

Item No.: 01
Date: 15 2024 OCT



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Date: 10.8.24



2nd INDORSEMENT
October 3, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 476 of the Sangguniang Bayan of Babatngon, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 476 entitled: “An Ordinance Prescribing Rules and Regulations on the Establishment, Franchising, Licensing, Operations and Maintenance of Cockpits and Cockfighting in the Municipality of Babatngon, Leyte.”

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 447(3)(v)¹ of the Local Government Code of 1991 (R.A 7160) in consonance with PD 449² as amended. Hence, recommending for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.


ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

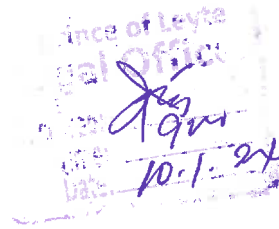
¹ (v) Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, That existing rights should not be prejudiced;

² “Cockfighting- Law of the Philippines”

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN OFFICE

**1ST Endorsement
27 September 2024**



Respectfully endorsed to the **Provincial Legal Office** the herein **ORDINANCE No. 476** of the **MUNICIPALITY OF BABATNGON, LEYTE**, entitled: **"AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE ESTABLISHMENT, FRANCHISING, LICENSING, OPERATIONS AND MAINTENANCE OF COCPITS AND COCKFIGHTING IN THE MUNICIPALITY OF BABATNGON, LEYTE"**, for review and comments.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

27 September 2024

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and



The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City

Dear Honorable Ladies and Gentlemen,

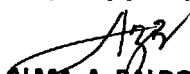
Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 476 entitled: "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE ESTABLISHMENT, FRANCHISING, LICENSING, OPERATIONS AND MAINTENANCE OF COCKPITS AND COCKFIGHTING IN THE MUNICIPALITY OF BABATNGON, LEYTE." Said Ordinance is being forwarded to that Body for review in compliance with Section 56(a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 476; and
2. Certification of Posting

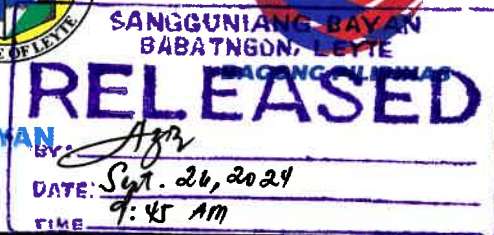
Please find them in order and praying for your favorable action thereof.

Very truly yours,


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated

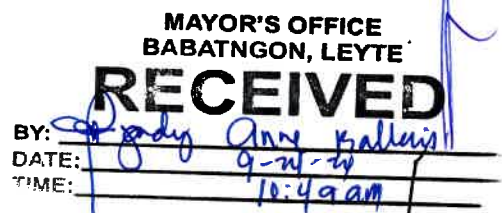




OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 107th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 30th DAY OF AUGUST 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

ORDINANCE NO. 476



AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE ESTABLISHMENT, FRANCHISING, LICENSING, OPERATIONS AND MAINTENANCE OF COCKPITS AND COCKFIGHTING IN THE MUNICIPALITY OF BABATNGON, LEYTE.



Author: HON. HILARION S. MENZON

Co-Authors: HON. KEMUEL RUE M. CORSIGA HON. ILDEFONSO B. ODON
HON. CHRISTIAN C. LAWSIN HON. KARL JOMAR L. EMBANA
HON. ALEX VELOSO BELLO HON. EDGARDO Y. MORDEN
HON. CHARITA M. CHAN HON. JUDE LEMWEL B. VETHIMVAS

Be it enacted by the Sangguniang Bayan of the Municipality of Babatngon, Leyte in session assembled:

SECTION 1. Title of the Ordinance. This ordinance shall be known as "Ordinance prescribing Rules and Regulations on the Establishment, Franchising, Licensing, Operations and Maintenance of Cockpits and Cockfighting in the Municipality of Babatngon, Leyte."

SECTION 2. DEFINITION OF TERMS. For purposes of this ordinance, the following terms shall be understood, applied and construed as follows:

- a) Cockpit or Sabungan – a building with properly fenced premises or compound provided with one or more gates or doors or definite point of entrance and exit, duly licensed in accordance herewith for the holding of cockfighting, derby or pintakasi.
- b) Cockfighting or Sabong – shall mean the commonly game or term "cockfighting", derby, pintakasi or its equivalent in terms in different Philippine localities.
- c) Cockfight or Sultada – the actual fight or physical combat of two gamecocks, more or less evenly matched, both arms with gaffs, where bets on either side are laid, in a duly licensed cockpit.
- d) Derby – a cockfighting promotion with participants coming from the different barangays, municipalities, cities and provinces.
- e) Regular Cockfight – a cockfight held on Saturdays, Sundays and/or legal holidays on duly licensed cockpit.
- f) Special Cockfight – a cockfight held on days other than Saturdays, Sundays, and legal holidays and for special purposes and in places other than the franchised cockpit.
- g) Pit Manager – a person who managed a cockpit and cockfight therein. He may not be the owner of the cockpit himself.

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- h) **Bet Manager or Kasador** – a person who calls and takes care of bets from owners of both game cocks and those of the bettors before he orders the commencement of the cockfight and thereafter distributes winning bets to the winners after deducting.
- i) **Referee or Senteciador** - a person who watches and oversees the proper gaffing of fighting cocks, determines the physical condition of fighting while cockfighting is in progress, the injuries sustained by the cocks and their capability to continue fighting and decides and makes known his decision by work or gestures and result of the cockfight by announcing the winner or declaring a draw or no contest game.
- j) **Bet Taker** – a person who participates in cockfights and with the use of money or other things of value, bets with other bettors or through other bet taker or promoter and wins or loses his bet depending upon the result of the cockfight as announced by the referee or senteciador.
- k) **Gaffer or Mananari** – a person knowledgeable in the technique of arming fighting cocks with gaff on either or both legs.
- l) **Handler or Sultador** – a person who personally takes custody and control of pitted game cock inside the arena and who actually releases the same for actual fight and combat in a cockfight.
- m) **Promoter** – a person licensed by the municipal mayor to engage in the conveying, meeting, holding and celebration of specially programmed and arranged cockfighting, like derby, special main or matched encounters, pintakasi or ordinary fights or cockfights who may or may not be the franchisee, for a fee, to use its facilities.
- n) **Game Cock** – refer to domesticated fowls, whether imported or locally bred, as well as the native fighting cocks indigenous to the country, especially bred, trained and conditioned for actual cockfighting or for propagation and breeding purposes for eventual use in cockfighting.
- o) **Cocker or Afficionado** - a person who participates and bets in cockfighting or as a sport, amusement, recreation or as a form of relaxation.
- p) **Breeder** – a person engaged in game fowl breeding or propagation for personal and/or commercial purposes for eventual use in cockfighting.
- q) **Special Permit** – a permit issued by the municipal mayor to hold cockfighting on days other than Saturdays, Sundays or legal holidays in places other than the licensed or franchised cockpit with the approval of Sangguniang Bayan.
- r) **Zoning Ordinance** – a local law or legislation which logically arranges, prescribes, defines and apportions a given political subdivision into specific land uses as present and future projection needs warrant in accordance with previously prescribed standards and guidelines.

SECTION 3. OWNERSHIP, OPERATION AND MANAGEMENT OF COCKPITS. The following persons or entities may own, operate or manage a cockpit;

- a) Any Filipino citizen not otherwise prohibited by law; or
- b) Cooperatives or corporation, the capitalization of which is one hundred percent (100%) Filipino owned and formed, organized or established and licensed for such purposes which shall be duly registered with the Cooperative Development Authority or Securities & Exchange Commission as the case maybe.

SECTION 4. NUMBER OF COCKPITS ALLOWED. Only one cockpit may be established, maintained or operated per one hundred thousand (100,000) population, provided, however, except when the population exceeds one hundred thousand (100,000) additional may be allowed with at least 10 kilometers from each other.

SECTION 5. SITE AND CONSTRUCTION OF COCKPITS. Cockpits shall be constructed and operated in accordance with the Department of Human Settlements and Urban Development (DHSUD) guidelines as follows:

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- a. Cockpit must be situated at a distance of 200 to 500 meters from the national highway to avoid congestion and obstruction to smooth traffic flow. It should be accessible to transportation;
- b. Cockpit shall be constructed at least 200 meters away from any existing residential or commercial areas, school buildings, hospitals, churches or other public buildings where noise arising from the arena causes disturbance and other pollutant like dust is detrimental to public health.

SECTION 6. PLACE AND TIME OF HOLDING COCKPITS. Cockfights may be held only on licensed cockpits on the following occasions:

- a) For Regular Cockfights. During Sunday and legal holidays, except on the following days, when no cockfighting shall be held:
 1. Holy Thursday
 2. Good Friday
 3. Philippine Independence Day – June 12
 4. National Heroes Day – Last week of August
 5. Election/Referendum Day
 6. Registration Day on such Election/Referendum
- b) The Municipal Mayor may issue a special permit for special cockfight for charitable and fund raising campaigns of NGO's and people's organizations or associations duly registered with Securities & Exchange Commission, Cooperative Development Authority or DOLE and any other government. The above mentioned association/organization must be duly accredited by the Municipal Government of Babatngon, Leyte. The mayor shall issue special permit in accordance with Section 12 hereof.

Special permits may also be issued by the municipal mayor during town and/or barangay fiestas, foundations and other significant annual celebration, as fixed by the municipal government pursuant Section 2282 of the Revised Administrative Code for the purpose of entertainment of foreign dignitaries or tourist. Provided however, that prior consent of the franchise holder/cockpit operator shall have been obtained/secured for the purpose. However, the franchisee shall give due consideration to barangays celebrating their fiestas, foundations and other significant annual celebrations. No such activity shall be valid for more than two (2) consecutive days, not including Sundays and holidays.

SECTION 7. FRANCHISING OF COCKPITS. No cockpit shall be allowed to operate without the proper franchise from the Sangguniang Bayan. In order to secure the franchise, the applicant shall submit the following documents:

- a) An application stating therein the name of the cockpit, the name of the owner/s, or in case of partnership or corporations, a certified true copy of its article of incorporation and by-laws, the names of the operator/manager, the name of the licensee and the mailing addresses of the above-mentioned persons;
- b) Copy of the cockpit building plan duly prepared by a licensed engineer or architect as approved by the municipal engineer and a certification by him to the effect that the cockpit is to be constructed in accordance with such approved plan/design in the area allowed by the zoning ordinance. In the absence of the zoning ordinance, a certification of the Municipal Engineer to the effect that the location site of the pit is in accordance with Section 5 of this ordinance;
- c) A copy of the location, vicinity plan and site development plan of the proposed cockpit;
- d) Two perspective photograph of the cockpit shall be only required during the renewal of the franchise;
- e) List of all duly licensed personnel and a copy of their respective occupational licenses shall be submitted to the Sangguniang Bayan prior to the issuance of franchise.

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- g) Land reclassification is required. (for agricultural land)
- h) Proof of ownership of the land.

SECTION 8. MANNER OF AWARD AND LENGTH OF FRANCHISE.

- a) A franchise shall be awarded to the qualified/compliant applicant after thorough evaluation of the submitted required documents which shall be valid for five (5) years depending upon the amount of investment for the construction of the cockpit and its facilities. If the investment is more or less three (3) million pesos, the Sangguniang Bayan may opt to negotiated bidding.
- b) A minimum bid price/amount of five thousand pesos (Php 5,000.00) shall be required.
- c) In the event that there were two (2) or more bidders who participated in the bidding and happens to have equal bid amount, the worth of investment shall prevail to determine the winning bidder. The investment shall be determined by the Sangguniang Bayan based on the submitted building plan and its corresponding bill of materials and costs estimates and other investments relative thereto by the applicant.
- d) In cases where the highest bidder does not met/comply as defined under Section 2 hereof and other requirements prescribed by this ordinance, the Sangguniang Bayan shall award the franchise to the next complying bidder who shall pay his bid to the treasury office after the franchise has been legally issued by the Sangguniang Bayan.
- e) Bids should be evaluated base on the required documents submitted before and not during and after the opening of the bids as scheduled. The Sangguniang Bayan shall determine qualified bidders and make awards without intervention.

SECTION 9. LICENSING OF COCKPITS. Subject to the herein rules and regulation prescribed by the Sangguniang Bayan, the Municipal Mayor shall issue permit for exclusive privilege of the operating cockpit in the Municipality of Babatngon, Leyte, provided, however, that no permit shall be issued unless a franchise validity issued by the Sangguniang Bayan shall have been previously obtained.

SECTION 10. REQUIREMENTS FOR LICENSING OF COCKPIT. Every application for license to operate or maintain a cockpit shall be submitted to the Municipal Mayor accompanied with the following:

- a) Franchise
- b) Official receipts showing payments of municipal taxes, and other levies prescribed in pertinent municipal ordinances;
- c) In case of cockpit constructed more than ten (10) years before the date of application, a certification of the municipal engineer to the effect that such cockpit is free from material, structural or other physical hazards;
- d) A certified copy of the Mayor's permit; and
- e) A copy of Sanitary permit

License to operate or maintain a cockpit must be renewed yearly. Application for the annual renewal accompanied with the above requirements must be submitted to the Municipal Mayor not later than December 31. The issuance of a license to operate to the franchisee shall be ministerial on the part of the local chief executive.

SECTION 11. COCKFIGHTING OFFICIALS. The following officials are required to register with the Sangguniang Bayan:

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- a) Promoter, Operator, General Manager or Hosts
- b) Pit Manager
- c) Referee (Sentenciador)
- d) Bet Manager (Kasador)
- e) Bet Taker
- f) Gaffer (Mananari)
- g) Cashier
- h) Derby Match Makers

They shall not officiate at such cockpit herein authorized without first securing a certificate of registration and renewing the same annually on/before the 31st of January. The Sangguniang Bayan may revoke for cause such registration together with the corresponding licenses.

SECTION 12. PERMIT REQUIRED FOR SPECIAL PERMIT

- a) No special cockfight shall be allowed unless authorized by a special permit from the Municipal Mayor and Sangguniang Bayan. Application for such permit shall be filed with the Office of the Municipal Mayor fifteen (15) days before the event.
- b) Every application shall be signed by the owner/operator or licensee of the cockpit where such special cockfight are to be held and countersigned by the promoter or a representative of the beneficiary.

SECTION 12. FEES. Without prejudice to the taxes, fees and other levies imposed by the province, municipality in accordance with Local Government Code of 1991, the following fees shall be paid to the municipal government:

- a) Application fee-minimum Php 5, 000.00
- b) Franchise fee and/or minimum bid price (good for 5 years) 5, 000.00
- c) Annual Cockpit Registration/Permit fee 20, 000.00
- d) Registration of Cockpit Personnel:
 - 1. Operator, General Manager, Promoter, Hosts 3,000.00
 - 2. Pit Manager 2,000.00
 - 3. Referee (Sentenciador) 1,000.00
 - 4. Kristo/Llamador/Head 1,500.00
 - 5. Bet Manager/Kasador 1,500.00
 - 6. Derby Matchmaker 1,500.00
 - 7. Bet Taker 1,500.00
 - 8. Cashier 1,500.00
 - 9. Gaffer 1,500.00
- e) Special Permit Fee:
 - 1. Special Cockfight (Hack fight) in licensed cockpit 500.00/day
 - 2. Special Cockfight (Derby) in licensed cockpit 1,000.00/day
 - 3. Special Cockfight in barangay fiestas, foundation days
 - a. Cockfight for 2 days 500.00/day
 - b. Derby 1,000.00/day
- f) For promoters of Derby (every permit issued/event for three (3) days only excluding Sundays and holidays):
 - 1. Two-cock Derby 2,000.00
 - 2. Three-cock Derby 4,000.00

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Municipality of Babatngon

- | | | |
|----|-----------------|----------|
| 3. | Four-cock Derby | 5,000.00 |
| 4. | Five-cock Derby | 7,500.00 |
| 5. | Six-cock Derby | 9,000.00 |
- g) Resetting or rescheduling of special cockfights for which Special Permit have been previously issued: 250.00
- h) Filing fee for complaint, petition and or application for proper and equitable relief as provided in the rules herein prescribed: 250.00

SECTION 14. COMPLAINT AND PROTEST. The Sangguniang Bayan shall take cognizance of complaints and protests related to the operation and management of cockpits or the conduct of cockfights and violation of rules and regulations, which complaint or protest must be in writing and under oath. The Sangguniang Bayan shall prescribe the rules and procedures governing the disposition of such cases.

SECTION 15. STANDARD RULES GOVERNING COCKPITS. The Sangguniang Bayan shall promulgate "standard cock fighting rules" for use in cockpits and conduct of cockfights. All cockpits and their personnel and other concerned parties shall abide by these rules.

SECTION 16. PROHIBITION AGAINST MINORS. No person less than eighteen (18) years of age shall be allowed inside the premises of the cockpit during cockfights. The operators, managers or licensee shall be responsible for strict compliance with this rule.

SECTION 17. OTHER GAMBLING GAMES PROHIBITED. No gambling of any other kind shall be permitted in the premises of the cockpit during cockfights. The owner, manager or lessee of such cockpit shall be responsible for such actions.

SECTION 18. ANTI-FRAUD MEASURES. Consonant with the Filipino trait of honesty and tradition of fair play, the Sangguniang Bayan shall adopt such measures to penalize the user of fraudulent means or manipulations in all aspect for cockfighting. Persons employing such means manipulations shall be prosecuted against in accordance with our penal law as the circumstance may warrant.

SECTION 19. BOOKS OF ACCOUNTS AND RECORDS. All cockpits are required to keep the proper book of accounts and records in connection with their operations. The Sangguniang Bayan/Municipal Mayor or its duly authorized representatives shall have the power to inspect at all times said books of accounts and records.

SECTION 20. FINANCIAL STATEMENT OF PROCEEDS FROM COCKFIGHTS FOR CHARITABLE PURPOSES. In cockfights for the support of fund raising campaign for charitable purposes, the owner, operator or licensee shall enter in daily financial report:

- a) Receipts from gates or entrance and ringside tickets,
- b) The total commission (plazada) for the day.

At the close of each derby or pintakasi for the benefit of a charitable institution or barangay project, the owner, operator or licensee of the cockpit shall turn-over to the beneficiary the amount previously agreed upon based on percentage sharing. The percentage sharing shall be as follows: 50% of the net proceeds shall accrue to the franchisee and the other 50% shall accrue to the barangay. The net proceeds is computed as follows: Net Proceeds – Gross Income – Total Expenses. In case of disagreement or in the absence of sharing agreement of the proceeds, the matter shall be submitted to the Sangguniang Bayan for arbitration whose decision shall be final.

SECTION 21. IMPLEMENTING RULES AND REGULATIONS. The local chief executive shall, through an executive order issue the necessary rules and regulations detailing the manner of how this regulatory ordinance be properly implemented to effectively carry-out the intent thereof.

SECTION 22. PENAL PROVISION, SUSPENSION OR CANCELLATION OF LICENSE TO OPERATE A COCKPIT. The franchise and mayor's permit of cockpits found violating these rules and regulations may be suspended/cancelled in the discretion of the Sangguniang Bayan and Municipal Mayor, respectively. In



Municipality of Babatngon

addition to these a fine of not exceeding six (6) months or both at the discretion of the court, will be meted to those found guilty.

SECTION 23. SEPARABILITY CLAUSE. Any provision of this ordinance declared null and void by any competent authority shall not affect the other provisions thereof not declared invalid.

SECTION 24. REPEALING CLAUSE. This ordinance shall repeal, revoke, amend, modify and/or otherwise supersede any rules and regulations inconsistent herewith.

SECTION 25. EFFECTIVITY CLAUSE. This ordinance shall take effect upon approval.

APPROVED and ENACTED this 30th day of August 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-Designate

ATTESTED BY:

HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor
Presiding Officer

HON. CHRISTIAN O. LAWSIN
Sangguniang Bayan Member

HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member

HON. ILDEFONSO B. ODON
Sangguniang Bayan Member

HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member

HON. HILARION S. MENZON
Sangguniang Bayan Member

HON. ALEX VELOSO BELLO
Sangguniang Bayan Member

HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay

HON. JUDE LEMWEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:

HON. ELEONOR B. LUGASIN
Municipal Mayor

Date: 25 September 2024





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 26 September 2024 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder Ordinance, to wit:

1. Ordinance No. 476, entitled: "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE ESTABLISHMENT, FRANCHISING, LICENSING, OPERATIONS AND MAINTENANCE OF COCKPITS AND COCKFIGHTING IN THE MUNICIPALITY OF BABATNGON, LEYTE."

Made this 26th day of September 2024 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "A. B.", positioned above the printed name.

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

