



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL

(08822) 724854; (088) 857-4029; 857-4035; 857-2258



ORDINANCE NO. 9852-2005

AN ORDINANCE PROVIDING FOR THE RULES AND REGULATIONS FOR THE CONTROL AND WELFARE OF ANIMALS, PROVIDING PENALTY FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

BE IT ORDAINED by the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

SECTION 1. - Short Title – This Ordinance shall be known and may be referred to in all proceedings as the Animal Control and Welfare Ordinance.

SECTION 2. - Definitions - For the purposes of this Ordinance, the following words and phrases are defined and shall be construed as set out in this section unless it is apparent from the context that a different meaning is intended:

- A. "Commercial animal establishment" means any premises whereon or wherein is carried on a business of grooming, buying, selling, bartering, training, renting or boarding of dogs, cats or other animals, wild or domestic, or fowl; shall include but not be limited to any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition, boarding or breeding kennel/cattery or any establishment with the purpose of training, leasing, or selling guard dogs. Shall not include animal hospitals, animal shelters or humane societies, the buying or selling of livestock for dairy purposes, nor to dairy establishments, the business activities of a duly licensed veterinary hospital.
- B. "Dog" means any animal of the canine family.
- C. "Dog license" means the license required to be annually issued for each individual dog or issued every three (3) years for each dog with multi-year rabies vaccination.
- D. "Licensed dog" means any dog for which the license for the current year has been issued and to which the tag provided for in this Ordinance is properly attached.
- E. "Owner" means any person who owns, keeps or harbors an animal for fifteen or more consecutive days except a veterinarian or an operator of a kennel or a pet shop engaged in the regular practice of his business as such.
- F. "Dog hobbyist" means any person who owns or keeps, within or adjoining a private residence five or more dogs for personal and noncommercial purposes, which are limited to hunting, tracking, exhibition in dog show, obedience trials, field trials, dog sledding, or to enhance or perpetuate a given breed, and who has secured a permit for such activity. No permit shall be granted for the purpose of breeding, keeping or training dogs for use in fighting events.
- G. Stray Animal means an animal which is set loose, unrestrained, and not under the complete control of its owner, or the charge or in possession thereof, found roaming at-large in public or private places whether fettered or not.
- H. Public Place includes national, city, or barangay streets, parks, plazas, and such other places open to the public.
- I. Private Place includes privately-owned streets or yards, rice fields or farmlands, or lots owned by an individual other than the owner of the animal.
- J. Large Animals includes horses, mules, asses, carabaos and cattles.

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- K. Pamatong shall refer to a system of catching stray animals by means of a net or pukot, loop or tranquilizer gun.
- L. "Observation" means the act of keeping animals separated for a period of time to prevent the spread of any infectious disease that they could be developing.
- M. "Potentially Dangerous Dog" means any of the following:
 - (1) Any dog, which, when unprovoked on two separate occasions, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.
 - (2) Any dog which when unprovoked bites a person causing injury.
 - (3) Any dog which when unprovoked has killed, seriously bitten, inflicted injury or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.
- N. "Vicious dog" means any dog, which, when unprovoked, in an aggressive manner, inflicts severe injury on, or kills a human being or other animals.

CHAPTER II – ANIMALS AT LARGE

SECTION 3. - Prohibition.– No person owner, caretaker of, or having custody of, pig, dog, sheep or goat, horse, carabao, cattle, chicken, duck and other fowls shall allow such animal or animals to go astray and roam in or around rice fields, gardens, orchards and other lands planted to crops, vegetables, ornamental plants, and on public places, such as but not limited to highways, roads, plazas and parks, or to keep, pasture or tether the same on or near trees and/or ornamental plants along highways, barangay roads, plazas, parks and other public places and on identified tree planting, greening and/or reforestation project sites of the city Government.

SECTION 4. - Impounding of stray animals.– Any pig, dog, cat, sheep or goat, horse, carabao, cattle, chicken, duck and other fowls running at large in any of the areas of the City enumerated in the preceding Section and not under the immediate control and direction of a responsible person shall be seized and impounded.

Any person discovering a stray or apparently lost animal shall report the same to the barangay hall and/or the City Veterinary Office. Any person who apprehends or picks up a stray or lost animal shall report the same to the barangay hall and/or the City Veterinary Office within eight hours thereafter and shall release such animal to the barangay hall and/or the City Veterinary Office upon demand.

SECTION 5. - Method of catching stray animals.– All stray animals shall be seized in a humanely manner or through *pamatong* by the City Veterinarian, Poundkeeper or barangay officials.

SECTION 6. - Schedule of Pamatong.– The schedule in the conduct of Pamatong by the City Poundkeeper shall be as follows:

- | | | |
|---------------------|---|---------------------------|
| (i) First Quarter | - | First District Barangays |
| (ii) Second Quarter | - | Second District Barangays |
| (iii) Third Quarter | - | Third District Barangays |
| (iv) Fourth Quarter | - | Fourth District Barangays |

SECTION 7. - City Pound. – There shall be established a City Pound at the portion of the Sanitary Landfill at Upper Dagong, Carmen and shall be maintained under the supervision of the City Veterinarian. As such, the City Veterinarian shall designate from among his personnel a Poundkeeper.

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SECTION 8. - Poundkeeper and animal control officers-Appointment. The City Veterinary Office shall be responsible in the implementation of the provisions of this Ordinance and the City Veterinarian shall designate suitable persons to act as Poundkeeper and animal control officers. All animal control officers shall, for the purpose of enforcing this Ordinance be deemed to be peace officers.

SECTION 9. - Duties of the City Veterinarian.- It shall be the duty of the City Veterinarian to:

- A. Coordinate with the barangay officials concerned in the catching of stray animals through "pamatong" and other methods in their respective barangays upon the request of the punong barangay;
- B. Enforce all provisions of this Ordinance and all the laws of the City relating to the care, treatment and impounding of animals;
- C. Keep a complete record of each animal impounded, showing the description, owner's name (*if known*), method of catching, date of disposal, and the amount collected for each animal in case of redemption or sale as provided herein.
- D. Enter into a Memorandum of Agreement or Memorandum of Understanding with barangay officials and/or non-government organizations for the purpose of organizing barangay *pamatong* team and other related activities;
- E. Furnish the City Treasurer on the last day of each month with a statement showing all animals impounded during the month, class of animals and the disposition of the same, a duplicate of which shall be furnished to the City Auditor.
- F. Maintain accurate records of licenses, impoundments, dispositions, and enforcement actions and detailed reports of all bite cases reported to him/her and his/her investigation of the same. Animal records shall be complete and accurate to the best ability of the breed, sex, color, condition, how when and where animal was obtained, and identification as tattoo or tags.
- G. *Demand the surrender of the carcass of any dead animal or dog exposed to rabies.*
- H. Direct the disposition of any animal or dog found to be infected with rabies.
- I. Order the observation of any dog or animal which bites a human being;
- J. Demand for the surrender of any animal or dog for observation or destruction if imminent danger warrants.
- K. Issue notices of violations to the owner or custodian of an animal when it is observed in violation of this Ordinance;
- L. Undertake a program of inspection of all animal establishments required to have a special permit under the provision of this Ordinance.
- M. Conduct public information programs on this Ordinance, responsible pet ownership, adoption, spay, neuter, health care and other programs.

SECTION 10. - Duties of the Poundkeeper.- It shall be the duty of the City Poundkeeper to:

- A. Conduct "pamatong" and other authorized methods of catching stray animals in the barangays (urban and rural);
- B. Release stray dogs and animals caught;
- C. Impound stray animals caught and to turn over the same to the owners upon showing of proof of ownership thereof and in case of dogs, after the same have been vaccinated for the account of the stray dog owner.
- D. Maintain and keep an animal shelter or other place where all animals which are subject to be impounded may be kept and safely held and provided with proper and sufficient food and water;
- E. Where authorized under the provisions of this Ordinance or national laws, to enter upon any premises upon which any animal is kept for the purpose of taking up, seizing or impounding of any animal or for the purpose of determining whether such animal is licensed or is violating the provisions of this Ordinance;

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- F. Destroy any animal lawfully impounded which by reason of injury, disease or other cause is unfit for further use or is dangerous to keep impounded;
- G. Enter upon any private or public property, with the consent of the owner thereof, in order to pick up and dispose of any dead animal;
- H. Destroy or dispose of any animal where authorized pursuant to the provisions of this Ordinance;
- I. Make a prompt and reasonable effort to locate and notify the owner or custodian of an impounded animal;
- J. Promptly respond to administer emergency assistance, first aid, and/or qualified medical assistance to injured or diseased stray animals which come into the custody of the City, without the consent of the owner or custodian of such animal.
- K. Provide humane treatment of all animals, at all times, under his/her care.
- L. Maintain and adhere to comprehensive procedures prescribing standards for the humane operation of the City Pound, including, but not limited to, the housing, feeding, care, veterinary treatment, adoption, and euthanasia of animals in the facility pursuant to this Ordinance.
- M. Post an approved schedule of fees for the housing, care, treatment, adoption and redemption of animals which come into the custody of the City in a conspicuous place at the City Pound.

SECTION 11. - Disposition of animals.- Except where otherwise provided in this Ordinance, the Poundkeeper shall keep any dog or animal impounded for violation of the provisions of this Ordinance or turned over to him for disposal for the period of time hereinafter specified and shall dispose of the same in accordance with the following provisions:

- A. *Pound Notice.* Upon receipt of any carabao, cow, horse, pig, goat, sheep, cat or dog, the poundkeeper shall advertise by posting in the City Hall Bulletin Board, Bulletin Board of the barangay where the animal was caught or found, health center and police precinct or sub-station, a pound notice, using a prescribed form. The owner thereof, if known, shall be duly notified.

The date mentioned in the said notice for the disposition of impounded large and domesticated animal shall be made not less than ten (10) days from the date of the first publication or posting, as the case maybe, exclusive of Sunday and legal holidays. If said animals are not redeemed before the said date, an authorized representative of the City Treasurer shall, in the presence of the representative of the City Auditor, proceed to sell the same through public auction.

- B. *Unlicensed Dogs.* Unless an unlicensed dog has been redeemed within twenty-four hours after being impounded, the poundkeeper shall destroy it in a humane manner in accordance with RA 8485 or the Animal Welfare Act, or offer it for adoption pursuant to the provisions hereof.
- C. *Licensed Dogs.* Unless a licensed dog has been redeemed within 72 hours after impoundment, such dog may be disposed of in the same manner as an unlicensed dog. The Poundkeeper shall notify the registered owner of the dog by mail at the address shown in the licensing records of the City Veterinary Office, the notice to be given within twenty-four hours of impoundment.
- D. *Adoption.* Upon authorization of the City Veterinarian, the Poundkeeper may place an impounded dog for adoption; *Provided,* That the recipient thereof shall:
 - i. secure a license for the dog;
 - ii. be a dog hobbyist;
 - iii. execute an affidavit that he/she shall not sell or slaughter the dog.

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- E. *Redemption of impounded animals.* Redemption of an impounded animal by the owner shall be made by exhibiting to the Poundkeeper any required license certificate or license tag or other satisfactory proof of ownership, and by paying to the Treasurer, the authorized fees for impounding, sustenance and care, and catching fee prescribed in the Revenue Code. If an animal is sold or released to a person other than the owner, the owner of such animal may, at any time within thirty days after such sale or release, redeem the same from such purchaser or other person by reimbursing him the amount of the purchase price and other expenses incidental to the impounding of the animal; *Provided*, That no person may redeem an animal under this Ordinance if he was given written notice of such impoundment by the Poundkeeper and failed for a period of five days after the mailing of such notice to redeem such animal from impoundment.
- F. *Placement of Animals.* When a large animal is sold through public auction pursuant to this Ordinance, the price shall be not less than the sum set by Ordinance of the City Council from time to time.
- G. *Prohibition.*- No pound keeper or animal control officer shall purchase or be interested directly or indirectly in the purchase of any impounded animal.
- H. *Sale of animals for experimentation.*- The City Veterinarian may sell or give any impounded animal to any person, firm, corporation, association or school for the purpose of animal experimentation pursuant to the Implementing Rules and Regulations of RA 8485 or the Animal Welfare Act.

SECTION 12. - Impounding Fee.- There shall be imposed impounding fee and an additional fee for feeding at the rate provided for in the Revenue Code each day or fraction thereof on each head of stray animal found running or roaming at large, or fettered in public or private places.

There shall be also charged a catching fee for every stray animal, which amount shall be paid to the person catching or to the barangay when the one catching the same stray animal is a barangay employee or official, as the case maybe, at the rate provided for in the Revenue Code.

The said fees and charges shall be paid to the City Treasurer prior to the release of the impounded animal to its owner.

CHAPTER III - DOG VACCINATION

SECTION 13. - Anti-Rabies Vaccine.- Every owner of dogs or cats shall have his/her dogs or cats, if three (3) months of age or over, be vaccinated with anti-rabies vaccine. For this purpose, the City Veterinarian or his authorized representative shall conduct a regular vaccination schedule.

SECTION 14. - Vaccination Stations.- In the implementation of this Ordinance, the City Veterinarian may establish Vaccination Stations in the Poblacion and the different barangays, preferably in the Health and Reading Centers, and provide a regular vaccination schedule for each barangay.

SECTION 15. - Vaccination by private veterinary doctors.- Any person who will have his/her dog or cat immunized by private veterinary doctor shall furnish city veterinarian with the immunization certificate.

SECTION 16. - License required-Periods - Every owner of a dog or cat, which is over the age of four months and which is kept in the city, shall procure a license for each such dog or cat, for each year, commencing with the date of the rabies vaccination of the dog or cat and expiring the year following the date of issuance of such license. Such license shall be procured not later than May 31st in any year or within thirty

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days after the day upon which the dog or cat, if over the age of four months, is first owned by a resident of the city, and thereafter shall be maintained on a current basis from year to year.

The License Certificate shall state therein the name of the owner, possessor, or custodian of the dog or cat, the age and description of the dog or cat, the date of vaccination, the expiration date of immunity, the kind of vaccine used, the person who administered the vaccine, the tag number, and such details as the City Veterinarian may deem necessary.

SECTION 17. - License Tags.- Every licensed dog or cat shall be provided by a license tag which shall either be made of metal or plastic, with corresponding serial number and the year of issue.

SECTION 18. - Certificate and tag display requirements.- The license tag issued to the owner upon securing of a license shall be attached securely to a collar or harness or other suitable device on the dog or cat for which issued at all times that the dog or cat is in the city and not confined indoors or in an enclosed yard or pen. The license certificate and tag shall be shown by the owner or person in control of the dog or cat at any time upon demand by the City Veterinarian or animal control officer or his/her deputies.

SECTION 19. - Duplicate tag issuance procedure.- If a license tag is lost, the owner may secure a duplicate license tag upon presentation of satisfactory proof of such loss and payment of a fee set by this Ordinance.

SECTION 20. - Imposition Fee – There shall be collected from or imposed upon every owner of the dog or cat a vaccination fee at the rate of P20.00 for every dog or cat vaccinated within the territorial jurisdiction of this city.

Provided, that in case the dog or cat owner is indigent, he may be exempted from paying the fee for not more than two (2) dogs or cats; *Provided further*, that the indigent person must get a Certificate of Indigency from the City Department of Social Welfare and Development, free of charge.

SECTION 21. - Time of Payment – The fee shall be paid to the City Veterinary Office prior to the vaccination of the dog or cat.

The license fee is due and payable with the issuance of a license as required in this Ordinance.

SECTION 22. - Exceptions.- Any dog bred or raised to be a guide or service dog which meets the criteria established by the City Veterinarian for such dogs, or which is owned and used by a blind person as a guide dog or which is owned and used by a disabled person as a service dog is exempt from the license fee while being so raised or while being so owned and used, but is not exempt from being licensed or from any required vaccination. *The provisions of this Chapter shall not apply to any dog owned by or in the care of a nonresident of the city who is traveling through the city or temporarily sojourning therein for a period not exceeding thirty days.* For purposes of this Section, a "service dog" is a dog trained or bred to assist disabled persons.

CHAPTER IV - RABIES CONTROL

SECTION 23. - Biting Animals to be Reported.- The owner or other person having custody or control of any dog or animal which bites a human being or any domestic animal shall immediately notify the City Veterinarian or city health officer of such bite, giving the name and address of the person bitten if known, and shall faithfully obey any observation instructions given by the veterinarian or health officer. Likewise, the owner shall be responsible criminally and civilly for negligence to the injured person. For this purpose, the City Veterinarian or the City Health Officer shall require the victim of a dog bite to inform his/her office the name of the owner of the dog that caused the injury, and shall subsequently notify the City Legal Officer thereof for whatever legal actions necessary.

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SECTION 24. - Observation period of biting dog.- If in the opinion of the City Veterinarian or City Health Officer the dog may have been exposed to rabies, or if the bitten person or his guardian shall request it, then the dog shall be observed for a period of fourteen days. In the discretion of the City Veterinarian, such observation may be on the premises of the owner or at the City Pound at the owner's expense. In case of stray dogs or in case of dogs whose ownership is not known, such observation shall be at the City Pound.

SECTION 25. - Surrender for observation - Reclamation. The owner, upon demand made by the City Veterinarian shall forthwith surrender any animal which has bitten a human, and which is suspected of having been exposed to rabies, for supervised observation, and the dog may be reclaimed by the owner when adjudged to be free of rabies.

SECTION 26. - Bite reporting by medical practitioners. It shall be the duty of every physician or other practitioner of medicine to report to the City Health Officer the names and addresses of persons treated for bites inflicted by dogs, together with such other information as will be helpful in rabies control.

SECTION 27. - Licensed veterinarian duty.- It shall be the duty of every licensed veterinarian to humanely kill any dog when observed by him is a rabid dog.

SECTION 28. - Proper disposal of rabid dogs or animals. No person shall kill or cause to be killed any rabid dog or animal biting a human, except in defense of life and limb or otherwise as herein provided, nor remove same from the area without written permission from the City Veterinarian.

CHAPTER V – DEPUTIZING BARANGAY OFFICIALS

SECTION 29. - Authority.- The Punong Barangays in the City shall be authorized to issue license and the corresponding license tags for dogs vaccinated with anti-rabies vaccine by a licensed veterinarian or by the City Veterinarian pursuant to the provisions of this Ordinance.

Each barangay in coordination with the City Veterinarian may devise a dog license tag with serial number code unique for every barangay.

SECTION 30. - Duties of the Barangay.- It shall be the duty of the barangay to:

- A. conduct an inventory of dogs within their respective barangays by recording the name of the owner, possessor, or custodian of the dog; the age and description of the dog; vaccination status or the date of vaccination, the expiration date of immunity, the kind of vaccine used, and the person who administered the vaccine; the metal tag number, if any; and such other details as the City Veterinarian or the Barangay may deem necessary.
- B. furnish the City Veterinarian with records of dogs and animals registered with the barangay

SECTION 31. - Fees.- In addition to the vaccination fee imposed by the City, the barangays through an ordinance enacted for the purpose may impose a service fee therefor inclusive of the cost of the license tag.

SECTION 32. - Deputation.- The City Government of Cagayan de Oro likewise hereby deputizes all barangay officials to undertake, in coordination with the City Veterinary Office, the apprehension of stray dogs or conduct *pamatong* and other methods of catching stray dogs as authorized herein in their respective territorial jurisdictions, and collect the catching fee thereof as authorized under the Revenue Code.

Stray animals caught by the barangay shall be turned over to the City Pound for disposal pursuant to the provisions of this Ordinance.

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CHAPTER VI – DOG HOBBYISTS

SECTION 33. - Regulations.- The City Veterinarian is authorized and directed to adopt, and to submit within 60 days for approval to the City Council, comprehensive regulations concerning dog hobbyist activities, including but not limited to the number of dogs that a dog hobbyist may maintain, the types of premises allowed to be licensed, the sale of dogs and related matters.

SECTION 34. - Permit. A dog hobbyist shall apply for a permit from the City Veterinarian. A permit shall be issued if the City Veterinarian determines, after investigation, that the applicant is a bona fide dog hobbyist, maintains appropriate premises for the proper confinement and control of the animals, will not create a nuisance in the neighborhood in which the activity is proposed, and in all other respects complies with the regulations adopted by the City Veterinarian pertaining to dog hobbyists. Permits may be issued subject to such conditions as the City Veterinarian determines are necessary to protect the public health and welfare and to avoid the creation of a nuisance or public health hazard.

SECTION 35. - Revocation of Permit.- A permit may be revoked subject to limited conditions of use, if the City Veterinarian determines that any of the following conditions exist:

- a) The permittee has violated the provisions of this Chapter twice in one license year;
- b) The permittee has been convicted of cruelty to animals;
- c) The permittee has failed to comply with the conditions of the permit;
- d) Continuation of the permit will create a public nuisance or health hazard;
- e) Continuation of the permit will create a nuisance in the neighborhood in which the permit has been issued.

SECTION 36. - Fees and Licenses.- The City Veterinarian shall collect a yearly fee in an amount established by Ordinance of the City Council for the issuance of each dog hobbyist permit. The issuance of a dog hobbyist permit shall include provision of an individual license for each dog harbored under the permit at no additional charge.

SECTION 37. - Confinement. All dogs under the control of a dog hobbyist must be confined to the owner's property at all times, except when removed for training, recreational use or exhibition, at which times they must be under the immediate control of the permittee or agent.

CHAPTER VII - COMMERCIAL ANIMAL ESTABLISHMENTS

SECTION 38. - Commercial Animal Establishment Licensing - No person, partnership or corporation shall operate a commercial animal establishment without first obtaining a commercial animal establishment license in compliance with this Section. License applications shall be accompanied by written verification from City Planning and Development Office that the applicant complies with any and all Zoning Ordinances and amendments thereto.

SECTION 39. - Regulations:

- (a) No fee may be required of any government operated zoological park.
- (b) All dogs and cats offered for sale or resale must be examined by a licensed veterinarian within the last three (3) months prior to sale or resale.
- (c) Any animal under veterinarian treatment may not be offered for sale without release from the veterinarian.
- (d) Any owner or employee of a commercial animal establishment who knows of or should have known of any animal defect or illness shall make a purchaser aware of this information prior to sale.

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- (e) Records or forms shall be maintained for a period of one (1) year for any animal sold. Records shall contain the following but are not limited to:
 - (i) Animal Description-breed, sex, color, and age.
 - (ii) The origin of purchase to include the supplier and the date of receipt.
 - (iii) Medical Record and any required treatment program.
- (f) An annual Commercial Animal Establishment License shall be issued upon successful completion of an inspection and payment of the applicable fee and shall be displayed in a conspicuous place.

SECTION 40. - License Issuance and Revocation:

- (a) Written application for a Commercial Animal Establishment license shall be made to the City Mayor. Application shall be accompanied by the license fee and written verification from City Planning and Development Office that the establishment complies with Zoning Ordinances.
- (b) After an application is filed, the City Veterinarian shall inspect the facility prior to issuing the license. A license may be withheld or revoked if the person, partnership or corporation holding the license refuses or fails to comply with these Regulations or any law governing the protection and keeping of animals.
- (c) It shall be a condition of the issuance of any license that the City Veterinarian be permitted to inspect upon demand during normal business hours all animals and the premises where animals are kept. If permission for such inspection is refused the license of the refusing owner shall be revoked.
- (d) If the applicant has withheld or falsified any information on the application, the licensing authority may refuse to issue or may revoke the license.
- (e) No person, partnership or corporation who has been found guilty of cruelty to animals shall be issued a license to operate a commercial animal establishment.

CHAPTER VIII - RESPONSIBLE PET OWNERSHIP

SECTION 41. - Duties of animal owner.- (a) It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior, regardless of whether such behavior is motivated by mischievous, playfulness, or ferocity.

- (b) In the event that an owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of these regulations are complied with.
- (c) No animal may be sold or given to a minor without the written consent of the parent or legal guardian

SECTION 39. - Cruelty.- It shall be a violation of these regulations for any individual to:

- a) Abandon an animal;
- b) Torture, torment, cruelly beat/kill, injure, intentionally mutilate, run down with a vehicle intentionally, overdrive, overload, or otherwise abuse any animal;

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- c) Administer poison to any animal or knowingly place or leave any poisonous or other harmful substance with intent to injure or kill any animal other than vermin;
- d) Use or permit any animal to be used for the purpose of fighting with any other animal;
- e) Cause, arrange, or authorize these acts;
- f) Have the charge or custody of an animal and inflict unnecessary suffering or pain upon the animal, or unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements.
- g) In the case of activities in which physical pain may unavoidably be caused to animals, such as medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting, "cruelty" means a failure to employ the most humane method reasonably available.
- h) Owner or custodian of an animal shall fail to provide the animal with humane care and treatment, sufficient, wholesome and nutritious food; portable water in sufficient quantities; proper air, shelter, space, and protection from the weather; and veterinary care when needed.
- i) In the case of farm animals, nothing in this Section may be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.
- j) If a chain, rope, line or other such item, is used to tie an animal, it shall be of sufficient length to safely and humanely allow the animal freedom of movement without becoming entangled with obstructions.

SECTION 42. - Sanitary disposal of dog feces:

- a) It shall be unlawful in the City for the owner or person having charge or control of any dog to permit such dog to defecate and to allow the feces to remain upon any public street, sidewalk, pathway, park, pedestrian way, or any public facility; on any school ground; or on any private property not owned or possessed by the owner or person having the charge or control of such dog unless the person shall immediately and securely enclose all feces deposited by the animal in a bag, wrapper, or other container and dispose of it in a sanitary manner.
- b) Any person who has the charge and control of a dog on any public street, sidewalk, pathway, park, pedestrian way, or any public facility; on any school ground, or on any private property now owned or possessed by the owner or person having the charge or control of such dog shall at all times maintain in his possession sufficient suitable wrappers, bags, or container for the purpose of complying with the requirements of this Section. The failure of such person to carry such wrappers, bags, or containers when in charge or control of a dog on any public street, sidewalk, pathway, park, pedestrian way, or any public facility; on any school ground; or on any private property not owned or possessed by the owner or person having the charge or control of such dog shall constitute a violation of this section.
- c) A sightless person who has the charge or control of a guide dog, or a Police Dog in the performance of law enforcement duties, shall be exempt from the provisions of this Section.

SECTION 43. - Castration.- Only licensed veterinarians shall undertake the procedure of conducting castration of dogs, cats and other animals pursuant to existing regulations relative thereto.

SECTION 44. - Animals and vehicles:

- a) No person shall transport or carry, on any public highway or public roadway, any dog in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a cap or container, cage or other device that will prevent the dog from falling from, being thrown from, or jumping from, the motor vehicle.

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- b) No person shall leave a dog or any other animal in an unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures, which adversely affect the animal's health or welfare.

SECTION 45. - Animal exhibits.- No person shall operate, conduct or maintain any commercial show, circus, animal exhibition, carnival or advertising display or device in which any dog, cat or other animal, wild or domestic, or fowl is used or kept without first informing the City Veterinarian therefor.

For this purpose, the City Veterinarian is hereby authorized to oversee any commercial animal show or exhibit in the City.

SECTION 46. - Nuisance:

- a) It shall be unlawful to suffer or permit any dog, cat, fowl or other animal to habitually bark, yelp, howl, or create noise in such a manner as to continuously disturb the peace of any person(s) and which would constitute as a public nuisance
- b) This section shall not apply to customary animal noises of livestock, horses, or other animals kept or owned for agricultural activities in areas including but not limited to farms, ranches and stables which are zoned or legally permitted for such purposes.
- c) Upon receipt of a documented complaint affirming that a violation as declared in this section exists, the Police Department, barangay council or City Veterinarian may issue an order to the owner of the offending animal directing that such violation be abated. In the event that the owner does not comply with said order, the Police Department, barangay officials or City Veterinarian may cause the animal to be taken into protective custody.
- d) An animal may be immediately taken into protective custody with or without receipt of a written complaint if it is determined by the Police Department, barangay official or City Veterinarian that the noise it has created cannot be abated or quieted so that it continually disturbs the peace of the complaining person(s). If an animal is caused to be taken into protective custody for a violation of this Section, within twenty-four (24) hours of taking into protective custody the City Veterinarian shall notify the owner of the animal. Where the owner or address of any affected owner is unknown, notice shall be given by posting the same in conspicuous public places.

An animal placed under protective custody under this section may be redeemed by the owner or its keeper provided there is presented to the Poundkeeper proof of the owner's identity and any required license certificate or license tag or other satisfactory proof of ownership and by paying the corresponding charges provided for under the Revenue Code. An animal taken into custody under this section may be sold or released by the Poundkeeper to a person other than the owner or keeper, if the animal is not redeemed within the period provided under this Ordinance except when the seizing agency or person notifies the Poundkeeper that the owner is unavailable due to physical absence or otherwise unable to redeem the animal.

- e) If the City Veterinarian determines that the animal taken into custody is likely to continue to be in violation of this section upon return to its owner or possessor, he/she shall order that the owner or possessor to take such measures as are reasonably necessary to prevent such further violations of this section by the animal, and shall not permit return of the animal to the owner or possessor until such measures have been carried out.

CHAPTER IX – GENERAL PROVISIONS

SECTION 47. - Penalty:

(a) **Administrative fine** - Any person found violating any of the provisions of this Ordinance shall be penalized with the following administrative fines:

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(i)	First offense	-	₱1,500.00
(ii)	Second offense	-	₱3,000.00
(iii)	Third and subsequent offenses	-	₱5,000.00

(b) Community Service- In case the offender could not pay the administrative fine imposed under this Ordinance, he/she may opt to render community service in lieu of paying the administrative fine at the rate equivalent to eight hours per Five Hundred Pesos (P500.00) worth of administrative fine. The community service shall include collection of garbage, cleaning of streets and graffiti, declogging of canals and drains, and other tasks relative to the beautification and clean and green program of the city.

Within seventy-two (72) hours from apprehension, the offender who opt to render community service in lieu of paying the administrative fine shall report to the City Veterinarian who shall immediately compute and reflect in a prescribed community service form the required number of hours of community service. The said form shall be duly signed by the City Veterinarian and the offender. The City Veterinarian shall accompany and entrust the said offender together with the community service form to the City Public Services Officer who shall determine the nature of the required community service as mentioned herein, the location and the specific date and hour when he/she will commence doing community service, which shall be within twenty-four (24) hours from the time he/she reported to the City Veterinarian.

After the apprehended offender completed the required community service, the City Public Services Officer shall issue a certification to this effect. The said Certification shall be submitted to the City Veterinarian to form part of the record of violations of the said offender.

(c) Judicial penalty.- Failure of the offender to pay the said administrative fine or render community service within seventy-two (72) hours upon receipt of the notice of violation, the City Legal Office shall file appropriate case in court against the offender who upon conviction shall be punished with a fine of not less than ₱1,500.00 nor more than ₱3,000.00 or imprisonment of not less than four (4) months and one (1) day nor more than eight (8) months, or both such fine and imprisonment at the discretion of the Court.

SECTION 48. - Juridical Person.- If the violator is a juridical person, the penalty shall be imposed upon the president, chairman, manager and/or officer in-charge of the establishment or firm.

This, however, is without prejudice to administrative sanctions allowed by law against the firm or establishment.

SECTION 49. - Public Official or Employee.- If the violator is a public official or employee, aside from the imposable penalty under this Ordinance, the administrative sanctions under the Civil Service Laws, Rules and Regulations may also be imposed.

SECTION 50. - Repealing clause.- The provisions of existing penal or regulatory ordinances which are no longer contained herein or are inconsistent with the provisions of this Ordinance are deemed repealed or amended accordingly.

SECTION 51. Severability. If any provision of this Ordinance, or application thereof to any person or circumstances, is held invalid, the validity of the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be affected thereby.

SECTION 52. - Effectivity.- This Ordinance shall take after effect fifteen (15) days following its publication in any local newspaper of general circulation.

UNANIMOUSLY APPROVED.

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- Present:
- Councilor Juan Y. Sia
 - Councilor Annie Y. Daba
 - Councilor Edgar S. Cabanlas
 - Councilor Ian Mark Q. Nacaya (*Author*)
 - Councilor Alfonso C. Goking
 - Councilor Reynaldo N. Advincula (*Co-Author*)
 - Councilor Caesar Ian E. Acenas (*Co-Author*)
 - Councilor Maryanne C. Enteria
 - Councilor Simeon V. Licayan (*Author*)
 - Councilor Alexander S. Dacer

Out of the Session Hall: - Councilor Zaldy O. Ocon


On Official Business: - Councilor Jose Benjamin A. Benaldo

- Absent:
- Councilor Alvin R. Calingin
 - Councilor Benmarc P. Garcia (*indisposed*)

DONE in the City of Cagayan de Oro this 17TH day of October 2005.

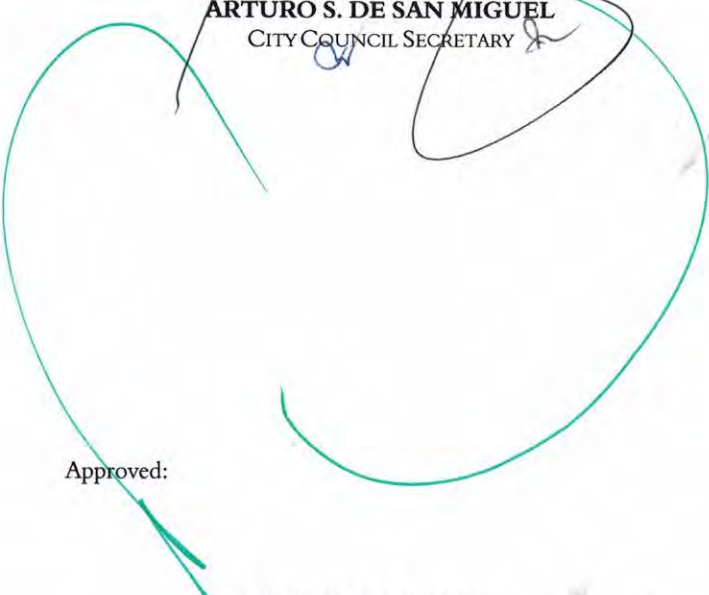
I hereby certify to the correctness of the aforestated Ordinance.

Attested as duly enacted:


MICHELLE T. SPIERS
 CITY VICE MAYOR
 PRESIDING OFFICER


ARTURO S. DE SAN MIGUEL
 CITY COUNCIL SECRETARY

Approved:


VICENTE Y. EMANO
 CITY MAYOR

Attested:

NORBERTO A. COSADIO
 SECRETARY TO THE MAYOR

BY AUTHORITY OF THE MAYOR


ZELFA E. ACENAS
 CITY BUDGET OFFICER

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