



GENERAL ORDINANCE NO. 18-68

Series of 2019

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AN ORDINANCE PRESCRIBING THE GUIDELINES IN GRANTING LICENSE TO OPERATE AND MAINTAIN A COCKPIT IN THE MUNICIPALITY OF TUNGAWAN, ZAMBOANGA SIBUGAY

WHEREAS, Section 447, par. a, sub-par 3, 3(V) of Republic Act 7160 otherwise known as the Local Government Code of 1991, expressly provides that " 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 in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of the Code, and shall

(3) Subject to the provisions of Book II of this Code, grant franchise, enact ordinance authorizing the issuance of permits or licenses, or enact ordinance levying taxes, fees and charges upon such conditions and for such purposes intended for the general welfare of the inhabitants of the municipality and pursuant to this legislative authority, shall:

(3),(V) Any law to the contrary notwithstanding, authorizes and licenses the establishment, operation and maintenance of cockpits, and regulate cockfighting and commercial breeding of fighting cocks: Provided, that existing rights should not be prejudiced."

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;

BE IT ORDAINED BY THE 18TH LEGISLATIVE COUNCIL OF TUNGAWAN, ZAMBOANGA SIBUGAY, IN ITS 95TH REGULAR SESSION ASSEMBLED, THAT:

ARTICLE I: TITLE

SECTION 1. This act shall be known as, "The 2019 Cockfighting Ordinance of the Municipality of Tungawan, Zamboanga Sibugay"

ARTICLE II. DEFINITION OF TERMS

SECTION 2. When use in this ordinance, the following are defined as follows:

- a. Cockfighting (Sabong) - is the sport of pitting or evenly matching gamecocks to engage in an actual fight where bets in either side are laid. Cockfighting may also be formed as a "cockfighting derby", "pintakasi or tupada" or its equivalent in different Philippine localities.
- b. Cockpit Arena - includes any place or portion thereof, where cockfights are held.
- c. Bet Manager (kasador) - a person who calls and take care of bets from owners of both gamecocks and those of other bettors before he orders commencement of the cockfight and thereafter distributes won bets to the winners after deducting a certain commission.

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- d. Bet Taker (Maciador) – a person who participates in cockfights and with the use of money or other things of value, bets with other bettors or through bets takers and wins or losses his bets depending upon the results of the cockfights as announced by the referee or sentenciador.
- e. Promoter – a person licensed by the Local Government Unit as such who engaged in convening, meeting, holding and celebrating of specially programmed and arranged cockfighting like local and international derbies or competitions, special main or matched set to or encounters, pintakasi, and ordinary fights or hack fights.
- f. Local Derby – is an invitational cockfight participated in by the game cockers or cockfighting “aficionados” of the Philippines with “pot money” awarded to the proclaimed winning entry.
- g. International Derby – refers to the invitational cockfights participated in by the local and foreign game cockers or cockfighting “aficionados” with “pot money” awarded to the proclaimed winning entry.
- h. Regular Cockfight – means a cockfight held on Sundays and/or legal holidays.
- i. Special Cockfight – means a cockfight held on weekdays other than Sundays and legal holidays and for special purposes.
- j. Referre – (Sentenciador) refers to a person who watches and oversees the proper gaffing of fighting cocks; determine the physical condition of fighting cocks while cockfighting is in progress, the injuries sustained by the cocks and their capability to continue fighting; and decides and makes known his decision by words or gesture the result of the cockfight by announcing the winner or declaring a tie or no contest game.
- k. Gaffer – is a person knowledgeable in the art of arming fighting cocks with gaff in one or both legs.
- l. Handler (Sultador/largador) – a person who personally takes physical custody and control inside the arena of a pitted game cock and who actually releases the same for actual fight and combat in a cockfight.
- m. Game Cocks – refers to domesticated fowls, whether imported or locally-bred as well as the native fighting cocks indigenous to the country, especially bred, trained and conditioned for actual fighting or for preparation and breeding purposes for eventual use in cockfighting.
- n. Franchise – a special privilege granted by the SB to an individual or group to operate and maintain a cockpit.
- o. Cocker (Aficionado) – A keeper of fighting cocks and bets in cockfighting as a sport, amusement, recreation, or form of relaxation.

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- p. Zoning Law or Ordinance – National, Provincial and/or Municipal legislation/s which logically arrange, prescribe, define and apportion a given political subdivision into specific land use in accordance with prescribed standards and guidelines.
- q. Pit Manager/Operator – A person who professionally, regularly, and habitually manages a cockpit and cockfights therein. He may not be the owner of the cockpit himself.
- r. Cockpit officials/personnel – gaffers, bet manager (kasador), barker and gater.
- s. Owner-operator – one who owns; the rightful proprietor; having the legal or rightful title and has the exclusive right to hold, use, benefit from, enjoy, convey, transfer and otherwise dispose of the cockpit.

ARTICLE III. REGULATORY ACTS

SECTION 3. 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 partnership, cooperatives and corporation, sixty percent (60%) of the total outstanding capital stock shall be owned by Filipino citizens.

SECTION 4. 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 5. SITE AND CONSTRUCTION OF COCKPITS. – Cockpit shall be constructed and operated within the appropriate areas as prescribed in zoning laws or ordinance. In the absence of such zoning laws or ordinances, no cockpit shall be established, maintained and/or operated within a radius of two hundred (200) lineal meters from any existing residential or commercial area, hospitals, school buildings, churches or other public buildings. Cockpits may also be established within and/or as adjunct of resorts, sports and/or recreational project sites duly recognized and registered with the Philippine Tourism Authority, subject to the limitation of the number of cockpits allowable within the municipality. Approval of issuance of building permits for the construction of cockpits shall be made by the municipal engineer in accordance with the National Building Code, ordinance or rules and regulations.

SECTION 6. IMPOSITION OF FEES – There shall be collected the following fees from cockpit operators/ owners/ licensees and other cockfighting officials.

- a. On cockpit operators/ owners/ licensees and other cockfighting officials.
 - 1. Franchise Fee (valid for 3 years) _____ Php 3,500.00
 - 2. Annual Cockpit Permit Fee _____ 5,000.00
 - 3. Application Fee _____ 2,000.00
- b. On cockpit personnel
 - 1. Promoter or Host _____ Php 1,000.00
 - 2. Referee (Sentenciador) _____ 300.00
 - 3. Cashier _____ 300.00
 - 4. Bet Manager _____ 500.00
 - 5. Matchmaker (Derby) _____ 300.00

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6. Pit Manager _____	1,000.00
7. Bet Taker (Maciador) _____	500.00
8. Gaffer _____	300.00
9. Medical Aide _____	300.00

c. Request For

1. Special Cockfight (Pintakasi, Ulutan, Barangay Fiesta Etc.) _____	Php 1,000.00
2. Derby	
2a. 2 Cock Derby/2 wins _____	Php 1,000.00
2b. 3 Cock Derby/3 wins _____	1,500.00
2c. 4 Cock Derby _____	2,000.00

d. Special Derby Assessment Per Win (Sultada)

1. In derbies with winning bet of less than Php 4,000 _____	Php 50.00
2. In derbies with winning bet of Php 4,000 and above _____	100.00
3. On regular cockfights with winning bet of Php 2,000 or below, per sultada _____	20.00
4. On regular cockfights with winning bet of Php 2,000 up to Php 4,500 _____	50.00
5. On regular cockfights with winning bet of Php 5,000 and above _____	100.00

e. Filing fees for complaint, petition and/or application for proper and equitable reliefs. _____	1,000.00
f. Resetting fee or re-schedule fee of Special cockfight for which a Special Permit has been previously issued. _____	500.00
g. Registration Fee for each cockfighting personnel for every Special Permit issued by the Municipal Mayor _____	100.00
h. Garbage Collection (during derby, 2 wins and Special Cockfight) _____	350.00
1. Annual Garbage Collection Fee _____	200.00

SECTION 7. 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 8. 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 9. The franchise to operate a cockpit shall be granted by the Sangguniang Bayan, and shall be in effect for a period of three (3) years unless terminated by the Sangguniang Bayan for violation of the provision of this ordinance and related regulations. Present franchise holder will have the option to renew the franchise by submitting a letter of intent to renew on or before 15th of December of the 3rd year validity of the franchise Failure to file a letter of intent to renew on the prescribed period will pass on the option to other applicants.

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SECTION 10. 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.

SECTION 11. In case of the existence already of a cockpit, a temporary Mayor's Permit to operate for six (6) months may be issued to licensee, provided that the operator/owner shall comply with the requirements set by this ordinance within the period.

ARTICLE IV. REQUIREMENT FOR APPLICATION FOR FRANCHISE

SECTION 12. The following requirements must be complied with for the application for franchise.

A. New Applicants

- a. Letter of Intent
- b. Registration of Business from either SEC or DTI
- c. BIR Registration
- d. Proof of Ownership of the Land or Lease Contract if being leased
- e. 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
- f. Barangay resolution interposing no objection
- g. Barangay Clearance for each employee
- h. Mayor's Clearance of each employee
- i. Health Certificate of each employee
- j. Sanitation Permit
- k. Fire Clearance
- l. Land Reclassification if required (for Agricultural Land)
- m. Zoning Clearance and Building Permit

B. For Renewal

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

ARTICLE V. CONDUCT OF COCKFIGHTING

SECTION 13. Regular cockfight shall 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



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- g. Election/Referendum Day
- h. Registration day for such election/referendum.

SECTION 14. 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 15. 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 existing local ordinance.

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 not 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 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.
- e. Cockfighting in support of a Local Fund Raising Campaign for charitable purposes as may be authorized by the Local Chief Executive through the recommendation of the agency or institution by which the sponsoring organization is affiliated and upon the recommendation of the Municipal Social Welfare and Development Office (MSWDO) and final approval of the Sangguniang Bayan, in which case shall not exceed three (3) consecutive days. *Provided*, that the sponsoring group is a legitimate organization duly registered with the Securities and Exchange Commission and/or other National Government Agency, and accredited by the Sangguniang Bayan. *Provided further*, that within five (5) working days after the activity, the group shall furnish the Local Chief Executive and the Sangguniang Bayan a copy of its financial report or Statement of Income and Expenditures. *Provided furthermore*, that this privilege shall only be granted once a year to qualified organization and shall not occur more than four (4) times in a calendar year. *Provided finally*, that the total amount raised shall be utilized solely for the purpose or purposes applied for.

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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 cockfights;
3. Resolution of endorsement by the Sangguniang concerned during official Municipal/Barangay fiestas and agricultural, commercial or industrial fairs, carnival or exposition.
4. Resolution of endorsement by 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 16. Selling and consumptions of liquor and other alcoholic beverages are prohibited within the premises of the cockpit.

SECTION 17. 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 ordinance.

SECTION 18. Carrying of deadly weapon are prohibited except for uniformed security personnel and military authorities who are on their official duties and functions.

SECTION 19. Prohibition Against Minors – No person less than eighteen (18) years of age shall be allowed inside the premises of the cockpit and to bet on the cockfights. The operator, manager or licensee shall be responsible for strict compliance with this rule.

SECTION 20. Complaints and Protest – The Sangguniang Bayan shall take cognizance of complaints and protest related to the operation and management of cockpits on the conduct of writing and under oath. The Sangguniang Bayan shall prescribe the rules and procedures governing the disposition of such cases.

SECTION 21. 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 22. Violation of any provision of this ordinance shall have the following penalties:

1. First Offense – Php 1,000,00 one week suspension of franchise/license
2. Second Offense – Php 2,000,00 plus two weeks suspension of franchise/license
3. Third Offense – Revocation of franchise/license.



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ARTICLE VIII. OTHER PROVISIONS

SECTION 23. APPLICABILITY CLAUSE – The provision of PD 449, otherwise known as the cockfighting law of 1974, PD 1802 and PD 1802A (Creating the Philippine Game Fowl Commission), and such other pertinent laws shall apply to all matters regarding the operation of cockpit and the holding of cockfights in this municipality.

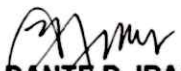
SECTION 24. SEPARABILITY CLAUSE. If for any reason, any provision, section or part of this ordinance shall be held to be unconstitutional or invalid, other parts or provision thereof which are not affected shall continue be in full force and effect.

SECTION 25. 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.

SECTION 26. EFFECTIVITY CLAUSE. This Ordinance shall take effect after its publication in a newspaper of local or general circulation or posting in at least three (3) conspicuous places in the Municipality of Tungawan, Zamboanga Sibugay.

APPROVED AND ORDAINED, this 26th day of February 2019 at Tungawan, Zamboanga Sibugay.

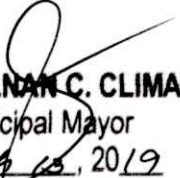
Certified True and Correct:


DANTE D. IBARRA
Secretary to the SB

Attested to be Duly Adopted::


IVAN N. BALANO
Municipal Vice Mayor

Approved:


CARL NAN C. CLIMACO
Municipal Mayor
Date: March 15, 2019