

REPUBLIC OF THE PHILIPPINES
PROVINCE OF ILOCOS NORTE
MUNICIPALITY OF DINGRAS

**EXCERPT FROM THE MINUTES OF THE SIXTY NINTH (69TH) REGULAR SESSION
OF THE NINTH (9TH) SANGGUNIANG BAYAN OF DINGRAS, ILOCOS NORTE HELD
AT THE SANGGUNIANG SESSION HALL ON NOVEMBER 17, 2014**

Members Present:

Hon. Joefrey P. Saguid	Presiding Officer
Hon. Ruben C. Marcos,	SB Member
Hon. Jose Mari Genaro B. Albano,	SB Member
Hon. Lester S. Ballesteros,	SB Member
Hon. Enriqueto J. Cañete Jr.,	SB Member
Hon. Joey S. Apostol,	SB Member
Hon. Samuel N. Demandante,	SB Member
Hon. Nathaniel Ruben D. Taylan II	SB Member

Member/s Absent:

Hon. Alfe Garry R. Gamboa,	SB Member
Hon. Jimmy Aguinaldo	Liga Vice President (Ex-Officio Member)

**MUNICIPAL ORDINANCE NO. 2014-09-017
Series of 2014**

**AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF AN AUTHORITY
OR LICENSE TO OPERATE COCKPIT ARENA INCLUDING OTHER REGULATIONS
RELATIVE THERETO**

Sponsor: Hon. Joey S. Apostol & Committee of the Whole

WHEREAS, pursuant to Section 447 (3) (v) of the Local Government Code of 1991 otherwise known as the "Republic Act 7160" "*Any Law to the Contrary Notwithstanding, authorize and license the establishment, operation and maintenance of cockpits and regulate cockfighting and commercial breeding of gamecocks.*";

WHEREAS, there is a necessity to enact an ordinance regulating the maintenance and operation of cockpit in this Municipality in order to protect the public interests and general welfare of the people;

WHEREFORE, on motion of Hon. Joey S. Apostol duly seconded by Hon. Nathaniel Ruben D. Taylan II, **BE IT ORDAINED THAT:**

ARTICLE I: TITLE

Section 1. This act shall be known as: "**AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF AN AUTHORITY OR LICENSE TO OPERATE COCKPIT ARENA INCLUDING OTHER REGULATIONS RELATIVE THERETO**"

ARTICLE II: DEFINITION OF TERMS

Section 2. When used in this ordinance, the following are defined as follows:

1. **Cockfighting** – is the sport of fitting or evenly matching gamecocks to engage in an actual fight where bets on either side are laid. Cockfighting may also be

- formed as “cockfighting derby or pintakasi” or its equivalent in different Philippine localities.
2. **Cockpit Arena** – A commercial building at the center of which is an enclosed cockfighting arena and surrounded by seats provided for bettors and other aficionados.
 3. **Fighting Cock/Game Cock** – Also called are rooster, whether locally bred or imported or hybrids primarily for cockfighting.
 4. **Local Derby** – is an invitational cockfight participated in by game cockers or cockfighting aficionados of the Philippines with “pot money” awarded to the proclaimed winning entry.
 6. **Regular Games / Cockfighting** – held at designated cockpits arena usually on weekend featuring two fighting game cock.
 8. **Derby** – Special Cockfighting event of an even bigger scale and participated in by big-time breeder.
 9. **Bet taker/Promoter** – refers to a person who alone or with another initiates a cockfight and/or calls and take care of bets from owners of both gamecocks and those of other bettors before he orders commencement of the cockfight thereafter distributes won bets to the winners after deducting a certain commission, or both.
 10. **Bet Manager (Kasador)**- A person who calls and takes care of bets from owners of both gamecocks and those of other betterers before he orders commencement of the cockfight and thereafter distributes winning bets to the winners after deducting a certain commission.
 11. **Referee (Sentenciador)**- A person who watches and oversees the progress of the cockfight and decides its result by announcing the winner or declaring a draw or a non-contest game.
 12. **Bet Taker (Kristo)**- A person who participates in cockfights and with the use of money or other things of value, bets with other betterers or through other bet takers and wins or loses his bets depending upon the result of the cockfight as announced by the referee or sentenciador.
 13. **Gaffer (Mananari)**- A person knowledgeable in the techniques of arming fighting cocks with gaffs on either leg or both.
 14. **Handler (Sultador)**- A person who personally takes physical custody and control inside the arena of a pitted gamecock, and who actually releases the same for actual fight and combat in a cockfight.
 15. **Promoter**- A person duly licensed to undertake in the convening, meeting, and holding of specially programmed and arranged cockfighting, like local and international derbies or competitions, special mains or matched set to or encounters, pintakasi, and ordinary fights or hackfights.

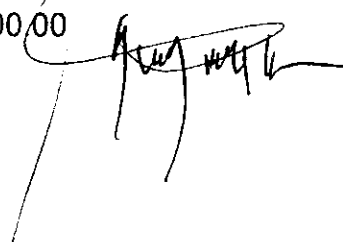
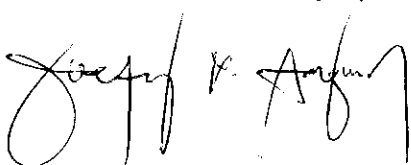
ARTICLE III: REGULATORY ACTS

Section 1. Only Filipino citizens, not otherwise prohibited by law, shall be allowed to own, operate, and manage cockpit in the Municipality. Provided that, in the case of a corporation, sixty percent (60%) of the total outstanding capital stock shall be owned by Filipino citizens.

Section 2. Only one cockpit shall be allowed to be established, maintained and operated in the Municipality. Provided that, when the population of the Municipality shall reach over one hundred thousand, another cockpit may be established, maintained, and operated in the Municipality.

Section 3. Imposition of Fees

1. Application filing fee P 500.00
Annual cockpit permit fee 5,000.00



2. Aside from the license fee, derbies fees are:
 - 2 – Cock Derby P 1,500.00
 - 3 – Cock Derby 2,000.00
 - 4 – Cock Derby 3,000.00
 - 5 – Cock Derby 5,000.00
 - Special cockfights (pintakasi) 700.00

3. Other Fees
 - Regular Hack Fight – P25.00/Fight
 - Derby Fight – P50.00/FightThe cockpit management may collect gate/entrance fee in every operation of no more than P100.00 and shall remit the 30% of the total gate receipts to the Municipal Treasury.

4. Fees of cockpit personnel
 - a. Promoters/Hosts P 500.00
 - b. Pit Manager 250.00
 - c. Referee 250.00
 - d. Bet Taker (Kristo/Llamador) 100.00
 - e. Bet Manager (Maciador/Kasador) 200.00
 - f. Gaffer (Mananari) 200.00
 - g. Cashier 200.00
 - h. Derby (Matchmaker) 200.00
 - i. Ring Bet Taker 200.00

Section 4. The annual cockpit permit fee is payable upon application of a permit before a cockpit shall be allowed to operate and within the first twenty days of January of each year in case of renewal thereof. On derbies and special cockfights, the fees herein imposed shall be payable to the Municipal Treasurer before the same can be lawfully held.

Section 5. The permit fee for cockpit personnel shall be paid before they participate in a cockfight and pay annually upon renewal of the permit of the cockpit. Only duly registered and licensed personnel shall take part in all kinds of cockfights held in this Municipality. No operator or owner of a cockpit shall employ or allow to participate in a cockfight any of the above-mentioned personnel unless he has registered and paid the fee herein required.

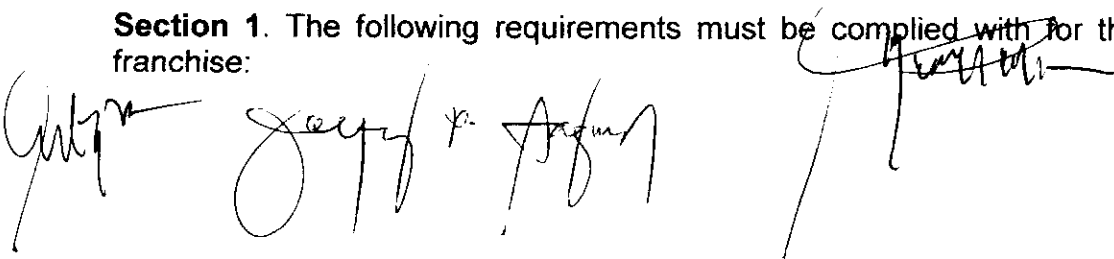
Section 6. The franchise to operate a cockpit shall be granted by the Sangguniang Bayan, and shall be in effect for a period of one (1) year unless terminated by the Sangguniang Bayan for violation of the provision of this ordinance and related regulations. Present franchise holder will have the options to renew the franchise by submitting a Letter of Intent to Renew on or before December 15th of every year. Failure to file a Letter of Intent to Renew on the prescribed period will pass on the option to other applications.

Section 7. No Cockpit shall be operated within the radius of 200 meters from school and other public buildings and churches.

Section 8. Aside from the operations of a cockpit all other business activities inside the premises of the cockpit will have to secure a Mayor's Permit relative to its operations and pay corresponding business taxes and Mayor's Permit Fees.

ARTICLE IV. REQUIRMENTS FOR APPLICATION FOR FRANCHISE

Section 1. The following requirements must be complied with for the application for franchise:

The image shows three handwritten signatures in black ink. The first signature on the left is partially cut off. The middle signature is written in a cursive style. The signature on the right is also cursive and appears to be the most prominent.

A. New Applicants

- a. Registration of Business from either SEC or DTI
- b. BIR Registration
- c. Proof of Ownership of the Land or Lease Contract if being leased
- d. Proof of Financial Capacity, Company Profile Development Program. Provided that, there shall be proof of at least FIFTY THOUSAND PESOS business capital that is deposited in an accredited banking institution.
- e. Barangay resolution interposing no objection
- f. Barangay Clearance for each employee
- g. Mayor's Clearance of each employee
- h. Health Certificate of each employee
- i. Sanitation Permit
- j. Fire Clearance
- k. Land Reclassification if required (for Agricultural Land)
- l. Zoning Clearance and Building Permit

B. For Renewal

- a. Clearances from the Treasurer's Office on Payment of Dues
- b. New Lease Contract
- c. Audited Financial Statement
- d. Certification for the Municipal Engineer on the Worthiness of the Structure
- e. Sanitary and Health and Fire Clearance

SECTION V: CONDUCT OF COCKFIGHTING

Section 1. Regular cockfight may be held only on Sundays and other legal holidays. Provided that no cockfights shall be held during the following days:

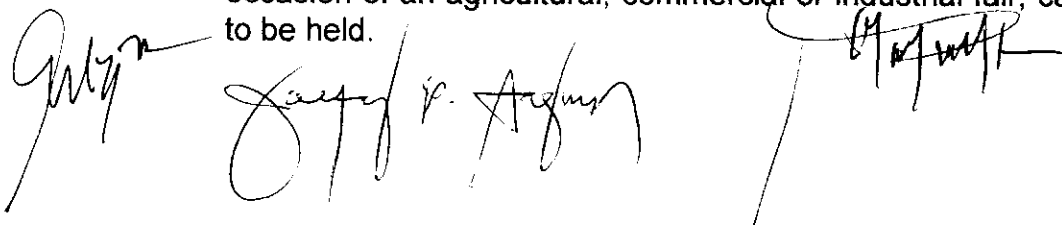
- a. New Year's Day
- b. Holy Thursday
- c. Good Friday
- d. Philippine Independence Day
- e. All Saints Day
- f. Christmas Day
- g. Election/Referendum Day
- h. Registration Day for such election/referendum.

Section 2. Derbies may be conducted and allowed upon application of the owner/promoter and duly approved Special Permit through a resolution from the Sangguniang Bayan. Application for such derby shall be filed with the Mayor's Office at least fifteen (15) days before the intended event.

Section 3. Special Cockfights may be conducted only by virtue of special permit to be issued by the Local Chief Executive with the concurrence of the Sangguniang Bayan. Provided, that the issuance of special permit for special cockfights shall comply with the provisions of the Municipality's Administrative Code.

The Mayor with the concurrence of the Sangguniang Bayan may issue special permits for special cockfights to a maximum of five (5) times a month provided that no two (2) permits shall be issued in one particular week.

- a. For not more than three (3) consecutive days and not more than once a year during municipal fiestas as fixed by the Sangguniang Bayan;
- b. For more than three (3) consecutive days and not more than once a year on the occasion of an agricultural, commercial or industrial fair, carnival or exposition of to be held.



- c. For the entertainment of foreign dignitaries or for tourist or returning Filipinos, commonly known as "Balikbayans" provided that the only one (1) permit may be issued for the purpose within a calendar year and for a period not exceeding three (3) consecutive days.
- d. For the support of national fund-raising campaigns for charitable purpose as maybe authorized by the Office of the President that this privilege shall be granted for only one time within the calendar year for a period not exceeding three (3) consecutive days.

Every application shall be signed by the owner/operator or licensee of the cockpit and countersigned by the promoter or a representative of the beneficiary, to be supported with the necessary documents as follows:

1. A copy of proclamation authorizing the fund raising campaign;
2. Letter request of the beneficiary to the cockpit owner, operator or licensee to stage such special cockfight;
3. Resolution of the Sanggunian concerned during official Municipal/Barangay fiestas and agricultural/industrial fairs;
4. Resolution of the Sanggunian concerned for the support of national fund raising campaign for charitable or other purposes as may be authorized by the Office of the Mayor.

Article VI: PROHIBITIONS

Section 1. Selling and consumptions of liquor and other alcoholic beverages are prohibited within the premises of the cockpit.

Section 2. Other Gambling Game Prohibited – No gambling of any kind shall be permitted in the premises of the cockpit during the cockfights. The owner, manager or lessee of such cockpit and the violators of this Section shall be criminally liable under the provisions of this code.

Section 3. Carrying of deadly weapons, except for security personnel and military authorities.

Section 4. Prohibition against Minors. – No person less than eighteen (18) years of age shall be inside the premises of the cockpit and to bet on the cockfights. The operator, manager or licenses shall be responsible for strict compliance with this rule.

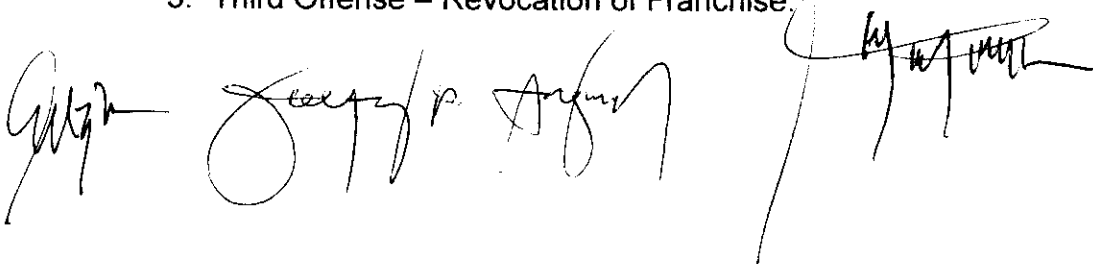
Section 5. Complaints and Protest. – The Sangguniang Bayan shall take cognizance of complaints and protests related to the operation and management of cockpits or the conduct of writing and under oath. The Sagguniang Bayan shall prescribe the rules and procedures governing the disposition of such cases.

Section 6. Anti-Fraud Measures. – Consonance with the Filipino trait of honesty and the tradition of fair play, the Sangguniang Bayan shall adopt such measure as to obviate the use of fraudulent means or manipulation shall be prosecuted against in accordance with our penal laws as the circumstances may warrant.

Article VII: PENAL PROVISIONS

Section 1. Violation of any provision of this ordinance shall have the following penalties:

1. First Offense – two week suspension of franchise.
2. Second Offense- one month suspension of franchise.
3. Third Offense – Revocation of Franchise.

The image shows four handwritten signatures in black ink, arranged horizontally. The signatures are cursive and appear to be official signatures of the individuals mentioned in the ordinance. The first signature is on the far left, followed by two more, and a fourth, larger signature on the far right.

Article VIII. OTHER PROVISIONS

Section 1. APPLICABILITY CLAUSE. The provision of PD 449, otherwise known as the Cockfighting Law of 1974, PD1802 (Creating the Philippine Game Fowl Commission), and such other pertinent laws shall apply to all matters regarding the operation of cockpits in this Municipality.

Section 2. SEPARABILITY CLAUSE. If for any reason, any provision, section or part of this ordinance shall be held to be unconstitutional or invalid, other parts or provision thereof which are not affected shall continue be in full force and effect.

Section 3. REPEALING CLAUSE. All ordinances, rules and regulations, or part thereof, whose provisions are in conflict with, or contrary, to the provisions of this ordinance are hereby repealed, amended or modified accordingly.

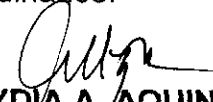
APPROVED:

Voted in favor: Hon. Ruben C. Marcos, Hon. Jose Mari Genaro B. Albano, Hon. Lester S. Ballesteros, Hon. Enrique J. Cañete Jr., Hon. Joey S. Apostol, Hon. Samuel N. Demandante, Hon. Nathaniel Ruben D. Taylan II


Voted against: N o n e

Abstention: N o n e

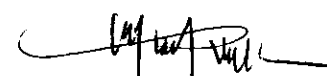
I HEREBY CERTIFY to the correctness of the above-quoted ordinance.


LYDIA A. AQUINO
SB Secretary

ATTESTED:


JOEFREY P. SAGUID
Presiding Officer

APPROVED:


ERDIO E. VALENZUELA
Mayor
NOV 21 2014

Republic of the Philippines
THE SANGGUNIANG PANLALAWIGAN OF ILOCOS NORTE
Laoag City, 2900

NINTH SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE **73RD REGULAR SESSION**
OF THE SANGGUNIANG PANLALAWIGAN, HELD AT THE
SANGGUNIANG SESSION HALL, PROVINCIAL CAPITOL,
LAOAG CITY, AT 3:15 O'CLOCK P. M.
MONDAY, 15 DECEMBER 2014.

Present:

Hon. Eugenio Angelo M. Barba, Vice-Governor,
and Presiding Officer,
Hon. Albert D. Chua, Member,
Hon. Da Vinci M. Crisostomo, Member,
Hon. Ramon M. Gaoat, Member,
Hon. Juan Conrado A. Respicio II, Member,
Hon. James Paul C. Nalupta, Member.
Hon. Vicentito M. Lazo, Member
Hon. Rogelio R. Balbag, Member,
Hon. Domingo C. Ambrocio, Jr., PCL-IN, Member,
Hon. Charles L. Tadena, ABC-IN, Member.

Absent:

Hon. Ria Christina G. Fariñas, Member,
Hon. Portia Pamela R. Salenda, Member,
Hon. Joel R. Garcia, Member

RESOLUTION NO. R2014-5484

REVIEW OF/ACTION ON ORDINANCE NO. 2014-09-017
ENACTED BY THE SANGGUNIANG BAYAN OF
DINGRAS.

ON MOTION of Member LAZO, Chairman, Committee on GAMES, duly seconded, the
Body Resolved that:


Ordinance No. 2014-09-017 be declared VALID IN PART, except for Section 7 of
Article III and Sections 1 and 3 of Section V which are hereby declared INVALID pursuant to
the Recommendation of the Committees on GAMES, and LAWS a copy of which is being
furnished the Sanggunian concerned;

Copy of this Resolution be furnished to all concerned for their information and guidance.

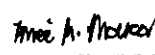
I HEREBY CERTIFY to the correctness of the above-quoted Resolution.


MILDRED NIRMLA R. LAMOSTE
Provincial Board Secretary

ATTESTED:


EUGENIO ANGELO M. BARBA
Vice-Governor
and Presiding Officer

APPROVED 22 DEC 2014
DATE


AMEL A. ALARCÓN
PROVINCIAL GOVERNOR



Republic of the Philippines
PROVINCE OF ILOCOS NORTE
 Laoag City 2900



SPO- VG	
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DATE	DEC 12 2014
TIME	8:08 AM
SIGNATURE	

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

JOINT COMMITTEE REPORT

COMMITTEE ON GAMES AND AMUSEMENT
COMMITTEE ON LAWS, RULES, ETHICS AND PRIVILEGES

**THE HONORABLE PRESIDING OFFICER
 & MEMBERS OF THE SANGGUNIANG PANLALAWIGAN:**

RE: MUNICIPAL ORDINANCE NO. 2014-09-017 OF THE MUNICIPALITY OF DINGRAS –“AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF AN AUTHORITY OR LICENSE TO OPERATE COCKPIT ARENA INCLUDING OTHER REGULATIONS RELATIVE THERETO.”

FINDINGS & OBSERVATIONS:

“The said Municipal Ordinance No. 2014-09-017 of the Municipality of Dingras is enacted in accordance with Section 447 (a) of the Local Government Code of 1991 (RA No. 7160), thus:

Section 447. Powers, Duties, Functions and Compensation. -

(a) The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code x x x .

x x x

Notwithstanding the foregoing, certain provisions of the resolution run counter to the provisions of PD 449 – the governing law regarding the conduct of cockfighting.

To elaborate –

Section 7 Article III of the resolution limits the operation of a cockpit and prohibits the establishment of the same within a radius of 200 meters from a school, other public building and churches. The limitation in section 7 may be contrary to Section 5 (c) of PD 449 which widens the prohibited area - in the absence of a zoning ordinance, to residential and commercial zones, thus:

Section 5. Cockpits and Cockfighting in General.

x x x

(c) Cockpit Sites and Constructions. Cockpits shall be constructed and operated within the appropriate areas as prescribed in Zoning Law or Ordinance. In the absence of such law or ordinance, the local executives shall see to it that no cockpits are constructed within or near existing residential or commercial areas, hospitals, school buildings, churches or other public buildings. Owners, lessees, or operators of cockpits which are now in existence and don not conform to this

requirement are given three years from date of effectivity of this Decree to comply herewith. Approval or issuance of building permits for the construction of cockpits shall be made by the city or provincial engineer in accordance with their respective building codes, ordinances or engineering laws and practices.

x x x

Section 1 Article V of the resolution provides that no regular cockfighting can be held on All Saints Day, Christmas and New Year's day which is within the authority of the sanggunian to prohibit. However, in the enumeration of the days where cockfighting is barred, November 30 and December 30 were omitted which implies that cockfighting can be held on said days which will again run counter to Section (d) of PD 449, thus:

x x x

(d) Holding of Cockfights. Except as provided in this Decree, cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas **for not more than three days**. It may also be held during provincial, city or municipal, agricultural, commercial or industrial fair, carnival or exposition **for a similar period of three days upon resolution** of the province, city or municipality where such fair, carnival or exposition is to be held, subject to the approval of the Chief of Constabulary or his authorized representative: Provided, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions a year in the same city or municipality: Provided, further, that no cockfighting shall be held on **December 30 (Rizal Day)**, June 12 (Philippine Independence Day) **November 30 (National Heroes Day)**, Holy Thursday, Good Friday, Election or Referendum Day and during Registration Days for such election or referendum. (emphasis supplied)

x x x

Section 3 (b) Article V of the resolution which reads –

Section 3. Special Cockfights may be conducted only by virtue of special permit to be issued by the Local Chief Executive *with the concurrence* of the Sangguniang Bayan. Provided, that the issuance of special permit for special cockfights shall comply with the provisions of the Municipality's Code. (italics supplied)

x x x

b. **For more than three (3) consecutive days** and not more than once a year on the occasion of an agricultural, commercial or industrial fair, carnival or exposition to be held. (emphasis supplied)

x x x

is contrary to Section 5 (d) [as above quoted] and (e) of PD 449, thus:

(e). Cockfighting for Entertainment of Tourists or for Charitable Purposes. Subject to the preceding subsection hereof, the Chief Constabulary or his authorized representative may also allow the holding of cockfighting for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as "Balikbayan", or for support of national fund-raising campaigns for charitable purposes as may be authorized by the Office of the President upon resolution of a

Brammery

a
[Signature]

provincial board, city or municipal council, in licensed cockpits or in playgrounds or parks: Provided, that this privilege shall be extended for only one time, for a period **not exceeding three days**, within a year to a province, city, or municipality. (emphasis supplied)

It must likewise be emphasized that PRIOR authorization by the sangguniang bayan is required before the Mayor may grant a special permit to conduct cockfights as allowed under PD 449, hence, the concurrence mentioned in the resolution (*in italics in this report*) is erroneous.

The definition of Local Derby, Regular Games/Cockfighting and Derby are ambiguous. Simply put, the distinction is subjective and could be the source of abuse, in fact, the three classifications could even be construed as one and the same.

The numbering of the sections is also confusing – i.e., while Article I starts with Section 1 and Article II starts with Section 2, Article III again starts with Section 1 as in the rest of the articles. There is no Article V since the supposed Article V is Section V, thus, Sections 1 to 3 of Section V, which is confusing. Noteworthy is the fact that in the Local Government Code, the sections are numbered and arranged numerically regardless of the Titles and Chapters to which the sections belong and this is to avoid confusion.

Since new applicants are required to show proof of BIR registration, in the case of renewals – should this possibility arise in the future, proof of payment of all tax liabilities – both national and local should be required particularly on the operations of the cockpit.

RECOMMENDATION:

In view of the foregoing findings and observations, the Joint Committee hereby recommends that Municipal Ordinance No. 2014-09-07 of Dingras, be declared **VALID IN PART**, except for Section 7 of Article III and Sections 1 and 3 of Section V which are hereby declared invalid.

Laoag City, 09 December 2014.



VICENTITO M. LAZO

Chairman, Com. on Games and Amusement
Member, Com. on Laws



JOEL R. GARCIA

Vice-Chairman, Com. on Games and Amusement
Member, Com. on Laws



DA VINCLM. CRISOSTOMO

Member, Com. on Games and Amusement
Chairman, Com. on Laws



JUAN CONRADO A. RESPICIO II

Member, Com. on Games and Amusement
Vice-Chairman, Com. on Laws

PORTIA PAMELA R. SALENDA

Member, Com. on Games and Amusement
Member, Com. on Laws