



Republic of the Philippines
City of Bago
Office of the Sangguniang Panlungsod

ORDINANCE NO. 09-12

AN ORDINANCE ADOPTING THE NEW CITY OF BAGO ANIMAL CODE OF 2009.

Explanatory Note:

WHEREAS, since 1945 when Bago City was still a Municipality, it was able to pass various ordinances on responsible animal ownership, as well as sanitation and cleanliness relative to animal maintenance;

WHEREAS, the need for a more comprehensive and integrated law specific to animals has become imperative in response to the clamor for more updated provisions and penalties for effectiveness.

NOW THEREFORE, upon motion of SP Member Victor B. Javellana, unanimously seconded by the members present, the Sanggunian

Be it enacted by the Sanggunian Panlungsod, that,

CHAPTER I
General Provisions

Section 1. **TITLE.** This Code shall be known as the “BAGO CITY ANIMAL CODE OF 2009.”

Section 2. **COVERAGE.** The provisions of this Code shall govern all subject matters relating to the care and control of animals within the City of Bago.

Section 3. **DEFINITION OF TERMS.** For the purpose of this ordinance, the following terms shall be understood in the sense indicated herein.

- 1) Animal - shall include, but not limited to a dog, cat, snake, monkey, rabbit bird, carabao, cow, pig and other animals;
- 2) At large - shall mean any animal off the premises of its owners and not under physical restraint.
- 3) Bite or bitten - means that the skin has been penetrated by an animal’s teeth.
- 4) Cat - refers to an animal belonging to the specie Felis Felidae.
- 5) Dangerous Dog - any individual dog when unmuzzled, unleashed or unattended by its owner or custodian behaves in a manner that it is capable to inflict serious imminent threat, physical injury or death to a person or a companion.
- 6) Dog - refers to an animal belonging to the specie Canis Familiaris of the carnivorous or flesh- eating animal.
- 7) Endangered animal - refers to an animal that is facing extremely high risk of extinction in the wild in the immediate future.
- 8) Endemic area - commonly found or peculiar to a certain area; said of a disease that occurs more or less constantly in any particular locality.

- 9) Exotic animal - means an animal which does not naturally occur in the country.
- 10) Exterminate - to get rid of an animal by destroying.
- 11) Have bitten - means been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and also includes contact of saliva with any break or abrasion of the skin.
- 12) Impounded - taken into custody in a public animal control facility within the city.
- 13) Isolation - confinement of an animal exposed or potentially exposed to rabies.
- 14) Kennel - a house for a dog or for a pack of hounds; also the pack, a professional establishment where dogs are bred, raised, boarded, trained, etc.
- 15) Leash - a cord, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animals under control.
- 16) Owner - to keep, harbor, or have control, charge or custody of an animal.
- 17) Owner or Possessor- refers to any person who possesses, has title to, harbors or has control, has interest in, or is the sole or part owner of an animal or animals. The occupant of the premises where the animal is kept or found is deemed to be the owner or possessor of such animal or animals. This term shall not apply to veterinarians or kennel operators who have temporary custody, for a period of less than sixty (60) days, of animals owned by others.
- 18) Physical Injury - means the impairment of physical condition.
- 19) Pound - a facility for the purpose of enforcing this Ordinance and used as a shelter for seized, stray, homeless, abandoned or unwanted dogs or animals.
- 20) Property - refers to any material object within the commerce of man whether real or personal property.
- 21) Rabies - is a viral infection transmitted in the saliva of infected mammals. The virus enters the central nervous system of the host, causing an encephalomyelitis that is fatal.
- 22) Severe injury - means a physical injury that creates a substantial risk that causes death, serious protracted disfigurement and protracted impairment of health, impairment of the function of any bodily organ or plastic surgery.
- 23) Stray dog - all dogs found wandering on the streets, plazas, markets, school premises (both public and private), resorts and other places outside the house or fenced premises of the owner/possessor. Unaccompanied by the latter shall be considered stray.

- 24) Vaccination - the administration of the prescribed anti-rabies vaccine to animals particularly dogs.
- 25) Wildlife - means wildlife naturally occurring or has naturally established population in the country.
- 26) Vicious and Dangerous - any animal when unprovoked inflicts bites or attacks a human being, or with a known propensity, tendency or disposition to attack unprovoked, to cause injury or otherwise endanger the safety of humans or domestic animals, except when it attacks or inflicts bites upon a trespasser of a fully enclosed building.

CHAPTER II

Animal Welfare, Care and Protection

Section 4. It shall be unlawful for any person to torture any animal, to neglect adequate care, sustenance, like food and water, or shelter, or maltreat any animal, 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 and fights not authorized by the law.

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

- 1) When it is done as a part of a religious ritual of an established religion or sect or ritual required by tribal or ethnic custom or indigenous cultural communities.
- 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 an 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.
- 5) When done for the purpose of animal population control.
- 6) When the animal is killed after it has been used in authorized research or experiment.
- 7) Any other ground analogous to the foregoing as determined and certified by a duly licensed veterinarian.

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

For this purpose, humane procedure shall mean the use of the most scientific method of killing animals.

Section 5. It shall be unlawful to put markings on any livestock to be slaughtered using sharp or pointed objects leaving behind open skin wounds.

Section 6. It shall be unlawful to transport a dog in a motor vehicle upon any street within the city unless the dog is fully enclosed within the motor vehicle, or is protected by a belt, tether, cage, container or other devices that will prevent the dog from falling, jumping or being thrown off the vehicle.

Section 7. It shall be unlawful to transport any livestock in a cramped condition or carrier unprotected from direct sunlight and rain.

Section 8. No dog or other animal shall be left completely enclosed in a parked vehicle without adequate ventilation, or in such a way as to subject the animal to extreme temperature which may adversely affect its health and welfare.

Section 9. It shall be unlawful for owners or custodians of companion animals like dogs and cats to be left without food and shelter as this can be considered to be cruelty of animals.

Section 10. The slaughter of dogs and cats and sale and/or transport of dog/cat meat in the City of Bago is strictly prohibited.

Section 11. The use of air guns and pistols for hunting birds and other winged animals is prohibited within the City of Bago.

CHAPTER III Sanitation, Disease and Nuisance Control

Section 12. Any person shall be prohibited from raising animals herein below mentioned in the area declared by the City Government of Bago as “Resettlement Area.”

- 11.1 Horse
- 11.2 Carabao
- 11.3 Cow
- 11.4 Cat
- 11.5 Monkey
- 11.6 Chicken
- 11.7 Duck
- 11.8 Goat
- 11.9 Pig
- 11.10 Dog
- 11.11 Turkey
- 11.12 Geese
- 11.13 Dove
- 11.14 Other animals such as snakes and the like

Section 13. It shall be unlawful for any person to breed multiple number of poultry and livestock, fighting cocks and other animals, such as horse, carabao, cow, cat, monkey, chicken, duck, goat, pig, dog, turkey and geese, in areas declared strictly as high density (R-1) and low density residential (R-3), specifically subdivision areas.

Section 14. No person shall allow the continuous barking, yelping, whining, howling, crowing, or otherwise disturbing noise by animals, like but not limited to, dogs, cats, cows, cocks/poultry and others, such that, the situation becomes a nuisance to the public and nearby residential units. The local barangay shall take appropriate action to correct the situation on the basis of a complaint filed in its office. In coordination with the City Veterinary Office, it may cause the impoundment of the animal on the 2nd instance of complaint.

Section 15. It shall be unlawful for any person owning or having control or custody of any companion animal like dogs and cats or livestock to permit their animals to urinate or defecate upon the public property of this city or private property of another. Cages/Pens shall always be kept clean by its owner, free from feces and urine, so as not to emit foul odor that may affect their environs.

15.1 .Any person walking a dog on public property of this city or upon the private property of another should carry at all times a suitable receptacle and instrument for the removal and disposal of dog feces.

Section 16. Dog owners taking their pets out for walk or on stroll shall ensure that their dogs are properly restrained with a leash of two (2) meters long and properly muzzled.

Section 17. Straying or roaming of animals in public places, city streets, highways or plazas is prohibited.

Section 18. The dumping of carcass of dead animals such as dogs, pigs/livestock, cats, rats, in drainage, canals, rivers and other water ways, including all public places like roadways, sidewalks, and vacant lots, is strictly prohibited.

18.1 Owners of dead animals are required to properly bury/dispose of their pet's carcass. Proper disposal of the animal carcass may also be coordinated with the City Solid Waste Management Board after paying the prescribed fee.

18.2 Dead animals may be buried/disposed in an area declared as public cemetery for dead animals by the City Solid Waste Management Board.

CHAPTER IV Owner Obligation and Liability

Section 19. REGISTRATION. It shall be unlawful for any person to own, keep or have control of a dog without having obtained a registration for such animal.

19.1 The requirements for dog registration shall be as follows:

For the owner:

- (a) Duly accomplished Application Form;
- (b) Certificate of Residency from the Barangay;
- (c) 2 pcs. 2x2 photo;
- (d) Registration fee of Twenty Pesos (P20.00)

For the pet dog:

- (e) Certificate/Proof of Anti-Rabies Vaccination
- (g) The animal's physical presence/appearance, in the absence of a proof of anti-rabies vaccination.

19.2 Five (5) days after the submission of the application, a Certificate of Registration shall be issued by the Office for Veterinary Services, stating the following:

- (a) Name, Address and Contact Nos. of the owner or the person to whom the registered animal was issued;
- (b) Name, Breed, Sex, and Color of the Animal;

(c) Registration No.

19.3 New residents shall have thirty (30) days to register their pet dogs.

19.4 Exceptions to the provisions of this Section are the following:

(a) Dogs owned or in the custody of or under the control of persons who are non-residents of the city or temporarily sojourning in the city for a period not exceeding 30 days;

(b) Dogs brought to the city exclusively for the purpose of entering the same in a dog show or exhibition;

(c) Dogs owned by pet shops and other enterprises maintaining animals, which have been granted business licenses by the city.

Section 20. Pet shops and other enterprises maintaining animals, which have been granted business licenses by the city, are required to register with the Office for Veterinary Services and periodically submit a list of the animals in their custody.

Section 21. VACCINATION. All dog owners are required to submit their dogs three (3) months of age or older for mandatory anti-rabies vaccination annually.

21.1 Upon vaccination, a certificate of vaccination duly signed by the City Veterinarian shall be correspondingly issued to the owner/possessor who shall at all times be prepared to present the same to the proper authorities upon demand. (Section 4a, Ord. No. 01, S. 1999).

21.2 Every owner/possessor whose dogs are to be vaccinated, shall pay to the City Treasurer the sum of Fifty Pesos (P50.00) per dog which shall accrue to a trust fund for the purpose of defraying expenses for the purchase of vaccines and others. Revaccination done within a year shall be charged with the same amount.

21.3 All dogs, the owners/possessors of which have resisted or failed to have their dogs vaccinated despite of a written notice/reminder from the Office for Veterinary Services, shall be confiscated or eventually exterminated by the said office after one (1) week period shall have lapsed with the assistance of PNP.

21.4 In the implementation of this ordinance the City Veterinarian may establish vaccination stations in the Poblacion and the different barangays. Prior announcements will be made at least one (1) week before vaccination schedules. (Section 4e, Ord. No. 01, S. 1999).

21.5 MASS VACCINATION. Free mass dog and cat rabies vaccination campaign shall be conducted only in qualified endemic areas where one laboratory-supported positive case in dogs and cats may arise within the year, the same shall be instituted by the Office for Veterinary Services and other participating agencies. (Section 7, Ord. No. 01, S. 1999).

Section 22. SURRENDER OF SUSPECTED RABIES-INFECTED DOGS OR ANIMALS. – Suspected rabies-infected animals which have bitten humans or animals shall be surrendered to the Office for Veterinary Services or his duly authorized representative for confinement and observation within a period of fourteen (14) days at the animal pound until otherwise declared free of rabies infection, also for appropriate laboratory examination and testing and for appropriate disposal. Confinement and observation may be undertaken by the

animal owner himself upon the written consent of the City Veterinarian or his duly authorized representative and shall report its daily progress to the Office for Veterinary Services. Expenses for laboratory examination shall be borne by the owner.

Section 23. NOTICE OF TRANSFER AND LOSS. Owners and possessors of registered dogs and pet animals shall obtain a transport or transfer permit from the Office for Veterinary Services or his duly authorized representative in the event of permanent transfer of animals from one barangay to the other except when merely leashing, walking or exercising the dog or animal. It shall be compulsory to notify the Office for Veterinary Services if loss or transfer has transpired within a period of two (2) days for record purposes.

Section 24. The City Government of Bago hereby imposes a penalty on owners of animals that caused injury or damage to other persons or property.

24.1 In case of damage to property, the indemnity shall be paid by the owner/possessor of animals based on the extent of the actual damage caused on the said property in accordance with the assessment of the concerned agency;

24.2 In cases of injury sustained by certain individuals, the following shall govern:

(a) In cases where the ownership of the animals has been duly established, the injured victim shall immediately be entitled to receive financial compensation from owner/possessor of animals for their medication.

(b) When the injury sustained by the victim require medical attendance or confinement for a certain number of days, the owner of the animal shall also be required to pay for the loss of income of the victim during the period when he/she cannot work;

(c) The injured victim must submit a medical certificate from any licensed physician in support of their claim and/or pay slip or certification from the employer in case of payment of income loss.

24.3 If the owner of the animal willfully refuse, without justifiable cause, to pay the expenses necessary for the medication of the victim or pay for the damage caused to personal property, the Office for Veterinary Services or the victim himself shall institute appropriate charges in court to enforce his claim.

24.4 Filing and/or payment of claims, pursuant to this measure, is without prejudice or shall not constitute a bar in filing similar claims under existing laws.

CHAPTER V

Impoundment

Section 25. Any animal engaging in an activity or existing in a condition, as prohibited by the provisions of this Code shall be taken up and impounded by the Office for Veterinary Services.

Section 26. Any person may take up and deliver or cause to be taken up or delivered to the Office for Veterinary Services any animal "at large" within the city on public property or upon said person's private property.

Section 26.1 Any person taking up any animal under the provision of this Section shall immediately thereafter give notice thereof to the Office for Veterinary

Services and the City Veterinarian shall thereupon hold and dispose of said animal in the same manner as though said animal had been found astray and impounded.

Section 27. PERIODS OF IMPOUNDMENT. All animals shall be kept by the Office for Veterinary Services for a period of not less than three (3) days, unless redeemed within such period. Calculation of the 3-day impoundment period shall commence from the date of apprehension and shall include Saturdays, Sundays and Holidays.

Section 28. NOTICE OF IMPOUNDMENT. The Office for Veterinary Services shall give notice to the owner of the animal of the impoundment, if such information is available on record. Otherwise, the Office for Veterinary Services shall cause the advertisement of the impoundment in a conspicuous area within the perimeter where the animal was found. Expenses or costs for the advertisement shall be charged to the owner.

POUND NOTICE

Impounded at the Office for Veterinary Services, the following described animal/s:

which, unless redeemed before the date herein indicated shall be given up for adoption in case of dogs and cats, or by auction by the city government in case of livestock, or for extermination, all to be taken up by the Office for Veterinary Services Office located at Manuel Y. Torres Memorial Coliseum and Cultural Center, Bago City at (time) on (date)

Section 29. REDEMPTION. The owner of any animal impounded or taken into custody, may at anytime before the disposition thereof, redeem the same by paying all accrued fees and corresponding charges, and in the absence of compulsory registration papers, relevant expenses thereof;

Section 30. DISPOSITION. Any animal held in custody which is not reclaimed by its owner within three (3) days after notice shall be deemed to be abandoned and may be disposed of by the Office for Veterinary Services through adoption, provided however that if said animal is dangerous to retain or is suffering excessively, it may be forthwith humanely destroyed.

30.1 A wildlife animal which has been taken up shall be deemed not to be impounded. Such animal should not be retained for any minimum period of time, but shall be surrendered immediately to Wildlife Rescue Center of the Department of Environment and Natural Resources (DENR), unless said animal is dangerous or suffering excessively, in which case it may be forthwith humanely destroyed.

30.2 For a justifiable reason, an animal may be voluntarily surrendered by owner, which shall be deemed abandoned and need not be impounded and kept by the Office for Veterinary Services for any minimum period of time. It may be destroyed or otherwise given up for adoption by the Office for Veterinary Services for a prescribed fee.

30.3 It is hereby prescribed that Adoption Days for impounded animals shall be Mondays to Fridays except during holidays, starting from 9 a.m. to 12 noon at the Office for Veterinary Services in the presence of a representative of the Office of the City Treasurer.

30.4 The Local Treasurer is hereby empowered to fix the fees to cover the cost of labor and transportation as well as for subsistence of the animal during the confinement but not less than P40.00 a day.

CHAPTER VI
Quarantine Directives

Section 31. Any animal falling into one or more of the following categories shall be isolated or quarantined at the place and under the conditions prescribed by the City Health Office and pertinent national laws and regulations.

- (a) Known rabid animals
- (b) Suspected rabid animals
- (c) Animals which have bitten or otherwise exposed a human being to rabies or suspected rabies
- (d) Animals which have been bitten by a known or suspected rabid animal or have been in intimate contact with the same.
- (e) Animals/livestock suspected of or proven to be harboring infectious diseases that may cause an epidemic or pandemic to the locality in particular, and to the country in general.

Section 32. In the event any animal consecutively causes or is reported and recorded to have caused severe injury to a person or another animal several times within a year, or is regarded as “vicious and dangerous” as defined in this Code, the City Veterinarian may recommend that such animal be declared as a menace to public health and safety and shall so inform the City Health Office, who in turn shall file the appropriate charges in court before the City State Prosecutor. If the court finds the animal to be a menace to public health and safety, the Office for Veterinary Services upon the order of the court, shall impound, hold and humanely destroy the animal unless the owner show the court good cause why the animal should not be destroyed.

CHAPTER VII
Possession of Wildlife and Exotic Animals

Section 33. No person or entity shall be allowed possession of wildlife and exotic animals unless a clearance from the Secretary of the DENR or authorized representative is first obtained.

CHAPTER VIII
Penal Provisions

Section 34. For effective and efficient enforcement of this code, a citation ticket is hereby adopted that will be issued to persons committing violation of any of the provision of this Code. The citation ticket will actually notify the offender of the particular infraction and the corresponding penalty of the ordinance violated.

All payment of fines imposed by citation tickets shall be paid directly to the City Treasurer’s Office and the amount thereon shall form part and accrue to the general fund of the City Government of Bago. The enforcer or apprehending officer shall be entitled to 20% share of the fines and fees collected from violators of this ordinance.

Barangay Captains, Barangay Kagawads and Barangay Tanods are hereby deputized to act as the apprehending and enforcing officer and for such purpose shall be authorized and allowed to issue a citation ticket to all violators of this ordinance. Twenty percent (20%) of the fines or fees collected by such enforcer or apprehending officer shall accrue exclusively to the funds of the barangay where apprehensions have been made.

Section 35. The following penalties shall be imposed for violators of the provisions of this Code:

34.1 For violation of any of the provisions Sections 4 to 10:

1st Offense : One Thousand Five Hundred Pesos (P1,500.00)
2nd Offense : Two Thousand Five Hundred Pesos (P2,500.00)
3rd Offense : Imprisonment or both at the discretion of the court.

34.2 For violation of Section 11:

1st Offense : Five Hundred Pesos (P500.00)
2nd Offense : One Thousand Five Hundred Pesos (P1,500.00)
3rd Offense : Two Thousand Five Hundred Pesos (P2,500.00)
and confiscation of the air gun or pistol and oxygen tanks

34.3 For violation of Sections 12 to 13:

1st Offense : Warning to remove the animal within seven (7) days from the issuance of a citation ticket.
2nd Offense : Forfeiture of the subject animal whether found inside or outside the owner's premises

34.4 For violation of Sections 14 to 16 including its subsection shall be penalized as follows:

1st Offense : Warning through the issuance of a Citation Ticket
2nd Offense : A fine of Five Hundred Pesos (P500.00)
3rd Offense : A fine of One Thousand Five Hundred Pesos (P1,500.00) or one (1) month imprisonment upon the discretion of the court.

34.5 For owners of animals violating the provisions of Sections 17:

Cows and Carabaos - One Thousand Pesos (P1,000.00)
Dogs, Pigs, Cats and other Domestic Animals - Five Hundred Pesos (P500.00)
Plus an additional One Hundred Pesos (P100.00) for 2nd time offenders/recidivists.

34.6. For violation of Section 18 to 21: A fine of One Thousand Pesos (P1,000.00).

35.7. For violation of Section 22. For failure of the owner of the animal to assume responsibility for the injury or damage caused to a person or another person's property, a fine of Five Thousand Pesos (P5,000.00) and/or imprisonment of not below six months but not over a year, or both upon the discretion of the court, plus forfeiture of animal in either case.

35.8. For violation of Chapter VII

The owner shall be held liable to pay a fine of One Thousand Pesos (P1,000.00) and the immediate impoundment of the wildlife and exotic animal by the Office for Veterinary Services which shall immediately be delivered and surrendered to the Wildlife Rescue Center of the Department of Environment and Natural Resources (DENR) for safekeeping and proper custody. The same penalty shall likewise be imposed to those owners who negligently abandoned the care and custody of the wildlife and exotic animals.

CHAPTER IX
Final Provisions

Section 35. **IMPLEMENTING AUTHORITY.** The Office for Veterinary Services in coordination with City Health Office are hereby mandated and tasked as the lead agencies to implement and enforce this Code. For this purpose, it may seek the cooperation and support of the local law enforcement agencies, the City Solid Waste Management Board, Barangay Officials and such other government agencies as it may deem necessary.

Section 36. **APPLICABILITY CLAUSE.** The provisions of existing ordinances dealing on the same subject matter which are not in conflict with, or contrary to, the provisions of this Ordinance are hereby adopted and made an integral part of this Ordinance.

Section 37. **SEPARABILITY CLAUSE.** If for any reason, any part or provision of this code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

Section 38. **REPEALING CLAUSE.** All ordinances, administrative regulations, or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed, amended or modified accordingly.

Section 39. **EFFECTIVITY.** This Ordinance shall take effect after the review and approval of the Sanggunian Panlalawigan or thirty (30) days from the date of its approval by the Sanggunian Panlungsod, whichever comes earlier, and after its publication in a newspaper of general of circulation.

Enacted by the Sangguniang Panlungsod of the City of Bago in its 1464th Regular Session assembled, May 20, 2009.


CARRIED BY THE VOTE OF:

Affirmative:

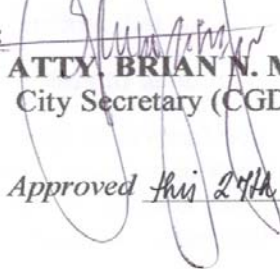
SP Members Ruben T. Torres, Serafin Z. Jara, Bernadette M. Somcio, Romeo C. Obando, Federico A. Matti, Victor B. Javellana, Jobert D. Tagobader, Rosario F. Gaudite, Maximo D. Matti, Loreto N. Cauntoy, Eliseo T. Yanong, Jr.

Negative: N o n e .

CERTIFIED CORRECT:


NICHOLAS M. YULO
City Vice Mayor-Presiding Officer

ATTESTED:


ATTY. BRIAN N. MARTIR
City Secretary (CGDH-I)

Approved this 24th day of may 2009.

APPROVED:


RAMON D. TORRES
City Mayor