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SENATE
S. No. **2238**

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur-trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs. Foreign fur producers use dogs and cats bred for their fur, and also use strays and stolen pets. The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane. The purposes of this bill are:

(1) to prohibit the sale, manufacture, offer for sale, transportation, and distribution in the Philippines of dog and cat fur products;

(2) to require accurate labeling of fur species so that consumers in the Philippines can make informed choices; and


(3) to prohibit the trade in, both imports and exports of, dog and cat fur products, to ensure that the Philippine market does not encourage the slaughter of dogs or cats for their fur, and to ensure that the purposes of this Act are not undermined.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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1 AN ACT
2 TO PROHIBIT THE IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR,
3 TO PROHIBIT THE SALE, MANUFACTURE, OFFER FOR SALE,
4 TRANSPORTATION, AND DISTRIBUTION OF PRODUCTS MADE WITH DOG OR
5 CAT FUR IN THE PHILIPPINES

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

6 SECTION 1. *Short Title.* - This Act shall be known as the "Dog and Cat Protection Act".

7 SECTION 2. *Definition of Terms.* - The following terms as used in this Act shall be
8 defined as follows:

9 (1) "Dog fur" refers to the pelt or skin of any animal of the species *canis familiaris*.

10 (2) "Cat fur" refers to the pelt or skin of any animal of the species *felis catus*.

11 (3) "Commerce" refers to any transportation for sale, trade, or use on the Philippine
12 territory, and any place outside thereof.

13 (4) "Dog or Cat Fur Product" refers to any item of merchandise which consists, or is
14 composed in whole or in part, of any dog fur, cat fur, or both.

15 (5) "Person" includes any individual, partnership, corporation, association, organization,
16 business trust, government entity, or other entity.

17 (6) "Interested Party" refers to any person having a contractual, financial, humane, or
18 other interest.

19 (7) "Secretary" refers to the Secretary of Trade and Industry.

20 (8) "Duly Authorized Officer" refers to any Customs officer, any agent of the National
21 Bureau of Investigation, or any agent or other person authorized by law or designated by the
22 Secretary to enforce the provisions of this Act.

1 SECTION 3. *Prohibitions.* -

2 (a) PROHIBITION ON MANUFACTURE, SALE, AND OTHER ACTIVITIES- No
3 person in the Philippines or subject to the jurisdiction of the Philippines may introduce into
4 commerce, manufacture for introduction into commerce, sell, trade, or advertise in commerce,
5 offer to sell, or transport or distribute in commerce, any dog or cat fur product.

6 (b) IMPORTS AND EXPORTS- No dog or cat fur product may be imported into, or
7 exported from, the Philippines.

8 SECTION 4. *Labeling.* - This Act shall not apply to articles exempt by reason of the
9 relatively small quantity or value of the fur or used fur contained therein.

10 SECTION 5. *Enforcement.* -

11 (a) IN GENERAL - The Secretary, either independently or in cooperation with local
12 government units, aid interested parties, is authorized to carry out operations and measures to
13 eradicate and prevent the activities prohibited by Section 3.

14 (b) INSPECTIONS - A duly authorized officer may, upon his own initiative or upon the
15 request of any interested party, detain for inspection and inspect any product, package, crate, or
16 other container, including its contents, and all accompanying documents to determine
17 compliance with this Act.

18 (c) SEIZURES AND ARRESTS - If a duly authorized officer has reasonable cause to
19 believe that there has been a violation of this Act or any regulation issued under this Act, such
20 officer may search and seize, with or without a warrant, the item suspected of being the subject
21 of the violation, and may arrest the owner of the item. An item so seized shall be held by any
22 person authorized by the Secretary pending disposition of civil or criminal proceedings.

23 (d) BURDEN OF PROOF - The burden of proof shall lie with the owner to establish that
24 the item seized is not a dog or cat fur product subject to forfeiture and civil penalty under Section
25 7.

26 (e) ACTION BY NATIONAL BUREAU OF INVESTIGATION - Upon presentation by
27 a duly authorized officer or any interested party of credible evidence that a violation of this Act

1 or any regulation issued under this Act has occurred, the National Bureau of Investigation with
2 jurisdiction shall investigate the matter and shall take appropriate action under this Act.

3 (f) CITIZEN SUITS- Any person may commence a civil suit to compel the Secretary to
4 implement and enforce this Act, or to enjoin any person from taking action in violation of any
5 provision of this Act or any regulation issued under this Act.

6 (g) REWARD - The Secretary may pay a reward to any person who furnishes
7 information which leads to an arrest, criminal conviction, civil penalty assessment, or forfeiture
8 of property for any violation of this Act or my regulation issued under this Act.

9 (h) REGULATIONS-

10 (1) IN GENERAL - The Secretary shall issue final regulations, after notice and
11 opportunity for public comment, to implement this Act within 180 days after the date of
12 enactment of this Act.

13 (2) FEES - The Secretary may charge reasonable fees for expenses to the
14 Government connected with permits or certificates authorized by this Act, including
15 expenses for--

16 (A) processing applications;

17 (B) reasonable inspections; and

18 (C) the transfer, handling, or storage of evidentiary items seized and
19 forfeited under this Act.

20 All fees collected pursuant to this paragraph shall be deposited in the National Treasury
21 in an account specifically designated for enforcement of this Act and available only for
22 that purpose.

23 SECTION 6. *Penalties.* -

24 (a) CIVIL PENALTY -- Any person who violates any provision of this Act or any
25 regulation issued under this Act may be assessed a civil penalty of no more than P20,000.00 for
26 each violation.

27 (b) CRIMINAL PENALTY - Any person who knowingly violates any provision of this

1 Act or any regulation issued under this Act shall be subject to imprisonment of 1 year but
2 not more than 3 years.

3 (c) FORFEITURE - Any dog or cat fur product that is the subject of a violation of this
4 Act or any regulation issued under this Act shall be subject to seizure and forfeiture to the same
5 extent as any merchandise imported in violation of the customs laws.

6 (d) INJUNCTION - Any person who violates any provision of this Act or any regulation
7 issued under this Act may be enjoined from further sales of any fur products.

8 (e) APPLICABILITY - The penalties in this section apply to violations occurring on or
9 after the date of enactment of this Act.

10 SECTION 7. *Separability Clause.* - If any provision of this Act is held invalid or
11 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
12 valid and subsisting.

13 SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the
15 provisions of this Act is hereby repealed, modified or amended accordingly.

16 SECTION 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) newspapers of general circulation.

Approved,

/ptml06july2010