



Republic of the Philippines
Province of Davao del Norte
Municipality of Braulio E. Dujali
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BEFORE THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE EIGHTEENTH (18TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BRAULIO E. DUJALI (TERM 2019-2022), DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL, MUNICIPAL BUILDING ON JUNE 29, 2020, MONDAY.

PRESENT:

HON. DONNA MAE BALDONADO-BERNADAS, Ed.D	- Municipal Vice Mayor & Presiding Officer
HON. RESTIE E. TABIRAO	- Sangguniang Bayan Member
HON. ATTY. YASMIN V. CAMPION, REA, REB	- Sangguniang Bayan Member
HON. ANNA C. CAGULADA	- Sangguniang Bayan Member
HON. RICKY T. DELCO	- Sangguniang Bayan Member
HON. CONCORDIO B. MOMO, JR.	- Sangguniang Bayan Member
HON. SAMUEL F. PACRES	- Sangguniang Bayan Member
HON. NELSON C. BAER, RA	- Sangguniang Bayan Member
HON. FRANCISCO D. BUCADON	- IPMR/Ex-Officio Member
HON. CARME LEOGY C. AGUILUZ	- ABC Pres./Ex-Officio Member
HON. KEVIN P. GENTUGAYA	- SKF Pres./Ex-Officio Member

ON OFFICIAL BUSINESS:

None

ABSENT:

HON. ADHEM F. FUNA (On Leave) - Sangguniang Bayan Member

(Author: Hon. Campion)

(Sponsors: Hon. Tabirao, Hon. Cagulada, Hon. Delco, Hon. Momo, Jr., Hon. Pacres, Hon. Baer, Hon. Bucadon, Hon. Aguiluz, Hon. Gentugaya)

MUNICIPAL ORDINANCE NO. 2020-221

REGULATING THE OWNERSHIP, KEEPING AND/OR POSSESSION OF DOGS IN HOMES OR BUSINESSES, DEFINING CERTAIN PROHIBITED ACTS AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

Dogs which are stray pose not only various hazards to the public but as well as greatly affect the cleanliness of the environment and also ruin the comfortable atmosphere of the community.

The dangers that are caused by unleashed and/or not confined dogs include the awful incidence of rabies caused by dog bites and numerous cases of vehicular accidents due to the presence of dogs in public roads.

Aside from the said risks, another rampant problem caused by stray dogs, is the widespread scenario of dog's feces and foul odor of dog's urination everywhere. This situation makes the surrounding dirty and having bad smell which becomes nuisance to the public.

Republic Act 9482, otherwise known as "Anti-Rabies Act of 2007", expressly declared that it is the policy of the State to protect and promote the right to health of the people and to

this end, a system for the control, prevention of the spread, and eventual eradication of human and animal rabies shall be provided and the need for responsible pet ownership established.

Section 7 of the same law mentioned above, enumerated the different responsibilities of the LGUs, which include the following:

- (1) xxx...
- (2) Strictly enforce Dog Impounding activities and field control to eliminate Stray Dogs.
- (3) Ensure that Dogs are leashed or confined within the premises of the Owner's house or Owner's fenced surroundings.
- (4) xxx

Section 447 (4) (i) of Republic Act 7160, otherwise known as the Local Government Code of 1991, grants power to the Sangguniang Bayan to "declare, prevent or abate any nuisance".

Section 447 (4) (viii) of same Republic act 7160, also gives power to the Sangguniang Bayan to "provide for the impounding of stray animals, regulate the keeping of animals in homes or as part of a business, xxx".

Thus, it is the bounded duty of the Local Government Unit through the Sangguniang Bayan to safeguard public health, ensure everyone's safety and to put an end to any nuisance by regulating the possession, ownership and/or keeping of dogs.

NOW THEREFORE

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF BRAULIO E. DUJALI, DAVAO DEL NORTE, IN SESSION ASSEMBLED:

SECTION 1. SHORT TITLE – This ordinance shall be known as the "Ownership, Keeping and/or Possession of Dog (OwKePoDog) Ordinance of Braulio E. Dujali, Davao del Norte".

SECTION 2. SCOPE – The provisions of this ordinance shall cover the following:

- 2.1 registration and vaccination of dogs;
- 2.2 establishment of a system for registered and vaccinated dogs;
- 2.3 impounding, field control and disposition of stray dogs; and
- 2.4 role of the local governments/agencies:

SECTION 3. DEFINITION OF TERMS – For the purpose of this ordinance, the following terms shall mean;

3.1 Dog – refers to a common quadruped domestic animal belonging to the order of carnivore (male or female), scientifically known as *canis familiaris*.

3.2 Owner – refers to any person keeping, harboring or having charge, care or control of a dog including his/her representative, except a practicing veterinarian for dogs under his professional care;

Shall also refer to any person to whom an animal remains or to which an animal customarily returns daily for a continuous period of ten (10) days.

3.3 Impound – refers to seize and hold in the custody of the law.

3.4 Bitten – refers to an act by which a dog seizes, cuts or grips with its teeth so that the skin of a person has been wounded, pierced or scratched.

3.5 Rabies – refers to a highly fatal disease caused by a lyssa virus, transmitted mainly through the bite of an infected animal and is characterized by muscle paralysis, hydrophobia and aerophobia, and other neurological manifestations.

3.6 Rabies Vaccination of Dog – refers to the inoculation of domesticated dog with rabies vaccine by a licensed government or private veterinarian or trained individual under the direct supervision of a licensed veterinarian. The services of the trained individual shall be limited only to Rabies Vaccination Injection in domesticated dog and only during government mass vaccination of the animals.

3.7 Registration Card – dated document issued by the Municipal Agriculturist Office of Braulio E. Dujali, Davao del Norte, detailing the name, breed, color, sex, trace number/letter of the registration tag of an animal and the name and address of the pet owner. It shall include the dates of vaccination and revaccination of the animals.

3.8 Stray Dog – refers to any dog leaving its owner's place or premise and no longer under the effective control of the owner.

3.9 Euthanasia – refers to the process of painless death of dogs and other animals.

3.10 Public Place – refers to any place open to the public like parks, markets, streets, etc.

SECTION 4. Registration – Every resident of the Municipality of Braulio E. Dujali, Davao del Norte, who owns, possesses, keeps and/or harbors a dog or dogs shall register the same with the Municipal Agriculturist Office, when the said dog/s reach the age of at least three (3) months. Such registration shall be renewed annually.

SECTION 5. Requirements – An owner shall be required to:

5.1 Present a written proof of the rabies vaccination of the dog/s subject of the registration issued by the Municipal Agriculturist Office, or any other public veterinarian, with his/her license number and the date and place of the vaccination.

5.2 Pay a registration fee of One Hundred Pesos (P100.00) per dog for administrative costs.

5.3 Present the Registration Certification provided under Section 4 hereunder, if already previously registered.

SECTION 6. Registration Tag – The Municipal Agriculturist Office shall issue a registration tag to each registered dog the same to be attached securely to the dog's collar or harness whenever the dog is not indoors or confined. It is presumed that a stray dog without the registration tag is not registered under this Ordinance and the pertinent provisions of this Ordinance shall therefore apply.

For this purpose, the Municipal Agriculturist Office shall devise a system wherein the tags shall be traceable to the specific dog as well as the owner thereof, the same to be tamper-proof as possible.

The Municipal Agriculturist Office shall further issue a dated document to the owner (to be referred to as the REGISTRATION CARD) detailing the name, breed, color, and sex of the dog, the trace number/letter of the registration tag and the name and address of its owner/keeper.

SECTION 7. Registration Records – The Municipal Agriculturist Office shall keep a record of all registered dogs detailing the name, breed, color and sex thereof, the date of vaccination and the name and address of its owner/keeper and the trace number/letter of the Registration Tag. The records shall also reflect the dates of subsequent renewal of the dog's registration. Any change in ownership of the dog shall be reflected in the same records.

SECTION 8. Prohibited Acts – The following acts of the dog owner/keeper are prohibited, whether intentionally or negligently:

8.1 Allowing or permitting a dog, to run astray, unleashed, or outside the direct control of the owner/keeper.

8.2 Allowing or permitting a dog, to defecate or urinate in public places or to defecate or urinate repeatedly or habitually defecate or urinate in another person's property without the property owner's consent. The dog's defecation or urination for at least three (3) times within the span of fourteen (14) days shall be deemed habitual or repeated.

8.3 Keeping and/or harboring any dog, which already exhibits the common and/or known symptoms of a rabid dog. For this purpose, the owner/keeper of a rabid dog shall immediately report the same to the Municipal Agriculturist Office or the nearest barangay hall for appropriate reposition.

8.4 Keeping and/or harboring any dog, which has assaulted, bitten or attacked any person without provocation.

8.5 Keeping and/or harboring any dog, which, persistently barks, howls or cries without any provocation resulting to the unreasonable deprivation of the peace and quiet of any person residing nearby.

8.6 Owning, keeping and/or harboring any dog, which kills, wounds, or worries any other domestic animal without provocation.

SECTION 9. Impounding of Dogs and Disposal of Unclaimed Dogs – In addition to any penalty herein after provided, the Municipal Agriculturist Office, its designated agents, shall capture, restrain, and/or confiscate any untagged dog, or any covered under Section 8, subject to the provisions of Section 10.

Any untagged dog shall be impounded and its owner shall be required to register the same, pursuant to the provisions of this Ordinance before it can be returned to its owner/keeper/claimant.

Any dog, whether tagged or untagged, which remains unclaimed for three (3) days after capture or impoundment, shall be placed for adoption to qualified persons by posting a notice in every barangay for 3 consecutive days, after which if no one adopts, the dog shall be disposed of by using the most humane method of euthanasia which is through the use of intravenous chemicals; provided that the three (3) days period for tagged dogs shall begin from

the time notice of the dog's impoundment has been received by the registered owner or a responsible member of his/her household.

The owner or claimant of any impounded dog shall be obliged to pay a reasonable fee for the expenses necessary for the upkeep of the dog, while being impounded.

In all instances, the claimant shall be required to show proof of his/her ownership of the dog before the said animal can be released to him/her.

SECTION 10. Assistance of the Sangguniang Barangay – Only the office of the Municipal Agriculturist, shall implement the registration aspect of this ordinance and shall secure the assistance of the Barangay Officials concerned.

Where feasible, the Municipal Agriculturist Office shall devise a system wherein the implementation of the other provisions of this ordinance shall be devolved to the barangay but shall at all times ensure that the purpose of this ordinance shall be achieved.

For this purpose, the barangay shall form a team, which shall implement this ordinance, including a team of dog captors, which shall undergo training to be conducted by the Municipal Agriculturist Office.

SECTION 11. Penalties – Any violation of this Ordinance shall be punishable as follows:

11.1 A fine of double the current registration fee, provided for under Section 4, for an owner's/keeper's failure to register any dog covered hereunder.

11.2 For any other violation of this ordinance:

- a. A fine of Five Hundred Pesos (P500.00) for first offense.*
- b. A fine of One thousand Pesos (P1,000.00) for second offense.*
- c. A fine of Two Thousand Pesos (P2,000.00) or imprisonment of not less than one (1) month and not over six (6) months or both fine and imprisonment, upon the discretion of the court, for third and subsequent offenses and surrender the dog for disposition by the Municipal Agriculturist Office for violation of subsections 8.3, 8.4, and 8.6.*

11.3 The name of the violators of this ordinance who deliberately fail/refuse to pay the amount of penalties set forth in this ordinance shall be forwarded to the Municipal Office of the Philippine National Police and shall not be given a Police Clearance upon his/her request pending his/her full payment of the amount involved.

SECTION 12. Liability of Dog Owners – In addition to the penalties provided under Section 8 above, every person who owns, harbors or keeps a dog within the contemplation of this ordinance shall be responsible for the damage which the animal may cause to a third party or property of a third party.

SECTION 13. Share of Barangays in the Fees/Charges Collected – The proceeds of the fees/charges collected by virtue of this ordinance shall accrue to the General Fund of the Municipal Government; provided, that the fees/charges actually and directly collected by the Barangay, through the Barangay Treasurer, as the case may be, shall be equally apportioned between the Municipal and Barangay which shall accrue to their respective general funds.

SECTION 14. Appropriations – The amount of One Hundred Thousand Pesos (P 100,000.00) shall be appropriated from any available municipal funds for the purpose of implementing immediately the provisions of this ordinance. For succeeding calendar years, the budget for the implementation shall be included in the appropriations of the Municipal Agriculturist Office.

SECTION 15. Separability Clause – If any provisions or part hereof is held to be invalid or unconstitutional, other provisions hereof, which are not affected thereby, shall remain valid.

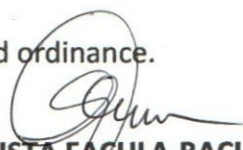
SECTION 16. Repealing Clause – Any ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION 17. Effectivity Clause – This Ordinance shall take effect upon its approval.

SECTION 18. Implementing Rules and Regulation – The Honorable Mayor, through the Municipal Agriculturist Office, shall formulate the Implementing Rules and Regulations of this ordinance.

ENACTED this 29th day of June, 2020 at the Municipality of Braulio E. Dujali, Davao del Norte.

I HEREBY CERTIFY to the correctness of the above-quoted ordinance.


TEOFISTA FACULA-BACLAAN
Senior Administrative Assistant I/
Secretary Designate

Attested to be duly adopted:


DONNA MAE BALDONADO-BERNADAS, Ed.D
Municipal Vice Mayor & Presiding Officer

Approved:


ATTY. LEAH MARIE MORAL-ROMANO
Municipal Mayor

Date: _____

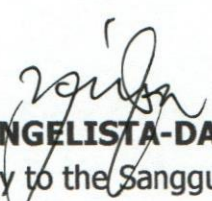
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OFFICE OF THE SECRETARY TO THE SANGGUNIAN

CERTIFICATION

This is to certify that the Sangguniang Bayan has conducted a Public hearing on Municipal Ordinance No. 2020-221; **REGULATING THE OWNERSHIP, KEEPING AND/OR POSSESSION OF DOGS IN HOMES OR BUSINESSES, DEFINING CERTAIN PROHIBITED ACTS AND PROVIDING PENALTIES THEREFOR** held at Lobby, 2nd Floor, Municipal Building, Braulio E. Dujali, Davao del Norte on **February 19, 2020.**


JULIET EVANGELISTA-DAANTON
Secretary to the Sanggunian
(MGDH I)