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Item No.: 12  
Date: JUN 06 2023

Republic of the Philippines  
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN  
23 May 2023  
Arwi  
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

Province of Leyte  
Legal Office  
Released: [Signature]  
Time:  
Date: 5.23.23

2nd Indorsement  
May 16, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 086-23 of the SB of Leyte, Leyte, recommending to declare its validity pursuant to its power under Section 56 (c) of R.A. 7160, for it is within the powers of the local council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution [Constantino v. Desierto, 288 SCRA 654]. Provided, That, pursuant to Section 186 of the Code, "Fees or Charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy." Provided, Likewise, that pursuant to Section 5 (d) of P.D. 449 or the Cockfighting Law of 1974, "Cockfighting shall be held only in Licensed Cockpits". Otherwise, such cockfights shall be considered a "TUPADA", which is ILLEGAL per se.

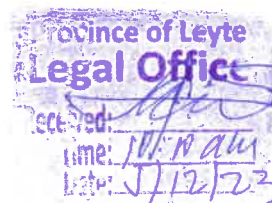
ATTY. JOSE RAYMUND A. ACOL  
Asst. Provincial Legal Officer [Signature]

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Republic of the Philippines  
PROVINCE OF LEYTE  
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1<sup>ST</sup> INDORSEMENT  
11 May 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 086-23** of the **MUNICIPALITY OF LEYTE, LEYTE**, entitled: **AN ORDINANCE AMENDING SECTIONS 6(A), 9(2) AND 9(5) OF THE MUNICIPAL ORDINANCE NO. 004-13, ENTITLED: AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF AN AUTHORITY OR LICENSE TO OPERATE COCKPIT ARENA INCLUDING OTHER REGULATIONS RELATIVE THERETO.**

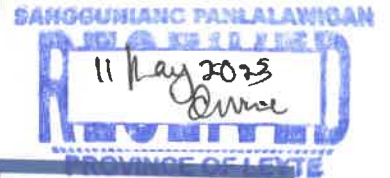
  
**FLORINDA J. S. UYVICO**  
Secretary to the Sanggunian



Republic of the Philippines  
**MUNICIPALITY OF LEYTE**  
LEYTE

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*Office of the Sangguniang Bayan*



**1<sup>st</sup> ENDORSEMENT**  
**May 10, 2023**

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Tacloban City, the herein **Municipal Ordinance No. 086-23 Entitled "AN ORDINANCE AMENDING SECTION 6(A),9(2),AND 9(5) OF THE MUNICIPAL ORDINANCE NO. 004-13 ENTITLED "AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF AN AUTHORITY OR LICENSE TO OPERATE COCKPIT ARENA INCLUDING OTHER REGULATIONS RELATIVE THERETO.**

Attached herewith are the following :

1. Municipal Ordinance No. 086-23
2. Certificate of Posting
3. Certificate of Publication (to follow)

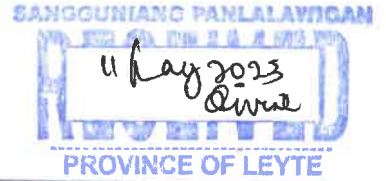
  
**VILMA D. COMBATE**  
SB Secretary



Republic of the Philippines  
MUNICIPALITY OF LEYTE  
L E Y T E

-00-

Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON APRIL 17, 2023 AT THE SB SESSION HALL NEW MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Armando M. Ysidoro,	_____	Mun. Vice Mayor/ Presiding Officer
Hon. Paquito D. Pelipel, Jr.,	_____	SB Member
Hon. Lileth I. Gatchalian,	_____	-do-
Hon. Edward Jay A. Durante,	_____	-do-
Hon. Rowil G. Batan,	_____	-do-
Hon. Aida A. Delantar,	_____	-do-
Hon. Alex A. Dagandan,	_____	-do-
Hon. Eulogio E. Capacio,	_____	-do-
Hon. Gualberto G. Meracap,	_____	-do-
Hon. Jerry G. Apacible,	_____	ABC President
Hon. Asefa Gail V. Granados	_____	SK Fed. President

**MUNICIPAL ORDINANCE 086-23**

Author: HON. GUALBERTO G. MERACAP

AN ORDINANCE AMENDING SECTIONS 6(A), 9(2), AND 9(5) OF THE MUNICIPAL ORDINANCE NO. 004-13, ENTITLED "AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF AN AUTHORITY OR LICENSE TO OPERATE COCKPIT ARENA INCLUDING OTHER REGULATIONS RELATIVE THERETO"

BE IT ENACTED by the Sangguniang Bayan of Leyte, Leyte in session assembled:

**Sec. I Title** This act shall be known as:  
An Ordinance Amending Prescribing Guidelines for the Grant of an Authority or License to operate cockpit arena including other Regulations Relative Thereto.

**Sec. II Definition of Terms:**

- a.) **Cockfighting (sabong)** – is the sport for fitting or evenly matching game cocks to engage in an actual fight where bets on either side are laid. Cockfighting may also be formed as "cockfighting derby or pentakasi" or its equivalent in different Philippine localities.
- b.) **Cockpit arena (sabongan)** – A commercial building at the center of which is an enclosed cockfighting arena surrounded by seats provided for other aficionados, with one (1) or more gates or doors for definite points of entrance and exit.
- c.) **Cockfight (soltador)** – the actual fight or physical combat of two (2) pitted or evenly matched game cocks, where bets on either side are laid.
- d.) **Local Derby** – Is an invitational cockfight participated in by game cockers or cockfighting aficionados of the Philippines with "Pot Money" awarded to the proclaimed winning entry.
- e.) **International Derby** – refers to any invitational cockfight participated in by local and foreign game cockers or cock fighting aficionados with pot money awarded to the proclaimed winning party.

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- f.) **Pintakasi** – is a special three-day cockfighting event scheduled usually on weekdays with an intended charitable institution or group of a beneficiary.
- g.) **Derby** – Special cockfighting event of a bigger scale and participated in a big-time breeder.
- h.) **Regular Cockfight** – means a cockfight held on Sundays or legal holidays.
- i.) **Special Cockfight** – means a cockfight held on days other than Sundays and legal holidays and for the special purpose herein enumerated.
- j.) **Special Permit** – means a permit secured from the Municipal Mayor to hold cockfighting on days other than Sundays and legal holidays.
- k.) **Pit Manager** – a person who professionally, regularly, and habitually manages a cockpit and cockfights therein held. He may or may not be the owner of the cockpit himself.
- l.) **Referee – (sentenciador)** – A person who watches and oversees the progress of the cockfight and decides its results by announcing the winner or declaring a draw or contest game.
- m.) **Bet Manager (kasador)** – A person who calls and takes care of bets from the owner of both game cocks and those of other bettors he orders common cement of the cockfight and thereafter distributes winning bets to the winners after deducting ten percent (10%) “plasada”.
- n.) **Bet Taker (kristo)** – A person who participates in cockfights and w/ the use of money or other things of value, bets with other bettors or through other bet takers and wins or losses his bets depending upon the results of the cockfight as announced by the referee or sentenciador.
- o.) **Gaffer – (Mananari)** – A person knowledgeable in the technique of arming fighting cocks with gaff or gaffs on either or both legs.
- p.) **Handler (Soltador)** – A person who personally takes physical custody and control inside the arena of a pitted gamecock and who actually releases the same for actual fight and contact and contact in a cockfight.
- q.) **Promoter** – A person licensed by the Municipal Government who is engaging in the convening, meeting, holding, and celebration of specially programmed and arranged cockfighting like local derbies and competitions.
- r.) **Game Cock** – refers to domesticated fowls, whether imported or locally bred, as well as the native fighting indigenous to the country, especially bred, trained, and conditioned for actual cockfighting or for propagation breeding purposes for eventual use in cockfighting.
- s.) **Cocker (Aficionado)** – a person who participates and bets in cockfighting as a sports amusement, recreation, or form of relaxation.

**Sec. III** – No person shall be allowed to establish, operate and maintain a cockpit in the Municipality of Leyte, Leyte unless said person is a Filipino citizen, a resident of this municipality and not otherwise disqualified to conduct business.

**Sec. IV** – No cockpit shall be allowed to be established, operated, and maintained in the Municipality unless a Mayor’s Permit is first secured.

**Sec. V – Cockpits shall be constructed and operated only within the appropriate areas as prescribed by Zoning Laws and applicable ordinances. No cockpits shall establish, maintained, and/or operated within a radius of one hundred (100) lineal meters from any hospitals, school buildings, churches, or other public buildings. Approval or issuance of a building permit for the construction or renovation/ improvement of cockpits shall be made by the Municipal Building Official in accordance with the provisions of the national building code ordinances or rules and regulations.**

**Sec. VI – Cockfights may be held only in the cockpit duly licensed under the provisions of this Ordinance.**

- A. Regular cockfights may be held only during Sundays and legal holidays provided, however, no cockfights shall be held on**
  - 1. Holy Thursday
  - 2. Good Friday
  - 3. Election/ Referendum Day
  - 4. Registration Day on such election/referendum
  - 5. Philippine Independence Day (June 12)
  - 6. Rizal Day (Dec. 30)
  - 7. **National Heroes Day**
  - 8. **Bonifacio Day**
  - 9. Such other dates prescribed by the Municipal Government
  
- B. The Municipal Mayor may issue a permit for special cockfights upon previous application and upon resolution of the Sangguniang Bayan of Leyte, Leyte for the following purpose, to wit:**
  - 1. For the entertainment of foreign dignitaries or for tourists or for returning Filipino (Balikbayan)
  - 2. For the support of national and local fund-raising campaigns for charitable purposes as may be authorized by the mayor.

**Sec. VII – Licensing of cockpits – the Municipal Mayor shall have the authority to issue the permit required under this ordinance subject to the limitations herein provided.**

**Sec. VIII – Requirements for licensing of cockpits.**

The following requirements must be fully complied with before a license may be issued.

- A. New License – every application for a new license, to operate or to maintain a cockpit shall be submitted to the office of the mayor accompanied by the following:**
  - 1. Location and vicinity plan of the cockpit.
  - 2. Proof of ownership of the Land or Lease Contract of being leased.
  - 3. Clearance (Barangay, Mayor’s Clearance, DAR Clearance, HLURB, and DENR)
  - 4. Zoning Clearance and Building Permit.
  - 5. Health Certificate of organic employee
  
- B. Annual Renewal – Every application, or annual renewal of a license to operate or manage a cockpit shall be submitted to the office of the Municipal Mayor not later than January 31<sup>st</sup> of each year and shall be accompanied by the following:**
  - 1. Clearance from the Treasurer’s Office on Payment of Dues (Tax, RPT)
  - 2. New lease contract.
  - 3. Audited Financial Statement
  - 4. Certification from the Municipal Engineer on the worthiness of the Structure.
  - 5. Sanity, Health, and Fire Clearance
  - 6. No cockpit shall be operated within a radius of 100 meters from the school and other public buildings and churches.
  - 7. Side from the operations of a cockpit all other business activities inside the premises of the cockpit will have to secure a Mayor’s Permit relative to its operations and pay corresponding taxes and Mayor’s Permit Fees.

8. In case the cockpit was constructed more than ten (10) years before the date of renewal application from the Municipal Building Official to the effect that such cockpit is free from material, structural, or other physical hazards.

**Sec. IX – Regulations Acts**

1. Pursuant to Section 447 (3) (v) of the Local Government Code of 1991 otherwise known as the "Republic Act 7160". "Any Law to the Contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits and regulate cockfighting and commercial breeding of game rocks.
2. **Imposition of Fees.** Collection of fees in relation to this ordinance shall be based on **Municipal Ordinance No. 080-22, entitled "Revised Revenue Code of the Municipality of Leyte", Chapter II, Article G and H, Section 3G.02 for Permit Fee on Cockpits Regulations, and Section 3H.02 for Special Permit Fee for Cockfighting.**
3. The annual cockpit permit fee is payable upon application of a permit before a Cockpit shall be allowed to operate on or before January 31<sup>st</sup> of each year in case of renewal thereof.

On derbies and special cockfights, the fees herein imposed shall be payable to the Municipal Treasurer before the same can be lawfully held.

4. The permit fee for cockpit personnel shall be paid before they participate in a cockfight and pay annually upon renewal of the permit on the birth month of the permittee. Only duly registered and licensed personnel shall take part in all kinds of cockfights held in this licensed cockpit arena. No operator or owner of the cockpit shall employ or allow to participate in the cockfight any of the above-maintained personnel unless he has registered and paid the fee herein required.
5. The Franchise to operate a cockpit shall be granted by the Sangguniang Bayan of Leyte, Leyte, and shall be in effect for a period of **10 years** unless terminated by the Sangguniang Bayan for violation of the provision of this ordinance and related regulations. The Present Franchise holder will have the option to renew the franchise 30 days before the expiration. Failure to file the renewal on the prescribed period will pass on the opportunity to the other applications.

**Sec. X – Conduct of Cockfighting**

- a. **Regular Cockfight** – Regular cockfighting may be held only on Sundays and other legal holidays not unless restrained by national laws, decrees, and promulgations.
- b. **Pintakasi** – will be held twice a year at the most and applied with the Sangguniang Bayan fifteen (15) days before activity and payment of corresponding fees before the cockfight is held or in special cases in excess of the allotted frequency will be approved as requested.
- c. **Derby** – Derbies and (Special Cockfighting) will only be allowed as pre-applied with the Sangguniang Bayan and will be approved through a resolution.
- d. **Special Cockfights** – on request upon the approval of the Sangguniang Bayan.

**Sec. XI – Prohibitions**

1. Selling and consumption of hard liquors are prohibited within the premises of the cockpit;
2. Illegal gambling;
3. Carrying deadly weapons, except for security personnel and military authorities;

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- 4. Admission of minors to the cockpit arena; and
- 5. Admission of a person who is under the influence of liquor.

**Sec. XII – Penal Provisions**

Violation of any provision of this ordinance shall have the following penalties.

- 1. **First Offense** – two weeks suspension of Cockpit Operation
- 2. **Second Offense** - one-month suspension of Cockpit Operation
- 3. **Third Offense** – Revocation of Franchise of Cockpit Operation

**Sec. XIII – Applicability Clause**

The provision of PD 449, otherwise known as the Cockfighting Law of 1974, PD 1802 (creating the Philippine Game Fowl Commission), and such other pertinent laws shall apply to all matters regarding the operation of cockpits in the Municipality.

**Sec. XIV – Separability Clause**

If for any reason, any provision, section, or part of this Ordinance shall be held unconstitutional or invalid, other parts or provisions thereof not affected shall continue to be in full force and effect.

**Sec. XV - Effectivity Clause**

This Ordinance shall take effect after its posting in three (3) conspicuous places in the municipality and publication in a newspaper of general circulation within the province.

**SO ORDAINED.**

**APPROVED** this 17<sup>th</sup> day of April 2023, at Leyte, Leyte, Philippines.

  
**PAQUITO D. PELIPEL, JR.**  
 SB Member

  
**LILETH I. GATCHALIAN**  
 SB Member

  
**EDWARD JAY A. DURANTE**  
 SB Member


  
**ROWIL G. BATAN**  
 SB Member

  
**AIDA A. DELANTAR**  
 SB Member

  
**ALEX A. DAGANDAN**  
 SB Member

  
**EULOGIO E. CAPACIO**  
 SB Member

  
**GUALBERTO G. MERCAP**  
 SB Member

  
**JERRY G. APACIBLE**  
 ABC President

  
**ASEFA GAIL V. GRANADOS**  
 SK Federation President

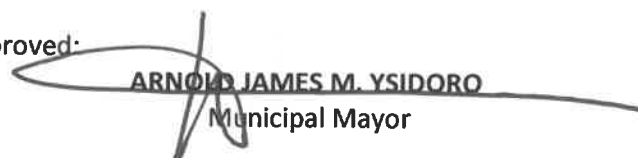
Certified Correct:

  
**VILMA D. COMBATE**  
 SB Secretary

Attested:

  
**ARMANDO M. YSIDORO**  
 Municipal Vice Mayor  
 Presiding Officer

Approved:

  
**ARNOLD JAMES M. YSIDORO**  
 Municipal Mayor





*Republic of the Philippines*  
MUNICIPALITY OF LEYTE  
L E Y T E  
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*Office of the Sangguniang Bayan*

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## CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 086-23: " AN ORDINANCE AMENDING SECTIONS 6(A), 9(2), AND 9(S) OF THE MUNICIPAL ORDINANCE NO. 004-13, ENTITLED "AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF AN AUTHORITY OR LICENSE TO OPERATE COCKPIT ARENA INCLUDING OTHER REGULATIONS RELATIVE THERETO", has been posted in three (3) conspicuous places in this Municipality.

This certification is issued this 9<sup>TH</sup> day of May, 2023 at Leyte, Leyte, Philippines.

  
VILMA D. COMBATE  
SB Secretary