

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )



Senate  
Office of the Secretary

'14 SEP 15 P3:31

SENATE  
S. NO. **2409**

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
AMENDING REPUBLIC ACT NO. 8485, OTHERWISE KNOWN AS  
"THE ANIMAL WELFARE ACT OF 1998"<sup>1</sup>

EXPLANATORY NOTE

The Constitution, Article 2, Section 16 provides:

Section 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Esteemed veterinarian and author, Dr. Michael V. Fox, once said, "Zoos are becoming facsimiles - or perhaps caricatures - of how animals once were in their natural habitat. If the right policies toward nature were pursued, we would need no zoos at all." It is the State's duty to protect all life, including those of animals, in order to uphold its mandate to advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. To paraphrase German philosopher Arthur Schopenhauer, to assume that animals are without rights and the illusion that our treatment of them has no moral significance is an example of human crudity and barbarity. Universal compassion is the only guarantee of morality.

The Animal Welfare Act has proven to be inefficient in addressing the plight of animals, especially those in captivity. Apart from the small pecuniary penalties that do not really act as a deterrent, the Animal Welfare Act is bereft of penalties targeting irresponsible or negligent, and culpable government officials. The Animal Welfare Act should therefore address current issues hounding the state of animals in captivity, and its inadequacy to provide a provision ensuring

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<sup>1</sup> This bill was first filed during the Fifteenth Congress, Third Regular Session.

government action. This bill aims to amend the Animal Welfare Act and provide a limited time frame upon which the Bureau of Animal Industry and the Department of Agriculture should act. Failure to act within such time frame will result in administrative action against those government officials who are responsible. Likewise, the government shall be mandated to create a special committee in charge of overseeing the welfare of animals in captivity, particularly those in zoos, in order to properly monitor the welfare of animals in their enclosed habitats.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*ms*

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

1 AN ACT  
2 AMENDING REPUBLIC ACT NO. 8485, OTHERWISE KNOWN AS  
3 "THE ANIMAL WELFARE ACT OF 1998"

4 SECTION 1. Section 5 of Republic Act No. 8485, otherwise known as the Animal  
5 Welfare Act of 1998, is amended to read as follows:

6 Sec. 5. There is hereby created a Committee on Animal Welfare attached to the  
7 Department of Agriculture which shall, subject to the approval of the Secretary of  
8 the Department of Agriculture, issue the necessary rules and regulations for the  
9 strict implementation of the provisions of this Act, including the setting of safety  
10 and sanitary standards, within thirty (30) calendar days following its approval.  
11 Such guidelines shall be reviewed by the Committee every three (3) years from its  
12 implementation or whenever necessary.

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

- 15 (1) The Department of Interior and Local Government (DILG);  
16 (2) Department of Education, Culture and Sports (DECS);  
17 (3) Bureau of Animal Industry (BAI) of the Department of Agriculture  
18 (DA);  
19 (4) Protected Areas and Wildlife Bureau (PAWB) of the Department of  
20 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 of the Philippines (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 CREATE A SPECIAL WORKING GROUP TO HELP OVERSEE THE HEALTH AND WELFARE OF ANIMALS IN CAPTIVITY, PARTICULARLY THOSE IN ZOOS. THE GROUP SHALL BE COMPOSED OF TWO QUALIFIED ANIMAL WELFARE ORGANIZATIONS APART FROM THOSE ABOVEMENTIONED, ONE REPRESENTATIVE FROM THE BUREAU OF ANIMAL INDUSTRY, AND ONE REPRESENTATIVE FROM THE PROTECTED AREAS AND WILDLIFE BUREAU.

The Committee AND THE SPECIAL WORKING GROUP 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 COMMITTEE AND ITS SPECIAL WORKING GROUP SHALL BE MANDATED TO SUBMIT A YEARLY REPORT ON ITS ACCOMPLISHMENTS AND RECOMMENDATIONS TO THE OFFICE OF

1 THE PRESIDENT, AND FURNISH A COPY TO THE HOUSE OF  
2 REPRESENTATIVES AND THE SENATE, ON OR BEFORE MARCH 31.  
3 LIKEWISE, THE COMMITTEE AND SPECIAL WORKING GROUP SHALL  
4 POST IN THEIR MEMBERS' WEBSITES, IF ANY, SUCH REPORT BEFORE  
5 MAY 31 OF EACH YEAR.

6  
7 SECTION 2. New Section 7A is hereby inserted after Section 7 of Republic Act No.  
8 8485, to read as follows:

9 "Sec. 7A. Upon a sworn complaint or affidavit filed with the Bureau of  
10 Animal Industries (BAI) or the Protected Areas and Wildlife Bureau (PAWB)  
11 requesting for a study, evaluation, recommendation, or action on the alleged  
12 improper or lack of care of animals in establishments or facilities, such as pet  
13 shops, kennels, veterinary clinics, veterinary hospitals, stockyards, corrals, stud  
14 farms or stock farms, or zoos, the BAI or the PAWB shall conduct an evaluation  
15 of such establishments or facilities within thirty (30) days from receipt of such  
16 affidavit, and shall submit its report, together with its recommendations, or act on  
17 said complaint, within thirty (45) forty-five days from the start of such  
18 evaluation."

19  
20 SECTION 3. New Section 8A is hereby inserted after Section 8 of Republic Act No.  
21 8485, to read as follows:

22 "Sec. 8A. Failure of the government agency to act within the period  
23 mentioned in Section 7A shall be grounds for administrative action on the  
24 government official charged with the study and evaluation of the establishment or  
25 facility mentioned in the complaint or affidavit, and for the submission of a report  
26 on such study or evaluation, for gross negligence. The government official or  
27 employee responsible shall be penalized with a fine of ten thousand pesos

(P10,000.00) aside from the penalty he or she may be sanctioned with for gross neglect of duty.”

SECTION 3. *Repealing Clause.* – All laws, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SECTION 4. *Separability Clause.* – If any part of this Act is held invalid or unconstitutional, the other parts or provisions thereof not affected shall remain valid and effective.

SECTION 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

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