

REPUBLIC ACT NO. 10631, OCTOBER 03, 2013 AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 8485, OTHERWISE KNOWN AS "THE ANIMAL WELFARE ACT OF 1998"

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H. No. 6893

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AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NO. 8485, OTHERWISE KNOWN AS "THE ANIMAL WELFARE ACT OF 1998"

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

Section 1. Section 1 of Republic Act No. 8485 is hereby amended to read as follows;

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

"For purposes of this Act, animal welfare pertains to the physical and psychological well-being of animals. It includes, but not limited to, the avoidance of abuse, maltreatment, cruelty and exploitation of animals by humans by maintaining appropriate standards of accommodation, feeding and general care, the prevention and treatment of disease and the assurance of freedom from fear, distress, harassment, and unnecessary discomfort and pain, and allowing animals to express normal behavior."

SEC. 2. Section 6 of Republic Act No. 8485 is hereby amended to read as follows:

"SEC. 6. It shall be unlawful for any person to torture any animal, to neglect to provide adequate care, sustenance of 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 and horses is likewise hereby declared unlawful except in the following instances:

"x x x."

SEC. 3. A new Section 7 is hereby inserted after Section 6 of the same Act to read as follows:

"SEC. 7. It shall be unlawful for any person who has 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 9.

"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."

SEC. 4. Section 8 of Republic Act No. 8485 which shall now become Section 9 is hereby amended to read as follows:

"SEC. 9. Any person who subjects any animal to cruelty, maltreatment or neglect shall, upon conviction by final judgment, be punished by imprisonment and/ or fine, as indicated in the following graduated scale:

"(1) Imprisonment of one (1) year and six (6) months and one (1) day to two (2) years and/or a fine not exceeding One hundred thousand pesos (P100,000.00) if the animal subjected to cruelty, maltreatment or neglect dies;

"(2) Imprisonment of one (1) year and one (1) day to one (1) year and six (6) months and/or a fine not exceeding Fifty thousand pesos (P50,000.00) if the animal subjected to cruelty, maltreatment or neglect survives but is severely injured with loss of its natural faculty to survive on its own and needing human intervention to sustain its life; and

"(3) Imprisonment of six (6) months to one (1) year and/or a fine not exceeding Thirty thousand pesos (P30,000.00) for subjecting any animal to cruelty, maltreatment or neglect but without causing its death or incapacitating it to survive on its own.

"If the violation is committed by a juridical person, the officer responsible thereof shall serve the imprisonment. If the violation is committed by an alien, he or she shall be immediately deported after the service of sentence without any further proceeding.

"The foregoing penalties shall also apply for any other violation of this Act, depending upon the effect or result of the act or omission as defined in the immediately preceding sections.

"However, regardless of the resulting condition to the animal/s, the penalty of two (2) years and one (1) day to three (3) years and/or a fine not exceeding Two hundred fifty thousand pesos (P250,000.00) shall be imposed if the offense is committed by any of the following: (1) a syndicate; (2) an offender who makes business out of cruelty to an animal; (3) a public officer or employee; or (4) where at least three (3) animals are involved.

"In any of the foregoing situations, the offender shall suffer subsidiary imprisonment in case of insolvency and the inability to pay the fine."

SEC. 5. A new Section 10 is hereby inserted after the Section above to read as follows:

"SEC. 10. The Secretary of the Department of Agriculture shall deputize animal welfare enforcement officers from nongovernment organizations, citizens groups, community organizations and other volunteers who have undergone the necessary training for this purpose. The Philippine National Police, the National Bureau of Investigation and other law enforcement agencies shall designate animal welfare enforcement officers. As such, animal welfare enforcement officers shall have the authority to seize and rescue illegally traded and maltreated animals and to arrest violators of this Act subject to the guidelines of existing laws and rules and regulations on arrest and detention.

"The Secretary of the Department of Agriculture shall, upon the recommendation of the Committee on Animal Welfare:

"(1) Promulgate the guidelines on the criteria and training requirements for the deputization of animal welfare enforcement officers; and

"(2) Establish a mechanism for the supervision, monitoring and reporting of these enforcement officers."

SEC. 6. If, for any reason, any provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected shall continue to be in full force and effect.

SEC. 7. All laws, decrees, orders, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby deemed repealed, amended or modified accordingly.

SEC. 8. This Act shall take effect after fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation, whichever comes earlier.

(Sgd.) **FELICIANO BELMONTE JR.**
*Speaker of the House
of Representatives*

(Sgd.) **JINGGOY EJERCITO ESTRADA**
Acting Senate President

This Act which is a consolidation of Senate Bill No. 3329 and House Bill No. 6893 was finally passed by the Senate and the House of Representatives on June 6, 2013.

(Sgd.) **MARILYN B. BARUA-YAP**
*Secretary General
House of Representatives*

(Sgd.) **EMMA LIRIO-REYES**
Secretary of the Senate

Approved: OCT 03 2013

(Sgd.) **BENIGNO S. AQUINO III**
President of the Philippines