

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1203



Introduced by Representative JUAN MIGUEL MACAPAGAL ARROYO

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

EXPLANATORY NOTE

Animals have always found their way to the very heart of human society. No doubt, they have contributed to its enrichment. This is the reason why we have pets in our homes, making them a source of enduring companionship, service and therapy.

Republic Act No. 8485 also known as the "The Animal Welfare Act of 1998" established a policy of protection and promotion of the welfare of all animals in the Philippines. Commendable in its intent, this law, however, did not include adequate measures for protection of both animals and the community in which they live in.

To promote the harmonious living of animals and humans, it is important that a policy of responsible pet ownership be upheld.

The bill, therefore, proposed to penalize those who abandon their pets, or those who abandon animals they have sideswiped or run over. It also penalizes pet owners who allow their animals to run wild thus endangering the community. Finally, it mandates that programs which promote animal welfare be established in every city and municipality throughout the country.

In view of the foregoing, the immediate passage of this bill into law is earnestly requested.


JUAN MIGUEL MACAPAGAL ARROYO
2nd District, Pampanga

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

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

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

SECTION 2. A new section is hereby inserted after Section 4 of Republic Act 8485 to read as follows:

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

IT SHALL BE THE DUTY OF EVERY OWNER OF ANY ANIMAL TO KEEP THE ANIMAL UNDER CONTROL AT ALL TIMES WHILE THE ANIMAL IS ON THE REAL PROPERTY OF THE OWNER. FOR PURPOSE OF THIS SECTION, AN ANIMAL IS DEEMED UNDER CONTROL WHEN IT IS CONFINED BY WAY OF FENCE OR OTHER ENCLOSURE, RESTRAINED BY SUBSTANTIAL CHAIN OR LEASH, RESTRAINED IN SOME OTHER PHYSICAL MANNER BY A COMPETENT PERSON, OR IS UNDER THE CONTROL OF A COMPETENT PERSON WHO IS PRESENT WITH THE ANIMAL, VIA VOICE COMMAND, SO THAT THE ANIMAL DOES NOT WANDER OFF THE REAL PROPERTY OF THE OWNER.

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

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

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

SECTION 4. A new section is hereby inserted after Section 5 of Republic Act 8485 to read as follows:

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

IN SUPPORT OF THESE OBJECTIVES, THE COMMITTEE SHALL ESTABLISH PROGRAMS FOR THE TRAINNG OF ALL ANIMAL CONTROL OFFICERS INSTRUCTING THEM IN THE PROPER OPERATION OF ANIMAL SHELTERS AND THE HUMANE TREATMENT OF LOST AND STRAY ANIMALS."

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

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

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

"SECTION 10. IT SHALL BE UNLAWFUL FOR ANY PERSON WHO IS IN THE CUSTODY OF AN ANIMAL TO ABANDON THE ANIMAL.

IF ANY PERSON BEING THE OWNER OR HAVING CHARGE OR CONTROL OF ANY ANIMAL SHALL WITHOUT REASONABLE CAUSE OR EXCUSE ABANDON IT, WHETHER PERMANENTLY OR NOT, WITHOUT PROVIDING FOR THE CARE OF THAT ANIMAL, SUCH ACT SHALL CONSTITUTE MALTREATMENT UNDER SECTION 8.

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

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

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

"SECTION 11. IF A DRIVER OF A MOTOR VEHICLE OR OTHER SELF-PROPELLED VEHICLE SHALL STRIKE AND INJURE OR KILL ANY DOMESTICATED ANIMAL, SUCH DRIVER SHALL GIVE REASONABLE AID AND ASSISTANCE AND/OR PROTECTION TO SUCH ANIMAL, WITHOUT PLACING HIMSELF OR HERSELF AT UNREASONABLE RISK, AND CALL AND REPORT THE FACTS PERTAINING TO THE INCIDENT TO EITHER OF THE FOLLOWING AUTHORITIES:

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

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

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

THIS SECTION SHALL NOT APPLY TO DRIVERS OF EMERGENCY VEHICLES IF SUCH VEHICLES ARE BEING OPERATED IN RESPONSE TO A BONA FIDE EMERGENCY SITUATION AT THE TIME THE ANIMAL IS STRUCK. EMERGENCY VEHICLE OPERATORS WHO STRIKE AN ANIMAL DURING A RESPONSE TO A BONA FIDE EMERGENCY SITUATION SHALL NOTIFY THE AUTHORITIES MENTIONED ABOVE OF THE INCIDENT AS SOON AS IS PRACTICABLE THEREAFTER."

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

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

"SECTION 13. *Appropriations.* – THE AMOUNT NECESSARY FOR THE INITIAL IMPLEMENTATION' OF THIS ACT SHALL BE CHARGED AGAINST THE APPROPRIATIONS OF THE DEPT. OF AGRICULTURE. THEREAFTER, SUCH SUM AS MAY BE NECESSARY FOR ITS FULL IMPLEMENTATION SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT AS A DISTINCT AND SEPARATE ITEM."

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

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

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

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

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

Approved,