

SENATE

S. NO. 2989

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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Explanatory Note

In the Philippines, it is estimated that there are about 317,065 people who are bitten by dogs annually.<sup>1</sup> Unfortunately, there is no accurate report for dog bite cases as most cases neither go reported nor properly treated in hospitals. In a data available at Dumaguete City, the city veterinary office (CVO) has recorded a total of 105 dog bite cases in the first seven (7) months of this year. According to the CVO, the said figures are based only on the dog bite cases that were reported in their office. More alarmingly, according to a report published by Inquirer<sup>2</sup>, there is consistent evidence that between 30 and 60 percent of all victims of dog bites are children under fifteen (15) years of age.

This bill first provides that, when any person owns or keeps a vicious or dangerous dog of any kind and, as a result of his or her careless management or allowing the dog to go at liberty, and another person, without fault is injured, such owner shall be liable in damages for such injury. If any dog shall, without provocation, bite or injure any person who is at the time at a place where he or she has a legal right to be, the owner of such dog shall be liable in damages to the person so bitten or injured. This apparent strict liability has a mitigation provision that states that the owner of such dog shall be entitled to plead and prove in mitigation of damages that he had no knowledge of any circumstances indicating such dog to be or to have been vicious or dangerous. If an owner, however, is aware that his or her dog is rabid at the time of the bite, he or she shall be liable for twice the damages sustained.

In view of the foregoing, the passage of this bill is earnestly sought.

ANTONIO "SONNY" F. TRILLANES IV

Senator

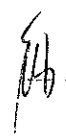
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<sup>1</sup> [http://www.wrongdiagnosis.com/d/dog\\_bite/stats-country.htm](http://www.wrongdiagnosis.com/d/dog_bite/stats-country.htm). Information retrieved on November 17, 2008

<sup>2</sup> [http://showbizandstyle.inquirer.net/lifestyle/lifestyle/view\\_article.php?article\\_id=127041](http://showbizandstyle.inquirer.net/lifestyle/lifestyle/view_article.php?article_id=127041). Information retrieved on November 18, 2008.

SENATE

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S. NO. 2989

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**AN ACT  
RELATING TO THE LIABILITY OF OWNERS OF DOGS BITING OR INJURING  
PERSONS**

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

1       **SECTION 1. *Short Title.*** – This Act may be cited as the “Dog Bite Law of 2009”.

2       **SEC. 2. *Definition.*** As used in this Act, unless the context otherwise requires, "owner"  
3 means a person who, at the time of the offense, regularly harbors, keeps or exercises control over  
4 the dog, but does not include a person who, at the time of the offense, is temporarily harboring,  
5 keeping or exercising control over the dog.

6       **SEC. 3. *Liability of owner of dog for injuries to person bitten or injured while upon***  
7 ***property owned or controlled by owner, etc.-*** If any dog shall, without provocation, bite or injure  
8 any person who is at the time at a place where he or she has a legal right to be, the owner of such  
9 dog shall be liable in damages to the person so bitten or injured, but such liability shall arise only  
10 when the person so bitten or injured is upon property owned or controlled by the owner of such  
11 dog at the time such bite or injury occurs or when such person has been immediately prior to  
12 such time on such property and has been pursued therefrom by such dog.

13       **SEC. 4. *When person deemed lawfully on property of owner of dog.*** - For the purpose  
14 of this Act, a person shall be considered to be lawfully upon the private property of the owner of  
15 such dog when he is on such property in the performance of any duty imposed upon him by the

1 laws of this land or the local government ordinances and regulations of the Philippines, when  
2 reading meters, when making repairs to any public utility or service upon said premises or when  
3 on such property upon the invitation, either expressed or implied, of the owner or lessee of such  
4 property.

5 **SEC. 5. *Liability of owner of dog for injuries to person bitten or injured while upon***  
6 ***other person's property or a place open to the general public.*** - The owner of a dog commits an  
7 offense if that dog goes uncontrolled by the owner upon the premises of another without the  
8 consent of the owner of the premises or other person authorized to give consent, or goes  
9 uncontrolled by the owner upon a highway, public road, street or any other place open to the  
10 public generally.

11 **SEC. 6. *Exceptions.*** - It is an exception to the application of this Act if:

12 (1) The dog was on a hunt or chase;

13 (2) The dog was on the way to or from a hunt or chase;

14 (3) The dog was guarding or driving stock or on the way to guard or drive stock;

15 (4) The dog was being moved from one place to another by the owner of the dog;

16 (5) The dog is a police or military dog, the injury occurred during the course of the dog's official  
17 duties and the person injured was a party to, a participant in or suspected of being a party to or  
18 participant in the act or conduct that prompted the police or military to utilize the services of the  
19 dog;

20 (6) The violation of Section 5 occurred while the injured person was on the private property of  
21 the dog's owner with the intent to engage in unlawful activity while on the property;

22 (7) The violation of Section 5 occurred while the dog was protecting the dog's owner or other  
23 innocent party from attack by the injured person or an animal owned by the injured person;

24 (8) The violation of Section 5 occurred while the dog was securely confined in a kennel, crate or  
25 other enclosure; or

1 (9) The violation of Section 5 occurred as a result of the injured person disturbing, harassing,  
2 assaulting or otherwise provoking the dog.

3

4 **SEC. 7. *Injury caused by dogs; civil liability; exceptions; limitations.* -**

5 (1) (a) The owner of a dog has a duty to keep that dog under reasonable control at all times,  
6 and to keep that dog from running at large. A person who breaches that duty is subject to  
7 civil liability, as provided in Article 2183 of the Civil Code of the Philippines, for any  
8 damages suffered by a person who is injured by the dog while in a public place or  
9 lawfully in or on the private property of another.

10 (b) Such a person may be held liable regardless of whether the dog has shown any  
11 dangerous propensities or whether the dog's owner knew or should have known of the  
12 dog's dangerous propensities.

13 (2) The provisions of Section (7)(1) shall not be construed to impose liability upon the owner of  
14 the dog if:

15 (a) The dog is a police or military dog, the injury occurred during the course of the dog's  
16 official duties and the person injured was a party to, a participant in or suspected of being  
17 a party to or participant in the act or conduct that prompted the police or military to  
18 utilize the services of the dog;

19 (b) The injured person was trespassing upon the private, nonresidential property of the  
20 dog's owner;

21 (c) The injury occurred while the dog was protecting the dog's owner or other innocent  
22 party from attack by the injured person or a dog owned by the injured person;

23 (d) The injury occurred while the dog was securely confined in a kennel, crate or other  
24 enclosure; or

25 (e) The injury occurred as a result of the injured person enticing, disturbing, alarming,  
26 harassing, or otherwise provoking the dog.

1 (3) If a dog causes damage to a person while the person is on residential, farm or other  
2 noncommercial property, and the dog's owner is the owner of the property, or is on such  
3 property by permission of the owner or as a lawful tenant or lessee, in any civil action  
4 based upon such damages brought against the owner of the dog, the claimant shall be  
5 required to establish that the dog's owner knew or should have known of the dog's  
6 dangerous propensities.

7

8 **SEC. 8. *Mitigation of damages.*** - The owner of such dog shall, however, be entitled to  
9 plead and prove in mitigation of damages that he had no knowledge of any circumstances  
10 indicating such dog to be or to have been vicious or dangerous or mischievous, and, if he does  
11 so, he shall be liable only to the extent of the actual expenses incurred by the person so bitten or  
12 injured as a result of the bite or injury.

13

14 **SEC. 9. *Repealing Clause.***- Any laws, decrees, ordinances or rules and regulations  
15 which are inconsistent with or contrary to the provision of this Act is hereby amended or  
16 repealed.

17

18 **SEC. 10. *Effectivity.***- This Act shall take effect fifteen (15) days after its complete  
19 publication in at least two (2) national newspapers of general circulation.

Approved,