

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **4742**

EXPLANATORY NOTE

This bill seeks to amend several provisions of the Animal Welfare Act or Republic Act No. 8485, as amended by Republic Act No. 10631.

Since the enactment of RA 8485, as amended, several policy gaps have been identified thus the need to keep the law up to date.

Among the key features of the bill are the following:

- Strengthening the Bureau of Animal Industry (BAI) under the Department of Agriculture to mandate it to formulate policies, guidelines, standards, rules, and regulations for the effective implementation of the Act;
- Enumeration of the basic animal care and handling guidelines to be followed by animal keepers, animal facilities and animal transportation facilities;
- Enumeration of prohibited acts including prohibition on cruelty, maltreatment, abuse, exploitation and killing of pet animals; and
- Imposition of higher penalties for any violation of the Act.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **4742**

AN ACT

**AMENDING REPUBLIC ACT NO. 8485 OR THE ANIMAL WELFARE ACT, AS
AMENDED BY REPUBLIC ACT NO. 10631, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES**

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

CHAPTER I

TITLE, DECLARATION OF POLICY, AND DEFINITION OF TERMS

Sec. 1. Title. This Act shall be known as the "The Strengthened Animal Welfare Act."

Sec. 2. 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. 3. Objectives. — The State shall promote the welfare of all animals by establishing rules, regulations, guidelines, and standards and endeavor 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, slaughterhouse, 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;
- h. To create an agency and establish an organizational structure that will effectively implement the provisions of this Act and all laws relevant to it;

- i. To promote public awareness and concern for caring for animals and their welfare.

Sec. 4. 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, industry standards, 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 behavior;
- 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. 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;
- e. Animals shall be treated with respect and dignity throughout their lives and, when necessary, provided with a humane death.

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

- a. Animals refer to all terrestrial, aquatic and marine animals, whether vertebrate and invertebrate species, whether wild or under the control of man;
- b. Animal Welfare pertains to the physical and psychological well-being of animals. It includes, but is 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 behavior;
- 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, airports, and seaports 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 except cockfighting;
- e. Bureau refers to the Bureau of Animal Industry;
- f. Captive Animals refers to animals that are confined for educational or recreational purposes in places such as but not limited to zoos, sanctuaries, rescue centers, sea or ocean facility, and the like;
- g. Department refers to the Department of Agriculture;
- h. Director refers to the individual in charge of the Bureau of Animal Industry;
- i. Euthanasia refers to the Bureau approved process or method of painless death of animals;
- j. Keeper refers to any person who owns, possesses, or has control or custody over an animal;
- k. Local Government Unit (LGU) refers to the Province, City, Municipalities, and Barangays;
- l. 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, cats, fishes, rodents, reptiles, and birds, except chicken, broilers or those for human consumption, that are either acquired locally or through importation under government rules and regulations;

- m. Person refers to any individual, corporation, company, business, enterprise, association, partnership, syndicate, trust, or other entity;
- n. Reporter refers to any person who reports a suspected violation of any provision of this Act to the proper authorities;
- o. Secretary refers to the Secretary of the Department of Agriculture;
- p. 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;
- q. Transport Facility refers to any transportation public or private, whether air, water, or land including tricycles and the like used to transport animals to a particular destination;

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

CHAPTER II

THE BUREAU OF ANIMAL INDUSTRY

Sec. 6. Bureau of Animal Industry — The mandate of the Bureau under the Department of Agriculture under its current charter is hereby expanded. It shall establish regional, provincial and municipal offices as may be appropriate and necessary to carry out effectively and efficiently the provisions of this Act.

Sec. 7. Functions of the Bureau. — As a line bureau, it shall have the following functions:

- a. Formulate policies, guidelines, standards, rules, and regulations for the effective implementation of this Act;
- b. Provide minimum standards, upon regular consultation with the public and private stakeholders, on the appropriate food, water, and shelter for each species of pet and animals depending on the age, breed, size, and special needs thereof;
- c. In consultation with the Land Transportation Office, Land Transportation Franchising Regulatory Board, Civil Aeronautics Board, the Maritime Industry, other transport regulating body or agencies, experts, the private sector, and animal welfare groups, set a species-specific standard 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;
- d. Establish an emergency animal response and rescue system to appropriately respond in cases of calamities such as but not limited to floods, earthquakes, and other natural disasters;
- e. Promulgate guidelines for humane slaughter of animals, in consultation with the National Meat Inspection Service, local government units, the private sector, and other concerned government agencies;
- f. Implement a system for inspection of animal facilities to ensure compliance with animal welfare standards, industry practices, and regulations;
- g. Monitor compliance of the local government units with animal welfare programs, standards, rules and regulations;
- h. Ensure proper coordination with non-government organizations, people's organizations, the private sector, and academe for the strict implementation of the rules and regulations issued;
- i. Formulate guidelines and qualifications related to research and testing on animals;
- j. To issue, suspend, cancel permits or certifications pursuant to the purposes of this Act; 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;
- k. Keep records and documents pertaining to animal welfare in the country as well as the maintenance of surveillance and management information system on animal welfare;

- l. Create a system and guidelines for the determination or 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;
- m. 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; and
- n. Perform such other duties and responsibilities which are necessary to achieve the purposes of this Act,

Sec. 8. Composition of the Bureau. — As a line bureau, the Bureau shall be headed by a Director and assisted by two (2) Assistant Directors who shall supervise the administrative and technical services of the Bureau.

The Director must possess adequate knowledge, training and experience in the field of agriculture, biology, animal husbandry, veterinary science, veterinary medicine or other similar discipline.

Sec. 9. Personnel and Staffing Pattern. — Notwithstanding the provisions of existing laws, the Secretary of the Department of Agriculture shall require the Director of the Bureau of Animal Industry (BAI), as an interim Director of the Bureau, to submit within thirty (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.

CHAPTER III

BASIC ANIMAL CARE AND HANDLING GUIDELINES

Sec. 10. 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 or following industry standards, 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, industry standards, and special needs thereof.

Sec. 11. 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 behavior and locomotion.

Sec. 12. Provision of Veterinary Medical Care for Sick, Compromised, or Injured Animals. — Any keeper of an animal must take all reasonable steps to ensure that the physical, health, and behavioral needs of the animals are met in accordance with good practice, industry standards, 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 a licensed veterinarian.

Sec. 13. Provision of Appropriate Transport Facility. — Transport facilities for animals must be constructed, provisioned, and utilized in such a way 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 the comfort and safety of the animal appropriate to its nature and size.

Sec. 14. Provision of Opportunity for Animals to Express Natural Behaviors Including Play, Provision of Enrichment Activities, and Exercise. — Any keeper of an animal must provide such animals regular opportunities to express species-specific natural behaviors, for play and exercise in an area of sufficient space, and for stimulation through environmental enrichment activities to promote their health and welfare. The Bureau in consultation with stakeholders shall implement a timeline for improving farm facilities to comply with the provisions hereof.

CHAPTER IV PROHIBITED ACTS

Sec. 15. Prohibition on Cruelty, Maltreatment, Abuse, and Exploitation. — 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. Except when used to stun livestock prior to slaughter, it is unlawful to kill an animal by way of electrocution or gas chamber;
- d. Using an animal in research or experiments not expressly authorized by the Bureau; and
- e. Overworking an animal.

Sec. 16. 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 Chapter IV of this Act. It shall also be unlawful for any keeper of an animal to intentionally allow such animal to roam the streets resulting in its impoundment by the local impounding authority.

Sec. 17. Prohibition on Killing of Animals. — It shall be unlawful for any person to kill any animals other than cattle, pigs, goats, sheep, poultry, rabbits, carabaos, horses, or other food animals for human consumption. The killing of pets and animals not declared as food animals for human consumption, or cause or procuring the same to be killed is prohibited except in the following instances:

- a. 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;
- b. Euthanasia of a pet animal afflicted with an incurable communicable disease as determined and certified by a duly licensed veterinarian;
- c. 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;
- d. When it is done to prevent imminent danger to the life or limb of a human being;
- e. When done for the purpose of animal population control as a last resort duly certified by the Provincial/City Veterinary Officer;

- f. 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 38;
- g. Humane slaughter of a farm animal; or
- h. 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 Bureau. For this purpose, humane procedures shall mean the use of the most scientific methods available as may be determined by the Bureau.

Sec. 18. Prohibition on Animal Fights. — Except cockfighting, it is prohibited to subject animals to fights such as but not limited to dog fighting, carabao or bullfighting or horse fighting, and the like. Any person who participates under the circumstances as described herein shall be considered as an accessory in the commission of animal fighting and/or abetting in the commission of animal cruelty. It shall include but not be 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 be limited to the following:

- a. Cause, procure, permit, encourage, promote, organize, 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; and
- 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. 19. Prohibition on Dog Meat Trading. — It shall be unlawful for any person to engage in the trade of dogs for their meat which includes the farming or capture, transport, sale, or slaughter of dogs and their meat for commercial human consumption. The trade of dogs shall include but shall not be limited to buying and/or selling of dogs, dog meats and carcasses, dog farming, collecting, and/or slaughtering of dogs for commercial consumption.

Sec. 20. Prohibition on Abandonment. — It shall be unlawful for any keeper of an animal, whether temporary or permanent, to abandon such an animal. Animal abandonment refers to the relinquishment of all right, title, claim, or possession of the animal with the intention of not reclaiming its ownership or possession, and shall include leaving behind an animal alone or permitting the animal to be abandoned in circumstances that might cause them harm.

Sec. 21. Prohibition on Ear Cropping/ Tail docking, De-vocalization, and Declawing. — The conduct of ear cropping, tail docking, devocalization, declawing, 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.

CHAPTER V ENFORCEMENT

Sec. 22. In General. — The Bureau, either independently, or in cooperation with LGUs, the registered NGOs, Animal Welfare Enforcement Officers, 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. 23. 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 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.

However, inspection of livestock farms to include swine or poultry shall follow biosecurity protocols set by the Department or industry practice.

Sec. 24. 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 and other law enforcement agencies for appropriate action. The procedure in the filing of criminal charges shall be as prescribed by the rules of criminal procedure contained in the Rules of Court.

Sec. 25. Seizure of Effects. — Any items seized including animals, pursuant to arrests made for violation of any provision of this Act shall be held by any person, facility, or organization, authorized by the Bureau, including the LGUs, 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. 26. 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, or relieved from the cruel situation or condition in coordination with the Barangay or the Law enforcement agencies or the Bureau. The said enclosed facility may be broken open subject to diligent efforts shown to contact the owner of the facility. Except in cases where there is an imminent danger to the life of the animal, diligent effort to contact the 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. 27. 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 conditions and granting other necessary reliefs. The protection order shall be enforced by law enforcement agencies 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 fifteen (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 the dismissal of the case against the respondent.

A protection order may be sought by any concerned citizen, law enforcement officer, 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 is or was 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 the 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; and
- 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 multiple violations under this Act and shall be penalized accordingly.

Sec. 28. 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 the Court.

Sec. 29. 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:

1. 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 are 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;

2. The 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 VI

PERMITS, CERTIFICATES, AND AUTHORITY TO COLLECT FEES AND CHARGES

Sec. 30. 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 of ten (10) animals 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; and
- 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, standards or other just cause.

CHAPTER VII

OTHER ANIMAL WELFARE PROVISIONS

Sec. 31. Use of Animals for Show, Media, TV, Movies, or Entertainment. — Promoters/organizers of animal shows, media, or entertainment, shall obtain the 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 provisions 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 have been shown to have maltreated or exposed animals to inhumane conditions prior to their 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. 32. 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 behavior. Working animals should not be allowed to work under circumstances where their health and safety will be at risk.

Overworking of animals is hereby prohibited. Water and appropriate shelter protecting the same from extreme weather conditions must be provided.

Sec. 33. Use of Animals as a Guide or Service Animals. — Service animals, such as but not limited to guide/service dogs are hereby regulated by the Bureau and welfare guidelines established. Certification guidelines and standards for the accreditation of dogs shall be established by the Bureau in consultation with relevant agencies and concerned groups. Service dogs or Guide dogs shall be defined accordingly.

Sec. 34. Use of Animals in Scientific Procedures. — Animals used in scientific procedures shall be regulated by the Bureau, ensuring that animal welfare regulations and guidelines in the use 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. The use of animals in scientific procedures 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 scientific procedures without first obtaining written authorization from the Bureau upon compliance with such guidelines and qualifications necessary to obtain such authority.

“Scientific Procedures” refer to any activity which entails the manipulation of animals by interfering with the normal physiological, behavioral or anatomical integrity of the animal by deliberately:

- a. exposing it to any parasite, microorganism, drug, chemical, biological product, radiation, electrical stimulation, or environmental condition;
- b. subjecting it to enforced activity, unusual restraint, abnormal nutrition or surgical procedures; or
- c. depriving it of usual care.

Sec. 35. Farm Animals. — The Bureau shall, in consultation with the private sector, set out standards and guidelines in the establishment and compliance with animal welfare standards to better the living and health condition of animals in the farm industry.

Sec. 36. Transportation of Animals. — The following stipulations shall be followed when transporting 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 an 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 animals from extreme temperatures, with journeys limited to duration as prescribed by the Bureau depending on the species, 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. Provide sufficient food and water for such animals while in transit for more than twelve (12) hours or whenever necessary.

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 that directly or indirectly involves or aims at a financial gain.

- c. Except if needing medical care or allowed by industry standards, no person shall transport a pregnant female animal which has passed through ninety percent (90%) of its expected gestational period, a female which has given birth in the past seven (7) 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; and
- e. 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. 37. 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 extremely cold climates shall be prohibited unless specifically authorized on a case-by-case basis by the Bureau upon submission of an approved care and sustainability program or plan.

Sec. 38. Spay and Neuter and Vaccination of Stray Cats and Dogs. — The LGUs 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. The Bureau may come up with other dog/cat population control programs in keeping with what is relevant and necessary. Pest control companies shall not be allowed to capture and dispose of cats and/or dogs.

Sec. 39. Communication, Education, and other Public Awareness Campaigns. — The Bureau together with other agencies, NGOs, and stakeholders shall implement programs towards increasing awareness of animal welfare through education and various information awareness activities and programs.

CHAPTER VIII APPROPRIATION

Sec. 40. 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 One Hundred Million Pesos (100,000,000) 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 IX PENALTIES

Sec. 41. Penalties. - The following penalties shall be imposed for violation of any provision of this Act:

- a. Any person who subjects any animal to cruelty, torture, maltreatment or any of the prohibited acts herein shall, upon conviction by final judgment, be punished by imprisonment and/ or fine, as indicated in the following graduated scale:

(1) Imprisonment of three (3) years and one (1) day to six (6) years and/or a fine not exceeding Five Hundred Thousand Pesos (P500,000.00) if the animal subjected to cruelty, maltreatment or neglect dies;

(2) Imprisonment of one (1) year and one (1) day to three (3) years and/or a fine not exceeding Three Hundred Thousand Pesos (P300,000.00) if the animal subjected to cruelty, maltreatment or neglect survives but is severely injured with loss of its natural faculty to survive on its own and needing human intervention to sustain its life; and

(3) Imprisonment of six (6) months to one (1) year and/or a fine not exceeding Fifty Thousand Pesos (P50,000.00) for subjecting any animal to cruelty, maltreatment or neglect but without causing its death or incapacitating it to survive on its own.

b. Abandonment of animals shall be punished with a penalty of imprisonment ranging from six (6) months to one (1) year, or a fine not exceeding one hundred thousand pesos (P100,000.00) or both. 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 of imprisonment of one (1) year and a fine of one hundred thousand pesos (P100,000.00).

c. Operating an animal facility, including any animal transport facility, without the required permit shall be punished with a penalty of imprisonment ranging from six (6) months to one (1) year or a fine not exceeding one hundred thousand pesos (P100,000.00), or both. The penalties imposed herein are without prejudice to the administrative liability of the owner/operator.

d. Failure to obtain the required permits to use animals for show, entrainment, or any form of media, or use animals for research and/or scientific education experiment shall be punished with a penalty of imprisonment ranging from six (6) months to one (1) year and six (6) months or a fine not exceeding one hundred thousand pesos (P100,000.00), or both.

e. If the violation is committed by a juridical person, the offender responsible thereof shall be punished with the corresponding penalty of 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 imprisonment ranging from three (3) years and one (1) day to six (6) years and/or a fine not exceeding Five Hundred Thousand Pesos (P500,000.00), or both, shall be imposed if the offense involves any of the following circumstances:

- i. Committed by a syndicate involving a group of three (3) or more individuals;
- ii. Committed by an offender who makes a business out of cruelty to animals;
- iii. Committed by a public officer or employee; or
- iv. Where at least three (3) animals are involved.

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

h. 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. Any person found guilty of dog meat trading shall be punished with a penalty of fine not exceeding five hundred thousand pesos (P500,000.00) and penalty of imprisonment ranging from one (1) year to four (4) years;

j. Any violation of any other provisions of this Act shall be punished with a penalty of imprisonment ranging from three (3) months to one (1) year, or a fine not exceeding fifty thousand pesos (P50,000.00), or both;

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

l. 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 certificates to operate any animal facility including owning or possessing an animal/pet;

m. The courts, in its discretion, in lieu of service in jail, may require that the imposed penalties of imprisonment not exceeding one (1) year be served by the defendant by rendering community service under such terms and conditions that the courts may determine depending on the gravity of the offense. Under this circumstance, the courts 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 X MISCELLANEOUS PROVISIONS

Sec. 42. 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 the enforcement process. The Fund shall be derived from fines imposed and damages awarded pursuant to violations of this Act, fees charged for permits, registrations, 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. 43. 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:

- a. The promotion and protection of the welfare of animals;
- b. Responsible pet ownership; and
- c. Concept of animal welfare.

Sec. 44. Emergency Response. - The Bureau shall create and implement, in collaboration with the LGUs 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 programs shall include the establishment and placing of the animals in identified animal evacuation centers, temporary shelters, and/or recognized rescue centers, whether public or private until the same is 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 animal victims of abuse, cruelty, and maltreatment to recognized animal shelters or facilities whether public or private.

Sec. 45. 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 issued. For wildlife, the same shall be referred to the DENR-BMB or their nearest regional offices.

Sec. 46. Role of Local Government Units and other government agencies. - LGUs 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 mandatory spay and neutering 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. 47. 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. 48. Repealing Clause. - All laws, decrees, rules, and regulations inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Sec. 49. 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,