

MUNICIPAL ORDINANCE NO. 2017-06

AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS IN THE ESTABLISHMENT, OPERATION, MAINTENANCE AND OWNERSHIP OF COCKPIT IN THE MUNICIPALITY OF BONGABONG, PRESCRIBING FEES THEREFOR AND FOR OTHER PURPOSES

WHEREAS, Presidential Decree (P.D.). No. 449 was signed into law by late President Ferdinand Marcos to regulate the operation of cockpit in the Philippines;

WHEREAS, it is provided in PD 449, particularly in Section 5 paragraph c, that: “Cockpits Site and Construction. Cockpit shall be constructed and operated within the appropriate areas as prescribed in Zoning Law Ordinance...xxx”;

WHEREAS, due to several petitions received by then President Marcos from local governments and from owners, lessees and operators of cockpit for the extension of the period within which to comply with the zoning requirements for the construction of cockpit as embodied in the Cockpit Law of 1974, the Office of the President issued Presidential Decree (P.D.) 1140, amending the Cockpit Law of 1974 by extending for another year the operation of cockpits after which they shall have conformed to the provisions of the Cockpit Law of 1974;

WHEREAS, another issuance issued by the late President Marcos is PD No. 1535, extending the period within which to conform to the zoning requirements prescribed by P. D. No.449, and also Presidential Decree No. 1802 and 1802- A for the creation of Game Fowl Commission and its duties and powers;

WHEREAS, the authority to grant license or permit to cockpits and regulate cockfighting was delegated to the Sangguniang Bayan pursuant to RA No. 7160, otherwise known as the Local Government Code of 1991, specifically Section 447 (3) (v) thereof which provides that: “Any law to the contrary notwithstanding, authorize and license the establishment, operation and the maintenance of cockpits and regulate cockfighting and commercial breeding and gamecocks. Provided, that existing rights should not be prejudiced”;

WHEREAS, Section 444 (b) 3 (iv) of the same law provides that the Municipal Mayor shall “...xxx issue licenses or permits and suspend or revoke the same for any violation of the conditions upon which the said licenses or permits has been issued, pursuant to law or ordinance”;

WHEREAS, it is deemed proper and necessary to enact this Ordinance to prescribe guidelines in the establishment, operation, maintenance and ownership of cockpit in this Municipality;

NOW THEREFORE, on motion of Hon. Arnold R. Vargas duly seconded by Hon. Jayson M. Barcelona;

Be it ordained by the Sangguniang Bayan in session duly assembled, that:

Section I. Title – This Ordinance shall be known as “The Cockfighting Ordinance of the Municipality Bongabong”;

Section II. Scope – This Ordinance shall govern the establishment, operation, maintenance and ownership of cockpits in this municipality;

Section III. Purpose – it is the declared purpose of this Ordinance to abide by the policy of the government in the promotion of wholesome recreation and amusement to bring about the following goals:

1. To effectively control and regulate cockfighting towards its establishment as a form of recreation, relaxation and source of entertainment;
2. To provide additional revenue or source of income through regulatory measure;
3. To provide job/employment in the legitimate operation of cockpit.

Section IV. Definition of Terms – as used in this Ordinance, the following terms shall mean-

1. **Cockfighting** – is the sport of pitting or evenly matching gamecocks to engage in an actual fight where bets on either side are laid. Cockfighting may also be termed as “cockfighting, derby, or pintakasi” or its equivalent in different Philippines localities.
2. **Cockpit** – A commercial structure at the center of which is an enclosed cockfighting arena and surrounded by seats provided for bettors and other aficionados.
3. **Fighting Cock/ Game Cock** –Also called rooster, whether locally bred or imported or hybrid primarily for cockfighting.
4. **Local Derby** – is an invitational cockfight participated in by game cockers or cockfighting aficionados of the Philippines with “pot money” awarded to the proclaimed winning entry/entries.
5. **International Derby** – refers to any invitational cockfight participated in by local and foreign game cockers or cockfighting aficionados with pot money awarded to the proclaimed winning entry/entries.
6. **Regular Games/Cockfighting** – held at designated cockpit arena usually on weekend featuring two fighting game cocks.
7. **Pintakasi** – is a special three day cockfighting event scheduled usually on weekdays with an intended charitable institution or group as beneficiary.
8. **Derby** – special cockfighting event or an even bigger scale and participated in by big-time breeders,

9. **Bet Take/Promoter** – refers to a person who alone or with another initiates a cockfight and/or calls and take care of bets from owners of both gamecocks and those of other bettor before he orders commencement of the cockfight thereafter distributes won bets to the winners after deducting a certain commission, or both
10. **Hard Drinks/ Alcoholic Drinks** – refers to rums, whiskeys, brandies, and other alcoholic drinks with 10% or above alcohol content.

Section V. Ownership – Ownership, operation and management of cockpit – the following persons or entities may own, operate or manage cockpit:

1. Filipino citizens not otherwise prohibited or disqualified by law; or
2. Cooperatives or corporations, the capitalization of which is One Hundred Percent Filipino – owned and formed and licensed for such purpose;
3. Provided; that in case of sole proprietorship, the sole proprietor must be a legitimate resident of Bongabong, Oriental Mindoro; in case of cooperative or corporation, majority of capital or stocks must be owned by legitimate residents of Bongabong.

Section VI. Regulatory Provisions – The following are the regulatory provisions on the establishment, operation, maintenance and ownership of cockpits in the Municipality of Bongabong-

1. One (1) cockpit for every 100,000 populations or fraction thereof is allowed to operate in the municipality of Bongabong Oriental Mindoro. It may be established independently or within or as an adjunct of resorts, sports and/or recreational project sites duly registered with the Department of Tourism.
2. The owner or operator of the cockpit shall provide adequate parking space, separate comfort rooms for male and female and shall comply with existing laws on smoking.
3. Imposition of Regulatory Fees
 - i. **License Fee** – 10% of total capital, to be paid upon grant of permit or license to operate
 - ii. **Application filing Fee** 2,500.00
 - iii. **Annual cockpit permit fee** 10,000.00
 - iv. **Annual Fees of Cockpit personnel**
 - a. Promoters / Hosts P5,000.00
 - b. Referee 1,000.00
 - c. Bet Taker (Kristo/Llamador) 500.00
 - d. Gaffer (Mananari) 500.00
 - e. Cashier 800.00
 - f. Doctor 300.00

v. **Special permit fees for the following special events:**

a. Fastest Kill –	P8,000.00
b. 2-Stag	5,000.00
c. 2–Cock Derby	5,000.00
d. 3– Cock Derby	10,000.00
e. 4 – Cock Derby	15,000.00
f. 5 – Cock Derby	20,000.00
g. Special Cockfight (pintakasi)	700.00

4. The annual cockpit permit fee shall be paid upon filing of the application for a permit before a cockpit is allowed to operate, and within the first twenty days of January of each year in case of renewal thereof.
5. Special permit fees shall be paid to the Municipal Treasurer before the special event can be lawfully held. The owner or promoter shall obtain from the Sanggunian Bayan approval to hold a special event and such approval by way of a resolution shall be the basis for the payment of the special permit fee.
6. The application filing fee shall be paid upon filing of the application for license while the license fee shall be paid upon approval by the Sangguniang Bayan of the license to operate and before the start of the construction of the cockpit.
7. The annual fees for cockpit personnel shall be paid before they participate in a cockfight and pay annually upon renewal of the permit on the birth month of the permittee. Only duly registered and licensed personnel shall take part in all kinds of cockfights held in this Municipality. No operator or owner of cockpit shall employ or allow to participate in a cockfight any of the above-mentioned personnel unless he or she has registered and paid the fee herein required.
8. The permit to operate a cockpit shall be granted by the Sangguniang Bayan of Bongabong Oriental Mindoro by way of a resolution and shall be in effect for a period of ten (10) years renewable for another ten (10) years unless terminated by the Sangguniang Bayan for violation of the provision of this ordinance and related regulations. Present permit holder may apply for renewal but subject to compliance with the requirements herein prescribed.
9. Requirements for Application for License or Permit

For New Applicants

- i. Certificate of Registration of Business from either SEC or DTI
- ii. Proof of Ownership over the Land or Lease Contract if being leased
- iii. Real Property Tax Clearance from the Municipal Treasurer's office

- iv. Proof of Financial Capacity, Company Profile, Development Program, and Project Impact Assessment
- v. Clearances (Barangay, Mayor's Clearance, DAR Clearance, HLURB and DENR)
- vi. Land Reclassification if required (for Agriculture Land)
- vii. Zoning Clearances and Building Permit
- viii. Game fowl Commission endorsement

For Renewal

- i. Real Property Tax Clearances from the Treasurer's Office
 - ii. New Lease Contract
 - iii. Audited Financial Statement
 - iv. Certification for the Municipal Engineer on the Worthiness of the Structure
 - v. Sanitary and Health and Fire Clearance
10. No Cockpit shall be operated within the radius of two hundred (200) meters from school and other public building and churches.
11. Aside from the operations of a cockpit, all other business activities inside the premises of the cockpit will have to secure Mayor's Permit or barangay permit relative to their operations and pay corresponding business taxes and permit fees.

Section VII- Licensing of Cockpit and Procedures or Flow of Transaction:

The applicant shall submit a letter of application together with the requirements as prescribed in this ordinance to the Office of the Sangguniang Bayan addressed to the Presiding Officer/Vice-Mayor through Committee on Games and Amusement for deliberation/evaluation and to recommend to the plenary for confirmation/approval of the said application.

Section VIII. Conduct of Cockfighting

1. Regular Cockfight – cockfighting shall be allowed only in licensed cockpit during Saturdays, Sundays and legal holidays and during local fiestas for not more than three (3) days a week. It may also be held during municipal, agricultural, commercial or industrial fair, carnival or exposition for a similar period of not more than three (3) days a week upon resolution of the Sangguniang Bayan: Provided, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions a year: Provided, further, that no cockfighting shall be held on December 30 (Rizal Day), June 12 (Philippine Independence Day) November 30 (National Heroes Day), Holy Thursday, Good Friday, Election or Referendum Day and during Registration Days for such election or referendum, and such other day or holiday as declared by higher competent authority.
2. Pintakasi, Derby and Special cockfights - the responsible Officer of the cockpit must apply with the Sangguniang Bayan at least ten (10) days before the activity and pay the

corresponding fees before the pintakasi or special cockfight is held. The application will be acted upon by way of resolution.

3. There shall be a beneficiary for each derby or pintakasi of not less than 5% of the gross receipts which shall accrue to the account of the beneficiary.

Section IX. Authority to Issue License/Permit – the Committee on Games and Amusement shall be responsible for recommending the approval by the Sangguniang Bayan of Bongabong the issuance of license or permit to operate cockpit for a period of (10) years and renewable for another ten (10) years as may be determined by the Sangguniang Bayan.

Section X. Mayors Permit to the Conduct of Cockfighting.

- a. The Municipal Mayor shall issue a Mayor’s Permit for the operation and maintenance of the cockpit after the issuance of the License to Operate issued by the Sangguniang Bayan and payment of the required fees.
- b. A temporary Mayor’s Permit to operate for six (6) months may be issued to licensee, provided that the he/she/it shall comply with the requirements set by this ordinance within the period.

Section XI. Flow of Transactions/Procedures:

The grantee shall apply for a Mayor’s Permit at the Office of the Municipal Mayor and pay all fees as mentioned in this Ordinance. In case of special events, the responsible officer of

the cockpit shall apply with, and secure the necessary special permit, from the Sangguniang Bayan which shall be the basis for the payment of special permit fees.

Section XII. Prohibitions

1. Illegal gambling and selling and drinking of alcohol/hard drinks inside the cockpit (gradas).
2. Carrying of deadly weapons, except for security personnel assigned by the cockpit owner/corporation or their duly authorized representative and PNP/ Military civilian authorities that has admission order or on duly assignment by the proper authority.
3. Minors are not allowed
4. Smoking is only allowed in designated areas.

Section XIII. Penal Provisions

After observation of due process to the Licensee by the Committee on Games and Amusement and finding sufficient ground for violation of any provision hereof, the following penalties shall be imposed:

1. First Offense – two week suspension of license
2. Second Offense – one month suspension of the license
3. Third Offense - revocation of the license

This is without prejudice to the liability for violations of other penal laws.

Section XIV. Separability Clause

If for any reason, any provision, section or part of this ordinance is declared invalid or unconstitutional, other part or provision thereof which are not affected shall continue be in full force and effect.

Section XV. Repealing Clause

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

Section XVI. Effectivity Clause

This Ordinance shall take effect on January 1, 2018, after complying with the posting in at least three conspicuous places in the Municipality for ten (10) days.

I hereby certify to the truth of the foregoing.

Atty. EDUARDO M. MAGSINO, REB, EnP
Secretary to the Sangguniang Bayan

Attested by:

RICHARD S. CANDELARIO
Vice-Mayor/Presiding Officer

Approved:

ELEGIO A. MALALUAN, O.D.
Municipal Mayor
Date: _____