

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6094



Introduced by Hon. ANGELO B. PALMONES

AN ACT
TO AMEND REPUBLIC ACT NO. 8485: AN ACT TO PROMOTE ANIMAL
WELFARE IN THE PHILIPPINES, OTHERWISE KNOWN AS "THE
ANIMAL WELFARE ACT OF 1998"

EXPLANATORY NOTE

Despite the passage of the Animal Welfare Act of 1998 (RA 8485), there has been reported violations of this Act. One of the main reason put forward for these violations is the absence of adequate manpower to implement the Act particularly in the provinces. This is despite the deputization of non-government organizations to help in the implementation of the Act. Compounding the inadequate manpower situation there appears to be a no-care attitude of the public at large. They do not normally report to authorities violations of this Act.

In addition to the above, the penalties imposed on the violations of this Act are very minimal and violators just admit that they have violated the law and pay the fines and then go about the business at hand.

These proposed amendments are meant to correct the situation. A Division of Animal Welfare is proposed to be created in the Bureau of Animal Industry including the creations of Provincial, City and Municipal Animal Welfare Officers who will be responsible for gathering evidences of violations and filing of charges in the proper courts against violators.

To encourage the general public to report violations of this Act the informants shall be awarded incentives. To discourage violations the penalties have been drastically and commensurately increased in terms of fines and length of imprisonment.

To promote the welfare of animals it is urged that these amendments be adopted and approved.


ANGELO B. PALMONES
Representative, AGHAM Party-List

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Be it enacted by the Senate and House of Representative of the Philippines in Congress Assembled:

SECTION 1. Title. This Act shall be known as the "Amended Animal Welfare Act of the Philippines of 2012"

SECTION 2: THERE SHALL BE CREATED IN THE BUREAU OF ANIMAL INDUSTRY AN ANIMAL WELFARE DIVISION TO BE HEADED BY A DIVISION CHIEF. THE DIVISION SHALL HAVE THE FOLLOWING FUNCTIONS:

1. PROCESS APPLICATION PERMITS;
2. MONITOR THE OPERATIONS OF AND MAINTENANCE OF PET SHOPS, KENNELS, VETERINARY CLINICS, VETERINARY HOSPITALS, STOCKYARDS, CORRALS, STUD FARMS AND ZOOS, AND ANY OTHER FORM OF STRUCTURE FOR THE CONFINEMENT OF ANIMALS WHERE THEY ARE BRED, TREATED, MAINTAINED, OR KEPT EITHER FOR SALE OR TRADE OR FOR TRAINING PURPOSES AS WELL AS THE TRANSPORT OF SUCH ANIMALS IN ANY FORM OF PUBLIC OR PRIVATE TRANSPORTATION FACILITY IN ORDER TO PROVIDE MAXIMUM COMFORT WHILE IN TRANSIT.
3. CONFISCATE ANIMALS FROM THE POSSESSION OF VIOLATORS OF THIS ACT.
4. GATHER EVIDENCE AND FILE CHARGES OF PERSONS VIOLATING THIS ACT
5. ASSIST GOVERNMENT PROSECUTORS IN THE PROSECUTION OF VIOLATORS OF THIS ACT.

THE ANIMAL WELFARE DIVISION SHALL CONSIST OF TWO SECTIONS, THE PERMITTING SECTION AND THE ENFORCEMENT SECTION. THE BUREAU OF ANIMAL INDUSTRY SHALL PREPARE THE PLANTILLA OF PERSONNEL OF THE DIVISION.

FURTHERMORE, THERE SHALL ALSO BE CREATED ANIMAL WELFARE OFFICERS AT THE PROVINCIAL LEVEL, CITIES AND MUNICIPALITIES. THE PROVINCIAL ANIMAL WELFARE OFFICER SHALL REPORT DIRECTLY TO THE DIRECTOR OF THE BUREAU OF ANIMAL INDUSTRY AND SHALL HAVE THE FOLLOWING FUNCTIONS:

1. SUPERVISE THE OPERATIONS OF THE MUNICIPAL ANIMAL WELFARE OFFICERS IN THE PROVINCE INCLUDING INVESTIGATION OF REPORTS OF VIOLATIONS OF THE ANIMAL WELFARE ACT;
2. SUBMIT TO THE DIRECTOR OF THE BUREAU OF ANIMAL INDUSTRY, WITH SPECIFIC RECOMMENDATIONS ON APPLICATIONS FOR PERMITS, THROUGH THE CHIEF OF THE ANIMAL WELFARE DIVISION;
3. SUBMIT REPORTS ON VIOLATIONS OF THE ANIMAL WELFARE ACT, WITH RECOMMENDATIONS, TO THE DIRECTOR OF ANIMAL INDUSTRY, THROUGH THE CHIEF OF THE ANIMAL WELFARE DIVISION;

FUNCTIONS OF THE MUNICIPAL ANIMAL WELFARE OFFICERS:

1. PROCESS APPLICATIONS FOR PERMITS TO OPERATE PET SHOPS, KENNELS, VETERINARY CLINICS, VETERINARY HOSPITALS, STOCKYARDS, CORRALS, STUD FARMS, BREEDING OPERATIONS AND ZOOS, AS WELL AS THE TRANSPORT OF ANIMALS IN ANY FORM OF PUBLIC OR PRIVATE TRANSPORTATION FACILITY IN ORDER TO PROVIDE MAXIMUM COMFORT WHILE IN TRANSIT;
2. MONITOR THE OPERATIONS OF PERMITTEES WITH RESPECT TO IMPLEMENTATION OF THE PROVISIONS OF THIS ACT;
3. CONFISCATE ANIMALS WHICH ARE THE SUBJECT OF VIOLATIONS OF THIS ACT;
4. GATHER EVIDENCE AND FILE CHARGES AGAINST VIOLATOR OF THIS ACT;
5. ASSIST GOVERNMENT PROSECUTORS IN THE PROSECUTION OF VIOLATORS OF THIS ACT.

FUNCTIONS OF THE CITY ANIMAL WELFARE OFFICERS: THE CITY WELFARE OFFICERS SHALL DIRECTLY REPORT TO THE DIRECTOR OF THE BUREAU OF ANIMAL INDUSTRY. THEY SHALL HAVE THE SAME FUNCTIONS AS THE MUNICIPAL ANIMAL WELFARE OFFICERS.

SECTION 3: There is hereby created a Committee on Animal Welfare attached to the Department of Agriculture which shall, subject to the approval of the Secretary of the Department of Agriculture, issue the necessary rules and regulations for the strict implementation of the provisions of this Act, including the setting of safety and sanitary standards within thirty (30) calendar days following its approval. Such guidelines shall be reviewed by the Committee every three (3) years from its implementation or whenever necessary.

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

1. The Department of Interior and Local Government (DILG);
2. Department of Education, Culture and Sports (DECS);

3. Bureau of Animal Industry (BAI) of the Department of Agriculture (DA);
4. Protected Areas and Wildlife Bureau (PAWB) of the Department of Environment and Natural Resources (DENR);
5. National Meat Inspection Commission (NMIC) of the DA;
6. Agriculture Training 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); and
14. Philippine Society of Animal Science (PSAS)

The Committee shall be chaired by a representative coming from the private sector and shall have two (2) vice-chairpersons composed of the representative of the BAI and another from the private sector.

The Committee shall meet quarterly or as often as the need arises. The Committee members shall not receive any compensation but may receive reasonable honoraria from time to time. THE DEPARTMENT OF AGRICULTURE SHALL ALLOCATE FROM ITS APPROPRIATIONS FUNDS TO PAY FOR THE HONORARIA OF THE MEMBERS OF THE COMMITTEE ON ANIMAL WELFARE FOR THE FIRST YEAR OF IMPLEMENTATION OF THIS AMENDED LAW AND THEREAFTER INCLUDE IT IN ITS ANNUAL APPROPRIATIONS.

SECTION 4: It shall be unlawful for any person to torture any animal, or to neglect to provide adequate care, sustenance or shelter, or maltreat any animal or to subject any dog or horse to dogfights or horsefights, kill or cause or produce to be tortured or deprived of adequate care sustenance or shelter, or maltreat or use the same in research or experiments not expressly authorized by the Committee on Animal Welfare.

The killing of any animal other than cattle, pigs, goats, sheep, poultry, rabbits, carabaos, horses, deer and crocodiles is likewise hereby declared unlawful 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 by 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/s 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 an 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 authorized research or experiments; and
7. Any other ground analogous to the foregoing as determined and certified by a licensed veterinarian.

In all the above mentioned cases, including those of cattle, pigs, goats, sheep, poultry, rabbits, carabaos, horses, deer and crocodiles, the killing of the animals shall be done through humane procedure at all times. THE LIST OF ANIMALS ALLOWED TO BE KILLED FOR FOOD OR FOR THE REASONS ENUMERATED UNDER THIS SECTION MAY BE MODIFIED/REVISED AS THE NEED ARISES BY THE COMMITTEE ON ANIMAL WELFARE SUBJECT TO THE APPROVAL OF THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE.

For this purpose, humane procedures shall mean the use of the most scientific methods available as may be determined and approved by the committee.

Only those procedures approved by the Committee shall be used in the killing of animals.

SECTION 8: THE BUREAU OF ANIMAL INDUSTRY MAY DEPUTIZE NON-GOVERNMENTAL ORGANIZATIONS (NGOS) TO ASSIST MUNICIPAL AND CITY ANIMAL WELFARE OFFICERS IN CARRYING OUT THEIR FUNCTIONS.

SECTION 5: It shall be the duty of every person to protect the natural habitat of the wildlife. The destruction of said habitat shall be considered as a form of cruelty to animals and its preservation is a way of protecting the animals.

SECTION 10: THERE SHALL BE ALLOCATED INITIALLY THE SUM OF ONE HUNDRED MILLION (P100,000,000) PESOS WHICH SHALL COME FROM THE APPROPRIATIONS OF THE DEPARTMENT OF AGRICULTURE FOR THE IMPLEMENTATION OF THIS ACT. THEREAFTER, THE FUNDS NEEDED TO IMPLEMENT THIS ACT SHALL BE INCLUDED IN THE APPROPRIATIONS OF THE BUREAU OF ANIMAL INDUSTRY.

SECTION 6: Any person who violates any of the provisions of this Act shall, upon conviction by final judgement, be punished by imprisonment of not less than TWO YEARS (2) nor more than SIX YEARS (6) or a fine of not less than ONE HUNDRED THOUSAND PESOS (P100,000.00) or both at the discretion of the Court. If the violation is committed by a juridical person, the officer responsible thereof shall serve the imprisonment when imposed. If the violation is committed by an alien, he or she shall be immediately deported after the service of sentence without any further proceedings.

DOGFIGHTING AND HORSEFIGHTING ARE EXCESSIVE FORM OF CRUELTY TO ANIMALS. PERSONS RESPONSIBLE IN ORGANIZING DOGFIGHTS AND HORSE FIGHTS, OWNERS OF ANIMALS USED IN DOGFIGHTING AND HORSEFIGHTING AS WELL AS SUPPLIERS OF ANIMALS SHALL BE METED OUT THE PENALTY OF IMPRISONMENT OF SIX (6) TO TWELVE (12) YEARS OR A FINE OF FROM ONE MILLION PESOS (P1,000,000) OR BOTH AT THE DISCRETION OF THE COURT.

VIOLATION OF THE PROVISIONS OF THIS ACT FOR EACH UNIT OF ANIMAL SHALL BE CONSIDERED AS SEPARATE VIOLATION.

SECTION 7: INCENTIVES FOR INFORMANTS: INFORMANTS ON THE VIOLATIONS OF THIS ACT SHALL BE COMPENSATED AFTER CHARGES HAVE BEEN FILED AGAINST VIOLATORS AND SAME ARE FOUND GUILTY OF VIOLATIONS OF THIS ACT. THE COMPENSATIONS SHALL BE ESTABLISHED BY

THE BUREAU OF ANIMAL INDUSTRY BUT SHALL NOT BE LESS THAN TEN THOUSAND PESOS (P10,000) NOR MORE THAN FIFTY THOUSAND PESOS (P50,000). THE BUREAU SHALL INCLUDE IN ITS ANNUAL APPROPRIATIONS THE BUDGET TO COVER SUCH INCENTIVES FOR INFORMANTS.

SECTION 8. THE BUREAU OF ANIMAL INDUSTRY SHALL BE RESPONSIBLE FOR THE PREPARATION OF THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT AND SHALL ISSUE THE SAME WITHIN 90 DAYS FROM ITS APPROVAL.

SECTION 9: All laws, acts, decrees, executive orders, rules and regulations inconsistent with the provisions of this Act are prelude or modified accordingly.

SECTION 10: This act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.