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SENATE  
S. No. **3093**

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Introduced by Senator Miriam Defensor Santiago

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#### EXPLANATORY NOTE

There is no doubt that animals have contributed to the enrichment and humanity of society. Pets, in particular, have been a source of enduring companionship, service and therapy to their owners.

Republic Act No. 8485 known as "The Animal Welfare Act of 1998" established a policy of protection and promotion of the welfare of all animals in the Philippines. Though commendable, this law did not include adequate measures for protection of both the animals and the community in which they live in.

In order to encourage the harmonious living of animals and humans, a policy of responsible pet ownership must also be upheld.

This bill penalizes those who abandon their pets, or those who abandon animals they have sideswiped or run over. It also penalizes pet owners who allow their animals to run wild, endangering the community. Finally, it mandates that programs which promote animal welfare be established in every city and municipality throughout the country.

  
MIRIAM DEFENSOR SANTIAGO

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1 AN ACT  
2 AMENDING REPUBLIC ACT NO. 8485, ALSO KNOWN AS, "THE ANIMAL  
3 WELFARE ACT OF THE PHILIPPINES,"  
4  
5

6 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
7 *Congress assembled:*  
8

9 SECTION 1. Section 1 of Republic Act 8485 is hereby amended to read as  
10 follows:

11 "SECTION 1. THIS ACT SHALL BE KNOWN AS THE "ANIMAL  
12 WELFARE AND CONTROL ACT."  
13

14 SECTION 2. A new section is hereby inserted after Section 4 of Republic Act  
15 8485 to read as follows:

16 "SECTION 5. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY  
17 ANIMAL TO ALLOW IT TO RUN AT LARGE UNATTENDED ON  
18 OR ABOUT THE STREETS OR ON THE PROPERTY OF ANOTHER  
19 WITHOUT SUCH PROPERTY OWNER'S CONSENT. ANY SUCH  
20 ANIMAL AT LARGE SHALL BE IMPOUNDED BY THE LOCAL  
21 ANIMAL CONTROL AUTHORITIES.

22 IT SHALL BE THE DUTY OF EVERY OWNER OF ANY ANIMAL TO  
23 KEEP THE ANIMAL UNDER CONTROL AT ALL TIMES WHILE  
24 THE ANIMAL IS ON THE REAL PROPERTY OF THE OWNER. FOR  
25 PURPOSE OF THIS SECTION, AN ANIMAL IS DEEMED UNDER

1 CONTROL WHEN IT IS CONFINED BY WAY OF FENCE OR  
2 OTHER ENCLOSURE, RESTRAINED BY SUBSTANTIAL CHAIN OR  
3 LEASH, RESTRAINED IN SOME OTHER PHYSICAL MANNER BY  
4 A COMPETENT PERSON, OR IS UNDER THE CONTROL OF A  
5 COMPETENT PERSON WHO IS PRESENT WITH THE ANIMAL,  
6 VIA VOICE COMMAND, SO THAT THE ANIMAL DOES NOT  
7 WANDER OFF THE REAL PROPERTY OF THE OWNER.

8 IN ADDITION, ALL MALE AND FEMALE DOGS AND CATS  
9 THAT HAVE NOT BEEN SPAYED OR NEUTERED MUST BE  
10 SECURELY CONFINED IN SUCH A WAY THAT THEY NOT ONLY  
11 CANNOT GET OUT TO RUN LOOSE, BUT ALSO CANNOT BE  
12 REACHED BY OTHER DOGS OR CATS.

13 IT SHALL BE THE DUTY OF THE OWNER OF ANY ANIMAL  
14 TO KEEP THE ANIMAL UNDER CONTROL AT ALL TIMES WHILE  
15 THE ANIMAL IS OFF OF THE REAL PROPERTY LIMITS OF THE  
16 OWNER. FOR THE PURPOSES OF THIS SECTION, AN ANIMAL IS  
17 DEEMED UNDER CONTROL WHEN IT IS CONFINED WITHIN A  
18 VEHICLE, PARKED OR IN MOTION, IS SECURED BY A LEASH OR  
19 OTHER DEVICE HELD BY A COMPETENT PERSON, OR IS  
20 PROPERLY CONFINED WITHIN AN ENCLOSURE WITH  
21 PERMISSION OF THE OWNER OF THE PROPERTY WHERE THE  
22 ENCLOSURE IS LOCATED.”

23 SECTION 3. Section 5 of the same Act is hereby renumbered as Section 6.

24 SECTION 4. A new section is hereby inserted after Section 5 of Republic Act  
25 8485 to read as follows:

26 “SECTION 7. THE COMMITTEE SHALL DRAW UP  
27 GUIDELINES FOR THE ESTABLISHMENT OF ANIMAL

1           SHELTERS. EVERY CITY AND MUNICIPALITY IS ENCOURAGED  
2           TO ESTABLISH AT LEAST ONE ANIMAL SHELTER WITHIN  
3           THEIR VICINTY. IN THE MEANTIME THAT NO ANIMAL  
4           SHELTER HAS BEEN ESTABLISHED, A PLAN FOR THE  
5           PROTECTION AND ADOPTION OF LOST AND STRAY ANIMALS  
6           SHALL BE FORMULATED BY THE COMMITTEE ON ANIMAL  
7           WELFARE IN COORDINATION WITH THE DEPT. OF INTERIOR  
8           AND LOCAL GOVERNMENT (DILG).

9  
10           IN SUPPORT OF THESE OBJECTIVES, THE COMMITTEE  
11           SHALL ESTABLISH PROGRAMS FOR THE TRAINNG OF ALL  
12           ANIMAL CONTROL OFFICERS INSTRUCTING THEM IN THE  
13           PROPER OPERATION OF ANIMAL SHELTERS AND THE HUMANE  
14           TREATMENT OF LOST AND STRAY ANIMALS.”

15  
16           SECTION 5. Section 6 of the same Act is hereby renumbered as Section 8.

17           SECTION 6. Section 7 of the same Act is hereby renumbered as Section 9.

18           SECTION 7. A new section is hereby inserted after Section 7 of the same Act to  
19   read as follows:

20           “SECTION 10. IT SHALL BE UNLAWFUL FOR ANY  
21           PERSON WHO IS IN THE CUSTODY OF AN ANIMAL TO  
22           ABANDON THE ANIMAL.

23           IF ANY PERSON BEING THE OWNER OR HAVING CHARGE  
24           OR CONTROL OF ANY ANIMAL SHALL WITHOUT  
25           REASONABLE CAUSE OR EXCUSE ABANDON IT, WHETHER  
26           PERMANENTLY OR NOT, WITHOUT PROVIDING FOR THE CARE  
27           OF THAT ANIMAL, SUCH ACT SHALL CONSITUTE  
28           MALTREATMENT UNDER SECTION 8.

1 IF THE ANIMAL IS LEFT IN CIRCUMSTANCES LIKELY TO  
2 CAUSE THE ANIMAL ANY UNNECESSARY SUFFERING, OR IF  
3 THIS ABANDONMENT RESULTS IN THE DEATH OF THE  
4 ANIMAL, THE PERSON LIABLE SHALL SUFFER THE MAXIMUM  
5 PENALTY.

6 ABANDONMENT MEANS THE RELINQUISHMENT OF ALL  
7 RIGHT, TITLE, CLAIM, OR POSSESSION OF THE ANIMAL WITH  
8 THE INTENTION OF NOT RECLAIMING IT OR RESUMING ITS  
9 OWNERSHIP OR POSSESSION.”

10 SECTION 8. A new section is hereby inserted after the section above to read as  
11 follows:

12 “SECTION 11. IF A DRIVER OF A MOTOR VEHICLE OR  
13 OTHER SELF-PROPELLED VEHICLE SHALL STRIKE AND INJURE  
14 OR KILL ANY DOMESTICATED ANIMAL, SUCH DRIVER SHALL  
15 GIVE REASONABLE AID AND ASSISTANCE AND/OR  
16 PROTECTION TO SUCH ANIMAL, WITHOUT PLACING HIMSELF  
17 OR HERSELF AT UNREASONABLE RISK, AND CALL AND  
18 REPORT THE FACTS PERTAINING TO THE INCIDENT TO EITHER  
19 OF THE FOLLOWING AUTHORITIES:

- 20 1. BARANGAY OFFICIALS; OR  
21 2. THE POLICE AGENCY HAVING JURISDICTION IN THE AREA  
22 WHERE THE ANIMAL IS STRUCK.

23 AFTER MAKING THE REPORT REQUIRED ABOVE, THE  
24 DRIVER SHALL COMPLY WITH THE INSTRUCTIONS GIVEN BY  
25 THE AGENCY CONTACTED AND SHALL, IF INSTRUCTED,  
26 REMAIN AT THE SCENE UNTIL APPROPRIATE POLICE OR  
27 ANIMAL CONTROL AUTHORITY ARRIVES. AFTER ARRIVAL OF

1 APPROPRIATE AUTHORITY, THE DRIVER SHALL COOPERATE  
2 WITH SUCH AUTHORITY IN THE INVESTIGATION AND  
3 REPORTING OF THE INCIDENT.

4 AS AN ALTERNATIVE TO COMPLYING WITH THE  
5 REQUIREMENTS SET FORTH ABOVE, THE MOTOR VEHICLE  
6 DRIVER MAY TRANSPORT THE ANIMAL WHICH HAS BEEN  
7 STRUCK TO THE CITY OR MUNICIPALITY'S ANIMAL FACILITY,  
8 OR, IN THE CASE OF AN ANIMAL WHICH IS INJURED AND NOT  
9 DEAD, TO A VETERINARIAN FOR TREATMENT OF THE  
10 ANIMAL'S INJURIES. IF THE DRIVER CHOOSES THE LATTER  
11 COURSE OF ACTION, HE/SHE SHALL BE RESPONSIBLE FOR THE  
12 COST OF TREATMENT IF REQUIRED BY THE VETERINARIAN.

13 FAILURE TO COMPLY WITH ANY OF THE  
14 REQUIREMENTS IN THIS SECTION SHALL CONSTITUTE  
15 ABANDONMENT OF THE ANIMAL UNDER SECTION 8.

16 THIS SECTION SHALL NOT APPLY TO DRIVERS OF  
17 EMERGENCY VEHICLES IF SUCH VEHICLES ARE BEING  
18 OPERATED IN RESPONSE TO A BONA FIDE EMERGENCY  
19 SITUATION AT THE TIME THE ANIMAL IS STRUCK.  
20 EMERGENCY VEHICLE OPERATORS WHO STRIKE AN ANIMAL  
21 DURING A RESPONSE TO A BONA FIDE EMERGENCY  
22 SITUATION SHALL NOTIFY THE AUTHORITIES MENTIONED  
23 ABOVE OF THE INCIDENT AS SOON AS IS PRACTICABLE  
24 THEREAFTER."

25  
26 SECTION 9. Section 8 of the same Act is hereby renumbered as Section 12.

27 SECTION 10. A new section is hereby inserted after the section above to read as  
28 follows:

1           “SECTION 13. *Appropriations.* – THE AMOUNT NECESSARY FOR  
2       THE INITIAL IMPLEMENTATION OF THIS ACT SHALL BE CHARGED  
3       AGAINST THE APPROPRIATIONS OF THE DEPT. OF AGRICULTURE.  
4       THEREAFTER, SUCH SUM AS MAY BE NECESSARY FOR ITS FULL  
5       IMPLEMENTATION SHALL BE INCLUDED IN THE ANNUAL GENERAL  
6       APPROPRIATIONS ACT AS A DISTINCT AND SEPARATE ITEM.”

7  
8       SECTION 11. Section 9 of the same Act is hereby renumbered as Section 14.

9       SECTION 12. Section 10 of the same Act is hereby renumbered as Section 15.

10       SECTION 13. *Separability Clause.* – If any provision or part hereof, is held  
11   invalid or unconstitutional, the remainder of the Act or the provision not otherwise  
12   affected shall remain valid and subsisting.

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

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

19  
20  
21       Approved,

22  
23       /acs