

Item No.: 06

Date: 26 2024 NOV



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office

Released: *[Signature]*
Time: *[Signature]*
Date: 11-11-24

SANGGUNIANG PANLALAWIGAN
RECEIVED
NOV 12 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
November 4, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 12 series of 2024 of the Sangguniang Bayan of Merida, Leyte.

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

- Ordinance No. 12 series of 2024 entitled: **“An Ordinance adopting Republic Act No. 9482, otherwise known as the Animal Welfare Act of 1998.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 447(a)(4)(viii)¹ of the Local Government Code of 1991 (R.A 7160) in relation to Republic Act No. 9482². Hence, we recommend 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 the 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 *[Signature]*

¹(viii) Provide for the impounding of stray animals; regulate the keeping of animals in homes or as part of a business, and the slaughter, sale or disposition of the same; and adopt measures to prevent and penalize cruelty to animals;

² “Animal Welfare Act of 1998”


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
25 October 2024

Province of Leyte
Legal Office
Received: *[Signature]*
Date: *10.25.24*

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 12, series of 2024 of the MUNICIPALITY OF MERIDA, LEYTE**, entitled: **An Ordinance adopting Republic Act No. 9482, entitled an act to promote animal welfare in the Philippines, otherwise known as the Animal Welfare Act of 1998.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



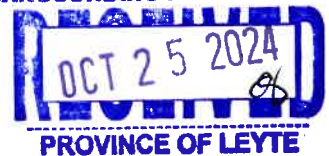
Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

24 OCTOBER 2024

THE SANGGUNIANG PANLALAWIGAN OF LEYTE
CAPITOL BUILDING
PALO LEYTE

SANGGUNIANG PANLALAWIGAN



DEAR HONORABLE MEMBERS;

I have the honor to submit to the Sangguniang Panlalawigan of Leyte copies of **MUNICIPAL ORDINANCE NO. 12, SERIES OF 2024 – “AN ORDINANCE ADOPTING REPUBLIC ACT NO. 9482, ENTITLED AN ACT TO PROMOTE ANIMLA WELFARE IN THE PHILIPPINES, OTHERWISE KNOWN AS THE ANIMAL WELFARE ACT OF 1998** enacted by the 18th Council of this Municipality, for review and consideration.

Hoping everything is in order.

Thank you.

Respectfully,


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF MERIDA

SANGGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
OCT 25 2024

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 105TH REGULAR SESSION OF THE SANGGUNIANG BAYAN (18TH COUNCIL) MERIDA, LEYTE HELD ON SEPTEMBER 16, 2024 AT THE LEGISLATIVE BUILDING SESSION HALL.

-RESOLUTION NO. 18-24-178-

A RESOLUTION APPROVING MUNICIPAL ORDINANCE NO. 12, SERIES OF 2024 ENTITLED "AN ORDINANCE ADOPTING REPUBLIC ACT NO. 9482, ENTITLED AN ACT TO PROMOTE ANIMAL WELFARE IN THE PHILIPPINES, OTHERWISE KNOWN AS THE ANIMAL WELFARE ACT OF 1998."

WHEREAS, there is a need to adopt Republic Act No. 9482 to promote Animal Welfare in the Philippines, otherwise known as "The Animal Welfare Act of 1998."

NOW, WHEREFORE, ON MOTION OF Hon. Joel A. Marson, Chairman Committee on Agriculture, Food, Cooperatives and Livelihood.

BE IT RESOLVED TO ENACT by the Sangguniang Bayan of Merida in session duly assembled, that:

-MUNICIPAL ORDINANCE NO. 12-
Series of 2024

AN ORDINANCE ADOPTING REPUBLIC ACT NO. 9482, ENTITLED AN ACT TO PROMOTE ANIMAL WELFARE IN THE PHILIPPINES, OTHERWISE KNOWN AS THE ANIMAL WELFARE ACT OF 1998.

SECTION 1. - It is the purpose of this Act to protect and promote the welfare of all animals in the Philippines by supervising and regulating the establishment and operations of facilities utilized for breeding, maintaining, keeping, treating or training of all animals either as objects of trade or as a household pet. For purposes of this Act, pet animal shall include birds.

SECTION 2. - No person, association, partnership, corporation, cooperative or any government agency or instrumentality including slaughter houses shall establish, maintain and operate any pet shop, kennel, veterinary clinic, veterinary hospital, stockyard, corral, stud farm or stock farm or zoo for the breeding, treatment, sale or trading, or training of animals without first securing from the Bureau of Animal Industry a Certificate of Registration therefore.

The Certificate shall be issued upon proof that the facilities of such establishment for animals are adequate, clean and sanitary and will not be used for, nor cause pain and/or suffering to the animals. The Certificate shall be valid for a period of One (1) year unless earlier cancelled for just cause before the expiration of its term by the Director of the Bureau of Animal Industry and may be renewed from year to year upon compliance with the conditions imposed hereunder. The Bureau shall charge reasonable fees for the issuance or renewal of such Certificate.

The condition that such facilities be adequate, clean and sanitary, and that they will not be used for nor cause pain and/or suffering to the animals is a continuing requirement for the operation of these establishment. The Bureau may revoke or cancel such Certificate of registration for failure to observe these conditions and other just causes.

SECTION 3. - The Director of the Bureau of Animal Industry shall supervise and regulate the establishment, operation and maintenance of pet shops, kennels, veterinary clinics, veterinary hospitals, stockyards, corrals, stud farms and zoos and any other form of structure for the confinement of animals, where they are bred, treated, maintained, or kept either for sale or trade or for training purposes as well as the transport of such animals in any form of public or private transportation facility in order to provide maximum comfort while in transit and minimize, if not totally eradicate, incidence of sickness and death and prevent any cruelty from being inflicted upon the animals.

The Directory shall call upon any government agency for assistance consistent with its powers, duties, and responsibilities for the purpose of ensuring the effective and efficient implementation of this Act and the rules and regulations promulgated thereunder.

It shall be the duty of such government agency to assist said Director when called upon for assistance using any available fund in its budget for the purpose.



SECTION 4. – It shall be the duty of any owner or operator of any land, air or water public utility transporting pet, wildlife and all other animals to provide in all cases adequate, clean and sanitary facilities for the safe conveyance and delivery thereof to their consignee at the place of consignment. They shall provide sufficient food and water for such animals while in transit for more than Twelve (12) hours or whenever necessary.

No public utility shall transport any such animal without a written permit from the Director of the Bureau of Animal Industry or his/her authorized representative. No cruel confinement or restraint shall be made on such animals while being transported.

Any form of cruelty shall be penalized even if the transporter has obtained a permit from the Bureau of Animal Industry. Cruelty in transporting includes overcrowding, placing of animals in the trunks or under the hood trunks of the vehicles.

SECTION 5. – There is hereby created a Committee on Animal Welfare attached to the Department of Agriculture which shall subject to the approval of the Secretary of the Department of Agriculture, issue the necessary rules and regulations for the strict implementation of the provisions of this Act, including the setting of safety and sanitary standards, within Thirty (30) calendar days following its approval. Such guidelines shall be reviewed by the Committee every Three (3) years from its implementation or whenever necessary.

The Committee shall be composed of the Official Representatives of the following:

1. The Department of Interior and Local Government (DILG);
2. Department of Education, Culture and Sports (DECS);
3. Bureau of Animal Industry (BAI) of the Department of Agriculture (DA);
4. Protected Area and Wildlife Bureau (PAWB) of the Department of Environment and Natural Resources (DENR);
5. National Meat Inspection Commission (NMIC of the DA);
6. Agriculture Training Institute (ATI) of the DA;
7. Philippine Veterinary Medical Association (PVMA);
8. Veterinary Practitioners Association of the Philippines (VPAP);
9. Philippine Animal Hospital Association of the Philippines (PAHA);
10. Philippine Animal Welfare Society (PAWS);
11. Philippine Society for the Prevention of Cruelty to Animals (PSPCA);
12. Philippine Society of Swine Practitioners (PSSP);
13. Philippine College of Canine Practitioners (PCCP); and
14. Philippine Society of Animal Science (PSAS)

The Committee shall be chaired by a representative coming from the private sector and shall have Two (2) vice-chairpersons composed of the representative of the BAI and another from the private sector.

The Committee shall meet quarterly or as often as the need arises. The Committee members shall not receive any compensation by may receive reasonable honoraria from time to time.

SECTION 6. – It shall be unlawful for any person to torture any animal, to neglect to provide adequate care, sustenance or shelter, or maltreat any animal or to subject any dog or horse to dogfights or horsefights, kill or cause or procure to be tortured or deprived of adequate care, sustenance or shelter, or maltreat or use the same in research or experiments not expressly authorized by the Committee on Animal Welfare.

The killing of any animal other than, cattle, pigs, goats, sheep, poultry, rabbits, carabaos, horses, deer and crocodiles is likewise hereby declared unlawful except of the following instances:

1. When it is done as part of the religious rituals of an established religion or sect or a ritual required by tribal or ethnic custom of indigenous cultural communities; however, leaders shall keep records in cooperation with the Committee on Animal Welfare;
2. When the pet animal is afflicted with an incurable communicable disease as determined and certified by a duly licensed veterinarian;
3. When the killing is deemed necessary to put and end to the misery suffered by the animal as determined and certified by a duly licensed veterinarian;
4. When it is done to prevent an imminent danger to the life or limb of a human being; and
5. When done for the purpose of animal population control;



(CONTINUATION OF MUNICIPAL ORDINANCE NO. 12, SERIES OF 2024 DATED SEPTEMBER 16, 2024//PAGE 03)

6. When the animal is killed after it has been used in authorized research or experiments; and
7. Any other ground analogous to the foregoing as determined and certified by a licensed veterinarian.

In all the above-mentioned cases, including those of cattle, pigs, goats, sheep, poultry, rabbits, carabaos, horses, deer and crocodiles the killing of the animals shall be done through humane procedures at all times.

For this purpose, humane procedures shall mean the use of the most scientific methods available as may be determined and approved by the Committee.

Only those procedures approved by the Committee shall be used in the killing of animals.

SECTION 7. – It shall be the duty of every person to protect natural habitat of the wildlife. The destruction of said habitat shall be considered as form of cruelty to animals for its preservation is a way of protecting the animals.

SECTION 8. – Any person who violates any of the provisions of this Act shall, upon conviction by final judgement, be punished by imprisonment of not less than Six (6) months nor more than Two (2) years or a fine of not less than One Thousand Pesos (Php1,000.00) nor more than Two Thousand and Five Hundred Pesos (Php2,500.00) or both at the discretion of the Court. If the violation is committed by a juridical person, the officer responsible therefore shall serve the imprisonment when imposed. If the violation is committed by an alien, he or she will be immediately deported after service of sentence without any further proceedings.

SECTION 9. – All laws, acts, decrees, ordinances, executive orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

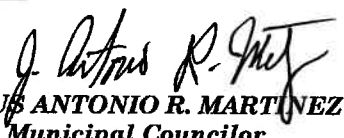
ENACTED BY THE SANGGUNIANG BAYAN (18TH COUNCIL) OF MERIDA, LEYTE ON ITS REGULAR SESSION HELD ON SEPTEMBER 16, 2024.

APPROVED UNANIMOUSLY.


SANGGUNIANG BAYAN MEMBERS


CHENIL C. CALDERON
Municipal Councilor
Assistant Floor Leader


JOEL A. MARSON
Municipal Councilor



JESUS ANTONIO R. MARTINEZ
Municipal Councilor


EMAHITO A. LUZARES
Municipal Councilor
Majority Floor Leader


FELIPE H. PEREZ, JR.
Municipal Councilor
(Forced Leave)


CAMILO L. DEJON
Municipal Councilor


NENIA C. OYAO
Municipal Councilor


STEPHANIE M. MIRALLES
Municipal Councilor

ASHLEY NOREEN DIAZ
Ex-Officio (Mun. SK. Fed. President)
(Vacation Leave)


RONILLO O. LABANG
Ex-Officio (Mun. LRB President)



(CONTINUATION OF MUNICIPAL ORDINANCE NO. 12, SERIES OF 2024 DATED SEPTEMBER 16, 2024 //PAGE 04)

APPROVED BY HIS HONOR, THE MUNICIPAL MAYOR ON Sept. 30, 2024.

APPROVED BY:

ENGR. ROLANDO M. VILLASENCIO
Municipal Mayor

CERTIFIED BY:

RODRIGO M. WENCESLAO
Municipal Vice Mayor

ATTESTED BY:

JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **MUNICIPAL ORDINANCE NO. 12, SERIES OF 2024 – “AN ORDINANCE ADOPTING REPUBLIC ACT NO. 9482, ENTITLED AN ACT TO PROMOTE ANIMAL WELFARE IN THE PHILIPPINES, OTHERWISE KNOWN AS THE ANIMAL WELFARE ACT OF 1998”** had been posted in three (3) conspicuous places in the locality within three (3) consecutive weeks from **OCTOBER 01, 2024 to OCTOBER 22, 2024.**

THIS CERTIFICATION has been issued in compliance to Section 511 (1), Title One, book IV of RA 7160, otherwise known as the Local Government Code of 1991.

DONE AND ISSUED this 24TH DAY OF OCTOBER at Merida, Leyte, Philippines.


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan