



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
16th City Council

45th Regular Session

ORDINANCE NO. SP-**1627**, S-2005
(PO2005-251)

AN ORDINANCE IMPOSING PENALTY ON OWNERS OF ANIMALS, WHICH CAUSED INJURY OR DAMAGE TO OTHER PERSONS OR PROPERTY.

Introduced by Councilors ELIZABETH A. DELARMENTE, BERNADETTE HERRERA-DY, ROMMEL R. ABESAMIS, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, AIKO MELENDEZ, VOLTAIRE GODOFREDO L. LIBAN III, ALLAN BUTCH T. FRANCISCO, FRANZ S. PUMAREN, WENCEROM BENEDICT C. LAGUMBAY, DIORELLA MARIA SOTTO-DE LEON, EDCEL B. LAGMAN, JR., ANTONIO E. INTON, JR., ALMA F. MONTILLA, RESTITUTO B. MALAÑGEN and BAYANI V. HIPOL.

WHEREAS, the City Council of Quezon City has already approved SP-826, S-99, entitled: "AN ORDINANCE DIRECTING THE BARANGAYS OF QUEZON CITY TO CORRAL AND IMPOUND ROAMING AND STRAY DOMESTIC ANIMALS WITHIN THEIR RESPECTIVE TERRITORIAL JURISDICTIONS AND PRESCRIBING CHARGES AND PENALTIES FOR IMPOUNDING SERVICES RENDERED";

WHEREAS, despite the above mentioned regulation, it is of general knowledge that owners of animals continuously let their animals roam or stray in public places which sometimes cause injury or damage to the properties of another;

WHEREAS, Article 2183 of the New Civil Code provides:

"x x x The possessor of an animal or whoever may make use of the same is responsible for the damage which it may cause. Xxx"

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WHEREAS, although said general law expressly provides for an assumption of responsibility in case of damage, injured individuals or property owners sometimes are not compensated either due to incapability or evasion of the parties legally liable;

WHEREAS, reparation of injuries or damages would be relatively easier and more prompt and equitable to individuals if the owner of animals shall be held responsible or legally liable to pay indemnity through local Ordinance;

WHEREAS, moreover, by virtue of this Ordinance a sense of responsibility among owners of animals will hereby be promoted.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. The City government of Quezon City hereby imposes a penalty on owners of animals, which cause injury or damage to other persons or property.

SECTION 2. Definition of Terms: As used in this Ordinance the following terms are hereby defined:

a. ANIMALS - includes but not limited to the following: dog, cat, snakes, monkey, rabbit, rats, birds and other animals.

b. INJURY - means any harmful change in the human organism.

c. PROPERTY - refers to any material object within the commerce of man, whether real or personal property

SECTION 3. In case of damage to property, the indemnity shall be paid by the owner/possessor of animals based on the extent of the actual damage caused to person and property.

SECTION 4. In case of injury sustained by certain individuals, the following shall govern:

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- a. In case where the ownership of the animals has been duly established, the injured victim shall immediately be entitled to receive financial compensation from owner/possessor or animals for their medication.
- b. When the injury sustained by the victim require medical attendance for a certain number of days the owner of animals shall also be required to pay for the loss of income of the victim during the period where he/she is not working.
- c. Injured victim must submit a medical certificate from any licensed physician in support of their claim and/or pay slip or certification from the employer in case of payment of loss of income.

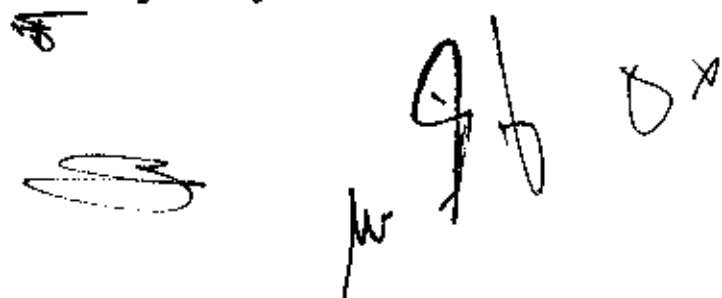
SECTION 5. This Ordinance shall not apply when the incident occurred inside the premises of the owner of the animals.

SECTION 6. If the owner/possessor of animal willfully refuse, without justifiable cause, to pay the expenses necessary for the medication of the victim of damage caused to person or property, the Veterinary Services, Quezon City Health Department or the victim himself shall institute appropriate charges in court to enforce his/her claim.

SECTION 7. Filing and/or payment of claims, pursuant to this measure, is without prejudiced or shall not constitute a bar in filing similar claims under existing laws.

SECTION 8. Penalty Clause. For violation of this Ordinance a fine of P5,000.00 and/or an imprisonment of not less than two (2) months and not over one year or both shall be imposed based on the sound discretion of the court, plus forfeiture of the animal in either case.

Should the owner of animals assume the whole medication of the injured victim or pay damages to the property of another shall be a bar to the imposition of penalty of this Ordinance.

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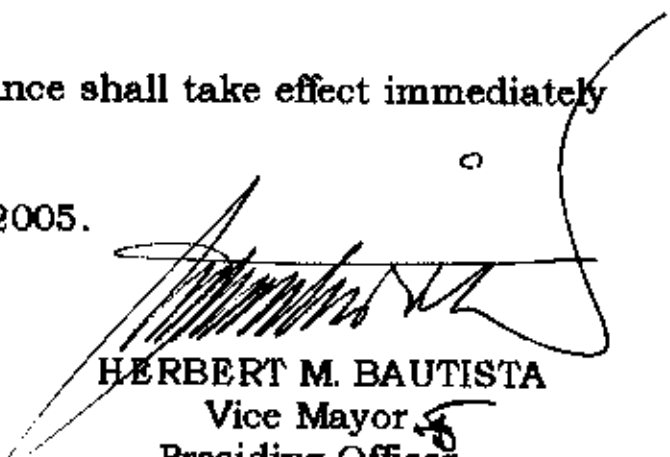
SECTION 9. Implementing Authority. The Veterinary Services, Quezon City Health Department in coordination with all local law enforcement agencies, including the barangay officials are hereby tasked to enforce and implement this Ordinance.

SECTION 10. The Veterinary Services, Quezon City Health Department shall promulgate implementing guidelines for the effective enforcement of this Ordinance.


SECTION 11. This Ordinance shall be published in the newspaper of general circulation or posted within the conspicuous places of the City.

SECTION 12. This Ordinance shall take effect immediately upon its approval.


ENACTED: December 6, 2005.


HERBERT M. BAUTISTA
Vice Mayor &
Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Secretary

APPROVED: JAN 06 2006


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on December 6, 2005, was finally PASSED on Third/Final Reading by the City Council under Suspended Rules on the same date.


EUGENIO V. JURILLA
City Secretary
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