



Republic of the Philippines  
DEPARTMENT OF AGRICULTURE  
Office of the Secretary  
Elliptical Road, Diliman, Quezon City

January 10, 2005

Department of Agriculture  
**Administrative Order No. 10**  
Series of 2005

**Subject: RULES AND REGULATIONS GOVERNING THE APPREHENSION AND PROSECUTION OF PERSONS TRANSPORTING AND/OR TRADING DOGS AND CATS.**

#### **Section 1. POLICY**

It is the policy of the state to promote animal welfare and monitor the strict implementation and observance of RA 8485 (Animal Welfare Act of 1998) and related laws such as but not limited to RA 7160 (Local Government Code of 1991) and RA 9268 (Philippine Veterinary Medicine Act of 2004). The state will undertake all actions to ensure compliance with the said law and all other rules and regulations issued in relation to the said Act with the view of providing and protecting the animals five basic freedom:

1. Freedom from thirst, hunger and malnutrition
2. Freedom from physical discomfort and pain
3. Freedom from injury and disease
4. Freedom to conform to essential behavior patterns
5. Freedom from fear and distress

These rules and regulations are being promulgated for the protection of all dogs and cats being transported under inhumane conditions or those being subjected to inhumane treatment and conditions during transport, display/exhibit, storage/ maintenance during trading or sale, for whatever purpose, thereby subjecting the said dogs and cats to inhumane conditions.

#### **Section 2. COVERAGE**

2.1 These rules and regulations shall apply to all persons, officers of corporations, or partnerships, cooperatives or any organizations, agencies or instrumentalities, whether private or government, who/which may be caught in the act or reported and found violating any provision of the Animal Welfare Act and/or any rules and regulations issued by the Department of Agriculture-Committee on Animal Welfare in the implementation of the said Act particularly those engaged in the transport, trading and slaughter of dogs and cats. For purposes of these Rules,

whenever the term “person” is used, the same shall likewise be deemed to include the responsible officer/s of corporations, partnerships, cooperatives or organizations, agencies or instrumentalities whether private or government.

### **Section 3. DEFINITION OF TERMS**

**3.1 Apprehension** – The taking in of a person into custody in order that he/she may be bound to answer for the commission of an offense (rule 113, sec. 1, 1985 Rules of Crim. Proced. as revised). Curtailing of personal liberty of an individual for the greater good. This signifies measures of restraint imposed upon individual’s freedom of movement deemed necessary so that said offender will account for the commission of an offense.

**3.2 Cruelty or maltreatment of dogs and cats-** This refers to acts of cruelty during transport and/or trading such as but not limited to overcrowding, placing of animals in trunks or under false bottoms of vehicles with insufficient ventilation or space, use of cruel restraints such as but not limited to, trussing, use of tin cans, wire, plastic straw as well as other similar materials as muzzles. However, the use of plastic cords is allowed provided the restraint will be in place not longer than 30 minutes. This also refers to failure to provide water and food when necessary during travel and/or temporary holding, maintaining dogs and cats in inhumane conditions while trading, sale, display or for whatever purpose, subjecting the said dogs and cats to cruel conditions including subjecting/exposing the animals to extreme weather conditions.

**3.3 Evidence** – This includes, but is not limited to all objects, documents, equipment, tools/paraphernalia and the vehicles used for the commission of the acts prohibited under these rules. Evidence for purposes of these rules shall include either live dogs and cats or their dead bodies and body parts.

**3.4 Animals** - For purposes of this rule shall refer only to dogs and cats.

**3.5 Shelter-** Refers to a registered housing facility, government or private, which provides the animals with shelter, protection from the elements, and protection from temperature extremes at all times. A sheltered housing facility may consist of runs, pens or cages totally enclosed in a barn or building, or of connecting inside/outside runs, pens or cages in a totally enclosed building. These shelters shall be registered with the BAI.

**3.6 SHIPPING PERMIT** – A document issued to allow the transport of animals from one place to another having completed the necessary documentary requirements.

**3.7 DA-BAI-AWD-** Department of Agriculture-Bureau of Animal Industry-Animal Welfare Division

## **Section 4. PROHIBITED ACTS**

The following acts shall be prohibited:

4.1 Failure by any person to obtain a shipping permit issued by the Bureau of Animal Industry through its Animal Health Division in Metro Manila or by the DA-Veterinary Quarantine Officers and/or deputized Provincial/City/Municipal Veterinarian; as well as failure to present a valid veterinary health certificate and rabies vaccination certificate issued by a licensed veterinarian.

It is however, understood that owners of pet dogs and cats may transport not more than 5 animals with valid rabies vaccination certificate/s issued by a licensed veterinarian. Impounding vehicles of Non-Governmental Organizations or Governmental Organizations shall be exempted from this provision for as long as their vehicles are registered with the BAI-AWD.

4.2 Failure by any person or owner of a private or public land, water and air transport facility to maintain adequate, clean and sanitary facilities excepting normal waste matter discharged while on transport, while the same is in transit or while being held in a temporary area while awaiting transport in accordance with the rules on transport of Animals by air, water and land;

4.3 Failure to provide sufficient food and water for such animals while in transit for more than twelve (12) hours or whenever necessary;

4.4 Cruel restraint such as trussing of the animals, use of tin cans, wire, plastic straw as well as other similar materials as muzzles during said transport, display/exhibit, while in holding or storage area, of dogs and cats for whatever purpose;

4.5 Cruel confinement such as overcrowding, placing of dogs and cats in trunks or under false bottoms of vehicles with insufficient ventilation, space; while on display/exhibit or while being temporarily held prior to disposal.

4.6 Unnecessary exposure of the animals to the elements;

4.7 Torture of any animal, neglect to provide adequate care, sustenance or shelter, or maltreatment of dogs and cats or cause or procure them to be tortured or deprived of adequate care, sustenance or shelter, or maltreatment during transport or while in transit to another place; during display in markets, public or private areas for purposes of sale or exhibit; while holding the said animals in preparation for their disposal for whatever purposes;

4.8 Transport of animals in enclosed, insufficiently-ventilated and inadequately-lighted compartments of vehicles.

## **Section 5. PROCEDURE:**

### 5.1 - Apprehension of offending person/s.

Any person who has knowledge or information about the commission of any of the prohibited acts heretofore cited may refer the same to the police authority or to the Bureau of Animal Industry through the Animal Welfare Division and/or its deputized animal welfare officers, and other law enforcement agencies for appropriate action.

Offending person/s found in the act of violating any provisions herein or the Animal Welfare Act shall be immediately reported to the nearest police station for purposes of filing the necessary charges for violation of the animal welfare act.

The BAI-AWD or its deputized animal welfare officers shall immediately act on violations reported to it by conducting investigation and/or filing the necessary charges both administrative and criminal against the reported violator. In which case, the BAI-AWD or its deputized animal welfare officers shall be the one to act as complainant for cases filed under this provision and the person/s entity who reported the same shall act as witnesses. BAI-AWD shall ensure that filing of necessary charges against erring persons shall be done. If warranted, warrant or arrest or search warrants be secured for purposes of pursuing the case.

The procedure in filing of criminal charges shall be as prescribed by the rules of criminal procedure contained in the Rules of Court. The person/s who have personal knowledge about the offense/violation committed shall act as the complainant/witness.

Pursuant to the provisions of the law, citizens arrest can be made if the person/s arrested were caught in the act of violating the law. Otherwise, arrest shall be made by the police or persons in authority in accordance with the rules prescribed in Rule II3 on Revised Rules on Criminal Procedure.

### 5.2. Preservation of Evidence

The apprehending persons or law enforcement agencies shall ensure that all evidences necessary for the prosecution of the offender are classified and tagged for purposes of identification and accounting. All rescued live dogs and cats or dead bodies shall be properly described, designated and marked sequentially. The report shall include the following information:

- a. Date of rescue/apprehension
- b. Place of rescue/apprehension
- c. Complete names of the apprehending/rescuing police officer and witnesses to the apprehension/rescue and their signature
- d. Microchipping if and when possible
- e. Ante and post mortem report on gross external examination to be prepared by a licensed veterinarian

A summary of the evidences should be part of the documents to be turned over to the law enforcement agencies. Pictures and video footages of the rescued dogs and cats may likewise be obtained for purposes of documentation. In addition to the above, the

following documents may likewise be prepared to ensure successful prosecution of the offenders:

- a. Affidavit Complaint
- b. Affidavit of witnesses
- c. Photographs and video footages
- d. If applicable, extrajudicial confessions of the offenders
- e. Paraphernalia or tools, equipment, vehicles, or any other items used in the commission of the offense
- f. Microchipping whenever possible

Available and standard police documentations shall likewise form part of the evidence.

### 5.3 Care for Rescued Dogs and Cats

5.3.1 Rescued dogs or cats should be immediately relieved of their restraint or relieved of their inhumane condition once the necessary clearance from the apprehending police authorities has been obtained for purposes of preserving the evidence. It shall be the duty of the apprehending officer to refer immediately the proper disposition of the rescued dogs and cats to a licensed veterinarian.

5.3.2 The rescued dogs and cats shall be immediately examined by a licensed veterinarian for purposes of determining whether conditions exist to warrant treatment, disposal or euthanasia. In cases where treatment is necessary, the licensed veterinarian shall apply immediate veterinary medical measures to alleviate the condition of the animals.

Should the animal be fit for travel, the veterinarian shall issue a certification to this effect, a copy of which shall be submitted and filed together with the other documents of the case with the police.

5.3.3 Should the dogs and cats manifest any of the following conditions, euthanasia may then be conducted in accordance with DA-AO No. 21, Series of 1999 on the Code of Conduct in the Euthanasia for pets/companion animals:

- 5.3.3.1 When the animal is afflicted with an incurable communicable disease as determined and certified by a duly licensed veterinarian;
- 5.3.3.2 When deemed necessary to put an end to the misery suffered by the animal as determined and certified by a duly licensed veterinarian
- 5.3.3.3 When done to prevent an imminent danger to the life and limb of a human being.

Euthanasia shall be conducted only by a duly licensed veterinarian with a corresponding registered S2 license and shall always be done away from public view. Concealing the process by way of installing curtains and other obstructions shall be deemed sufficient compliance of this provision.

### 5.4. Turn Over of Evidence

Evidences, particularly the rescued dogs/cats or their dead bodies after appropriate tagging or micro-chipping, whenever possible, and examination by the law enforcement officers and/or the prosecutors for purposes of filing the case, shall thereafter be turned over to the nearest city, municipal or provincial pounds having adequate facilities to house and care for the rescued animals. In the alternative, rescued dog/cats may also be turned over to private rescue centers or shelters registered with the BAI. With respect to the dead animals, the same should be disposed of properly and the Barangay Captain or his/her duly authorized representative and government veterinarian of the area where the dead bodies were buried shall issue a certification to this effect, after appropriate documentation thereof has been completed.

#### **Section 6. REPORTORIAL REQUIREMENT**

The BAI (if in Metro Manila) or their deputized animal welfare officers (if outside Metro Manila) shall always be furnished with copies of all such complaints filed against violators of the Animal Welfare Act. BAI-AWD shall monitor the progress of such complaints and shall actively participate and assist in the successful prosecution of offenders and violators of the Animal Welfare Act.

#### **Section 7. PENALTY**

Any person who violates any provision of the Animal Welfare Act, shall upon conviction by final judgment, be punished by imprisonment of not less than six (6) months nor more than two (2) years or a fine of not less than One Thousand Pesos (P1,000.00) nor more than Five Thousand Pesos (P5,000.00) or both at the discretion of the Court. If the violation is committed by a juridical person, the officer responsible therefore shall serve the imprisonment when imposed. If the violation is committed by an alien, he or she shall be immediately deported after service of sentence without any further proceedings.

#### **Section 8. SEPARABILITY CLAUSE**

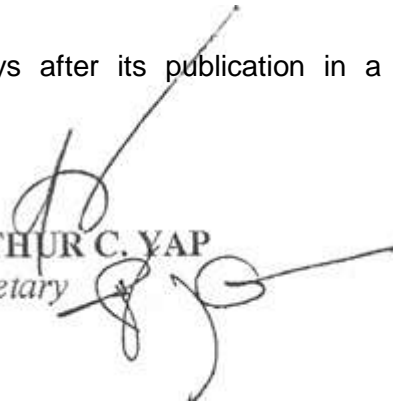
In case any provision of these rules and regulations is declared contrary to law and or unconstitutional, other provisions which are not affected thereby shall continue to be in force and in effect.

#### **Section 9. REPEALING CLAUSE**

All Administrative Orders, Rules and Regulations and other administrative issuances or parts thereof, inconsistent with the provisions of this Regulations are hereby repealed or modified accordingly.

#### **Section 10. EFFECTIVITY**

This regulation shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

  
ARTHUR C. YAP  
Secretary