

SENATE

Senate Bill No. 3329

(In Substitution of Senate Bill Nos. 1691, 1942, 3154 and 3222, and Proposed Senate Resolution Nos. 578 and 747)

Introduced by Senators Defensor Santiago, Honasan II, Villar, and Pangilinan

AN ACT

AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 8485,  
OTHERWISE KNOWN AS "THE ANIMAL WELFARE ACT OF 1998"

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

SECTION 1. Section 1 of Republic Act (R. A.) No. 8485 is hereby amended to read, as follows:

"SECTION 1. It is the purpose of this Act to protect and promote the welfare of all TERRESTRIAL, AQUATIC AND MARINE animals in the Philippines by supervising and regulating the establishment and operations of all facilities utilized for breeding, maintaining, keeping, treating or training of all animals either as objects of trade or as household pets. For purposes of this Act, pet animal shall include birds.

FOR PURPOSES OF THIS ACT, ANIMAL WELFARE PERTAINS TO THE PHYSICAL AND PSYCHOLOGICAL WELL-BEING OF ANIMALS. IT INCLUDES, BUT NOT LIMITED TO, THE AVOIDANCE OF ABUSE, MALTREATMENT, CRUELTY AND EXPLOITATION OF ANIMALS BY HUMANS BY MAINTAINING APPROPRIATE STANDARDS OF ACCOMMODATION, FEEDING AND GENERAL CARE, THE PREVENTION AND TREATMENT OF DISEASE AND THE ASSURANCE OF FREEDOM FROM FEAR, DISTRESS, HARASSMENT, AND UNNECESSARY DISCOMFORT AND PAIN, AND ALLOWING ANIMALS TO EXPRESS NORMAL BEHAVIOR."

SECTION 2. Section 6 of R. A. No. 8485 is hereby amended to read, as follows:

"SEC. 6. It shall be unlawful for any person to torture any animal or to neglect to provide adequate care, sustenance or shelter, or maltreat any animal or to subject any dog or horse to dogfights or horsefights, kill or cause or procure to be tortured or deprived of adequate care, sustenance or shelter, or

1 maltreat or use the same in research or experiments not expressly authorized  
2 by the Committee on Animal Welfare.

3 The killing of any animal other than cattle, pigs, goats, sheep, poultry,  
4 rabbits, carabaos [,] AND horses [, deer and crocodiles] is likewise hereby  
5 declared unlawful except in the following instances:

6 SECTION 3. A new Section 7 is hereby inserted after Section 6 of the same Act to  
7 read, as follows:

8 "SEC. 7. IT SHALL BE UNLAWFUL FOR ANY PERSON WHO HAS  
9 CUSTODY OF AN ANIMAL TO ABANDON THE ANIMAL.

10 IF ANY PERSON BEING THE OWNER OR HAVING CHARGE OR  
11 CONTROL OF ANY ANIMAL SHALL WITHOUT REASONABLE CAUSE OR  
12 EXCUSE ABANDON IT, WHETHER PERMANENTLY OR NOT, WITHOUT  
13 PROVIDING FOR THE CARE OF THAT ANIMAL, SUCH ACT SHALL  
14 CONSTITUTE MALTREATMENT UNDER SECTION 9.

15 IF THE ANIMAL IS LEFT IN CIRCUMSTANCES LIKELY TO CAUSE  
16 THE ANIMAL ANY UNNECESSARY SUFFERING, OR IF THIS  
17 ABANDONMENT RESULTS IN THE DEATH OF THE ANIMAL, THE  
18 PERSON LIABLE SHALL SUFFER THE MAXIMUM PENALTY.

19 ABANDONMENT MEANS THE RELINQUISHMENT OF ALL RIGHT,  
20 TITLE, CLAIM, OR POSSESSION OF THE ANIMAL WITH THE  
21 INTENTION OF NOT RECLAIMING IT OR RESUMING ITS OWNERSHIP  
22 OR POSSESSION."

23 SECTION 4. Section 8 of R. A. No. 8485 which shall now become Section 9, is hereby  
24 amended to read, as follows:

25 "SEC. 9. ANY PERSON WHO SUBJECTS ANY ANIMAL TO  
26 CRUELTY, MALTREATMENT OR NEGLECT SHALL, UPON CONVICTION  
27 BY FINAL JUDGMENT, BE PUNISHED BY IMPRISONMENT AND/OR  
28 FINE, AS INDICATED IN THE FOLLOWING GRADUATED SCALE:

29 1) IMPRISONMENT OF ONE YEAR AND SIX MONTHS AND ONE  
30 DAY TO TWO YEARS AND/OR A FINE NOT EXCEEDING  
31 P100,000.00 IF THE ANIMAL SUBJECTED TO CRUELTY,  
32 MALTREATMENT OR NEGLECT DIES;

33 2) IMPRISONMENT OF ONE YEAR AND ONE DAY TO ONE YEAR  
34 AND SIX MONTHS AND/OR A FINE NOT EXCEEDING  
35 P50,000.00 IF THE ANIMAL SUBJECTED TO CRUELTY,  
36 MALTREATMENT OR NEGLECT SURVIVES BUT IS SEVERELY  
37 INJURED WITH LOSS OF ITS NATURAL FACULTY TO

1 SURVIVE ON ITS OWN AND NEEDING HUMAN  
2 INTERVENTION TO SUSTAIN ITS LIFE; AND

3 3) IMPRISONMENT OF SIX MONTHS TO ONE YEAR AND/OR A  
4 FINE NOT EXCEEDING P30,000.00 FOR SUBJECTING ANY  
5 ANIMAL TO CRUELTY, MALTREATMENT OR NEGLECT BUT  
6 WITHOUT CAUSING ITS DEATH OR INCAPACITATING IT TO  
7 SURVIVE ON ITS OWN.

8 IF THE VIOLATION IS COMMITTED BY A JURIDICAL PERSON,  
9 THE OFFICER RESPONSIBLE THEREOF SHALL SERVE THE  
10 IMPRISONMENT. IF THE VIOLATION IS COMMITTED BY AN ALIEN, HE  
11 OR SHE SHALL BE IMMEDIATELY DEPORTED AFTER THE SERVICE OF  
12 SENTENCE WITHOUT ANY FURTHER PROCEEDING.

13 THE FOREGOING PENALTIES SHALL ALSO APPLY FOR ANY  
14 OTHER VIOLATION OF THIS ACT, DEPENDING UPON THE EFFECT OR  
15 RESULT OF THE ACT OR OMISSION AS DEFINED IN THE IMMEDIATELY  
16 PRECEDING SECTIONS.

17 HOWEVER, REGARDLESS OF THE RESULTING CONDITION TO  
18 THE ANIMAL/S, THE PENALTY OF TWO YEARS AND ONE DAY TO  
19 THREE YEARS AND/OR A FINE NOT EXCEEDING P250,000.00 SHALL  
20 BE IMPOSED IF THE OFFENSE IS COMMITTED BY ANY OF THE  
21 FOLLOWING: (1) A SYNDICATE; (2) AN OFFENDER WHO MAKES  
22 BUSINESS OUT OF CRUELTY TO AN ANIMAL; (3) A PUBLIC OFFICER OR  
23 EMPLOYEE; OR (4) WHERE AT LEAST THREE ANIMALS ARE  
24 INVOLVED.

25 IN ANY OF THE FOREGOING SITUATIONS, THE OFFENDER  
26 SHALL SUFFER SUBSIDIARY IMPRISONMENT IN CASE OF INSOLVENCY  
27 AND THE INABILITY TO PAY THE FINE.

28 SECTION 5. A new Section 10 is hereby inserted after Section above to read as  
29 follows:

30 "SEC. 10. THE SECRETARY OF THE DEPARTMENT OF  
31 AGRICULTURE SHALL DEPUTIZE ANIMAL WELFARE ENFORCEMENT  
32 OFFICERS FROM NON-GOVERNMENT ORGANIZATIONS, CITIZENS  
33 GROUPS, COMMUNITY ORGANIZATIONS AND OTHER VOLUNTEERS  
34 WHO HAVE UNDERGONE THE NECESSARY TRAINING FOR THIS  
35 PURPOSE. THE PHILIPPINE NATIONAL POLICE, NATIONAL BUREAU  
36 OF INVESTIGATION, AND OTHER LAW ENFORCEMENT AGENCIES  
37 SHALL DESIGNATE ANIMAL WELFARE ENFORCEMENT OFFICERS. AS  
38 SUCH, ANIMAL WELFARE ENFORCEMENT OFFICERS SHALL HAVE THE  
39 AUTHORITY TO SEIZE AND RESCUE ILLEGALLY TRADED AND  
40 MALTREATED ANIMALS AND TO ARREST VIOLATORS OF THIS ACT  
41 SUBJECT TO THE GUIDELINES OF EXISTING LAWS AND RULES AND  
42 REGULATIONS ON ARREST AND DETENTION.

1 THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE  
2 SHALL, UPON THE RECOMMENDATION OF THE COMMITTEE ON  
3 ANIMAL WELFARE, (1) PROMULGATE THE GUIDELINES ON THE  
4 CRITERIA AND TRAINING REQUIREMENTS FOR THE DEPUTIZATION  
5 OF ANIMAL WELFARE ENFORCEMENT OFFICERS, AND (2) ESTABLISH  
6 A MECHANISM FOR THE SUPERVISION, MONITORING AND  
7 REPORTING OF THESE ENFORCEMENT OFFICERS.”

8 SECTION 6. If, for any reason, any provision of this Act is declared to be unconstitutional  
9 or invalid, the other sections or provisions hereof which are not affected shall continue to be in full  
10 force and effect.

11 SECTION 7. All laws, decrees, orders, rules and regulations, and other issuances, or  
12 parts thereof, which are inconsistent with the provisions of this Act, are hereby deemed  
13 repealed, amended or modified accordingly.

14 SECTION 8. This Act shall take effect after fifteen (15) days from its publication in  
15 the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes  
16 earlier.

*Approved,*