



Republic of the Philippines
Department of Agriculture
BUREAU OF ANIMAL INDUSTRY
Visayas Ave., Diliman, Quezon City
GaBAI sa Pag-unlad ng Paghahayupan

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MEMORANDUM CIRCULAR

No. 46

Series of 2021

SUBJECT: **BAI GUIDELINES FOR NON-LIVESTOCK ANIMAL TRANSPORT SERVICE PROVIDERS**

The Bureau of Animal Industry has received various reports on the proliferation of entities operating as pet animal transport facility and offering local pet shipping services without the BAI certificate of registration as required by the Animal Welfare Act of 1998 as amended (RA 8485/ RA 10631), its Implementing Rules and Regulations, Department of Agriculture Administrative Order No. 19 Series of 2006 *Rules and Regulations on the Transport of Live Animals by Land*, DA-Administrative Circular No. 4 s. 2015 *Rules and Regulations on... Animal Facilities* and DA-AO No. 10 s. 2006 *Rules and Regulations on the Apprehension and Prosecution of Persons Transporting and/ or Trading Dogs and Cats*.

In the furtherance of the implementation of the above-mentioned laws, rules and regulations, the Animal Health and Welfare Division – Animal Welfare Unit is hereby directed to conduct public awareness campaign on Non-Livestock Animal Transport Services including topics on animal welfare, care and handling, disease prevention and safety, biosecurity, quarantine, transport facility registration requirements and responsibilities of person transporting pets and other non-livestock animal species. (See Annex attached)

For more information, please contact **Dr. Marie Shella Ordinario** – Animal Welfare Unit Section Head at tel. no.: 8528-2224 local 1502, Mobile Hotline no.: 0928 524 1866 or email: ahwd@bai.gov.ph

For your guidance and strict compliance.

Done this 7th day of Dec. 2021.


REILDRIN G. MORALES, DVM, MVPHMgt.
Officer-in-Charge, Director



Reference no. _____ series of 2008

JOURNEY PLAN

Name of Company _____
Address : _____
Tel.No. : _____ Fax No. : _____
Name of Handler : _____ Livestock Handler no. _____
Name of Driver : _____
Point of Origin : _____ Odometer Reading : _____
Departure Date : ____/____/____ Time : _____ Estimated Time of Arrival (ETA) : _____
Destination : Complete Address : _____
Tel. No.: _____

VEHICLE INFORMATION : Mobile no. :

Vehicle type : _____ Capacity _____
Make _____ ☐ with air conditioner ☐ no airconditioner
Plate number : _____ ☐ open cab ☐ container
Color : _____ ☐ with trailer ☐ other

ANIMAL INFORMATION : AT POINT OF ORIGIN

Animal Species : _____ ☐ Apparently Not Healthy
Total Number : _____ ☐ Apparently healthy
Young : _____ ☐ Others: Specify _____
Apparently Pregnant ☐ Casualty

ANIMAL INFORMATION AT DESTINATION

Animal Species : _____ ☐ Apparently not healthy
Total Number : _____ ☐ Apparently healthy
Young : _____ **Others : Specify** _____
Apparently pregnant **Casualty**

Received in the above condition by :

Name of Authorized Representative : _____
Date of arrival : ____/____/____/ Time : _____ Odometer Reading : _____

EMERGENCY RESPONSE PLAN

Name of Veterinarian	Complete Address	Telephone Number	Mobile Number
1			
2			
3			

Police Station	Complete Address	Telephone Number	Mobile Number
1			
2			
3			

To be completed in three (3) forms: management, driver and receiver (destination). A copy must always be in the vehicle during the duration of transport in case of inspection

Prepared by: _____



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

December 8, 2006

Department of Agriculture
Administrative Order No. 19
Series of 2006

Subject : **RULES AND REGULATIONS ON THE TRANSPORT OF LIVE ANIMALS BY LAND**

Pursuant to the provisions of Republic Act (RA) 8485, otherwise known as the "Animal Welfare Act of 1998", the following rules and regulations are hereby promulgated for the information, guidance and compliance of all concerned.

Section 1. **BASIC POLICY, OBJECTIVE AND SCOPE**

This Order takes into consideration the five basic freedoms of animals, which are: (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 pattern; and (5) Freedom from fear and distress.

The objective of this Order is to promote, ensure, and protect the welfare of all animals during land transport. This Order is the joint responsibility of all people involved in animal transport.

Section 2. **DEFINITION OF TERMS**

- 2.1 Animals Caretaker refers to a person who takes care of dogs and cats who may be the animal owner or one employed by the animal owner. This usually refers to those caring and transporting pet animals.
- 2.2 Animal Handler or livestock handler refers to a person licensed by the Bureau of Animals Industry-Marketing Development Division as livestock handlers.
- 2.3 Animal Handler on Wildlife refers to those who are trained to handle wildlife.
- 2.4 Animal Hauler refers to a person or juridical person hauling live animals from source to destination.
- 2.5 Cages, Container Vans and Crates refer to enclosed structures with appropriate ventilation and shelter used for keeping animals while being transported.
- 2.6 Carrier refers to the person, partnership, corporation, association or government agency or instrumentality hauling or handling live animals for the purpose of transporting same from one place to another. Carriers are also known as haulers.
- 2.7 Disinfecting refers to the procedure in which measures are taken to kill vector of diseases and pathogenic agents present in the land transport vehicle.
- 2.8 Driver refers to any licensed operator of a motor vehicle.
- 2.9 Expressways refer to limited access facilities as defined under RA 2000

- 2.10 Loading and Unloading Equipment refers to a ramp, chute box or other apparatus used in loading or unloading animals.
- 2.11 Loading Bay refers to permanent loading areas.
- 2.12 Motor Vehicle refers to any vehicle propelled by any power other than muscular power, self-propelled or pulled by tractor head.
- 2.13 Receiver refers to any authorized person at the end of the destination in charge of receiving the animals. Receiver is also known as the consignee.
- 2.14 Restraining Devices refer to gadgets, muzzles, collars, halters, ropes and other similar devices used to physically control, manage or contain the movement of animals.
- 2.15 Traders or "Viajeros" or Livestock Dealers refer to persons who are in the business of buying, selling and transporting live animals for commercial purposes.
- 2.16 Trailer refers to any number of wheels when propelled or intended to be propelled by attachment to a motor vehicle.
- 2.17 Ventilation refers to openings that provide aeration or exposure to air such as holes, slots, louvers, mesh and the like.

Section 3. **DELINEATION OF RESPONSIBILITIES**

- 3.1 Owners, managers and subcontractors of animals being transported are responsible for the general health of the animals, their fitness for the journey, and their welfare ensuring compliance with any required veterinary and other certifications during the journey. They are also responsible in ensuring the presence of at least one animal caretaker or animal handler competent for the species being transported for ensuring the equipment is provided as appropriate for the species and journey.
- 3.2 Animal caretakers/animal handlers are responsible for the humane handling and care of the animals during loading, unloading and transport. The animal caretaker or animal handler may also be the driver of the vehicle transporting the animals.
- 3.3 The carrier is responsible in choosing the appropriate vehicle and ensuring that properly trained staff are available for loading, unloading and caring of the animals; developing and keeping up-to-date contingency plans to address emergencies and minimize stress during the transport; and producing a Journey Plan which includes a loading plan, journey duration and location of resting places.
- 3.4 Drivers are responsible for the safety and roadworthiness of vehicles used in transporting animals and compliance to traffic rules and regulations during travel.
- 3.5 Owners and operators of animal facilities are responsible for:
 - 3.5.1 Providing suitable premises and appropriate facilities for loading, unloading and securely holding the animals;
 - 3.5.2 Providing appropriate facilities, with water and feed; and
 - 3.5.3 Providing facilities for disinfecting and disinfecting vehicles after unloading.
- 3.6 The responsibilities of concerned authorities include inspection of animals before, during and after their travel, and issuance of appropriate certifications and record keeping as stated below: and

- 3.6.1 Livestock Handlers license (LHL);
- 3.6.2 Veterinary Health Certificate (VHC);
- 3.6.3 Rabies Vaccination and Health Certificate especially for dogs, cats and Monkeys;
- 3.6.4 Shipping permit;
- 3.6.5 In the case of wildlife, a Department and Natural Resources (DENR) Wildlife Transport Permit;
- 3.6.6 Identification of the animals and their abode
- 3.6.7 Ownership of animals pursuant to PD 533 otherwise known as the "Anti Cattle Rustling Law"; and
- 3.6.8 Negative Coggins test for horses.

Section 4. **CONSIDERATIONS DURING TRANSPORT/TRAVEL**

4.1 Loading/Unloading Requirements

4.1.1. Requirements for Livestock and Exotic Animals

- 4.1.1.2 Every ramp and gangway used by a carrier in loading or unloading animals shall have sidings of sufficient height and strength to prevent animals from falling.

4.1.2 Prohibited Acts During Loading and transport

- 4.1.2.1 A No animals shall be moved by suspension using mechanical means (sling or cable), nor lifted or dragged by the head, horns, legs, nose, ears, eyes, tail or fleece. There shall be halters for cattle, carabaos and horses, leashes for dogs, and proper cages for cats, cages for poultry and ducks, and ropes for goats and sheep. The use of electric prods shall be prohibited. Dogs shall be placed in proper cages when transported on open beds of trucks or pick-ups.
- 4.1.2.2 No animal shall be made to jump from transport vehicle. Loading and unloading equipment shall be maintained and used so as not to cause injury or undue suffering to the animals. Only dogs shall be allowed to jump at a height appropriate to their size.

4.2 Animal Control in Expressway/Highways

- 4.2.1 To ensure the safety of the motorists from accidents caused by stray animal and to prevent loss of lives and damage to property, expressway operators shall provide Public Safety Guidelines on Stray Animal Control approved by the DA-training of personnel in control/handling animals, implementation of the procedures on stray animals detection, impounding, adoption and disposition of unredeemed and sick animals.
- 4.2.2 The Expressway operators shall in the implementation of the Public Safety Guidelines on Stray Animals, give paramount consideration to public safety and prevention of damage to life and property. Upon detection of stray animals inside the right of way (ROW) or carriageway the responsible units shall report to the Central Control of the following information: the type of animal, classification, kilometer or station where the animals was last seen and its direction. The Central Control will record the report and dispatch a team to assess if the animal poses imminent danger to the life or limb of the motorists.
- 4.2.3 All animals in custody or in transit shall not be subjected to torture neglect or inadequate care or maltreatment.

4.2.4 The collecting teams must be equipped with suitable and appropriate equipment for restraining the animal. These animals shall be turned-over to the Animal Control Facility with proper care. The Animal Control Officer (ACO) shall follow and apply at all times the existing standards, rules and regulations on animal protection, care and welfare as per Animal Welfare Act of 1998 (RA 8485).

4.2.5 If necessary the extermination of the animal shall be carried out through shooting using the appropriate firearm by authorized personnel. When the animal poses imminent danger to the life or limb of a human being, killing of the animals shall be done through shooting by a shooter deputized by the Bureau of Animal Industry – Animal Welfare Division.

4.2.6 The use of high-powered rifles is recommended such as M-14 or caliber 308 for large animals such as but not limited to cattle, carabaos and horses. A caliber 30 shall be used for small animals such as but not limited to goats, pigs and dogs.

4.3 Methods of Restraints and Containment of Animals

Methods of restraining animals shall be appropriate to the species involved.

4.4 Protecting the Animal from Extreme Hot or Cold Conditions

4.4.1 Animals shall be protected against harm from hot or cold conditions during travel. In warm and hot weather, the duration of journey stops shall be minimized and vehicles shall be parked under shade, with maximum ventilation.

4.4.2 Urine and feces shall be removed from the floors of the vehicle and disposed of properly.

4.5 Convention on International Trade for Endangered Species (CITES) Documents

Only documents for wildlife transport, import or export permit issued by the officially designated authority of the DENR are acceptable.

4.6 Unloading and Post Journey Handling

4.6.1 Animals shall be unloaded into appropriate facilities immediately upon arrival

4.6.2 Sufficient time for unloading the animals shall be provided.

4.6.3 Unloading of the animals shall be proceeding quietly and without unnecessary noise, harassment or force.

4.6.4 Vehicles, cages, container vans and crates used to transport the animals shall be thoroughly cleaned through the physical removal of manure and bedding. This shall be followed by disinfection and disinfection before reuse.

4.6.5 Small animals including goats, sheep, and pigs shall be unloaded using ramp at an incline of not more than 30 degrees with floor grids, or they can be carried one by one from the transport vehicle to the ground.

4.6.6 No animal shall be unloaded by throwing them from the transport vehicle the ground

4.6.7 No animal shall likewise be thrown about within the transport vehicle during

The process of unloading.

Section 5. OTHER PROVISIONS

5.1 Planning the Journey/Travel of the animals

- 5.1.1 The point of loading/unloading shall be indicated and the municipalities to be traversed shall be specified.
- 5.1.2 All animals shall be provided with an appropriate journey diet and sufficient water supply
- 5.1.3 The maximum continuous travel time for animals shall be 12 hours
- 5.1.4 There shall be three (3) copies of the journey plan to be accomplished by the carrier before and after the journey
- 5.1.5 A Journey Plan shall be accomplished, in triplicate, by the carrier and hauler before and after a journey. The first (1st) copy is kept by the carrier, the second (2nd) copy by the driver and the third (3rd) copy by the receiver. The Journey Plan shall be submitted to a person authority. A copy of the Journey Plan and is found as Annex 1. a copy of the standard Space Allowance by Transport by Land is found as Annex 2.

5.2 Vehicle and Container Design and Maintenance

- 5.2.1 Vehicles and containers shall be equipped with working telecommunication Equipment. A mobile phone is preferred the phone should have at least 30 minute load and sufficient battery charge.
- 5.2.2 Vehicles and containers used for the transport of animals shall be designed, constructed and fitted as appropriate to the species, size and weight of the animal to be transported.
- 5.2.3 Special attention shall be paid to the avoidance of injury to the animals through the use of secured smooth fittings free from sharp protrusions. The avoidance of injury to drivers, animal caretakers and/or animal handlers while carrying out their responsibilities shall be emphasized.
- 5.2.4. Vehicle and containers shall be equipped with basic first aid kit and a working heavy duty flashlight.
- 5.2.5 Vehicles and containers shall be:
 - 5.2.5.1 Designed with the structures necessary to provide protection from adverse weather conditions and to minimize the opportunity for animals to escape.
 - 5.2.5.2 Designed to permit thorough cleaning, disinfection and disinfection, and the containment of feces and urine during journey to minimize the likelihood of the spread of pathogenic agents during transport.
 - 5.2.5.3 Designed so that feces or urine from animals on the upper levels, shall not soil the animals on the lower levels, nor their feed and water.
 - 5.2.5.4 Maintained and good mechanical and structural condition to meet variations in climate.
 - 5.2.5.5 Provided with facilities for adequately securing the vehicle on board ferries.

- 5.2.5.6 Provided with suitable bedding added to vehicle floors to assist in the absorption of urine and feces, to minimize slipping of the animals, and to protect the animals (especially young) from hard flooring surfaces and adverse weather conditions.
- 5.2.5.7 Required to have a reflectorized “Live Animals” label with at least 2.5” width x 26” length for cars or larger at least 5 width x 52” length for vans and trucks. All vans and trucks shall have labels on top and both sides of the vehicle. Labels shall have white background with black letters and red border. This requirement shall also apply to transport of animals by air and by sea. The sticker label shall be positioned at each side of the vehicle equidistant from the top to the bottom of the vehicle. This shall be so positioned that it is clearly visible by a patrol officer. In the case of a car/van carrying a dog or cat, it should be placed in the rear windshield.
- 5.2.5.8 Required to carry documents containing contact information such as name, address and phone number of the carrier and hauler of the animals.

5.3 Special Provisions for Transport in Vehicles on Roll-on/Roll-off Vessels or Containers

- 5.3.1. Vehicles and containers shall be equipped with sufficient number of adequately designed, positioned and maintained securing points enabling them to be securely fastened to the vessel.
- 5.3.2 Roll-on/Roll-off vessels shall have adequate ventilation to meet variations in climate and the thermo-regulatory needs of the animal species being transported, especially when the animals are transported in a secondary vehicle/container in enclosed desks.

Section 6. **OTHERS**

The DA-AO 08, Series of 2004, Revised Guidelines on the Registration and Licensing of Livestock, Poultry and By-Products Handlers and Livestock Transport Carriers, DA-AO 10, Series of 2005, “Rules and Regulations Governing the Apprehension and Prosecution of Persons Transporting and/or Trading Dogs and Cats” and RA No. 2000 otherwise known as “Limited Access Act” shall apply.

Section 7. **ISSUANCES OF OTHER GOVERNMENT AGENCIES**

The Bureau of Animal Industry (BAI) shall coordinate with the Philippine National Police (PNP), Philippine Army (PA), the Department of Interior and Local Government (DILG), Department of Environment and Natural Resources (DENR), the Department of Transport and Communication (DOTC), the Local Government Unit (LGU) concerned and other government agencies having direct supervision, regulation and control over the transport of animals in the Philippines to ensure that rules and regulations to be issued by such government agencies are in accord with the intent and spirit of RA 8485.

Section 8. **PENAL PROVISIONS**

Violation of any of the provisions of these Rules and Regulations shall be penalized in accordance with RA 8485.

Section 9. **SEPARABILITY CLAUSE**


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

Section 10. **REPEALING CLAUSE**

All administrative orders, rules and regulations and other administrative issuances or part thereof issued by the Department of Agriculture inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Section 11. **EFFECTIVITY**

These Rules and Regulations shall take effect fifteen (15) days after its publication in a news paper or general circulation.


ARTHUR C. YAP
Secretary



Republic of the Philippines
Department of Agriculture
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
Quezon City 1100, Philippines

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

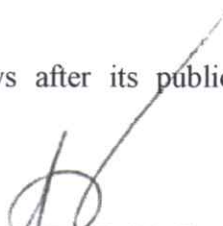
In case any provision of these rules and regulations is declared contrary to law and or unconstitutional, other provisions which are not affected thereby shall continue to be in force and in effect.

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 