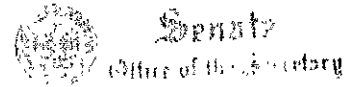


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



13 JUL 25 2:34

SENATE
S. No. 1112

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

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 does not include adequate measures for the 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 ran 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.*

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MIRIAM DEFENSOR SANTIAGO

* This bill was originally filed in the Fourteenth Congress, Second Regular Session.

'13 JUL 25 P3 05

SENATE
S. No. 1112

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

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

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

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

5 "SECTION 1. THIS ACT SHALL BE KNOWN AS THE 'ANIMAL WELFARE
6 AND CONTROL ACT.'"

7 SECTION 2. A new section is hereby inserted after Section 4 of the same Act to read as
8 follows:

9 "SECTION 5. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY
10 ANIMAL TO ALLOW IT TO RUN AT LARGE UNATTENDED ON OR ABOUT THE
11 STREETS OR ON THE PROPERTY OF ANOTHER WITHOUT SUCH PROPERTY
12 OWNER'S CONSENT. ANY SUCH ANIMAL AT LARGE SHALL BE IMPOUNDED
13 BY THE LOCAL ANIMAL CONTROL AUTHORITIES.

14 IT SHALL BE THE DUTY OF EVERY OWNER OF ANY ANIMAL TO KEEP
15 THE ANIMAL UNDER CONTROL AT ALL TIMES WHILE THE ANIMAL IS ON
16 THE REAL PROPERTY OF THE OWNER. FOR PURPOSES OF THIS SECTION,
17 AN ANIMAL IS DEEMED UNDER CONTROL WHEN IT IS CONFINED BY WAY
18 OF FENCE OR OTHER ENCLOSURE, RESTRAINED BY SUBSTANTIAL CHAIN
19 OR LEASH, RESTRAINED IN SOME OTHER PHYSICAL MANNER BY A
20 COMPETENT PERSON, OR IS UNDER THE CONTROL OF A COMPETENT

1 PERSON WHO IS PRESENT WITH THE ANIMAL SO THAT THE ANIMAL DOES
2 NOT WANDER OFF THE REAL PROPERTY OF THE OWNER.

3 ALL MALE AND FEMALE DOGS AND CATS THAT HAVE NOT BEEN
4 SPAYED OR NEUTERED MUST BE SECURELY CONFINED IN SUCH A WAY
5 THAT THEY NOT ONLY CANNOT GET OUT TO RUN LOOSE, BUT ALSO
6 CANNOT BE REACHED BY OTHER DOGS OR CATS.

7 IT SHALL BE THE DUTY OF THE OWNER OF ANY ANIMAL TO KEEP
8 THE ANIMAL UNDER CONTROL AT ALL TIMES WHILE THE ANIMAL IS
9 OUTSIDE THE REAL PROPERTY LIMITS OF THE OWNER. FOR THE PURPOSES
10 OF THIS SECTION, AN ANIMAL IS DEEMED UNDER CONTROL WHEN IT IS
11 CONFINED WITHIN A VEHICLE, PARKED OR IN MOTION, IS SECURED BY A
12 LEASH OR OTHER DEVICE HELD BY A COMPETENT PERSON, OR IS
13 PROPERLY CONFINED WITHIN AN ENCLOSURE WITH PERMISSION OF THE
14 OWNER OF THE PROPERTY WHERE THE ENCLOSURE IS LOCATED.”

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

16 SECTION 4. A new section is hereby inserted after Section 5 of the same Act to read as
17 follows:

18 “SECTION 7. THE COMMITTEE SHALL DRAW UP GUIDELINES FOR
19 THE ESTABLISHMENT OF ANIMAL SHELTERS. EVERY CITY AND
20 MUNICIPALITY IS ENCOURAGED TO ESTABLISH AT LEAST ONE ANIMAL
21 SHELTER WITHIN THEIR VICINTY. IN THE MEANTIME THAT NO ANIMAL
22 SHELTER HAS BEEN ESTABLISHED, A PLAN FOR THE PROTECTION AND
23 ADOPTION OF LOST AND STRAY ANIMALS SHALL BE FORMULATED BY
24 THE COMMITTEE ON ANIMAL WELFARE IN COORDINATION WITH THE
25 DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG).

26 IN SUPPORT OF THESE OBJECTIVES, THE COMMITTEE SHALL
27 ESTABLISH PROGRAMS FOR THE TRAINING OF ALL ANIMAL CONTROL

1 OFFICERS INSTRUCTING THEM IN THE PROPER OPERATION OF ANIMAL
2 SHELTERS AND THE HUMANE TREATMENT OF LOST AND STRAY
3 ANIMALS.”

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

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

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

8 “SECTION 10. 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 8.

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

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

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

23 “SECTION 11. IF A DRIVER OF A MOTOR VEHICLE OR OTHER SELF-
24 PROPELLED VEHICLE SHALL STRIKE AND INJURE OR KILL ANY
25 DOMESTICATED ANIMAL, SUCH DRIVER SHALL GIVE REASONABLE AID

1 AND ASSISTANCE AND/OR PROTECTION TO SUCH ANIMAL, WITHOUT
2 PLACING HIMSELF OR HERSELF AT UNREASONABLE RISK, AND CALL AND
3 REPORT THE FACTS PERTAINING TO THE INCIDENT TO EITHER OF THE
4 FOLLOWING AUTHORITIES:

- 5 1. BARANGAY OFFICIALS; OR
- 6 2. THE POLICE AGENCY HAVING JURISDICTION IN THE AREA
7 WHERE THE ANIMAL IS STRUCK.

8 AFTER MAKING THE REPORT REQUIRED ABOVE, THE DRIVER SHALL
9 COMPLY WITH THE INSTRUCTIONS GIVEN BY THE AGENCY CONTACTED
10 AND SHALL, IF INSTRUCTED, REMAIN AT THE SCENE UNTIL APPROPRIATE
11 POLICE OR ANIMAL CONTROL AUTHORITY ARRIVES. AFTER ARRIVAL OF
12 APPROPRIATE AUTHORITY, THE DRIVER SHALL COOPERATE WITH SUCH
13 AUTHORITY IN THE INVESTIGATION AND REPORTING OF THE INCIDENT.

14 AS AN ALTERNATIVE TO COMPLYING WITH THE REQUIREMENTS SET
15 FORTH ABOVE, THE MOTOR VEHICLE DRIVER MAY TRANSPORT THE
16 ANIMAL WHICH HAS BEEN STRUCK TO THE CITY OR MUNICIPALITY'S
17 ANIMAL FACILITY, OR, IN THE CASE OF AN ANIMAL WHICH IS INJURED
18 AND NOT DEAD, TO A VETERINARIAN FOR TREATMENT OF THE ANIMAL'S
19 INJURIES. IF THE DRIVER CHOOSES THE LATTER COURSE OF ACTION,
20 HE/SHE SHALL BE RESPONSIBLE FOR THE COST OF TREATMENT IF
21 REQUIRED BY THE VETERINARIAN. FAILURE TO COMPLY WITH ANY OF
22 THE REQUIREMENTS IN THIS SECTION SHALL CONSTITUTE
23 ABANDONMENT OF THE ANIMAL UNDER SECTION 8.

24 THIS SECTION SHALL NOT APPLY TO DRIVERS OF EMERGENCY
25 VEHICLES IF SUCH VEHICLES ARE BEING OPERATED IN RESPONSE TO A
26 BONA FIDE EMERGENCY SITUATION AT THE TIME THE ANIMAL IS STRUCK.
27 EMERGENCY VEHICLE OPERATORS WHO STRIKE AN ANIMAL DURING A
28 RESPONSE TO A BONA FIDE EMERGENCY SITUATION SHALL NOTIFY THE

1 AUTHORITIES MENTIONED ABOVE OF THE INCIDENT AS SOON AS IS
2 PRACTICABLE THEREAFTER.”

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

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

6 “SECTION 13. *APPROPRIATIONS.* – THE AMOUNT NECESSARY FOR
7 THE INITIAL IMPLEMENTATION OF THIS ACT SHALL BE CHARGED
8 AGAINST THE APPROPRIATIONS OF THE DEPARTMENT OF AGRICULTURE.
9 THEREAFTER, SUCH SUM AS MAY BE NECESSARY FOR ITS FULL
10 IMPLEMENTATION SHALL BE INCLUDED IN THE ANNUAL GENERAL
11 APPROPRIATIONS ACT AS A DISTINCT AND SEPARATE ITEM.”

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

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

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

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

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

Approved,