

12 NOV 2012

SENATE
S. NO. **3319**

Or

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

In the past few months, Mali, Manila Zoo's lone female elephant, has received much attention from various media. Reports claim that Mali's condition is deteriorating due to neglect, improper handling, and her poor living conditions. According to news reports, the animal rights group People for the Ethical Treatment of Animals (PETA) has recommended Mali's transfer to an elephant sanctuary in Thailand, which can provide her proper care and rehabilitation. The sanctuary is also large enough to give Mali room to roam and hosts twelve other elephants that could help Mali integrate quickly with a herd. It was also reported that Dr. Mel Richardson, an elephant expert who has examined Mali, strongly supports the transfer given Mali's condition. PETA has claimed that it will pay for all the costs of Mali's transfer but will need a Convention on International Trade in Endangered Species (CITES) export permit from the Philippine government. Yet, despite all the support PETA has received from more than 40 animal protection organizations from around the globe, and from individuals for their call to transfer Mali, officials of the Manila Zoo, have been headstrong in keeping Mali confined.

Reports claim that Dr. Donald Manalastas, division chief of the zoological division of Manila Zoo, insisted that Mali is better off in their custody. Dr. Manalastas, who is not an elephant expert, claimed that with Mali's age, the chance of Mali surviving the trip to Thailand is low. Nonetheless, because of the mounting pressure the Office of the President has been receiving to transfer Mali, Executive Secretary Paquito Ochoa, Jr., in May 2012, has directed the Department of Agriculture (DA) and the Bureau of Animal Industries (BAI) to determine the

condition of Mali and facilitate her transfer to a sanctuary upon completion of their study and evaluation on the matter. However, six months after receiving the directive from the Office of the President, the BAI and DA have yet to submit a report and its recommendations on Mali's health and possible transfer.

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 government action. This bill aims to amend the Animal Welfare Act and provide a limited time frame upon which the BAI and DA 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.

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.


MIRIAM DEFENSOR SANTIAGO
3/11

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

12 NOV 2007

SENATE
S. NO. **3319**

Introduced by Senator Miriam Defensor Santiago

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

Be it enacted in the Senate and House of Representatives of the Philippines in the 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 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)] (DEPED);
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);

- 1 (5) National Meat Inspection Commission (NMIC) of the DA;
- 2 (6) Agriculture Training Institute (ATI) of the DA;
- 3 (7) Philippine Veterinary Medical Association (PVMA);
- 4 (8) Veterinary Practitioners Association of the Philippines (VPAP);
- 5 (9) Philippine Animal Hospital Association of the Philippines (PAHA);
- 6 (10) Philippine Animal Welfare Society (PAWS);
- 7 (11) Philippine Society for the Prevention of Cruelty to Animals
- 8 (PSPCA);
- 9 (12) *Philippine Society of Swine Practitioners (PSSP)*;
- 10 (13) Philippine College of Canine Practitioners (PCCP); and
- 11 (14) Philippine Society of Animal Science (PSAS).

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

15 THE COMMITTEE SHALL CREATE SPECIAL A WORKING GROUP
16 TO HELP OVERSEE THE HEALTH AND WELFARE OF ANIMALS IN
17 CAPTIVITY, PARTICULARLY THOSE IN ZOOS. THE GROUP SHALL BE
18 COMPOSED OF TWO QUALIFIED ANIMAL WELFARE ORGANIZATIONS,
19 APART FROM THOSE ABOVEMENTIONED, ONE REPRESENTATIVE
20 FROM THE BUREAU OF ANIMAL INDUSTRY, AND ONE
21 REPRESENTATIVE FROM THE PROTECTED AREAS AND WILDLIFE
22 BUREAU.

23 The Committee AND THE SPECIAL WORKING GROUP shall meet
24 quarterly or as often as the need arises. The Committee members shall not receive
25 any compensation but may receive reasonable honoraria from time to time.

26 THE COMMITTEE AND ITS SPECIAL WORKING GROUP SHALL
27 BE MANDATED TO SUBMIT A YEARLY REPORT ON ITS
28 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 SECTION 2. New Sections 7A is hereby inserted after Section 7 of Republic Act No.
7 8485, to read as follows:

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

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

20 "Sec. 8A. Failure of the government agency to act within the period
21 mentioned in Section 7A shall be grounds for administrative action on the
22 government official charged with the study and evaluation of the establishment or
23 facility mentioned in the complaint or affidavit, and for the submission of a report
24 on such study or evaluation, for gross negligence. The government official or
25 employee responsible shall be penalized with a fine of ten thousand pesos
26 (P10,000.00) aside from the penalty he or she may be sanctioned with for gross
27 neglect of duty."

1 SECTION 4. *Repealing Clause.* – All laws, orders, issuances, rules and regulations or
2 parts thereof inconsistent with the provisions of this Act are hereby repealed, modified, or
3 amended accordingly.

4 SECTION 5. *Separability Clause.* – If any part of this Act is held invalid or
5 unconstitutional, the other parts or provisions thereof not affected shall remain valid and
6 effective.

7 SECTION 6. *Effectivity.* – This Act shall take effect fifteen(15) days after its publication
8 in at least two (2) newspapers of general circulation.

Approved,