
Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Though we have an existing law on animal welfare, the experience of law enforcers and animal welfare organizations in dealing with violations of this law have shown how inadequate it is.

To strengthen the existing law, this bill will provide appropriations, regulate the establishment of shelters, establish a clearer system for the prosecution of animal welfare cases, increase penalties for violations, and protect the rescuers from unjust suits.

When the Animal Welfare Act was passed in 1998, there were only two animal welfare organizations incorporated in the Securities and Exchange Commission, namely - the Philippine Society for the Prevention of Cruelty to Animals (PSPCA); and the primary lobbying organization for the Act, the Philippine Animal Welfare Society (PAWS).

The topography of animal welfare has changed considerably since then. More people are concerned about animal cruelty and have formed organizations across the country to help animals. The bill therefore seeks to give greater representation to the animal welfare movement by amending the Act in to add six (6) slots for animal welfare organizations in the Committee on Animal Welfare (CAW) - with at least two from every major island - Luzon, Visayas and Mindanao.

The bill also provides an additional slot for the Philippine National Police (PNP) as the key element in ensuring effective implementation of the law against animal cruelty is to have our police take part in the crafting of guidelines in terms of apprehension and gathering of evidence versus animal offenders. To add more manpower towards the enforcement of this Act, the deputization of animal welfare officers from the ranks of animal welfare NGOs is proposed.

Mahatma Gandhi said, "A nation's moral progress can be measured by the way it treats in animals." Animals also have the capacity to feel pain, and it should be the State's duty to protect them, as a society should protect its weakest members in order to achieve the greatest good.

mir *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

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

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

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
7 to the Department of Agriculture which shall, subject to the approval of the
8 Secretary of the Department of Agriculture, issue the necessary rules and
9 regulations for the strict implementation of the provisions of this Act, including
10 the setting of safety and sanitary standards, within thirty (30) calendar days
11 following its approval. Such guidelines shall be reviewed by the Committee every
12 three (3) years from its 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;
- 16 2. DEPARTMENT OF EDUCATION;
- 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
20 of Environment and Natural Resources (DENR);
- 21 5. National Meat Inspection SERVICE (NMIS) of the DA;

- 1 6. AGRICULTURAL Training and Institute (ATI) of the DA;
- 2 7. Philippine Veterinary Medical Association (PVMA);
- 3 8. Veterinary Practitioners Association of the Philippines (VPAP);
- 4 9. Philippine Animal Hospital Association (PAHA);
- 5 10. Philippine Animal Welfare Society (PAWS);
- 6 11. Philippine Society for the Prevention of Cruelty to Animals
- 7 (PSPCA);
- 8 12. Philippine Society of Swine Practitioners (PSSP);
- 9 13. Philippine College of Canine Practitioners (PCCP);
- 10 14. Philippine Society of Animal Science (PSAS);
- 11 15. PHILIPPINE NATIONAL POLICE (PNP); AND

12 TWO (2) QUALIFIED ANIMAL WELFARE ORGANIZATIONS
13 WHOSE MAIN OPERATIONS ARE BASED IN LUZON; TWO
14 QUALIFIED ANIMAL WELFARE ORGANIZATIONS WHOSE MAIN
15 OPERATIONS ARE BASED IN VISAYAS; AND TWO QUALIFIED
16 ANIMAL WELFARE ORGANIZATIONS WHOSE MAIN
17 OPERATIONS ARE BASED IN MINDANAO.

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

21 SECTION 2. New Sections 5A to 5C are hereby inserted after Section 5 of Republic Act
22 No. 8485, to read as follows:

23 “Sec. 5A. *Requirements for CAW Members and Nominees.* – The existing
24 and additional animal welfare organizations and non-animal welfare non-
25 government organizations (NGOs) shall submit the following annually:

- 26 1. Updated Securities and Exchange Commission (SEC) Registration;
- 27 2. Bureau of Internal Revenue (BIR) Registration;
- 28 3. Annual Report of Programs;

1 4. For animal welfare NGOs, programs in all of the following:
2 humane education, spay-neuter, lobbying and campaigning against
3 animal cruelty, rescue, rehabilitation and rehoming of animals, and
4 disaster-relief for animals.

5 5. For veterinary organizations, spay-neuter outreach programs for
6 indigent pet owners.

7 “Non-submission of the above requirements annually upon the request of
8 the Director of the Bureau of Animal Industry shall cause the representation of
9 such organization to be revoked for the year. Each NGO shall be given sixty (60)
10 days from receipt of yearly written notice to submit the documentary
11 requirements.”

12 “Sec. 5B. *Nomination and Appointment of Additional Animal Welfare*
13 *NGOs.* – Animal welfare NGOs in Luzon, Visayas, and Mindanao who meet the
14 qualifications indicated in Section 5A may submit their applications to the
15 Director of the Bureau of Animal Industry who will endorse qualified applicants
16 to the Secretary of Agriculture for final appointment.

17 “Additional qualified animal welfare NGO CAW members must be
18 appointed within sixty (60) days from their submission of nomination forms to the
19 BAI Director.”

20 “Sec .5C. *Forfeiture or Termination of CAW Membership for the Year.* –

21 1. NON-GOVERNMENT MEMBERS – Three (3) consecutive non-
22 attendance of the official or his or her alternate CAW representative for the
23 organization shall result in the termination of the said NGO's CAW membership
24 for the year and forfeiture of voting rights of the said organization for that
25 particular year.

26 2. GOVERNMENT MEMBERS – Two (2) consecutive non-
27 attendance of the official representative from a government entity shall cause the

1 issuance of a warning memorandum to the personnel involved with the third
2 incident of non-attendance as grounds for replacement of the representative of the
3 government agency. The BAI Director shall write asking for the replacement of
4 the said representative to the CAW after the third absence. The government
5 agency must immediately fill in the vacancy by appointing a new representative
6 for the next CAW meeting.”

7 “Sec. 5D. *Honorarium for Attending CAW Members.* – CAW members
8 shall receive honorarium for each monthly attendance and this honorarium shall
9 be sourced from the penalties and fees gathered in implementation of this Act.”

10 SECTION 3. New Sections 4A to 4B are hereby inserted after Sec. 4 of Republic Act No.
11 8485, to read as follows:

12 “Sec. 4A. *Prohibition to Transporting Live Animals in Cargo Holds of*
13 *Buses or Trunks of Cars.* – It shall be unlawful to transport dogs or other animals
14 in cargo holds of buses, trunks of cars, or other places in vehicles which lack
15 ventilation. Management and staff of transport companies – whether planes, bus,
16 or ships – shall be held liable for violation of this Act if they allow animals to be
17 put in areas of their carriers unless these areas are specifically prepared to carry
18 live animals without endangering their welfare or causing them suffering or death.

19 “All parties dealing with the preparation and transport of live animal
20 specimens by air shall follow the instructions provided by the International Air
21 Transport Association (IATA)’s Live Animal Regulations.”

22 “Sec. 4B. *Humane Livestock Transport.* – Live farm animals like pigs and
23 chickens should likewise be transported in vehicles with ample space for them to
24 stand up and with protection from elements like rain or extreme heat. This is
25 regardless of whether they are bound for slaughter or not.”

1 SECTION 4. New Sections 6A to 6E are hereby inserted after Sec. 6 of Republic Act No.

2 8485, to read as follows:

3 “Sec. 6A. *Who May File Complainants on Animal Cruelty or Neglect.* –

- 4 1. Any ordinary citizen with personal knowledge on the
- 5 incident/cruelty whether the animal is theirs or not;
- 6 2. Owner or guardian or caregiver of the animal involved;
- 7 3. Professional or non-professional working with animals with
- 8 personal knowledge on non-adherence to legislated animal welfare
- 9 standards in the handling or keeping, treatment or transporting of
- 10 these animals (i.e. veterinarians, laboratory scientists, caretakers);
- 11 4. Officers or employees of the Animal Welfare Division of the
- 12 Bureau of Animal Industry;
- 13 5. Police officers;
- 14 6. Barangay captains or officials of local government units;
- 15 7. Officer or representative of any animal welfare organization; and
- 16 8. Government officials.”

17 “Sec. 6B. - *Training for Humane Handling and Reporting Requirements*

18 *for Facilities and Institutions which Use Animals.* – Institutions that use or deal

19 with animals are required to train personnel about humane handling and humane

20 catching. Training of trainers shall be undertaken by BAI which may deputize

21 animal welfare organizations and private organizations who have the expertise in

22 humane handling or catching animals.

23 “Further, methods through which deficiencies in animal care and treatment

24 may be reported, including deficiencies in animal care and treatment reported by

25 any employee of the facility will be specified in the Implementing Rules and

26 Regulations. No facility employee, committee member, or laboratory personnel

27 may be discriminated against, or be subject to any reprisal, for reporting

28 violations of any regulation or standards under the Animal Welfare Act.”

1 “Section 6C. *Prohibition of Pest Control and Private Animal Control*
2 *Companies to Treat Dogs and Cats as “Pests.”* – It shall be a violation to treat
3 companion animals such as dogs and cats as “pests” under this Act. Animal
4 control of strays shall be solely assigned to the City Veterinarian’s Office. Should
5 the City Veterinarian sub-contract private companies to do the trapping and
6 euthanasia for the City, the Office of the said City Veterinarian shall draw up a
7 contract and ensure that provisions on Euthanasia and Humane Catching under
8 this Act are followed.

9 “*In the event of cruelty to dogs and cats captured for the purpose of animal*
10 *control, both the private company and the City Veterinarian can be held liable.”*

11 “*Sec.6D. Registration of Dog and Cat Breeders.* – Any person breeding
12 dogs and cats to sell them should be required to register with the Bureau of
13 Animal Industry’s Animal Welfare Division (BAI-AWD). BAI-AWD shall
14 require all licensed breeders keep record of their bitches, including name, date of
15 birth, address where kept, breed, colour, details of sire, date of mating, and
16 puppies birth dates, weight, description, and sale details including date of sale,
17 name, address and type of purchaser (pet shop/private).

18 “*Maintaining these records accurately is a condition of licensing and the*
19 *records must be available for inspection at all times.*

20 “*Aside from documentary requirements such as barangay clearances and*
21 *SEC or DTI registrations, BAI-AWD shall also issue humane guidelines for*
22 *breeding and shall make adherence to these guidelines a requirement before a*
23 *breeder can be registered.”*

24 “*Sec. 6E. Working Dogs.* - Before issuing permits, BAI-AWD must check
25 compliance with issued minimum care standards that ensure the physical, mental
26 and emotional well-being of working dogs such as K-9 units, bomb-sniffing dogs,
27 search-and- rescue dogs, seeing-eye.

1 “Failure to comply with minimum standards of care shall make the
2 owners, handlers and staff members of agencies that provide these working dogs
3 liable under this Act.

4 “Retired working dogs shall not be bred but must be neutered /spayed and
5 rehomed by coordinating with accredited animal welfare organizations, or
6 euthanized by a licensed veterinarian using the approved procedures under this
7 Act.”

8 SECTION 5. New Sections 7A to 7D are hereby inserted after Section 7 of RA 8485, to
9 read as follows:

10 “Sec. 7A. *Protection of Persons Intervening to Alleviate Pain, Fear and*
11 *Suffering in Animals.* – Any person who, acting in good faith, responds or
12 intervenes without using violence or restraint greater than necessary to ensure the
13 safety of an animal being abused, shall not be held criminally, civilly or
14 administratively liable.

15 “Anyone who undertakes to get a chained or caged starving, suffering or
16 sickly animal from the premises of an owner who has been remiss, in providing
17 for its basic needs shall not be held criminally, civilly or administratively liable
18 provided that:

19 1. The barangay or subdivision association have confirmed in writing
20 that all attempts to contact the owner of the dog or property where the dog is kept
21 have failed;

22 2. Entry into the premises is supervised by at least two barangay
23 officials or law enforcement officials;

24 3. During the seizure and transfer of the animal, no other item or
25 piece of property is touched except for what is necessary to get the animal which
26 is in imminent danger of death.

27 4. Steps are taken to secure the property or premises from succeeding
28 intruders with new locks under the care of barangay or subdivision officials.

1 5. A written note to the owner of the dog or the premises is left in the
2 area where the dog used to be and a duplicate with the barangay or subdivision
3 officials as to who may be contacted regarding the animal.

4 “Damage to property such as broken locks and other expenses related to
5 the seizure such as replacement of locks or broken windows shall be for the
6 account of the owner of the animal.”

7 “Sec. 7B. *Deputization of Animal Welfare Enforcement and Inspection*
8 *Officers.* – The Director of BAI shall deputize Animal Welfare Enforcement and
9 Inspection Officers from non-government organizations with proven track records
10 in filing criminal charges against animal offenders. The deputized officers shall
11 assist in the implementation of this Act. As such, they shall have the full authority
12 to seize and rescue illegally traded and maltreated animals and to arrest violators
13 of this Act subject to existing laws, rules and regulations on arrest and detention.
14 Guidelines for the gathering of evidence and filing of criminal charges shall be
15 drawn up by the Committee on Animal Welfare to guide the deputized officers.”

16 “Sec. 7C. *LGU Facilities for Keeping Rescued Animals.* – The Local
17 Government Unit (LGU) shall provide a facility to shelter rescued and stray
18 animals. Animals which are being held as evidence in cases of violations of this
19 Act shall be kept in separate facilities. Food, water and veterinary care shall be
20 provided for all animals in the shelter by the LGU. The animals shall be available
21 for adoption by individuals screened by Animal Welfare NGOs accredited by the
22 BAI-WD. The Government may sub-contract sheltering with an accredited
23 private shelter for as long as funding will be provided for that shelter and a
24 definite holding period for the animals is specified in the Memorandum of
25 Agreement between said LGU and the accredited private shelter.

26 “If fostering or rehoming is not feasible due to lack of fosterers or due to
27 health or behavior issues that may make an animal unsuitable for rehoming or

1 fostering, they shall be euthanized according to the approved Euthanasia
2 Procedures under this Act.”

3 “Sec. 7D. *Mandatory Spay-Neuter of Dogs and Cats Rescued from Cruelty*
4 *before Rehoming or Adoption.* – Rescued dogs or cats, once they are deemed fit
5 for spay-neuter surgery, shall be neutered or spayed before rehoming, whether
6 from an animal shelter or facility registered with BAI or an LGU facility.

7 “Violation of this provision shall cause either the issuance of a written
8 warning from BAI-AWD or a revocation of permit issued by BAI-AWD to that
9 facility. The erring facility's permit will not be renewed until the oversight is
10 corrected and a written assurance from the facility veterinarian and facility
11 manager is received by BAI-AWD that all animals to be placed will be neutered.”

12 “Sec. 7E. *Establishment of Animal Welfare Desks in Police Stations and*
13 *Barangay Outposts.* – Animal welfare desks shall also established in each police
14 station and barangay hall or outpost to ensure that those reporting incidents of
15 animal cruelty and neglect may receive proper guidance and assistance. Barangay
16 desk officers and officials, members of police that are assigned at these Desks are
17 required to attend a seminar conducted by BAI-AWD or an accredited animal
18 welfare NGO.”

19 “Sec. 7F. *Legal Prosecution of Animal Welfare Violation Cases.* – For the
20 prosecution of animal welfare cases, the Department of Justice (DOJ) through its
21 public prosecutors may authorize any private law practitioner who is well-
22 oriented with animal welfare law to prosecute and/ assist in the prosecution of
23 offenders.”

24 SECTION 6. Section 8 of Republic Act No. 8485 is amended to read as follows:

1 “Sec. 8. Any person who violates any of the provisions of this Act shall,
2 upon conviction by final judgment, be punished by *PRISION MAYOR OR*
3 *IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS AND ONE (1) TO*
4 *TWELVE (12) YEARS AND a fine of not less than TWENTY THOUSAND*
5 *PESOS (P20,000.00).*

6 “If the violation is committed by a juridical person, the officer responsible
7 thereof shall serve the imprisonment when imposed. If the violation is committed
8 by an alien, he or she shall be immediately deported after the service of sentence
9 without any further proceedings.”

10 SECTION 7. Section 9 of Republic Act No. 8485 is amended to read as follows:

11 “Sec. 9. *Disaster-Relief and Response Program for Animals.* – The AWD
12 shall create a Committee chaired by the City Veterinarian and co-chaired by the
13 Regional Animal Welfare Officer who shall be responsible for drawing up
14 guidelines for Disaster Preparedness, Response and Relief for farm and
15 companion animals in their area. They will also set up a temporary holding or
16 evacuation area for these animals and are tasked to report immediately to DA-BAI
17 on the number of animals affected by a disaster occurring in their area. BAI will
18 fund these temporary shelters for affected animals and coordinate with the LGU
19 about providing food and water for them until the families or farmers who own
20 these animals are able to rebuild and return to their homes or to a relocated area.”

21 SECTION 8. A new section shall be added as Section 10, to read as follows:

22 “Sec. 10. *Appropriations and Animal Welfare Act Fund.* – Such amount
23 necessary for the implementation of the provisions of this Act shall be initially
24 charged against the appropriations of the Department of Agriculture under the
25 General Appropriations Act.

26 “The fines and penalties collected under this Act shall likewise form part
27 of the Animal Welfare Act Fund. Donations from private institutions or

1 organizations may be accepted to carry out the mandate of implementing the
2 Animal Welfare Act.”

3 SECTION 9. *Separability Clause.* -- If any provision or part hereof is held invalid or
4 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
5 valid and subsisting.

6 SECTION 10. *Repealing Clause.* -- Any law, presidential decree or issuance, executive
7 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
8 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

9 SECTION 11. *Effectivity Clause.* -- This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspapers of general circulation.

Approved,

/acs