD stating how the procedure was actually done showing proof that the animal used was treated humanely all throughout the research/experiment. The AWD, at any time during the research and experiment may inspect or supervise the research and experiment to verify and authenticate that the animal is treated humanely all throughout the research/experiment. This report along with the payment of the fees to be charged is necessary for the issuance of the certification of "no prior record" of abuse or maltreatment of animals.

Sec. 28. Transportation of Animals. - It shall be the duty of any owner or operator of any public or private land, air or water public utility transporting pets, wildlife and all other animals to provide in all cases adequate and appropriate, clean and sanitary facilities for the safe conveyance and delivery thereof to their consignee at the place of consignment including proper, appropriate restraint and cages. They shall provide sufficient food and water for the animals while in transit and shall ensure that the animals are free from unnecessary and excessive restraint, as well as factors likely to cause unnecessary pain and suffering, further distress or fear to the animals or those that may endanger the health and life of the animal.

No public or private utility shall transport any such animal without a written permit from the AWD and only after complying with the established rules and regulations on proper animal transport as may be issued. Transport of animals for show or entertainment shall likewise be regulated following welfare standards.

Any form of cruelty shall be penalized even if the transporter has a permit to transport from the AWD. Cruelty in transporting includes but not limited to overcrowding, failure to provide adequate ventilation and transport cages, unnecessary restraint and the like, as well as failure to adequately provide food and water for the transported animals.

AWD shall ensure that only appropriate transport facility made for the specific animal specie shall be authorized to transport animals. It shall create in consultation with AWAC, specific standards for transportation of animals according to its classification. Cruel confinement and restraint shall be accordingly defined, taking into consideration the specific need, behavior and nature of the animal being transported.

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.

If the animal involved is pet animals and wildlife animal, the penalties shall be imposed in its maximum.

Sec. 29. Importation and Export of Animals. - For the import and/or export of animals, it shall be the duty of the persons, partnership, corporation, cooperatives, and government agencies and instrumentalities importing animals to show proof that the animal has not been maltreated or neglected prior to the importation and that the animal imported were not sourced using inhumane practices. This information shall be included to the health certificate issued before shipment by the proper veterinary authority of the country of origin.

Exporter of animals shall ensure that the animals are in good health and exportation thereof shall be in accordance with the transportation standards to be issued by the AWD.

CHAPTER V

MISCELLANEOUS PROVISIONS

Sec. 30. Animal Welfare Fund. - There is hereby established an Animal Welfare Fund to be administered by the AWD as a special account in the National Treasury. It shall finance the programs of the AWD on animal welfare.

The Fund shall be derived from fines imposed and damages awarded, fees charged, 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. 31. Deputization of Private Lawyers. - Provincial prosecutors, assistant provincial prosecutors, city prosecutors, assistant city prosecutors, state prosecutors or lawyer in the government service assigned to an animal welfare case may deputize private lawyers who shall be under his direct control, *Provided*, That the said private lawyer satisfies all of the following conditions:

(a) He is not employed in any government agency, department, office, bureau, local government unit, government-owned and/or -controlled corporation, or his salaries, emoluments, compensation, whether in full or in part, paid out of public funds;

(b) He must have engaged in active trial for at least five years; and

Sec. 36. *Repealing Clause* – Republic Act No. 8485 is hereby repealed and all other laws, administrative orders, rules and regulations or parts thereof, inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

Sec. 37. *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. 38. *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,