

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4246

Introduced by **Representative PABLO JOHN F. GARCIA**

EXPLANATORY NOTE

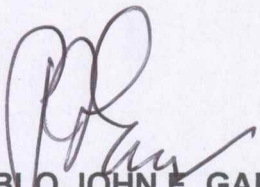
Under Presidential Decree No. 449, as amended by Presidential Decrees Nos. 1802 and 1802-A, and, more recently, under Section 447 (a) (3) (v) of the Local Government Code, the city and municipal governments have been given the authority to license and regulate regular cockfighting and the establishment and operation of cockpits.

Despite the devolution of the authority over cockpits and cockfighting to local government units, recent incidents have pitted, on the one hand, police officials insisting on the strict implementation of the letter of PD 449, and, on the other, local chief executives who rely, with reason, on their authority to regulate cockfighting under PD 1802-A and the Local Government Code, "[a]ny law to the contrary notwithstanding". The conflicting positions stem from differing opinions not simply in on how the laws should be interpreted, but—more fundamentally—on law is applicable at present and the very regulatory framework of cockfighting.

There is a need, therefore, to revisit and update PD 449, a forty-five-year-old law (with Martial Law references to "Chief of Constabulary") to the present times, and bring it more in harmony with the 1987 Constitution and its push for local autonomy. This would eliminate the confusion now obtaining, and would give local government units more teeth in regulating cockpits and cockfighting.

This bill likewise seeks to resolve the question of traditionally permitted *tupada* or *tigbakay* during barangay fiestas, which are normally held outside licensed cockpits and in village plazas, parks or other such public spaces. Under the strict letter of PD 449, this would seem to be illegal, as cockfights are allowed only in licensed cockpits. But since under Section 447 (a) (3) (v) of the Local Government Code, the regulation of cockfighting has been vested in the local sanggunians, LGUs also have colorable authority to license this. This bill will empower LGUs to permit, and—more importantly—to regulate these activities, to ensure the safety and well-being of the participants and the public and to allow the LGUs, including the barangay, to earn from them.

In view of the urgency of the issues involved in cockfighting and its legal framework, as borne out by recent events, the immediate passage of this bill is earnestly sought.


PABLO JOHN F. GARCIA

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AN ACT

FURTHER AMENDING PRESIDENTIAL DECREE NO. 449, OTHERWISE KNOWN AS THE COCKFIGHTING LAW OF 1974, AS AMENDED, AND PRESIDENTIAL DECREE NO. 1802-A IN ORDER TO RATIONALIZE AND STRENGTHEN THE REGULATION OF COCKFIGHTING BY LOCAL GOVERNMENT UNITS

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

Section 1. Section 5 of Presidential Decree No. (PD) 449 is hereby amended to read as follows:

"Section 5. Cockpits and Cockfighting: In General:

"(a) Ownership, Operation and Management of Cockpits. Only Filipino citizens, PARTNERSHIPS OF CITIZENS OR CORPORATIONS AT LEAST SIXTY PERCENT (60%) OF THE OUTSTANDING CAPITAL STOCK OF WHICH IS OWNED BY FILIPINO CITIZENS [not otherwise inhibited by existing laws] shall be allowed to own, manage and operate cockpits. Cooperative capitalization is encouraged."

"(b) Establishment of Cockpits. THE CITY OR MUNICIPAL MAYOR, WITH THE CONCURRENCE OF THE SANGGUNIAN, SHALL HAVE THE SOLE AUTHORITY TO LICENSE THE ESTABLISHMENT OF COCKPITS WITHIN THEIR RESPECTIVE JURISDICTIONS. [Only one cockpit shall be allowed in each city or municipality, except that in cities or municipalities with a population of over one hundred thousand, two cockpits may be established, maintained and operated.]"

"(c) Cockpits Site and Construction. Cockpits shall be constructed and operated within the appropriate areas as prescribed in Zoning Law or Ordinance. In the absence of such law or ordinance, the local executives shall see to it that no cockpits are constructed within or near existing residential or commercial areas, hospitals, school buildings, churches or other public buildings. [Owners, lessees, or operators of cockpits which are now in existence and do not conform to this requirement are given three years from the date of effectivity of this Decree to comply herewith.] Approval or issuance of building permits for the construction of cockpits shall be made by the city or provincial engineer in accordance with their respective building codes, ordinances or engineering laws and practices. IN THE CASE OF SPECIAL COCKFIGHTS ALLOWED TO BE HELD OUTSIDE REGULAR COCKPITS IN ACCORDANCE WITH THIS LAW, THE CITY OR MUNICIPAL SANGGUNIAN SHALL, BY ORDINANCE, DETERMINE THE

MINIMUM STANDARDS TO ENSURE THAT THE VENUE IS SECURE AND THE SAFETY OF THE SPECTATORS, BETTORS, GAME OFFICIALS AND THE PUBLIC ARE ENSURED. IN THE ABSENCE OF SUCH ORDINANCE, THE LOCAL CHIEF EXECUTIVE SHALL SPECIFY IN THE SPECIAL PERMIT THE SECURE PLACE WHERE SUCH SPECIAL COCKFIGHT SHALL BE HELD.

["(d) Holding of Cockfights. Except as provided in this Decree, cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas for not more than three days. It may also be held during provincial, city or municipal, agricultural, commercial or industrial fair, carnival or exposition for a similar period of three days upon resolution of the province, city or municipality where such fair, carnival or exposition is to be held, subject to the approval of the Chief of Constabulary or his authorized representative: Provided, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions a year in the same city or municipality: Provided, further, that no cockfighting shall be held on December 30 (Rizal Day), June 12 (Philippine Independence Day) November 30 (National Heroes Day), Holy Thursday, Good Friday, Election or Referendum Day and during Registration Days for such election or referendum.]

"(D) *HOLDING OF COCKFIGHTS. (1) REGULAR COCKFIGHTS.* REGULAR COCKFIGHTING MAY BE HELD IN LICENSED COCKPITS ON SUNDAYS AND LEGAL HOLIDAYS, DURING CITY OR MUNICIPAL FIESTAS FOR NOT MORE THAN THREE DAYS, AND DURING SUCH OTHER DAYS AS THE CITY OR MUNICIPALITY, BY ORDINANCE, SHALL AUTHORIZE; *PROVIDED*, THAT, COCKFIGHTING SHALL NOT BE HELD MORE THAN FOUR DAYS IN EACH WEEK: *PROVIDED*, FURTHER, THAT NO COCKFIGHTING SHALL BE HELD ON DECEMBER 30 (RIZAL DAY), JUNE 12 (PHILIPPINE INDEPENDENCE DAY) NOVEMBER 30 (NATIONAL HEROES DAY), HOLY THURSDAY, GOOD FRIDAY, ELECTION OR REFERENDUM DAY AND DURING REGISTRATION DAYS FOR SUCH ELECTION OR REFERENDUM.

"(2) *COCKFIGHTING DURING LOCAL FAIRS OR EXPLOSIONS.* COCKFIGHTS MAY ALSO BE HELD IN LICENSED COCKPITS DURING A PROVINCIAL, CITY OR MUNICIPAL AGRICULTURAL, COMMERCIAL OR INDUSTRIAL FAIR, CARNIVAL OR EXPOSITION FOR A PERIOD OF THREE DAYS SUBJECT TO THE APPROVAL OF THE LOCAL CHIEF EXECUTIVE OF THE CITY OR MUNICIPALITY IN WHICH SUCH FAIR, CARNIVAL OR EXPOSITION SHALL BE HELD: *PROVIDED*, THAT, NO COCKFIGHTING ON THE OCCASION OF SUCH FAIR, CARNIVAL OR EXPOSITION SHALL BE ALLOWED WITHIN THE MONTH OF A LOCAL FIESTA OR FOR MORE THAN TWO OCCASIONS A YEAR BY THE SAME PROVINCE, CITY OR MUNICIPALITY, OR DURING DAYS IN WHICH COCKFIGHTING IS PROHIBITED UNDER SUB-SECTION (1) ABOVE.

"(3) *SPECIAL COCKFIGHTS.* SPECIAL COCKFIGHTS MAY BE ALLOWED BY SPECIAL PERMIT ISSUED BY THE LOCAL CHIEF EXECUTIVE OF THE CITY OR MUNICIPALITY DURING A BARANGAY FIESTA, AND MAY BE HELD EITHER IN A LICENSED COCKPIT OR IN ANY SECURE PLACE IN THE SAME BARANGAY SUITABLE FOR COCKFIGHTING, AND WHICH GUARANTEES THE SAFETY OF THE SPECTATORS, BETTORS, COCKFIGHTING OFFICIALS AND THE PUBLIC; *PROVIDED*, THAT NO SPECIAL COCKFIGHT MAY BE HELD MORE THAN ONCE EVERY CALENDAR YEAR IN A BARANGAY OR ON THE DAYS IN WHICH COCKFIGHTING IS PROHIBITED UNDER (1) ABOVE; *PROVIDED*, FURTHER, THAT WHERE THE VENUE IS OTHER THAN A LICENSED COCKPIT, THE PERMIT SHALL SPECIFY THE PRECISE AREA WHERE THE COCKFIGHTING SHALL BE HELD; AND *PROVIDED*, FINALLY, THAT THE CITY OR MUNICIPALITY, AS WELL AS THE BARANGAY IN WHICH

THE SPECIAL COCKFIGHT IS HELD, MAY IMPOSE SUCH TAXES OR FEES AS MAY BE IN ACCORDANCE WITH LOCAL REVENUE LAWS, RULES AND REGULATIONS.

"(e) *Cockfighting for Entertainment of Tourists or for Charitable Purposes.* Subject to the preceding subsection hereof, the LOCAL Chief [Constabulary] EXECUTIVE [or his authorized representative,] may also allow the holding of cockfighting for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as "Balikbayan", or for the support of national fund-raising campaigns for charitable purposes as may be authorized by the GAMES AND AMUSEMENT BOARD (GAB) [Office of the President,] upon resolution of [a provincial board, city or municipal council] THE LOCAL SANGGUNIAN, in licensed cockpits or in secure playgrounds or parks WHERE THE SAFETY OF THE SPECTATORS, BETTORS, GAME OFFICIALS AND THE PUBLIC ARE ENSURED; *Provided, THAT THE ISSUANCE OF PERMITS FOR INTERNATIONAL DERBIES AND FOR THE IMPORTATION OF GAMEFOWLS TO BE USED IN SUCH DERBIES SHALL BE THE EXCLUSIVE FUNCTION OF THE GAB: PROVIDED FURTHER,* that this privilege shall be extended for only one time, for a period not exceeding three days, within a year to a province, city, or municipality.

"(f) Other games during cockfights prescribed. No gambling of any kind shall be permitted on the premises of the cockpit or place of cockfighting during cockfights. The owner, manager or lessee off such cockpit, OR THE PROMOTER OR SPECIAL PERMITTEE OF THE SPECIAL COCKFIGHT, AS WELL AS THOSE WHO DIRECTLY PARTICIPATED IN GAMBLING IN VIOLATION OF THIS SECTION [and the violators of this injunction] shall be criminally liable under Section 8 hereof."

Section 2. Section 4 of PD 1802-A, is hereby amended to read as follows:

"Section 4. *REGULATORY AUTHORITY.* City and Municipal Mayors, with the concurrence of their respective ["Sanggunians"] SANGGUNIANs, shall have the SOLE authority to license COCKPITS and regulate [regular] cockfighting, AS WELL AS THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF COCKPITS pursuant to PERTINENT ORDINANCES PASSED BY THEIR RESPECTIVE SANGGUNIANs [the rules and regulations promulgated by the Commission and subject to its review and supervision]. THE SANGGUNIANs MAY LIKEWISE IMPOSE SUCH FEES AND TAXES ON THE LICENSING, ESTABLISHMENT AND OPERATION OF COCKPITS AS WELL AS ON THE CONDUCT OF COCKFIGHTING, WHETHER REGULAR OR SPECIAL, IN ACCORDANCE WITH THE PERTINENT LOCAL REVENUE LAWS, RULES AND REGULATIONS."

Sec. 3. Section 8 of PD 449 is hereby amended to read as follows:

"Section 8. *Penal Provisions.* Any violation of the provisions of this Decree [and of the rules and regulations promulgated by the LOCAL Chief of Constabulary pursuant thereto] shall be punished as follows:

- a. "By *prision correccional* in its maximum period and a fine of [two] THIRTY thousand pesos (PhP30,000.00), with subsidiary imprisonment in case of insolvency, when the offender is the financier, owner, manager or operator of cockpit, or the gaffer, referee or bet taker in cockfights; or the offender is guilty of allowing, promoting or participating in any other kind of gambling in the premises of cockpits during cockfights.

- b. "By *prision correccional* or a fine of not less than [six hundred] TEN THOUSAND pesos (PhP10,000.00) nor more than [two] TWENTY thousand pesos (PhP20,000.00) or both, such imprisonment and fine at the discretion of the court, with subsidiary imprisonment in case of insolvency, in case of any other offender."

Section 4. All laws, decrees, orders, rules and regulations, and other issuances or parts thereof, which are inconsistent with the provision of this Act, are hereby deemed repealed, amended or modified accordingly.

Sec. 5. This Act shall take effect fifteen (15) days after the completion of its publication in any newspaper of general circulation.

Approved,