



# Animal Protection Index (API) 2020

## Republic of the Philippines: ranking D

### Executive summary

In the Philippines, animal welfare legislation is made up of the Animal Welfare Act (1998), the Wildlife Resources Conservation and Protection Act (2001) and a large number of supporting Administrative Orders regulating many processes and facilities that affect animal lives, such as farm animal transport and pet shops. Although sentience is not formally recognised in legislation, there is legal recognition that a large number of animals, both vertebrates and invertebrates, can suffer both physically and mentally, and the Five Freedoms are also enshrined in law. Similarly, guidelines on chicken and pig rearing, transport and slaughter were written to align with OIE standards. Much of the legislation goes beyond considerations of animal health from human health and productivity perspectives signifying that animal welfare is important in the Philippines.

While there are many aspects to Philippine law that have a positive effect on animal welfare, this is not equal across all animal species. The Wildlife Resources Conservation and Protection Act provides anti-cruelty provisions for wild animals but also allows many species to be hunted even when listed under CITES conservation status as 'threatened'. The commercial breeding of wild animals is also allowed in legislation. Similarly, there is a lack of legislation banning inherently cruel and unnecessary practices such as fur farming, long-distance transport of live animals and testing on animals for cosmetics, including on wild caught animals. While zoos are somewhat regulated and require licences, there are no further Administrative Orders governing best practice and guidelines for animal welfare. Under Philippine law there are also inconsistencies. Dog and horse fighting are banned outright in the Animal Welfare Act (1998), whereas cockfighting is not.

Animal Welfare governance is spread across multiple Government Departments including the Department of Agriculture and the Department of Environment and Natural Resources. Both departments run separate committees such as the Committee of Animal Welfare (Department of Agriculture) and the National Committee on Wildlife Management (Department of Environment and Natural Resources); however, there is no suggestion that these two committees work together to ensure animal welfare protections for all animals under their jurisdictions.

Since the previous edition of the API in 2014, there has been little change in Philippine Law to further protect animals. In fact, many of the supporting Administrative Orders supporting animal welfare legislation are more than a decade old.

The Government of the Philippines is recommended to align all animal welfare legislation and jurisdictions under one government department with enough resources for education, enforcement and to continue to improve animal welfare. The Government is also recommended to revise and reassess all Administrative Orders that impact animal welfare to ensure they are aligned with modern OIE standards and current scientific thinking. Furthermore, the Government of the Philippines is strongly encouraged to ban cruel practices such as fur farming, keeping wild animals as pets and long-distance



transport of animals. Further legal and policy recommendations are associated with each Animal Protection Index (API) indicator and contained in the relevant sections of this report.



## Animal Protection Index Indicators

### Goal 1: Recognition of animal sentience and prohibition of animal suffering

#### 1. Animal sentience is formally recognised in legislation

Analysis of the legislation	
Ranking	C
<p>Although it does not explicitly state that animals are sentient, Republic Act No. 8485 (the Animal Welfare Act of 1998)<sup>1</sup> does recognise the ability of animals to suffer as it refers to both physical and psychological well-being of animals, to “freedom from fear, distress, harassment and unnecessary discomfort and pain” and to allowing animals to express normal behaviour (section 1, as added by amending Act 10631 in October 2013).<sup>2</sup></p> <p>The stated purpose of the Animal Welfare Act of 1998 is to protect and promote the welfare of all terrestrial, aquatic and marine animals in the Philippines. Although this refers to “all terrestrial, aquatic and marine animals”, the section goes on to say that this purpose is to be achieved by regulating facilities using animals either as objects of trade or as household pets. This therefore implies that wild animals (unless captive for commercial purposes or as pets) are not covered by this legislation.</p> <p>While law protecting wild animals, Act No 9147 of 2001 (the Wildlife Resources Conservation and Protection Act)<sup>3</sup>, does not explicitly recognise animal sentience it does recognise their ability to suffer physical pain under Section 27 where it is illegal to maltreat and/or inflict injury to wild species.</p> <p><b>Analysis</b></p> <p><i>Animal welfare is recognised as an individual issue by the Animal Welfare Act of 1998, which also recognises the far-reaching impacts of animal welfare by providing that the Director of the Bureau of Animal Industry may call upon any government agency for assistance in supervising and regulating commercial facilities (section 3). Section 5 of the Act establishes the Committee on Animal Welfare (attached to the Department of Agriculture) that is given the responsibility of providing standards and guidelines to complement the legislation.</i></p> <p><i>Cultural traditions and societal practices in the Philippines that demonstrate a lack of regard for animal sentience, such as cockfighting and the presence of marine mammals in captive conditions present barriers to improving animal welfare and demonstrate a general lack of recognition of animal sentience by society.</i></p>	
Enforcement mechanisms	

<sup>1</sup> [https://lawphil.net/statutes/repacts/ra1998/ra\\_8485\\_1998.html](https://lawphil.net/statutes/repacts/ra1998/ra_8485_1998.html)

<sup>2</sup> <http://extwprlegs1.fao.org/docs/pdf/phi152405.pdf>

<sup>3</sup> <http://extwprlegs1.fao.org/docs/pdf/phi41009.pdf>



There are enforcement mechanisms of imprisonment and/or fines related to the protection arising out of the recognition of sentience in the Animal Welfare Act of 1998 (Section 8).

**Key recommendations**

- **The Government is encouraged to incorporate a formal recognition of sentience into legislation, with appropriate legal protection based on that recognition, and to ensure that all animals for whom there is scientific evidence – at a minimum, all vertebrates, cephalopods and decapods crustaceans - are included in the recognition of sentience.**

**2. There are animal protection laws that prohibit causing animal suffering either by a deliberate act of cruelty or by a failure to act**

**Analysis of the legislation**

<b>Ranking</b>	<b>C</b>
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Section 6 of the Animal Welfare Act of 1998 provides that it shall be unlawful for any person to torture any animal, or to neglect to provide adequate care, sustenance or shelter, or maltreat any animal or to subject any dog or horse to fights, to kill or cause or procure to be tortured or deprived of adequate care, sustenance or shelter, or maltreat or use an animal in research or experiments not expressly authorised by the Committee on Animal Welfare. The Act does not define which animals are protected by this provision, but Section 1 states that the purpose of the Act is to protect and promote the welfare of all animals by regulating facilities using animals as objects of trade or as household pets.

Section 2 of Animal Welfare Act of 1998 requires that certificates of registration are obtained by anyone involved with the commercial use of animals (including in pet shops, stockyards, zoos and slaughterhouses), and such certificates will only be issued upon proof, and on condition, that the facilities will not be used for, nor will they cause, pain and suffering to the animals.

Section 7 prohibits abandoning an animal, with higher penalties if the animal is left in circumstances likely to cause unnecessary suffering.

Section 8 states that it shall be the duty of every person to protect the natural habitat of wildlife, adding that destruction of natural habitat is considered as a form of cruelty to animals.

In relation to wild animals that are not captive, section 27 of Act No 9147 of 2001, the Wildlife Resources Conservation and Protection Act, prohibits inflicting injury which cripples and/or impairs the reproductive systems of wild animals (27(b)) or otherwise maltreating or inflicting injuries to wild animals (27(h)). This does not extend to suffering caused by failure to act. This Act also covers exotic species that are in captivity under its anti-cruelty provisions.

### **Analysis**

*The Animal Welfare Act of 1998 sets a foundation for protecting animal welfare and the issues associated with the suffering of animals in the Philippines. The Act also provides a structural framework for addressing animal welfare issues by facilitating the opportunity to involve ‘any Government agency for assistance’, recognising the potentially far reaching nature of animal welfare issues. The Committee on Animal Welfare also promotes animal welfare because it has responsibility for the development of guidelines and procedures under section 5 of the Act. The Committee of Animal Welfare encompasses a range of stakeholders including animal protection organisations. However, the Act does not prohibit some cruel activities, for example cockfighting.*

*While it appears that wild animals (unless captive) may not be protected by the anti-cruelty provisions of the Act; the Wildlife Resources Conservation and Protection Act (2001), does provide anti-cruelty provisions for wildlife. However, this act also allows for wildlife farming, export and killing of wildlife under certain conditions without directions or limitations considering the ability of wild animals to suffer both physically and mentally.*

*There are no structural barriers to improving animal welfare and prohibiting cruelty to animals under the Animal Welfare Act of 1998. However, there are serious barriers associated with some cultural and societal practices in the Philippines. There is significant animal suffering involved in cockfighting and keeping marine mammals in captive conditions. The cultural acceptance of these practices acts as a significant barrier to improving animal welfare in the Philippines. It is reported that there have been moves to give legal protection to the practice of cockfighting by having it declared as part of the country’s cultural heritage.<sup>4</sup>*

### **Enforcement mechanisms**

Section 9 of the Animal Welfare Act of 1998 makes provision for imprisonment (of between 6 months and 2 years) and/or monetary fines for violation of provisions of the Act.

Certificates for commercial facilities can be revoked or cancelled for failure to comply with the condition that the facilities will not be used for, nor will they cause, pain or suffering to animals (section 2).

The legislation establishes that a Committee on Animal Welfare should produce guidance on enforcement.

In the 2013 update to the Animal Welfare Act of 1998, a new section was added to the Act mandating the designation of animal welfare enforcement officers in the Philippine National Police, National Bureau of Investigation and other law enforcement agencies (Section 10). The amendment also allows the Secretary of the Department of Agriculture to deputize animal welfare enforcement officers from NGOs, citizens groups, community organisations and other volunteers who have undergone necessary training. Animal Welfare Enforcement officers have the authority “to seize and rescue illegally traded and maltreated animals and to arrest violators of the Act”.

<sup>4</sup> <https://paws.org.ph/campaigns/no-to-cockfights/>



Section 28 of the Wildlife Resources Conservation and Protection Act makes provisions for imprisonment and/or monetary fines for violation of the provisions of the Act. Punishments vary depending on if a species is threatened, vulnerable, endangered or critically endangered.

**Key recommendations**

- The Government of the Philippines is encouraged to amend the Animal Welfare Act of 1998 to explicitly add the abandonment of animals as animal cruelty and to extend the Act to protect animals that are not 'objects of trade' or household pets.
- The Government is encouraged to further promote animal welfare for the sake of animal welfare, rather than through the lens of the productivity of animal-based industries such as farming and zoos.
- The Government of the Philippines is strongly encouraged to develop Administrative Orders guiding appropriate care for animals in captivity on a species by species basis.
- The Government of the Philippines is strongly encouraged to ban inherently cruel practices such as cockfighting and the use of culling as an animal population management tool.

**Goal 2: Presence of animal welfare legislations**

**3. There are laws that apply to animals used in farming including rearing, transport and slaughter**

Analysis of legislation	
Ranking	E
<p><u>Rearing</u></p> <p>The general anti-cruelty and duty of care provisions in section 6 of the Animal Welfare Act of 1998 apply to this category of animals.</p> <p>Section 2 of the Act requires that certificates of registration are obtained by anyone involved with the commercial use of animals (including in stockyards and slaughterhouses), and such certificates will only be issued upon proof, and on condition, that the facilities will not be used for, nor will they cause, pain and suffering to the animals.</p> <p>Represented on the Committee on Animal Welfare are the Department of Agriculture and the National Meat Inspection Commission as well as animal protection organisations. The Committee is responsible</p>	



for the development of guidelines and standards and these are published as Administrative Orders on the website of the Bureau of Animal Industry.

Administrative Order No 8. Of 1999 provides some more detailed rules on the registration of facilities including hog farms, poultry farms, slaughterhouses, stock farms and stockyards, although it only applies to farms where the temperature cannot be controlled within set limits (so would not apply to indoor temperature-controlled housing). Such establishments are required to be managed by qualified staff, who are able to undertake behavioural observation to ensure that no pain or suffering is experienced by the animals (section 3.2.3).

However, it is noted that the country does permit the use of extreme confinement systems, such as the battery cage and the dry sow stall.

It is noted that the October 2013 amendments to the Animal Welfare Act of 1998 include an explanation of animal welfare as pertaining to the physical and psychological well-being of animals, and including the avoidance of abuse, maltreatment, cruelty and exploitation by humans by maintaining appropriate standards and the assurance of freedom from fear, distress, harassment, and unnecessary discomfort and pain, and allowing animals to express normal behaviour (section 1).

#### Rearing - pigs

The Committee on Animal Welfare is responsible for the development of guidelines and standards for animal care. Administrative Order No. 41 of 2000<sup>5</sup> concerns the minimum standards for the welfare of pigs. While the order states good animal welfare is important for the direct economic benefits, it also acknowledges that good welfare will lead to an improvement in the quality of life for pigs. Order No. 41 refers to the concept of the Five Freedoms and is applicable to all pigs reliant on humans for survival.

All pig farms with more than 300 sows are required to have Resident Veterinarian and acts including cruelty, neglect, inadequate supply of food, water and shelter as well as the slaughtering, branding, mutilating, confining or carrying of any pig resulting in unnecessary pain or suffering are prohibited. This includes castration that must be done using anaesthetic. Tail Docking and teeth clipping is also allowed under Administrative Order No. 41 of 2000 but has no requirement for anaesthetic.

This administrative order allows for the use of farrowing crates but they must be large enough for the sow to lie down at full length without leg restriction. She must also be able to rise to a standing position in one movement and be able to stand comfortably. Similarly, Administrative Order No.41 of 2000 also allows for confinement in individual stalls or farrowing crates but this cannot be for more than 6 weeks at any one time. The Order provides minimum recommendations for housing and shelter, including farrowing crate dimensions for pig's dependant on weight.

#### Rearing - broiler chickens

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<sup>5</sup> <https://www.bai.gov.ph/index.php/lawsissuances/administrative-order/category/80-ao-2000?download=939:ao41-s-2000-code-of-practice-and-minimum-standards-for-the-welfare-of-pigs>



The Committee on Animal Welfare is responsible for the development of guidelines and standards for animal care. Administrative Order No. 12 of 2002<sup>6</sup> concerns the minimum standards for the welfare of chickens, which refers to the concept of the Five Freedoms and prohibits a number of practices including “wilfully or wantonly causing unreasonable or unnecessary pain, suffering or distress to the chicken”.<sup>7</sup>

Administrative Order No. 12 of 2002 farms with more than 40,000 broiler chickens are required to have an attending veterinarian. Chickens are required to be provided enough space for them all to lie down at the same time (Section 4.3). Under Administrative Order No. 12 of 2002, beak and spur trimming are permitted. The Administration Order also provided minimum required space for housing, shelter and transport based on size.

### Rearing - egg-laying hens

The Committee on Animal Welfare is responsible for the development of guidelines and standards for animal care. Administrative Order No. 12 of 2002<sup>8</sup> concerns the minimum standards for the welfare of chickens, which refers to the concept of the Five Freedoms and prohibits a number of practices including “wilfully or wantonly causing unreasonable or unnecessary pain, suffering or distress to the chicken”.

Administrative Order No. 12 of 2002 farms with more than 30,000 egg-laying chickens are required to have an attending veterinarian. Chickens are required to be provided enough space for them all to lie down at the same time (Section 4.3). Under Administrative Order No. 12 of 2002, beak and spur trimming are permitted. The Administration Order also provided minimum required space for housing, shelter and transport based on size.

### Rearing - dairy cattle and calves

There is no policy or legislation related specifically to the rearing of dairy cattle and calves.

### Transport

Sections 3 and 4 of the Animal Welfare Act (1998) cover issues related to the transportation of animals. Section 3 makes it the responsibility of the Director of the Bureau of Animal Industry to supervise transport in order to ‘provide maximum comfort while in transit and minimize, if not totally eradicate, incidence of sickness and death and prevent any cruelty from being inflicted upon the animals’. Additionally, section 4 makes it the duty of any transport owner or operator to provide adequate, clean and sanitary facilities for safe transport, together with sufficient food and water for animals in transit for more than 12 hours or whenever necessary. The commercial transport of animals by a “public utility” is not allowed without a written permit from the Director of the Bureau of Animal

<sup>6</sup> <https://www.bai.gov.ph/index.php/lawsissuances/administrative-order/category/82-ao-2002?download=943:da-ao12-s-2002-code-of-practice-and-minimum-standards-for-the-welfare-of-chickens>

<sup>7</sup> <https://www.bai.gov.ph/index.php/lawsissuances/administrative-order/category/82-ao-2002?download=943:da-ao12-s-2002-code-of-practice-and-minimum-standards-for-the-welfare-of-chickens>

<sup>8</sup> <https://www.bai.gov.ph/index.php/lawsissuances/administrative-order/category/82-ao-2002?download=943:da-ao12-s-2002-code-of-practice-and-minimum-standards-for-the-welfare-of-chickens>





Industry. Section 4 also makes it clear that cruelty includes overcrowding and that any form of cruelty towards animals while in transit shall be penalised, even if the transporter has the correct permit.

Administrative Order No. 19<sup>9</sup> of 2006 governs the transport of live animals by road and explicitly states the considerations of the Five Freedoms. Responsibility for animals during transport is divided (under Section 3) between animal owners, managers and subcontractors and animal caretakers/handlers. The Order includes provisions on prohibited acts during travel, as well as protections during hot and cold weather. The Order also provides details on space allowances (in m<sup>2</sup>) per animal by species and size. However, there are no penalty provisions for violations contained within Administrative Order No.19.

Live export of farm animals including poultry is allowed under Philippines law. Administrative Order No. 41 of 2000 prohibits the transport of pigs at temperatures above 28 degrees Celsius. Administrative Order No. 12 of 2002 provides transport recommendations and prohibitions for the transport of chickens. Administrative Order No. 2 of 2002 also provides provisions and care regulations for the transport of animals by sea and air.

### Slaughter

Under the Animal Welfare Act of 1998, section 6 addresses issues related to the killing and slaughter of animals. This is required to be done through humane procedures at all times, where “humane procedures” means the use of the most “scientific methods available as may be determined and approved by the Committee”. The Act names cattle, pigs, goats, sheep, poultry, rabbits, carabaos, horses, deer and crocodile as species that are addressed under the humane slaughter provisions. It is illegal to kill all other species except under specific named circumstances.

The slaughter of animals for food is further governed by Administrative Order No. 21 of 1999 (Code of Conduct in the: A) Euthanasia for pets/companion animals and B) Slaughter of animals for food.<sup>10</sup> It details that slaughter (as well as euthanasia) should be done ‘rapidly and humanely and must occur with the least fear, anxiety, pain and distress to the animals’. It goes further to describe that ‘consideration must be given to how the animal is handled immediately prior to and during the procedure’. The order specifies that those undertaking the slaughter of animals for food must be trained and accredited by both the Bureau of Animal Industry and the National Meat Inspection Commission.

Administrative Order No. 21 also provides provisions which will result in improved animal welfare at point of slaughter such as the banning of sticks, metal pipes, clubs, pointed objects or gates (2.2.1/2) to move livestock. Similarly, the voltage of electric prods is also defined as well as circumstances for usage. A further point for animal welfare is the recommendation of using water sprays to wet pigs, cattle, carabao, horses and goats during hot weather (2.5.2)

All animals presented for slaughter are to be stunned (rendered immediately unconscious) except in

<sup>9</sup> <https://www.bai.gov.ph/index.php/lawsissuances/administrative-order/category/85-ao-2006?download=954:ao19-s-2006-rules-and-regulations-on-the-transport-of-live-animals-by-land>

<sup>10</sup> <https://www.bai.gov.ph/index.php/lawsissuances/administrative-order/category/79-ao-1999?download=933:ao21-s-1999-code-of-conduct-in-the-a-euthanasia-for-pets-companion-animals-and-b-slaughter-of-animals-for-food>



the case of religious or ritual slaughter. However, this requires prior approval by the relevant meat inspection authority and is subject to the authority's conditions and restrictions. Section 2.6 of Administrative Order No. 21 also governs the procedure and methods for stunning and is repetitive in its use of "humane manner". It also provides maximum stunning and sticking intervals by species.

Administrative Order No. 9 of 2011<sup>11</sup> provides the methods of euthanasia for animals by species including those typically used for food.

Administrative Order No. 18 of 2008<sup>12</sup> provides provisions for slaughterhouses and other similar facilities in the humane handling of animals for slaughter. This includes space requirements, food and water provisions, barred implements for moving animals as well as barred inhumane acts including ear and tail twisting for example. Administrative Order No. 18 of 2008 provides support for provisions in Administrative Order No. 21 of 1999.

Religious and Ritual slaughter is governed by Administrative Order No. 25 of 2007<sup>13</sup>. It states the aim of the order is to promote positive integration of animal welfare and humane practices in the use of animals during religious or ritual circumstances and well as to control the indiscriminate slaughter of non-food animals under the guide of spiritual, religious, tribal or ethnic custom (Section 2). Under this order, an animal is defined as any living being that has feelings and the power of voluntary motion. Section 5.2 of Administrative Order No. 25 dictate that animals shall only be sacrificed using humane procedures or methods and should not be exposed to unnecessary pain or distress before or during the ritual. However, it also states that use of other, non-humane methods of slaughter are allowed if they ensure the animal dies in the shortest possible time. The order dictates appropriate methods of slaughter in these circumstances and also bans some acts of cruelty such as burning while alive.

### **Analysis**

*Although the legislative provisions relating to farm animals are positive, they are broad and lacking in detail and enforcement mechanisms are not clear. While legislation is supported by Administrative Orders from the Ministry of Agriculture provide rearing, slaughter and transport recommendations and prohibitions, these have not been updated in the last decade to ensure they adhere to the latest scientific thinking regarding animal welfare for farm animals.*

*A further point requiring clarity is the meaning of "public utility" and so whether this permit (Animal Welfare Act 1998) is required for all commercial transport of animals, including by private entities.*

<sup>11</sup> <https://www.bai.gov.ph/index.php/laws-issuances/administrative-order/category/170-ao-2011?download=2129:da-ao-no-9-amendmentsto-section-6-2-a-a-and-section-7-of-da-administrative-order-no-13-series-of-2010-on-the-revised-rules-and-regulations-on-the-euthanasia-of-animals>

<sup>12</sup> <https://www.bai.gov.ph/index.php/laws-issuances/administrative-order/category/87-ao-2008?download=2131:da-ao-no-18-s-2008-rules-and-regulations-on-humane-handling-in-the-slaughter-of-animals-for-food>

<sup>13</sup> <https://www.bai.gov.ph/index.php/laws-issuances/administrative-order/category/86-ao-2007?download=2132:da-ao-no-25-s-2007-rules-and-regulation-in-the-implementation-of-section-6-1-of-ra-8485-regarding-the-use-of-animals-during-rutuals-of-an-established-religion-or-sector-by-tribal-or-ethnic-custom-of-indigenous-cultural-communities>



*The Committee on Animal Welfare formed under the Act is based in the Department of Agriculture and provides a strong platform for improving farm animal welfare in the country. However, there are challenges in improving animal welfare in a country where farming methods range from backyard farming to large commercial operations and where social and cultural attitudes to animals may inhibit efforts. Infrastructure in the country also presents challenges to improving animal welfare, for example, with respect to transport.*

### Enforcement mechanisms

Section 8 of the Animal Welfare Act of 1998 makes provision for imprisonment (of between 6 months and 2 years) and/or monetary fines for violation of any provisions of the Act.

Certificates for commercial facilities can be revoked or cancelled for failure to comply with the condition that the facilities will not be used for, nor will they cause, pain or suffering to animals (section 2). Administrative Order 8 of 1999<sup>14</sup> on registration of facilities reiterates that certificates can be revoked for failure to comply, and also provides for imprisonment of between six months and two years and/or a fine (sections 5 and 7).

Administrative Order No. 21 of 1999 makes provisions that any violations to the order are punishable by imprisonment (6 months – 2 years) and/or a monetary fine.

There are no enforcement mechanisms included in Administrative Order No. 12 of 2002.

### Key recommendations

- **The Government of the Philippines is strongly encouraged to review all Administrative Orders relating to farm animals to ensure they align with OIE standards or better.**
- **The Government is urged to adopt cage- and farrowing free systems for chickens and pigs.**
- **The Government is strongly urged to develop Administrative Orders with regulations aligned to OIE standards for other farm animal species including cattle and wild farmed species.**
- **The Government of the Philippines is urged to mandate the humane slaughter of all farm animals. Animals should be instantaneously rendered unconscious and insensible to pain and distress prior to slaughter. Today, there is growing consensus amongst religious authorities worldwide that pre-slaughter stunning is compatible with religious principles.<sup>15</sup> Humane halal slaughter allows for the animal to be temporarily rendered unconscious via stunning prior to slaughter, as long as the animal's skull remains intact and the animal would regain consciousness in time should slaughter not occur. Therefore, animals should be unconscious before being bled, and no further processing should occur until irreversible loss of consciousness**

<sup>14</sup> [http://rfu07.da.gov.ph/images/PDFFiles/LawsIssuances/AO/1999AO/AO08\\_1999.pdf](http://rfu07.da.gov.ph/images/PDFFiles/LawsIssuances/AO/1999AO/AO08_1999.pdf)

<sup>15</sup> [http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20\(Halal%20and%20Kosher\)](http://www.fao.org/3/x6909e/x6909e09.htm#b5-Religious%20or%20ritual%20slaughter%20(Halal%20and%20Kosher))

is confirmed. No animal should be forced to witness other animals being slaughtered as this is inherently distressing.

- The Government is urged to use stunning methods which are the most humane, according to the species, in order to prevent distress to the animals.
- The Government of the Philippines is encouraged to ban inherently cruel practices such as use of electric prods.
- Legislation regarding the transport of animals should protect their Five Freedoms. Due to the significant animal welfare concerns associated with long distance transport, the Government of the Philippines is strongly urged to ban the export of live animals for long distances (i.e. over eight hours) and replace it with a meat only trade. Long distance transport is inherently cruel as it involves chronic stress for all animals and for some species and modes of transport it may involve overpopulation, exhaustion, excess heat or cold, inadequate ventilation and/or access to food and water, leading to disease, pain, injury or death.

#### 4. There are laws that apply to animals in captivity

Analysis of the legislation	
Ranking	D
<p>The general anti-cruelty and duty of care provisions in section 6 of the Animal Welfare Act of 1998 apply to this category of animals.</p> <p>It is noted that the October 2013 amendments to the Animal Welfare Act of 1998 include an explanation of animal welfare as pertaining to the physical and psychological well-being of animals, and including the avoidance of abuse, maltreatment, cruelty and exploitation by humans by maintaining appropriate standards and the assurance of freedom from fear, distress, harassment, and unnecessary discomfort and pain, and allowing animals to express normal behaviour (section 1). Although this wording is positive and is in line with good international principles on animal welfare, it is not currently reflected in the Act’s substantive provisions</p> <p><u>Zoos</u></p> <p>Section 2 of the Animal Welfare Act (1998) requires that certificates of registration are obtained by anyone involved with the commercial use of animals (including in zoos), and such certificates will only be issued upon proof, and on condition, that the facilities will not be used for, nor will they cause, pain and suffering to the animals. Administrative Order 8 of 1999 sets out detailed rules for registration of facilities holding animals of specified categories and species. Crocodile farms and monkey farms are included in the provisions of this Order. The Order requires that farms where the temperature cannot be controlled within set limits (that is, not indoor temperature-controlled housing) and zoos must be managed by qualified staff who are able to undertake behavioural observation to ensure that no pain</p>	



or suffering is experienced by the animals (section 3.2.3 and 3.2.5). Zoos must be designed with environmental enrichment facilities to minimise the risks of development of neurotic behaviour in the animals (section 3.2.5.3).

While the Animal Welfare Act (1998) provides general provisions for animal welfare of animals in captivity, the Wildlife Resources Conservation and Protection Act (2001) provides animal welfare and anti-cruelty provisions for exotic species in captivity.

The Philippines has its own national association for zoos and aquariums. In May 2019, the Philippine Zoos & Aquariums Association announced that, in partnership with the Bureau of Animal Industry, it would begin drafting a Philippine Zoo Welfare Standard and Guidelines.<sup>16</sup> At time of writing, these standards are still in draft and thus unable to be assessed for the API. The Philippine Zoos & Aquariums Association is an active member of the Southeast Asian Zoos & Aquariums Association and they work closely with the Department for Environment and Natural Resources, Department of Agriculture – Bureau of Animal Industry, Department of Agriculture – Bureau of Fisheries and Aquatic Resources and Department of Tourism.<sup>17</sup>

### Private keeping of wild animals

The general anti-cruelty and duty of care provisions in section 6 of the Animal Welfare Act of 1998 apply to wild animals kept by private individuals and birds are included in the definition of pet animal in section 1 of the Act.

Administrative Order No. 21 of 2003<sup>18</sup> provides rules and regulations for pet shops, which, like other Administrative Orders from the Bureau of Animal Industry, embeds the Five Freedoms for animals in pet shops. Under Order No. 21 (2003), pet animals are defined as “domestic, domesticated and captive-bred animals intended for protection, utility, companionship, therapy, values formation and breeding”. Given the differentiation between domesticated and captive-bred animals, this order is applicable to wild animals being held for the purposes of pet-keeping. The does not appear to be any restriction in the law as to which animals can be kept as pets.

### Fur farming

There is no policy or legislation related to fur farming.

### Analysis

*Animals in captivity, their owners and their related facilities are covered by the basic provisions of the Animal Welfare Act of 1998. Other Governmental departments and stakeholders are brought into animal welfare as an issue through the Committee on Animal Welfare, the group responsible for writing and maintaining the guidelines and standards for animal welfare in the country. It is positive that zoos*

<sup>16</sup> <https://wildwelfare.org/philippine-zoos-explore-new-welfare-standards/>

<sup>17</sup> <http://www.philzoos.org/>

<sup>18</sup> <https://www.bai.gov.ph/index.php/laws-issuances/administrative-order/category/83-ao-2003?download=946:ao21-s-2003-rules-and-regulations-on-pet-shops>



must have a licence to operate, and that such a licence cannot be given if that facility causes pain or suffering to animals.

However, whilst facilities may be registered the environment provided for animals in some zoos in the Philippines has attracted international concern<sup>19</sup> and there have been recommendations for standards to be improved. Given that the Committee on Animal Welfare is responsible for writing standards and guidelines, it is inconsistent that the Philippine Zoos & Aquariums Association does not have representation on the committee. Similarly, while other animal care facilities such as kennels and veterinary hospitals have Administrative Orders defining a best practice (although they may be more than a decade old), there has yet to be one produced for private keepers of wild animals or zoos.

### Enforcement mechanisms

Section 8 of the Animal Welfare Act of 1998 makes provision for imprisonment (of between 6 months and 2 years) and/or monetary fines for violation of any provisions of the Act.

Certificates for commercial facilities can be revoked or cancelled for failure to comply with the condition that the facilities will not be used for, nor will they cause, pain or suffering to animals (section 2). Administrative Order 8 of 1999 on registration of facilities reiterates that certificates can be revoked for failure to comply, and also provides for imprisonment of between six months and two years and/or a fine (sections 5 and 7).

### Key recommendations

- **The Government is encouraged to build on the recognition of the principles of the Five Freedoms that appears in the recent revision to the Animal Welfare Act of 1998, and on the current regulations which make some provision for environmental enrichment, to develop more detailed regulations that provide for captive animals to be able to express normal behaviour and to provide for their psychological as well as physical well-being. Regulations should include appropriate housing, feeding, handling and husbandry by species and promote the Five Freedoms for all individual animals.**
- **The Government of the Philippines is encouraged to ensure that the National Philippine Association of Zoos & Aquariums is represented on the Committee on Animal Welfare.**
- **The Government is strongly encouraged to develop a Positive List of species, specifying which animals can be kept as companion animals, based on clear criteria including animal welfare and other relevant concerns.**
- **The Government of the Philippines is recommended to ban the use of wild animals for public performances of any kind, including in zoos, and never allow animals to interact with members of the public.**

<sup>19</sup> <http://www.abs-cbnnews.com/nation/metro-manila/03/17/09/no-more-animals-manila-zoo-please>



- The Government is encouraged to fully ban fur farming. Fur farming is inherently cruel and causes pain, distress and suffering to animals.
- The Government is encouraged to amend the Wildlife Resources Conservation and Protection Act (2001) to ban the commercial breeding, capture, trade and keeping of all wild animal species (include exotics) outside zoos. Captive breeding of wild animal species should only serve conservation purposes and should abide by strict welfare conditions. Efforts should be made to release animals into their natural habitat.

## 5. There are laws that apply to companion animals

Analysis of the legislation	
Ranking	C
<p><u>Care of companion animals</u></p> <p>The general anti-cruelty and duty of care provisions in section 6 of the Animal Welfare Act of 1998 apply to this category of animals.</p> <p>Section 2 of the Act requires that certificates of registration are obtained by anyone involved with the commercial use of animals (including in pet shops, kennels and veterinary clinics), and such certificates will only be issued upon proof, and on condition, that the facilities will not be used for, nor will they cause, pain and suffering to the animals.</p> <p>Administrative Order No 8 of 1999 provides some more detailed rules on the registration of facilities including animal control facilities (such as pounds, shelters and quarantine centres), aviaries, catteries, kennels and pet shops. Aviaries are required to be managed by qualified staff who are able to undertake behavioural observation to ensure that no pain or suffering is experienced by the animals (section 3.2.3). This does not apply to animal control centres, catteries, kennels and pet shops. In addition to general requirements about allowing sufficient space (section 3.1.9), the only specific requirement for catteries, kennels and pet shops is that handouts on the care of the animals must accompany every sale (section 3.2.1.1). It is noted that the descriptions of catteries and kennels envisage the possibility of cats and dogs being kept tethered by chains, which has the potential for poor welfare (section 1.4 and 1.9).</p> <p>Administrative Order No. 21 of 2003 provides rules and regulations for pet shops, which, like other Administrative Orders from the Bureau of Animal Industry, embeds the Five Freedoms for animals in pet shops. Section 4.3.2 further embeds the Five Freedoms by clarifying that natural behaviours of animals should not be curtailed. Under Order No. 21 (2003), pet animals are defined as “domestic, domesticated and captive-bred animals intended for protection, utility, companionship, therapy, values</p>	



formation and breeding". The Order further provides welfare considerations for animals in pet shops by stating that predator animals should be visually and physically separated from prey species.

Administrative Order No. 14 of 2004<sup>20</sup> provides rules and regulations for kennels, which, like other Administrative Orders from the Bureau of Animal Industry, embeds the Five Freedoms for animals in this type of facility. This order is only applicable to facilities with 20 or more dogs over the age of 6 months which limits its application for small breeders. The order includes a calculation for minimum space required per dog for housing and this requirement also extends to dogs in mobile or travelling shows/act. Administrative Order No. 14 of 2004 also provides details on appropriate care including food, water and exercise requirements for dogs.

Administrative Order No. 10 of 2005<sup>21</sup> specifically relates to the apprehension of individuals in breach of animal welfare provisions during the transportation of cats and dogs which includes but is not limited to overcrowding, lack of food and water and cruel restraints. The Individual is also in breach if they are unable to provide Rabies vaccination certificates for each animal being transported.

Administrative Order No. 9 of 2011, while regulating the methods of euthanasia for companion animals, including that euthanasia is required to take into consideration that animals be free from physical discomfort, pain, fear and distress; allows it to be undertaken for the purpose of animal population control (Section 5.2.c) – however this is only to be done by a licensed veterinarian. Euthanasia with gas is authorised. While firearms usage is allowed, such usage is confined to highly skilled personnel, such as members of the Philippine National Police or Armed Forces.

Administrative Order 54 of 2000<sup>22</sup> provides a code of standards for Veterinary Clinics and Hospitals for small companion animals which places responsibility for their maintenance and operation on the Bureau of Animal Industry. Under the order, small companion animals are defined as dogs, cats, birds, small reptiles and other animals that can be kept in the household.

Section 6 of the Animal Welfare Act of 1998 permits the killing of animals for the purpose of animal population control. Although the Act provides that humane procedures must be used, this facilitates the possibility of the authorities using culling as a means of stray dog and cat population management rather than sustainable, higher welfare practices such as Trap-Neuter-Release and Spay/Neuter.

Under Administrative Order No. 21 all puppies shall be properly vaccinated before sale, and all dogs and cats are to be identified through either microchipping or tattoo. Section 7 states that no dog or cat should be displayed for more than 14 days but does not provide direction as to what should happen to those animals after the 14-day period.

### Stray animals

Section 6 of the Animal Welfare Act of 1998 permits the killing of animals for the purpose of animal population control. Although the Act provides that humane procedures must be used, this facilitates

<sup>20</sup> <https://www.bai.gov.ph/index.php/lawsissuances/administrative-order/category/84ao-2004?download=948:ao14-s-2004-rules-and-regulations-on-kennels>

<sup>21</sup> [https://paws.org.ph/downloads/ao\\_10\\_rules\\_&\\_regulations\\_of\\_cats\\_&\\_dogs.pdf](https://paws.org.ph/downloads/ao_10_rules_&_regulations_of_cats_&_dogs.pdf)

<sup>22</sup> [http://rfu07.da.gov.ph/images/PDFFiles/LawsIssuances/AO/2000AO/ao54\\_s2000.pdf](http://rfu07.da.gov.ph/images/PDFFiles/LawsIssuances/AO/2000AO/ao54_s2000.pdf)





the possibility of the authorities using culling as a means of stray dog and cat population management rather than sustainable, higher welfare practices such as Trap-Neuter-Release and Spay/Neuter.

Administrative Order No. 9 of 2011, while regulating the methods of euthanasia for companion animals, allows it to be undertaken for the purpose of animal population control (Section 5.2.c), however it is stipulated that it is only to be undertaken by a licensed veterinarian.

### Analysis

*It is positive to see that the Five Freedoms have been embedded across legislation and administrative orders relating to companion animals. The Animal Welfare Act of 1998 guarantees that any facility commercially using animals can only be licenced if they do not cause suffering to animals. In the Philippines, there are active animal protection organisations working to address animal welfare issues concerning companion animals and they are represented on the Committee on Animal Welfare.*

*Section 2 of the Act requires that certificates of registration are obtained by anyone involved with the commercial use of animals (including in pet shops, kennels and veterinary clinics), and such certificates will only be issued upon proof, and on condition, that the facilities will not be used for, nor will they cause, pain and suffering to the animals*

*However, existing legislation, including secondary regulations on the subject, is not sufficiently detailed and welfare-focused to ensure companion animals, both owned and stray have a good quality of life. The same Administrative Order covering companion animals such as cats and dogs also covers wild animals kept as pets. However, wild animals kept in private homes can never thrive. There are also contradictions in Philippine legislation as under Wildlife Resources Conservation and Protection Act (2001), it is illegal to collect, hunt or possess wildlife species, both flora and fauna, without a valid permit. There are no provisions within legislation regarding companion animals (that are not domesticated) regarding permits, nor importation for exotic species. This is concerning as the Philippines is a consumer, source and transit point for the illegal wildlife trade that is valued at an estimated US\$1 billion a year.<sup>23</sup>*

*There is a long history of stray animal issues in the Philippines and there are challenges regarding prioritisation of a sustainable, welfare focussed approach to management of stray dog and cat populations across the islands. Current legislation allows for the culling of stray animals; however, culling has been proven to be ineffective as an animal population management tool.*

### **Enforcement mechanisms**

Section 8 of the Animal Welfare Act of 1998 makes provision for imprisonment (of between 6 months and 2 years) and/or monetary fines for violation of any provisions of the Act.

Certificates for commercial facilities can be revoked or cancelled for failure to comply with the condition that the facilities will not be used for, nor will they cause, pain or suffering to animals (section 2). Administrative Order 8 of 1999 on registration of facilities reiterates that certificates can be

<sup>23</sup> <http://pubdocs.worldbank.org/en/997621542735912298/Illegal-Wildlife-trade-brochure-ADB DENR18NovforWEB.pdf>



revoked for failure to comply, and also provides for imprisonment of between six months and two years and/or a fine (sections 5 and 7).

Under Administrative Order No. 10 of 2005, penalties for breach of the law are aligned with the Animal Welfare Act of 1998.

**Key recommendations**

- **The Government of the Philippines is encouraged to extend Administrative Order No. 21 of 2003 to apply to all commercial and at-home breeders, in addition to pet shops.**
- **The Government is encouraged to amend Administrative Order No. 21 of 2003 to exclude wild animals such as birds under their definition of companion animal and to ban the keeping of wildlife – both captive-bred and caught – as pets, since the welfare needs of wild animals cannot be fulfilled in private homes.**
- **The Government of the Philippines is encouraged to promote and provide resources for responsible pet ownership, relying on mandatory vaccinations and neutering programmes.**
- **The Government of the Philippines is strongly encouraged to promote humane dog population management, which relies on promoting responsible ownership, mass dog vaccinations and reproduction control programmes. Culling is unnecessary, cruel and has been proven to be ineffective. The Government is urged to engage with the International Companion Animal Management (ICAM) coalition to learn about and implement their dog population management methodology**
- **The Government is urged to mandate the use of the most humane techniques for euthanasia, according to the species concerned, in order to prevent distress to the animals.**

**6. There are laws that apply to animals used for draught or recreational purposes**

**Analysis of the legislation**

<b>Ranking</b>	<b>F</b>
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Animals used for entertainment

The general anti-cruelty and duty of care provisions in section 6 of the Animal Welfare Act of 1998 apply to this category of animals.

It is noted that the October 2013 amendments to the Animal Welfare Act of 1998 include an explanation of animal welfare as pertaining to the physical and psychological well-being of animals,



and including the avoidance of abuse, maltreatment, cruelty and exploitation by humans by maintaining appropriate standards and the assurance of freedom from fear, distress, harassment, and unnecessary discomfort and pain, and allowing animals to express normal behaviour (section 1). Although this wording is positive and is in line with good international principles on animal welfare, it is not currently reflected in the substantive provisions of the Act.

Section 2 of the Act requires that certificates of registration are obtained by anyone involved with the commercial use of animals (including in corrals, stud farms and zoos), and such certificates will only be issued upon proof, and on condition, that the facilities will not be used for, nor will they cause, pain and suffering to the animals.

Dog fighting is strictly prohibited under the Animal Welfare Act (1998).

Administrative Order No. 8 of 1999 provides some more detailed rules on the registration of facilities including circuses, carnival animal shows, racetracks and equestrian establishments. In relation to circuses and carnival animal shows, section 3.2.4.1 provides that animals "should be tamed and/or behaviourally modified or trained to perform certain behaviours on cue or command", without causing injury or suffering to the animals. Display areas are required to be provided with access for the animal to retreat away from public view (section 3.2.4.6). It is noted that, unlike other categories of facilities regulated by this Order, these establishments are not required to be managed by qualified staff with behavioural observation to ensure that no pain or suffering is experienced by the animals.

Beyond the Animal Welfare Act of 1998 and Administrative Order No. 8 of 1999, there are further Administrative Orders governing the use of animals in some forms of entertainment.

Administrative Order No. 32 of 2000<sup>24</sup> regarding dog shows states that shows must adhere to the Five Freedoms. The order also states that there must be a minimum of two veterinarians at each show and that the show area and paraphernalia must not cause distress, injury or physical discomfort to the dogs. Protections for animals under Administrative Order No. 32 also include a ban on dogs being kept in vehicles (even with air-conditioning) and general anti-cruelty measures including neglect.

Administrative Order No. 15 of 2001<sup>25</sup> provides rules and regulations for horses used in entertainment such as racing and polo. As with many other animal related administrative orders, Order No. 15 embeds the Five Freedoms. Animal welfare provisions within Administrative Order No. 15 includes the prohibition of tail docking and ear trimming (except for health reasons), soring or firing and facial branding. Use of sharp and pointed spurs and 'excessive' use of the whip during the race or at all afterwards is also prohibited. This Administrative Order No. 15 of 2001 also strictly prohibits horse fighting and horses used in entertainment are not allowed to take part in any activity that will cause unnecessary suffering.

<sup>24</sup> <https://www.bai.gov.ph/index.php/laws-issuances/administrative-order/category/80-ao-2000?download=938:ao32-s-2000-implementing-rules-and-regulations-on-dog-shows>

<sup>25</sup> <https://www.bai.gov.ph/index.php/laws-issuances/administrative-order/category/81-ao-2001?download=941:ao15-s-2001-rules-and-regulations-governing-the-welfare-of-horses-in-breeding-farms-stables-race-tracks-training-centers-riding-schools-polo-clubs-and-other-similar-facilities>

Administrative Order No. 6 of 2013<sup>26</sup> regarding rodeos states that the maintenance of a high standard of husbandry, care, transport and handling as well as the physical health and welfare of all animals is the concern of both organisers of these events as well as participants. Further protections are included such as competitors are not allowed to treat animals in any way that causes injury or harm. The order requires the attendance of two Animal Welfare Marshalls at each event as well as an inspection of all animals by a qualified veterinarian. However, flank straps and electric prods are permitted, as is calf roping, although this is permitted to be on foot only.

### Draught animals

Administrative Order No. 15 provides some regulations for horses used as draught animals. Owners are prohibited from working draught horses during the hottest parts of the day and from whipping a downed horse. They also must allow their animals ample time to rest. However, there are no guidelines for an appropriate length of rest time, weight of carriage nor temperature parameters.

### Analysis

*Legislation for animals used for entertainment or draught purposes is limited. While animals in this category are protected under the Animal Welfare Act (1998), supporting Administrative Orders for many animals under this category does not exist. While dog and horse fighting are explicitly banned under the Animal Welfare Act (1998), other cruel animal entertainments are loosely regulated.*

*While the Five Freedoms are included in some Administrative Orders, the language used varies with some demanding adherence and others 'consideration'. Some venues for using animals in entertainment such as circuses or carnivals are regulated, but there are few animal welfare provisions.*

*There are significant barriers to improving captive animal welfare in the country owing to the willingness of the Bureau of Animal Industry to allow entertainment shows involving the use of wild animals and to grant permission for the keeping of dolphins in captivity, and the cultural acceptance of the use of such animals in entertainment. There are significant animal welfare issues related to the use of wild animals for entertainment and in performances. However, the recognition in section 1 of the Animal Welfare Act of 1998, that animals need to be able to express normal behaviour and to have their psychological as well as physical needs met, as well as the existing regulations on registration of zoos, may provide a route by which improvements can be made in this area.*

## Enforcement mechanisms

Section 8 of the Animal Welfare Act of 1998 makes provision for imprisonment (of between 6 months and 2 years) and/or monetary fines for violation of any provisions of the Act.

Certificates for commercial facilities can be revoked or cancelled for failure to comply with the condition that the facilities will not be used for, nor will they cause, pain or suffering to animals (section 2). Administrative Order 8 of 1999 on registration of facilities reiterates that certificates can be revoked for failure to comply, and also provides for imprisonment of between six months and two

<sup>26</sup> <https://www.bai.gov.ph/index.php/laws-issuances/administrative-order/category/88-ao-2013?download=2128:da-ao-no-6-implementing-rules-and-regulations-irr-on-rodeos>

years and/or a fine (sections 5 and 7).

Breach of the requirements of the Administrative Order 15 of 2001 on the welfare of horses is punishable in accordance with law RA 8485 (section 15 of the Order).

### Key recommendations

- **The Government of the Philippines is urged to prohibit the organisation of and attendance to entertainment events causing animal suffering. This includes rodeos, horse racing, circuses and other travelling shows and cock-fighting.**
- **Recognising that the psychological and behavioural needs of marine mammals cannot be met in captivity, the Government is strongly encouraged to ban the keeping, display and breeding of marine mammals in captivity so that these animals constitute the last generation in captivity in the country. These animals should be retired to large seaside sanctuaries, which allow for an increased range of natural behaviours.**
- **The Government is encouraged to adopt specific legislation, beyond Administrative Order No. 15 of 2001, to address the welfare of working animals, aligning with OIE standards. The Government is also encouraged to amend Administrative Order No. 15 to provide clarification on adequate rest time, weight carriage and working temperature parameters.**

## 7. There are laws that apply to animals used for scientific research

### Analysis of the legislation

**Ranking**

**D**

The Animal Welfare Act of 1998 is applicable to this category of animals as stated in Administrative Order No. 40 of 1999.<sup>27</sup>

Section 6 of the Animal Welfare Act of 1998 prohibits the maltreatment or use of animals in research or experiments that are not expressly authorised by the Committee on Animal Welfare. Section 6 also provides that when an animal is killed after it has been used in authorised research or experiments, this must be done by humane procedure (defined as the most scientific methods available as determined by the Committee).

Administrative Order No. 8 of 1999 makes rules on the registration of facilities including laboratory animal facilities, although it only applies to such facilities where the temperature cannot be controlled within set limits (therefore it appears that this does not cover temperature-controlled indoor facilities). There are basic provisions on housing such as space, shelter and ventilation (section 3.1.9). Beyond

<sup>27</sup> <https://www.bai.gov.ph/index.php/laws-issuances/administrative-order/category/79-ao-1999?download=934:ao40-s-1999-rules-and-regulations-on-the-conduct-of-scientific-procedures-using-animals>

these, the only specific provision that is stated to apply to laboratories requires that handouts on the care of the animals must accompany every sale, which does not appear to be relevant to such facilities.

Administrative Order No. 40 of 1999 on Rules and Regulations on the Conduct of Scientific Procedures using Animals has limited application as animals used for clinical testing for veterinary products are exempt from the requirements of the order and the definition of “animal” is limited to vertebrate (both wild and domestic). The Administrative Order states that the Guide for the Care and Use of Laboratory Animals, Institute of Laboratory Research, National Research Council, USA is applicable for animals used in scientific research in the Philippines.

Section 6 of Administrative Order No. 40 states that euthanasia of animals should be done rapidly and humanely and includes a number of different methods i.e. Carbon Dioxide or Barbiturates, by species.

Under Administrative Order No. 40, experiments on animals for scientific research must be approved by the Institutional Animal Care and Use Committees who required to consider the 3R’s principles in their decision-making. The Committee is required to inspect animal care and use facilities at least once annually and evaluate veterinary care, animal environment, housing, management including physical environment, behavioural management and husbandry.

Section 15 of the Wildlife Resources Conservation and Protection Act (2001) also allows the capture of wild animals for scientific research. This section also stipulates that the Animal Welfare Protocol must be observed, however no detail of such Protocol has been provided.

The use of animal testing for cosmetic products and their ingredients does not appear to be restricted in legislation.

### **Analysis**

*Animals used in scientific research are covered by and specifically referred to in the Animal Welfare Act of 1998 and Administrative Order No. 40 of 1999. While the experiment approval committees are asked to consider the 3 Rs Principles in their decision-making, there is no onus on researchers to consider the 3 Rs Principles or animal welfare in designing their experiments. There are no limitations on the type of research allowed to be conducted on animals (both domestic and wild) and animals used for veterinary products are not provided further protections in supplementary Administrative Orders, nor are invertebrates offered any protections beyond the Animal Welfare Act of 1998. Similarly, there is limited guidance and legislation to protect animals in scientific research specifically from unnecessary suffering.*

*Additionally, other Governmental departments and stakeholders are brought into animal welfare as an issue through the Committee on Animal Welfare, which is responsible for writing and maintaining the guidelines and standards for animal welfare in the country and for authorising scientific research on animals under section 6 of the Animal Welfare Act of 1998.*

## **Enforcement mechanisms**



Section 8 of the Animal Welfare Act of 1998 makes provision for imprisonment (of between 6 months and 2 years) and/or monetary fines for violation of any provisions of the Act.

Administrative Order 8 of 1999 on registration of facilities states that certificates can be revoked for failure to comply, and also provides for imprisonment of between six months and two years and/or a fine (sections 5 and 7).

There are no enforcement mechanisms for failure to adhere to animal welfare law or duty of care of these facilities to animals under Administrative Order No. 40.

**Key recommendations**

- **The Government of the Philippines is strongly urged to ban the use of animal experiments for cosmetic products and their ingredients.**
- **The Government is encouraged to enshrine the 3 Rs Principles – Replacement, Reduction and Refinement - in law.**
- **The Government is strongly encouraged to ban the use of wild-caught animals in experiments.**
- **The Government is urged to mandate the use of the most humane techniques for euthanasia, according to the species concerned, in order to prevent distress to the animals.**

**8. There are laws that apply to wild animals**

**Analysis of the legislation**

<b>Ranking</b>	<b>E</b>
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Section 6 of the Animal Welfare Act of 1998 prohibits the torture, neglect or maltreatment of any animals and prohibits the killing of any animals other than a specified list of animals, which includes deer and crocodiles. However, the Act does not define which animals are protected by these provisions. Section 1 states that the purpose of the Act is to protect and promote the welfare of all animals by regulating facilities using animals as objects of trade or as household pets. The anti-cruelty provision in section 6 does not extend protection to wild animals (unless captive) as they protected under the Wildlife Resources Conservation and Protection Act (2001).

Section 7 of the Animal Welfare Act (1998) provides that “It shall be the duty of every person to protect the natural habitat of the wildlife. The destruction of said habitat shall be considered as a form of cruelty to animals and its preservation is a way of protecting the animals”. This is not elaborated in the Act.

Act No. 9147 of 2001, the Wildlife Resources Conservation and Protection Act, makes provisions to protect endangered species of wild animals and regulate the collection and trade of wildlife. The



provisions also extend to exotic species both in captivity and in the wild. Some wild animal species such as camels, saltwater crocodiles and Philippine deer are excluded from the provisions under Act No. 9147 as they can be farmed, however it is stipulated that they may be subject to other regulations from the Department of Environment and Natural Resources (Rule 3.3). Furthermore, jurisdiction for animal protection is divided with the Department of Environment and Natural Resources protecting all terrestrial animal species, all turtles and tortoises, all wetland species (i.e. crocodiles and water birds) and all amphibians and the dugong. The Department of Agriculture has jurisdiction over all fish, invertebrates and marine mammals (except the dugong).

Section 7 of the Act permits the collection of non-threatened species of wild animals upon authorisation, and only when there will be no detrimental effects to populations and habitats, including during collection. Section 7 also stipulates that indigenous people may collect wildlife for traditional purposes but not primarily for trade. Collection of threatened species is allowed for the purposes of scientific research, breeding or propagation. Permits are issued for periods of one to three years (section 20).

Under Section 8 of the Wildlife Resources Conservation and Protection Act (2001), it is illegal to collect, hunt or possess wildlife species unless a person or entity can prove financial and technical capability for maintenance, provided that the animal was not captured in violation of the Act. Under Section 10, the Act also allows for the live import and export of wild animals under permit. While section 17 of the Act allows the commercial breeding of wildlife, also under permit. Permits are issued for three to five years (section 20).

Section 15 allows for the collection and utilization of wildlife for scientific research; however, it does not limit or clarify what type of scientific research is allowed under the Act. Section 15.4.d does stipulate however that the Animal Welfare Protocol must be observed. However, no detail of such Protocol has been provided.

Anti-cruelty provisions for wildlife including exotic species sit under Section 27 of the Wildlife Resources and Protection Act (2001). It is prohibited to inflict injury that cripples and/or impairs the reproductive systems of wild animals, or otherwise to maltreat or inflict injuries to wild animals.

It is also prohibited to kill wild animals, with limited exceptions including when it is done as part of the religious rituals of established tribal groups or indigenous cultural communities. Similarly, acts such as logging and burning in critical habitats are also prohibited, adding protections that impact animal welfare.

Some wild animal species have special and separate protections to those provided in the Wildlife Resources and Protection Act (2001). For species such as the Dugong there are no exceptions to the protections provided such as maltreatment, capture and trade and their removal from their habitat is only allowed for scientific research (Administrative Order No. 55 of 1991<sup>28</sup>).

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<sup>28</sup> <https://www.informe.org/en/legislation/denr-administrative-order-no-55-declaring-dugong-or-sea-cow-dugong-dugon-protected>





Administrative Order No. 25 of 2016<sup>29</sup> provides additional guidelines for the local transport of wildlife; however, under Section 5.2 animal wellbeing is only mentioned under proper handling and safe transportation.

The Philippine Government has an active relationship with CITES and there is a mandate for CITES Management Authorities within the Wildlife Resources and Conservation Protection Act (2001). The Act also established both a national and regional Wildlife Management Committee which both include government and scientific representation. The Act also mandates the creation of Wildlife Enforcement Officers in the national police force, armed forces, National Bureau of Investigation as well as from NGOs, citizens groups, community organisations and other volunteers.

In recent years, the Philippine Government has created a new Biodiversity Strategy and Action Plan 2015-2028 (2015) and aligned Wildlife Law Enforcement Action Plan 2018-2028 (2018). These strategies are an attempt by the Philippine Government to curb the illegal wildlife trade for which the Philippines is a consumer, source and transport hub. However, the Wildlife Law Enforcement Action Plan is yet to be published and therefore is unable to be assessed at time of writing. The Biodiversity Strategy and Action Plan includes initiatives and projects that will result in improved animal welfare for wild animal, however, this has not been translated into protections or provisions in law.

### *Analysis*

*Although the Wildlife Resources Conservation and Protection Act (2001) is primarily concerned with conservation of endangered species of wildlife and of their habitats, it does provide some protection to wild animals from maltreatment and the infliction of injury and prohibits hunting. The Act aligns with CITES conservation status and proactively differentiates between animal species with different status.*

*However, the Act permits the commercial breeding of wild animals and the collection of non-threatened wild animals from their wild state, which can have significant welfare implications. Similarly, the Act also allows wildlife and exotic species to be kept as pets. Furthermore, there is a lack of clarity regarding the use of "scientific research", meaning there is no differentiation between research into a species' ecology and taking wildlife for research for cosmetics and their ingredients for example.*

*Supplementary regulations such as Administrative Order No. 25 of 2016 are more limited for wild animals than corresponding Administrative Orders for farm animals for example. With no mention of the Five Freedoms and vague language, their application for animal welfare is limited.*

*The authority for protection of wild animals is split across multiple departments and Government ministries which has the potential to limit the effectiveness of animal welfare law. While it is commendable that the Philippine Government has an active relationship with CITES and has both a national and regional Wildlife Management Committee, there is no animal welfare representation on either. There is also no indication in the law of any interaction between the Wildlife Management Committees and the Committee on Animal Welfare.*

<sup>29</sup> <https://www.ecolex.org/details/legislation/joint-denr-da-pcsd-administrative-order-no-1-implementing-rules-and-regulations-in-pursuance-of-republic-act-no-9147-lex-faoc157501/?>



*The existing legislation provides some good foundations for the protection of the welfare of wild animals. However, the Philippines is a consumer, source and transit point for the illegal wildlife trade which is valued at an estimated US\$1 billion a year.<sup>30</sup> While the Government has taken steps to curb the illegal wildlife trade which will have an impact on animal welfare for wild animals, animal welfare does not appear to be a main priority.*

### Enforcement mechanisms

Breach of the prohibition on inflicting crippling injury under section 27(b) of the Wildlife Resources Conservation and Protection Act is punishable with imprisonment of between one month and six years and/or fines, depending on the conservation status of the animal (section 28). Breach of the prohibition on inflicting other injury or maltreatment under section 27(h) of that Act is punishable with imprisonment of between five days and one year and/or fines, depending on the conservation status of the animal (section 28).

Breach of the prohibition on killing wild animals under section 27(a) of the Act is punishable with imprisonment of between six months and twelve years and/or fines, depending on the conservation status of the animal (section 28).

Any wildlife involved in breaches to the law are automatically forfeited to the Government for care.

### Key recommendations

- **The Government of the Philippines is strongly encouraged to ban any form of hunting that does not directly support subsistence i.e. for feedings oneself and one's family and not for commercial gain. Subsistence hunting operations must employ the least cruel methods of hunting and slaughter, and that all possible efforts should be made to reduce the time of death of animals killed in these hunts. At a minimum, the Government is urged to forbid the use of the cruellest hunting methods.**
- **The Government is encouraged to amend the Wildlife Resources Conservation and Protection Act (2001) to ban the commercial breeding, capture, trade and keeping of all wild animal species (include exotics) outside zoos. Captive breeding of wild animal species should only serve conservation purposes and should abide by strict welfare conditions. Efforts should be made to release animals into their natural habitat.**
- **The Government of the Philippines is encouraged to include representatives from animal welfare organisations on the national and regional Wildlife Management Committees.**

<sup>30</sup> <http://pubdocs.worldbank.org/en/997621542735912298/Illegal-Wildlife-trade-brochure-ADB DENR18NovforWEB.pdf>



### Goal 3: Presence of effective governance structures and systems

#### 9. The Government has assigned responsibility and accountability for improving animal protection at a high government level and has provided resources

Analysis of the legislation	
Ranking	C
<p>The Animal Welfare Act of 1998 assigns responsibilities to Government bodies. The Director of the Bureau for Animal Industry is identified as the representative responsible for authorisation, regulation and supervision of animal protection issues related to facilities and transport in sections 2 and 3. Section 3 also allows the Director to call upon ‘any Government agency for assistance consistent with its powers, duties, and responsibilities for the purpose of ensuring the effective and efficient implementation of this Act and the rules and regulations promulgated thereunder’. Other government departments are required to assist when called upon; “It shall be the duty of the Government agency to assist said Director when called upon for assistance using any available fund in its budget for the purpose”.</p> <p>Furthermore, Section 5 creates a Committee on Animal Welfare and sets out the foundations of its responsibilities. The Committee is “attached to the Department of Agriculture” and is responsible for implementing the provisions of the Animal Welfare Act of 1998 through issuing “the necessary rules and regulations”, subject to the approval of the Secretary of the Department of Agriculture. The Committee is also responsible for giving approval to scientific experiments using animals (section 6).</p> <p>Implementation of the Wildlife Resources Conservation and Protection Act is the responsibility of the Department of Environment and Natural Resources (in relation to terrestrial animals) and the Department of Agriculture (in relation to aquatic animals) (section 4), including issuing permits under that Act for the breeding and collection of wild animals. There are also national and regional Wildlife Management Committees and the recently approved Wildlife Law Enforcement Action Plan is aiming to improve protections for wild animals.</p> <p>Since 2004, due to a Presidential Proclamation, the first week of October each year is “Animal Welfare Week” across the Philippines. Similarly, the Philippine Government actively works with CITES and has enshrined their species conservation statuses into law.</p> <p><u>Analysis</u></p> <p><i>The departments and representatives identified in the Animal Welfare Act of 1998 and in the Wildlife Resources Conservation and Protection Act assist with the consideration of animal welfare issues at high government level in the Philippines. Both the Department of Agriculture and the Bureau of Animal Industry have a wide-reaching influence through the farming industry and food business in the country. The Animal Welfare Act identifies animal welfare as an individual issue, furthermore it is recognised that its impact is broad, and the Director of the Bureau of Animal Industry is able to call on any</i></p>	



governmental department for assistance in the regulation and supervision of facilities covered by that Act.

The Committee on Animal Welfare is set out as being responsible for the guidelines and standards ensuring the implementation of the Act in the Philippines. These are produced as Administrative Orders and are publicly available on the website of the Bureau of Animal Industry.

The Government has put into place structures and legislation to make animal welfare a mainstream concern in the country. The continuation of "Animal Welfare Week" since 2004 suggests a high-level political will to improve animal welfare across the country, as does their ongoing commitment to CITES and the new Wildlife Law Enforcement Action Plan.

### Enforcement mechanisms

The responsibilities of the relevant government departments are set out in primary legislation, including the requirement for other government departments to "assist said Director when called upon for assistance using any available fund in its budget for the purpose".

The Committee on Animal Welfare is also given timescales to meet its requirements and responsibilities under the Act; the Committee is required to meet quarterly and to review all guideline and standard outputs every three years or as necessary.

### Key recommendations

- The Government of the Philippines is encouraged to align jurisdiction for animal welfare for all animals under one Ministry with resources for public education, enforcement, research and investigation.
- The Government is encouraged to ensure that the committees on Animal Welfare and Wildlife Management are aligned and working together to ensure that animal welfare protections are included in all rules and regulations and given high priority.
- The Government of the Philippines is encouraged to include representatives from animal welfare organisations on the Wildlife Management Committees.

## Goal 4: Promotion of international animal welfare standards

### 10. The Government has incorporated the OIE's guiding principles for animal welfare and its animal welfare standards into policy and legislation

#### Analysis of the legislation



Ranking	D
<p>The OIE Animal Welfare Standards focus on transport, slaughter, production systems (beef cattle, broiler chickens, dairy cattle, pigs), stray dog population control, the use of animals in research and education, and working equids.<sup>31</sup></p> <p>Some of the issues covered in the OIE animal welfare standards and guiding principles are included in the Animal Welfare Act of 1998. Section 4 addresses the transport of animals declaring “It shall be the duty of any owner or operator of any land, air or water public utility transporting pets, wildlife, and all other animals to provide in all cases adequate, clean and sanitary facilities for the safe conveyance and delivery thereof to their consignee at the place of consignment”. Responsibility for the supervision of this is given to the Director of the Bureau of Animal Industry in section 3.</p> <p>Slaughter is another key focus for the OIE’s animal welfare standards and is covered in Section 6 of the Act. It is stated that the killing of animals “shall be done through humane procedure at all times” where “humane procedures shall mean the use of the most scientific methods available as may be determined and approved by the Committee”.</p> <p>Section 6 also addresses the use of animals in research, but this legislation does not cover all the issues covered by the animal welfare standards. Similarly, a number of issues of humane population control of stray/roaming dogs and cats are not covered.</p> <p>In relation to the standards that are covered, the legislation generally does not provide sufficient detail to reach the level of the OIE’s standards.</p> <p>There is a healthy working relationship between the Philippine Government and the OIE. In November 2013, the 28th Conference of the OIE Regional Commission for Asia, the Far East and Oceania was held in Cebu in the Philippines. The Philippines also received the OIE’s ‘Improved Animal Welfare Programme’ during May of 2013.<sup>32</sup> This programme takes a ‘train the trainers’ approach to the welfare of animals during transport and slaughter, which is a major component of the OIE’s animal welfare standards.</p> <p>The OIE has worked with the Philippine Government in recent years on disease control and on rabies vaccination in stray dog populations. Disease control in animal populations is also a major focus of the OIE’s animal welfare standards. This level of co-operation on key issues demonstrates a productive relationship and implementation of policy in the Philippines.</p> <p><b>Analysis</b></p> <p><i>The Animal Welfare Act of 1998 does not specifically reference the OIE’s standards, however it shows some progress in promoting the themes in the OIE’s guiding principles and animal welfare standards. The OIE’s ‘Improved Animal Welfare Programme’ is a good example of a programme which covers</i></p>	

<sup>31</sup> <http://www.oie.int/infographic/StandardsAW/index.html>

<sup>32</sup> <https://www.oie.int/en/for-the-media/press-releases/detail/article/improved-animal-welfare-programme-successfully-completed-in-indonesia/>



aspects of transport and slaughter practices integral to the OIE's animal welfare standards. The final phase of the 'Improved Animal Welfare Programme' in the Philippines was completed in May 2013.<sup>33</sup>

There is some evidence of any barriers to improving animal welfare related to the OIE's guiding principles and animal welfare standards in the Philippines, for example, because of the ongoing issues regarding management of stray cat and dog populations.

By working together with the OIE on various key issues relating to animal health and welfare, animal welfare is recognised as an independent issue and its recognition as a mainstream concern for society in the Philippines is being progressed. Through incorporating the OIE's principles and standards in areas such as agriculture and health, animal welfare could be introduced into other governmental strategies and further help to improve animal welfare in the country.

#### Enforcement mechanisms

In relation to those of the OIE's guiding principles and standards that are covered by the content of current legislation, there are enforcement mechanisms of imprisonment, fines and revocation of licences.

#### Key recommendations

- **The Government of the Philippines is encouraged to review all legislation including Administrative Orders to ensure they are aligned with OIE animal welfare standards. The Government is also encouraged to develop supporting Administrative Orders, aligned with OIE standards, where absent.**

## 11. The Government has pledged in principle support for the Universal Declaration on Animal Welfare (UDAW)

#### Analysis of the legislation

The Department of Agriculture, the Department of Health and the Department of Interior and Local Government have all pledged in principle support for the UDAW.

Note: The UDAW is a proposed formal international acknowledgement of a set of principles giving animal welfare due recognition among governments and the international community. An expression of support for the UDAW demonstrates a government's commitment to working with the international community to improve animal welfare.

#### Analysis

*In pledging in principle support for the UDAW, the three departments in question have recognised*

<sup>33</sup> <https://www.oie.int/en/for-the-media/press-releases/detail/article/improved-animal-welfare-programme-successfully-completed-in-indonesia/>



animal welfare as an individual issue and also provided a platform to incorporate animal welfare issues into a mainstream agenda linked to other work streams and policies for which they are responsible.

However, without full recognition from central government, this departmental support is at present not fully effective to make animal welfare a mainstream concern in the Philippines.

The fact that three government departments have pledged in principle support for the UDAW suggests that there are no significant barriers to achieving full government support.

#### Enforcement mechanisms

There are no enforcement mechanisms relevant to this indicator.

#### Key recommendations

- **The Government of the Philippines has pledged support to the UDAW through the support of various departments. The Philippines should act as an example for other countries to pledge support in principle to UDAW.**

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