

**REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 8485  
OTHERWISE KNOWN AS “THE ANIMAL WELFARE ACT OF 1998” AS AMENDED  
BY REPUBLIC ACT 10631**

**GENERAL PROVISIONS**

**Title** - This Order shall be known as the “Revised Implementing Rules and Regulations of Republic Act No. 8485, otherwise known as the Animal Welfare Act of 1998, as amended by RA 10631.

This Order is hereby promulgated to prescribe the guidelines and procedures for the implementation of Republic Act No. 8485 as Amended by RA 10631 in order to promote and safeguard the welfare and well being of animals.

**Construction** - These Rules and Regulations shall be strictly construed in favor of the welfare and rights of animals by ensuring the protection and security of their five basic freedoms:

1. Freedom from hunger or thirst
2. Freedom from discomfort
3. Freedom from pain, injury or disease
4. Freedom to express normal behavior
5. Freedom from fear and distress

**DEFINITION OF TERMS**

***The Following terms are defined as used in these Rules:***

1. **Abandonment of Animal** - the relinquishment of all rights, title, claim or possession of the animal with the intention of not reclaiming or resuming its ownership or possession, or if the animals are left in circumstances likely to cause the animal any unnecessary suffering, or if this abandonment results in the death of the animal.
2. **Abuse, cruelty and neglect** include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted. This includes physical cruelty by assault, by overwork, by deprivation of adequate food, water, and shelter, and proper care during transport, illness, pregnancy and parturition; and participation in sporting events at a level beyond the animal's capacity to perform.
3. **Animal** - all sentient creatures other than humans which shall include but not be limited to terrestrial, aquatic and marine animals.
4. **Animal Facility** - refers to structures or premises used for the purpose of caring, breeding, rearing, holding, gaming, training, trading, treating, and exhibition such as but not limited to farms, zoos, aviaries, apiaries, kennels, race tracks, cockpits, grooming facilities, pet shops, pounds, animal rescue centers, airport and seaport quarantine stations, animal holding facilities, stables, livestock markets, slaughterhouses, veterinary clinics, and veterinary hospitals and any facility that may directly deal with animals.

5. **Aquatic animals** - all life stages of fish, mollusks, crustaceans and amphibians originating from aquaculture establishments or removed from the wild, for farming purposes, for release into the environment, for human consumption or for ornamental purposes.
6. **Euthanasia** - refers to the ethical process of inducing humane and painless death to the animals.
7. **Making a Business out of Cruelty to Animals** - a person makes a business out of cruelty to animals by pursuing or undertaking, either singly or in confederation with others, acts or works, or the exercise of some of the functions normally incident to, and in progressive prosecution of, commercial gain, which directly or incidentally result in the unlawful death, injury, neglect, abuse, maltreatment or abandonment of an animal.
8. **Marine mammals** - refer to a group of animals that are warm-blooded, have hair or fur, breathe air through lungs, bear live young, and nurse their young and spends most or all of its life in the marine habitat. They belong to the Kingdom Animalia, Phylum Chordata, Class Mammalia and represented by three (3) taxonomical Orders: (1) Carnivora, (2) Cetacea/Cetartiodactyla, and (3) Sirenia.
9. **Natural Habitat** - means place or environment where species or subspecies naturally occur or has naturally established its population.
10. **Neglect of Animal** - refers to failure to provide the basic necessity of the animal for food, shelter and good health.
11. **Person** - includes any individual, partnership, corporation or association.
12. **Person Responsible** - a person responsible under the Act for the care and well-being of an animal shall be any person having ownership, charge, control, custody, responsibility or possession of any animal, whether such ownership or charge, control, custody, responsibility, or possession is on a permanent or temporary basis. For purposes of this section, a person who purchases or otherwise acquires, through donation, gift, succession, assignment, or any other method, ownership, custody, control, or possession of an animal, shall be regarded as a person who is responsible for the said animal's welfare.
13. **Syndicate** - a violation of the Act is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another.

**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 operation of all facilities utilized for breeding, maintaining, keeping, treating or training of all animals either as objects of trade or as household pets. For the purpose of this Act, pets shall include birds.*

*For purposes of this Act, animal welfare pertains to the physical and psychological well being of animals. It includes, but is not limited to, the avoidance of abuse, maltreatment, cruelty and exploitation of animals by humans by maintaining appropriate standards of accommodations, 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. “*

**SECTION 2.** *No person, association, partnership, corporation, cooperative or any government agency or instrumentality including slaughterhouses shall establish, maintain and operate any pet shop, kennel, veterinary clinic, veterinary hospital, stockyard, corral, stud 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 therefor.*

*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 establishments. The Bureau may revoke or cancel such certificate of registration for failure to observe these conditions and other just cause.*

**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 or 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 Director may 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.

### **Rule 3.1.Role of the Animal Health &Welfare Division**

The Bureau of Animal Industry shall create the Animal Welfare Section which shall have the following powers and functions:

1. Enforce the rules and regulations formulated by the Committee and approved by the Secretary to implement;
2. Establish and maintain a database surveillance and management information system on animal welfare in the country;
3. Undertake researches and surveys in coordination with the academe to support registration, inspection and monitoring system;
4. Levy and collect fees for the registration, inspection and monitoring system;
5. Deputize personnel from the regional field units, AFP Veterinary Corps and other law enforcement agencies to assist in the implementation of this Act;

6. Institute a mechanism on the delineation of functions between and among the DA- Regional Animal Welfare Officers, PNP/NBI designated animal welfare enforcement officers, NGOs/POs animal welfare enforcement officers and provincial/city and municipal veterinary officers and/or the local agricultural officers in the absence of local veterinarians;
7. Establish synchronized implementation, enforcement and monitoring guidelines and protocols;
8. Conduct information, education to promote animal welfare, training and seminars;
9. Act as secretariat to the Committee and
10. Prepare the terms and reference, workplan and budget for the approval and financing by the Secretary.

**Rule 3.2 Mandatory Requirement of BAI Certificate of Registration in the Issuance of Business Permit/Mayor's Permit by the Local Government Units**

All animal facility owners shall secure BAI Certificate of Registration pursuant to DA - Administrative Order No. 8 series of 1999 prior to the issuance of Mayor's Permit. The BAI shall seek DILG's assistance to reiterate previous issuances regarding said mandatory requirement, and shall endeavor to establish the necessary exchange of information to ensure compliance on the matter.

On the other hand, all NGOs and other animal welfare organizations undertaking spay and neuter and other animal welfare services without the facility, shall be required the issuance of BAI permit prior to the holding of the activity, and submit reports to BAI after the activity for purposes of monitoring. The BAI/CAW shall devise a monitoring form for the purpose.

**Section 4.** *It shall be the duty of any owner or operator of any land, air or water public utility transporting pets, wildlife and all other animals to provide in all cases adequate, clean and sanitary facilities 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 animals 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 Director of the Bureau of Animal Industry. Cruelty in transporting includes overcrowding, placing of animals in the trunks or under the hood trunks of vehicles.*

**Rule 4.1. Cruelty in transportation** - Cruelty in transportation shall include but is not limited to the following:

1. Unclean, unsanitary, unsafe facilities;
2. Failure to provide sufficient food and water;
3. Overcrowding, putting animals in the trunk, under the hood, top load, or hanging the same in an unsafe, uncomfortable condition or situation;

4. Undue exposure of the animal to extreme transport stowage, painful and unnecessary restraint;
5. Lack of ventilation, exposure to extreme weather condition, inappropriate cage; and
6. Other analogous situation/condition.

**Rule 4.1.a.**The CAW shall provide the guidelines stating the appropriate and permissible confinement and/or restraint of animals taking into consideration the maximum number of animals per species and the allowable space/area for each animal and the circumstances when such restraint is made.

**Rule 4.2.**The transportation, importation, and exportation from known cruel and inhumane sources such as dolphin and whale drive hunts identified based on the Convention for the Conservation of Migratory Species of Wild Animals (CMS) shall be deemed as an act of cruelty.

**Rule 4.3** Transportation of animals should be in accordance with appropriate standards and guidelines.

**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 regulation 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 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 (DepEd)<sup>1</sup>*
3. *Bureau of Animal Industry (BAI) of the Department of Agriculture (DA)*
4. *Biodiversity Management Bureau (BMB) of the Department of Environment and Natural Resources (DENR)<sup>2</sup>*
5. *National Meat Inspection Service (NMIS) of the DA<sup>3</sup>*
6. *Agriculture Training Institute (ATI) of DA*
7. *Philippine Veterinary Medical Association (PVMA)*
8. *Veterinary Practitioners Association of the Philippines (VPAP)*
9. *Philippine Animal Hospital Association (PAHA)*
10. *Philippine Animal Welfare Society (PAWS)*

---

<sup>1</sup> Formerly Department of Education, Culture and Sports (DECS)

<sup>2</sup> Formerly Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources (PAWB - DENR)

<sup>3</sup> Formerly National Meat Inspection Commission (NMIC) of the DA

11. *Philippine Society for the Prevention of Cruelty to Animals (PSPCA)*
12. *Philippine College of Swine Practitioners (PCSP)<sup>4</sup>*
13. *Philippine College of Canine Practitioners (PCCP)*
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 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 but may receive reasonable honoraria from time to time.*

#### **Rule 5.1. Duties and Functions of the Committee on Animal Welfare**

The Committee shall have the following powers and duties:

1. Formulate rules and regulations to implement the provisions of the law, to include the deputation guidelines, subject to approval of the DA Secretary.
2. Formulate and conduct periodic review of guidelines, policies and standards on animal welfare for approval of DA Secretary.
3. To solicit assistance and advice of stakeholders, NGOs and other concerned agencies.
4. Recommend awareness and education programs and training activities to appropriate agencies.
5. Regularly submit reports (updates) to the DA Secretary.

**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 animals or to subject any dog or horse to dogfights or horse fights, 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, carabao, horse, is likewise hereby declared unlawful except in the following instances:*

1. *When it is done as part of the religious rituals of an established religion, sect, or ritual required by 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 an end to the misery suffered by the animal as determined and certified by a duly licensed veterinarian;*

---

<sup>4</sup> Formerly Philippine Society of Swine Practitioners (PSSP)

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 an 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, carabao, horses, deer and crocodiles, the killing of the animals shall be done through humane procedures at all times.*

*For this purpose, humane procedures shall means 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 killing of animals.*

**Rule 6.1.Cruelty to Animals** - refers to acts or omissions towards animals inflicted either physically or psychologically including acts of neglect, causing the same to suffer from unnecessary pain, suffering and distress.

An act of cruelty, abuse and maltreatment shall include but shall not be limited to the following:

- a) an act that causes unnecessary animal suffering or pain;
- b) exposing the animal to inhumane conditions and situations including inappropriate shelter and/or transport facility, caging, including the putting of animals in a cargo hold or trunks;
- c) treatment that is inhumane such as but not limited to overcrowding, neglect or failure to provide adequate care, sustenance and shelter, unnecessary restraint
- d) overworking an animal or failure to provide necessary rest and shelter;
- e) abandonment of animal and/or leaving the animal under circumstances likely to cause the animal unnecessary pain and suffering;
- f) improper and inhumane practices in use of animals during research, television or cinematic production;
- g) inhumane handling and improper stunning of animals for slaughter; and
- h) such other analogous acts, situation or condition.

**Rule 6.2 Prohibition on Animal Fights** - It is prohibited to subject animals to fights such as, but not limited to dog fighting, horse fighting and bull fighting. A person must not:

- a) cause, procure, permit, encourage, promote, organize or incite a fight in which an animal is pitted against another animal for whatever purpose or reason
- b) advertise, promote the intention to conduct such a fight or
- c) bet remotely/electronically, attend or be present in such a fight;
- d) keep, maintain, operate any facility for use in any form of animal fight;
- e) keep or train animals purposely for animal fight and the like;
- f) have in his possession anything designed or adapted for use in connection with an animal fight.

**Rule 6.3.Provision of Basic Needs** - A person in charge or in custody of an animal must provide the animal with appropriate and sufficient food and water, exercise and safe and comfortable shelter that is appropriate and sufficient taking into consideration the needs of the animal based on its classification, size and behavior

Animals must be fed in accordance with an appropriate schedule, except as otherwise, might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the animal's age and condition

The animal must have easy access to clean water at all times. If potable water is not continually available to an animal, it must be offered as often as necessary to ensure the animal's health and well-being, but not less than two (2) times daily for at least one (1) hour each time, unless restricted by the attending veterinarian.

The person in charge or with custody of an animal must ensure that appropriate shelter for the species is provided. Eliminating unnecessary and/or extreme exposure to direct sunlight, weather condition and taking into account its natural habitat allowing the same to express its natural behavior. The following are the minimum standards to comply with for animal housing or shelter:

Housing facilities for animals must be designed and constructed so they are structurally sound. They must be kept in good repair, protect the animals from injury, exposure to extreme weather conditions, and to the elements, contain the animals securely, and restrict other animals from entering.

- a) Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept clean, sanitary and free of waste, filth, and clutter, including equipment, furniture, and stored materials.
- b) Surfaces that come into contact with any animal must be free of excessive rust that prevents cleaning and sanitation, or that affects the structural integrity of the surface; and be free of jagged edges or sharp points that might injure the animals. Floors must be

constructed in a manner that protects the feet or legs of an animal from injury and, if of mesh or slatted construction, must not allow the animals' feet or legs to pass through any opening in the floor.

- c) Surfaces with which animals come into contact must be cleaned and sanitized to prevent the accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals do not come in contact with excreta. Contaminated materials must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests or vermin infestation. Other surfaces must be cleaned and sanitized as may be necessary to preserve the health or well-being of the animals.
- d) A person responsible for an animal's welfare must provide for regular and frequent disposal of animal and food wastes, bedding, debris, garbage, water, other fluids, and wastes, and dead animals, in a manner that minimizes contamination and disease risks.
- e) Housing facilities must be sufficiently heated or cooled to protect the animals from humidity or extreme temperatures and to provide for their health and well-being. Housing facilities must be sufficiently ventilated to provide for the health and well being of the animals contained therein, and to minimize odors, drafts, ammonia levels, and moisture condensation.
- f) Outdoor housing facilities for animals must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and turn about freely. Each shelter structure must also be constructed in such a manner as to protect all the animals from the direct rays of the sun and inclement weather.
- g) Animals that are suspected of having a contagious disease must be isolated from healthy animals, as directed by a licensed veterinarian.

**Rule 6.4. Maintenance of clean and sanitary facility and receptacles** -The facility in which the animal is confined, kept or bred must always be clean and sanitary. Receptacles used for food and water must be readily accessible to the animal or animals for which it is provided and must be located so as to minimize contamination by excreta and pests and be protected from the weather. Food receptacles must either be made of a durable material that can be easily cleaned or be disposable. Non-disposable food containers must be kept in a clean and sanitary condition.

**Rule 6.5. Veterinary Care**- A person responsible for the welfare of an animal shall, in accordance with his or her means, provide said animal with the veterinary care necessary to maintain its health and well-being, and ensure that the animal receives all vaccinations required by law, rules, or regulations. A regular veterinary medical examination and referral to a duly licensed veterinarian must be made if any animal is sick, injured or in pain or suffering. Veterinarians may certify on the necessity or propriety of care or treatment of animals while in their custody.

Veterinarians are encouraged to report all violations of Section 6 of RA 8485 as amended to appropriate law enforcement authorities.

**Rule 6.6. Exercise and Play** - Persons responsible for the welfare of an animal shall follow an appropriate plan to provide said animal with the opportunity to exercise, the frequency, method, and duration of which shall be appropriate to the animal concerned or as may be recommended by a veterinarian. Enrichment activities and toys must likewise be provided.

**Rule 6.7. Responsibilities of Pet owners/handlers and the like**- Owners of animals and/or persons in charge, responsible for animals are required to take all reasonable steps to ensure that the physical, health, and behavioral needs of the animals are met in accordance with good practice and scientific knowledge. They are also required to ensure that the animals receive, where practicable, treatment that alleviates any unreasonable or unnecessary pain or distress from which the animals are suffering. Pet Owners, handlers and/or those who have animals under their care and custody are mandated to practice and abide by the principles of responsible pet ownership as may be established and recommended by the Committee on Animal Welfare.

The pet owners, handlers and persons responsible for the care and custody of animals shall ensure that the facility where the animal is confined, kept or living must be appropriate to its nature, behavior, size and must be kept in clean and sanitary condition at all times.

**Section 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, each act shall constitute maltreatment under Section 9.*

*If the animals are 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 claiming it or resuming its ownership or possession.*

**7.1. Liability** - a person responsible for abandonment under the Act shall be a person having ownership, charge, control, custody, responsibility or possession of any animal, whether such ownership or charge, control, custody, responsibility, or possession is on a permanent or temporary basis. For purposes of this section, a person who purchases or otherwise acquires, through donation, gift, succession, assignment, or any other method, ownership, custody, control, or possession of an animal, shall be regarded as a person who is responsible for the said animal's welfare.

A person who abandons or otherwise leaves an animal in circumstances, or places an animal in a situation, likely to cause the animal unnecessary suffering or result in the death of the animal, shall be presumed to have charge or control of the animal so abandoned for the purposes of the Act.

**Rule 7.2. What constitutes abandonment** - Abandonment means leaving an animal behind alone or otherwise relinquishing ownership, charge, control, custody, responsibility or possession of an animal under circumstances likely to:

(a) deprive an animal of the shelter, protection, feeding, and general care necessary for its survival or well-being;

(b) expose an animal to abuse, maltreatment, cruelty, and exploitation;

(c) cause an animal to suffer fear, distress, harassment, or unnecessary discomfort and pain; or

(d) deprive an animal of the freedom to express its normal and natural behavior.

**Rule 7.3. Circumstances Likely to Cause Unnecessary Suffering or Death -** Circumstances likely to cause an animal unnecessary suffering or result in the death of an animal shall include, but not be limited to, circumstances wherein an animal is denied or does not have access to food, water, shelter and protection appropriate to the weather, veterinary care, human care or treatment or any other condition or factor, necessary for its survival or well-being.

#### **Rule 7.4. Care and Handling of Abandoned Animals**

Any person who has found an abandoned animal shall immediately attend to the animal's immediate need for food, water or any emergency or necessary medical care. Animals who are found abandoned shall be brought and/ or reported within five (5) days to the nearest Veterinary Office, police station, barangay, or registered animal shelter, facility, or pound, who shall act upon the referral or report accordingly. The finder shall then exert diligent efforts to locate the owner which shall be undertaken to ensure that such is not a case of a missing/lost animal. A blotter or certificate issued by the said institutions shall be sufficient proof of such abandonment. The finder may, thereafter, have the option to personally adopt the animal.

In the case of pets or animals abandoned in Veterinary clinic or hospital facilities for fifteen (15) days, subject to their legally and ethically sound internal policy, the animals may be placed for adoption, or referred to the nearest registered appropriate animal shelter or facility and/or pound or otherwise dealt ethically by the proper authorities. Diligent effort to contact the owner shall likewise be done prior to any final decision.

**SECTION 8.** It shall be the duty of every person to protect the natural habitat of the wildlife. The destruction of said habitat shall be considered as a form of cruelty to animals and its preservation is a way of protecting the animals.

**SECTION 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 or maltreatment dies;*
2. *Imprisonment of one (1) year and one (1) day to one (1) year and six (6) months and /or a fine of not exceeding fifty thousand pesos ( P50,000,00) if the animal subject 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 therefor 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.*

4. *Regardless of the resulting conditions to the animal/s, the penalty of two (2) years and one (1) day to three (3) years and /or 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.”*

**SECTION 10.** *The Secretary of the Department of Agriculture shall deputize animal welfare enforcement officers from non government 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 deputation of animal welfare enforcement officers, and*
2. *Establish a mechanism for the supervision, monitoring and reporting of these enforcement officers.*

**Rule 10.1.** *The Committee on Animal Welfare shall establish a mechanism for the deputation, training, supervision, monitoring and reporting of AWEOs.*

**Rule 10.2. Issuance and Effectivity of Deputation Order** - All persons who have qualified and attended the necessary training for AWEO shall be issued with a Deputation Order by the Bureau of Animal Industry duly signed by the Secretary of the Department of Agriculture. The said deputation Order shall be valid for one (1) year, unless extended or sooner revoked by the issuing authority on valid grounds. All AWEOs shall be issued an official identification card by BAI.

**Rule 10.3. Qualifications for Deputation** - An AWEO should possess the following qualifications:

- (a) Filipino Citizen, at least Twenty-One (21) years of age;
- (b) a resident of the Philippines;
- (c) of good moral character;
- (d) at least 2 years baccalaureate or equivalent;
- (e) physically fit and mentally sound;
- (f) a member of a duly-registered non-government organization, citizen's group, community organization, and other volunteer organizations dedicated to the promotion of animal welfare in the Philippines, and other volunteers who have qualified as per these rules;
- (g) must have satisfactorily completed the orientation and training courses;
- (h) must be willing to perform the obligations and duties of an AWEO without compensation;
- (i) must never have been convicted by final judgment in Court with a violation of the Act or any other law, rule, or regulation pertaining to animal welfare; and
- (j) such other qualification as the BAI may hereafter implement.

**Rule 10.4. Deputation Procedure** - *The following procedures must be complied with in deputizing AWEO:*

(A) Applications shall be submitted to the BAI/RAWO/designated regional field office of the DA accompanied by the following documents:

- (a) Endorsement by the non-government organization, citizen's group, community organization, or volunteer organization dedicated to the promotion of animal welfare in the Philippines of which the applicant is a member, if applicable;
- (b) Biodata with 2x2 ID picture;
- (c) NBI Clearance; and
- (d) Sworn Statement that the applicant is willing to perform the obligations and functions of an AWEO without compensation.

(B) The BAI/RAWO/designated regional field office of the DA shall receive the application, check the completeness of the documents, evaluate the applicant, and verify that he or she possesses all the qualifications and none of the disqualifications prescribed in these Rules. Only qualified applicants possessing complete documentation shall be recommended for training. Non-qualifying applicants shall be informed in writing of the reason or reasons therefor.

(C) The BAI/RAWO/designated regional field office of the DA shall authorize all qualified applicants to undergo the training program prescribed by the CAW, as approved by the DA Secretary.

(D) Trainees shall be evaluated by the BAI based on performance criteria to be developed jointly by the CAW and DA. Trainees who do not pass the performance evaluation shall be informed of this fact in writing and the reasons therefor.

(E) The BAI shall recommend all Trainees who have passed the performance evaluation to the Secretary of the DA for the issuance of their Deputation Orders.

(F) AWEO shall take an oath of office before the issuance of their Deputation Order.

#### **Rule 10.5. *Orientation and Training***

(a) The CAW, in coordination with the concerned bureaus and offices of the DA, shall prepare standard orientation and training modules and materials to be used in the training and orientation of prospective AWEOs. The training and orientation modules used shall consist of, but not be limited to, instruction on the provisions of the Act and all other pertinent laws, rules, and regulations, the preparation of reports, the investigation and prosecution of violations of the Act and other animal welfare laws, rules, and regulations, the preparation and filing of complaints before the appropriate courts or agencies, as well as surveillance, coordination and enforcement techniques.

(b) The CAW shall prescribe a program of regular training and refresher courses for all active AWEOs. Failure of an AWEO to attend without a valid reason therefor shall be a ground for the immediate revocation of his or her Deputation Order. The BAI shall be responsible for the regular evaluation of AWEOs and shall submit regular reports to the Secretary of the DA on this subject. The CAW, with the approval of the Secretary of the DA, shall formulate the criteria, standards, and system to be used in the performance evaluation.

(c) The CAW shall also prescribe a program of regular orientation and training for members of government agencies, departments, instrumentalities and local government units whose functions or mandates require them to enforce animal welfare laws.

#### **Rule 10.6. *Suspension and/or Revocation of Deputation Order***

The Deputation Order of an AWEO may be suspended and/or revoked by the issuing authority on any of the following grounds:

(a) when the AWEO is found to be ineffective in the implementation and enforcement of the Act or any other law, rule, or regulation pertaining to animal welfare;

(b) when found guilty in an administrative proceeding of having violated his or her obligations and duties under these Rules;

(c) when the AWEO loses any of the qualification or incurs any of the disqualifications prescribed by these Rules;

(d) when the AWEO, without valid cause, fails to attend orientation and continuing training programs prescribed by the CAW or DA;

(e) when the AWEO, without valid cause, fails to submit any of the reports or documentation;

(f) any other grounds analogous to the foregoing.

#### **Rule 10.7. *Renewal of Deputation Order***

(a) The results of the regular performance evaluations of as well as active participation and satisfactory completion in the prescribed program of training and instruction prescribed by the CAW and DA shall be the bases for the renewal of any Deputation Order issued to an AWEO.

(b) Application for renewal of an AWEO's Deputation Order shall be accepted and processed by the BAI/RAWO/designated regional field office of the DA.

(c) At least One (1) month before the expiration of his or her Deputation Order, an AWEO shall manifest his or her intention to remain an AWEO by filing an application for renewal with the BAI. The application shall be accompanied by a Sworn Statement that the applicant is willing to continue to undertake the duties and obligations of an AWEO without compensation. Only AWEOs who remain qualified to serve as such and whose application and accompanying documentation are in order shall be accepted.

(d) The BAI shall receive the application, check the completeness of the documents, evaluate the applicant, and verify that he or she possesses all the qualifications and none of the disqualifications prescribed in these Rules. Only qualified applicants possessing complete documentation shall be recommended to the Secretary of the DA for renewal of their Deputation Orders.

(e) Upon recommendation of BAI, the Secretary of the DA shall thus approve the renewal of Deputation Orders of all qualified applicants.

#### **Rule 10.8. Requirements for Accreditation of Animal Welfare Non-Government Organizations, Citizens Groups, Community Organizations & Other Volunteers to the Bureau of Animal Industry**

A non-government organization, citizens group, community organization or other volunteer group dedicated to the promotion of animal welfare in the Philippines may apply for accreditation with the BAI by submitting a duly-accomplished application form accompanied by the following requirements:

(a) Certificate of Registration issued by the SEC;

(b) Latest General Information Sheet and Financial Statement filed with the SEC;

(c) Certificate of Registration issued by the Bureau of Internal Revenue; and

(d) a report on programs and projects undertaken and/or accomplished over the twelve (12) month period preceding the submission of the application.

**Rule 10.9. *Evaluation and Accreditation***

- a) The BAI shall evaluate each application and verify that all required certificates, permits, and licenses are valid and existing. The BAI shall evaluate whether or not the applicant organization or group is a legitimate animal welfare organization by, among others, verifying whether or not the programs and projects referred to in the report submitted as part of the application for registration were actually implemented or carried out and whether or not the applicant, or any of its members, has previously committed acts or omissions detrimental to the promotion of animal welfare in the Philippines.
- b) The BAI shall also verify whether the programs and projects referred to in the applicant's report are pertinent or relevant to the promotion of animal welfare in the Philippines, e.g. whether they involve humane education, spaying and neutering of companion animals and strays, campaigning against animal cruelty, rescue of animals in distress, rehabilitation and re-homing of animals, disaster-relief for animals, and veterinary outreach for indigent animal owners among others.
- c) If the BAI determines that an applicant is a legitimate animal welfare organization, then it shall issue the corresponding certificate of registration after the payment of all applicable fees. However, if the applicant fails to establish to the satisfaction of the BAI that it is a legitimate animal welfare organization, it shall be notified of this determination and the reasons therefor.

**Rule 10.10. *Endorsement of Members for Deputation as AWEOs***

Only non-government organizations, citizens groups, community organizations or other volunteer groups registered with the BAI shall be permitted to endorse members for deputation as AWEOs, when applicable.

**Rule 10.11. *Validity***

A Certificate of Accreditation as an animal welfare organization or group shall be valid for a period of one (1) year.

**Rule 10.12. *Renewal of Accreditation***

- a) Within the thirty (30) day period prior to the expiration of an animal welfare organization or group's Certificate of Accreditation, it shall file an application for renewal of registration with the BAI accompanied by the same requirements stated in Section 5.1 of this Rule.
- b) The BAI shall evaluate each application for renewal and verify that all required certificates, permits, and licenses remain valid and existing. The BAI shall evaluate whether or not the applicant organization or group remains a legitimate animal welfare organization by, among others, verifying whether or not the programs and projects referred to in the report submitted as part of the application for renewal were actually implemented or carried out and whether or not the applicant, or any of its members,

committed acts or omissions detrimental to the promotion of animal welfare in the Philippines during the period of validity of the applicant's Certificate of Accreditation.

- c) The BAI shall also verify whether the programs and projects referred to in the applicant's report remain pertinent or relevant to the promotion of animal welfare in the Philippines.
- d) If the BAI determines that an applicant continues to be a legitimate animal welfare organization, it shall issue the corresponding certificate of registration after the payment of all applicable fees. However, if the applicant fails to establish to the satisfaction of the BAI that it continues to be a legitimate animal welfare organization, it shall be notified of this determination and the reasons therefor.

**Rule 10.13. Designation by the PNP & NBI** - The Philippine National Police and the National Bureau of Investigation and other law enforcement agencies shall designate Animal Welfare Enforcement Officers in their national, regional, provincial, district and police stations or equivalent offices to respond to animal welfare concerns and violations. Such animal welfare officers must likewise attend seminars and training as may be provided.

**Rule 10.14.** The Animal Welfare Enforcement Officer shall have the following duties and responsibilities:

- a) Subject to existing laws, regulations and the constitution on legal searches and arrests, enter, seize and take custody of animals, or the remains of any animals, that have been:
  - (1) neglected or abandoned;
  - (2) subjected to maltreatment, abuse or cruelty in violation of the Act or any other law, rule or regulation pertaining to animal welfare;
  - (3) subjected to the dog meat trade or dog-fighting;
  - (4) killed in violation of the Act or any other law, rule or regulation pertaining to animal welfare;
  - (5) sold, trafficked, conveyed, transferred, displayed, transported, or exhibited under circumstances in violation of the Act or any other law, rule or regulation pertaining to animal welfare; and
  - (6) subjected to any other violation of the Act or any other law, rule or regulation pertaining to animal welfare.
- b) Act or respond by coordinating with the PNP, NBI and other law enforcement agencies and local government units matters relating to the arrest and apprehension of animal welfare violators except in instances where warrantless arrest is justified;
- c) Provide assistance to DA or other appropriate agencies in the inspection and monitoring of animal facilities including transportation;
- d) File complaints;

- e) Refer seized and rescued animals to BAI registered animal shelters, clinics, government animal facilities, and the like;
- f) Faithfully assist in the enforcement of laws, rules, and regulations pertaining to the welfare of animals in the Philippines;
- g) Attend all training and orientation courses prescribed;
- h) Submit reports and documentation required by the DA; and
- i) Such other duties as may be promulgated by the Committee on Animal Welfare including educating people in the community on animal welfare concerns.

**Rule 10.15. Custody of Rescued Animals** - Any animal/s seized or rescued pursuant to authorized acts of the Animal Welfare Officer arrests and made in response to a violation of any provision of the Animal Welfare Act and its amendment may be held in custody pending disposition of administrative, civil and/or criminal proceedings. Animals rescued or seized shall be referred to the local government pound, and BAI accredited animal facilities subject to rules and regulations as may be heretofore formulated by the Committee. For wildlife, the same shall be referred to the DENR-BMB or to the nearest regional field offices in accordance with RA 9147, without prejudice to the latter's referral or transfer of the animals to other animal facilities provided it has better and more suited facilities.

Any animals seized and/or rescued from any inhumane condition or facility shall be immediately relieved from such condition or situation without prejudice to the immediate conduct of proper documentation such as photographing for purposes of preserving evidence.

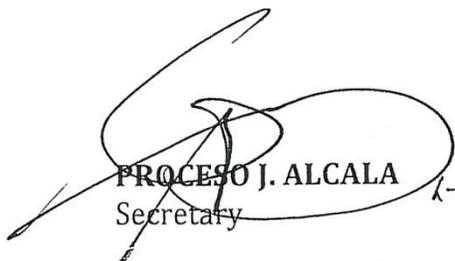
Seized or rescued animals which die after said rescue or seizure shall be buried or properly disposed of in accordance with existing regulations and upon certification issued by any licensed veterinarian as to condition and cause of death.

**Section 11.** *If for any reason, any provision of this IRR is declared to be unconstitutional or invalid, the other sections or provision hereof which are not affected shall continue to be in full force and effect.*

**Section 12.** *All orders, rules and regulations and other issuances or parts thereof which are inconsistent with the provision of RA 8485, as amended, and this IRR, are hereby deemed repealed, amended or modified accordingly.*

**Section 13.** *This IRR shall take effect after 15 fifteen days after its complete publication in the Official Gazette or in a newspaper of general circulation. Three certified copies shall be submitted to the National Administrative Register at the University of the Philippines Law Center.*

Approved:

  
PROCESO J. ALCALA  
Secretary