



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
SANGGUNIANG PANLALAWIGAN

Pagadian City

OFFICE OF THE SECRETARY TO THE SANGGUNIANG PANLALAWIGAN



PROVINCIAL ORDINANCE NO. 032-2020

Authored by: Hon. Francisvic S. Villamero

AN ORDINANCE REGULATING THE GRANT OF FRANCHISE AND OPERATION OF COCKPITS IN THE PROVINCE OF ZAMBOANGA DEL SUR AND FOR OTHER PURPOSES.

WHEREAS, it is expressly stated under Section 9, Article II of the 1987 Philippine Constitution that "the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life for all" and pursuant to the above-quoted Constitutional provision, the State has the apparent duty to suppress all forms of unlawful activities like illegal gambling that has already become a social menace and a source of corruption and with this, it has passed a number of laws denouncing the existence of illegal gambling activities and has implemented more stern measures to halt the proliferation of the same throughout the country;

WHEREAS, in intensifying the drive against illegal gambling, local government units and other agencies of the government are mandated to work together and step up their efforts in destroying illegal gambling activities in any part of the country;

WHEREAS, under Section 16 and Section 468 of R.A 7160, the Sangguniang Panlalawigan of Zamboanga del Sur, as the legislative body of the province, has the power to enact ordinances and approve resolutions for the general welfare of the province and as such, this August Body is empowered to regulate the grant of franchise and operation of cockpits within the province by imposing additional requirements in the grant of franchise in order to further regulate cockfighting activities in the territorial jurisdiction of said municipality;

NOW, THEREFORE, be it enacted by the Sangguniang Panlalawigan of the Province of Zamboanga del Sur, in regular session assembled, that:

Section 1. Title. - This Ordinance shall be known as "An Ordinance Regulating the Grant of Franchise and Operation of Cockpits in the Province of Zamboanga del Sur and for Other Purposes."

Section 2. Declaration of Policy. - It is hereby declared the policy of the Province of Zamboanga del Sur to regulate the operation of cockpits and the issuance of cockpit franchise by the municipalities within the territorial jurisdiction of the Province of Zamboanga del Sur as a control system in the operation of cockpit consistent with, and in furtherance of public safety, public order and security and public health.

Section 3. Scope and Applications. - This Ordinance shall govern and regulate the grant of franchise and operation of cockpits within the territorial jurisdiction of Zamboanga del Sur.

Section 4. Definition of Terms. - For the purpose of this Ordinance, the terms shall be understood, applied and construed as follows:

- a.) Cockpit - is the building and its premises where cockfighting is being conducted by virtue of a permit as license.

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- b.) Zoning Ordinance - refers to city or municipal legislation which logically arranges, prescribes, defines and apportions a given political subdivision into specific land uses as present and future projection of needs warrant.
- c.) Cockfighting - shall embrace and mean the commonly known game or term "cockfighting derby, pintakasi or tupada", or its equivalent terms in different Philippine localities.
- d.) Regular Cockfight - means a cockfight held on Sundays and/or Legal Holidays and for special purposes.
- e.) Special Cockfight - means a cockfight held on days other than Sundays and legal holidays and for special purposes.
- f.) Derby - refers to any cockfight promotion other than the regular cockfight, participated by foreign or local entries.
- g.) Special Permit - means a permit secured from the municipality to hold cockfighting on days other than Sundays and legal holidays.
- h.) Cockpit Operator (Pit Manager) - refers to any person, natural or juridical, who is qualified to apply for a franchise to operate a cockpit.
- i.) Referee (Sentenciador) - a person who watches and oversees the proper gaffing of fighting cocks, determines the physical condition of fighting cocks while cockfighting is in progress, the injuries sustained by the cocks and their capability to continue fighting and decides and makes known his decision by work or gestures and result of the cockfight by announcing the winner or declaring a tie or no contest game.
- j.) Promoter - a person licensed by the municipality as such, who is engaged in the convening, meeting, holding and the celebration of especially programmed and arranged cockfighting like local and international derbies or competition, special matched set to or encounters, pintakasi and ordinary fights or hock fights.
- k.) Bet Taker - a person who calls and takes care of bets from owners of both gamecocks and those of other bettors before he orders commencement of the cockfight and thereafter distributes won bets to the winners after deducting a certain commission.
- l.) Gaffer (Taga Tari) - a person knowledgeable in the art of arming fighting cocks with gaff or gaffs on either or both legs.
- m.) Gater - a person who screens and receives admission tickets issued by the cashier to ticket buyer as a condition to gain access inside the cockpit.
- n.) Franchise - refers to the right or privilege, affected with public interest which is conferred upon private persons or corporations, under such terms and conditions as the government and its political subdivisions may impose in the interest of public welfare, security and safety.
- o.) Amusement - is a pleasurable diversion and entertainment. It is synonymous to relaxation, avocation, pastime or fun.
- p.) Bettor - a person who participates in cockfights and with the use of money or other things of value, bets with other bettors or through the bet taker or promoter and wins or loses his bet depending upon the result of the cockfight as announced by the Referee or Sentenciador. He may be the owner of fighting cock.

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- q.) Gamecock – refers to domesticated fowls, whether imported or locally bred, as well as the native fighting cocks indigenous to the country, trained and conditioned for actual fighting or for propagation and breeding purposes for eventual use in cockfighting.

Section 5. Qualifications. – Any applicant shall have the qualifications:

- a.) The applicant must be a person of not less than forty (40) years old and a resident of the local government unit with which the franchise application is being filed for a period of not less than five (5) years. If the applicant is a corporation or a partnership, the same must be a registered corporation or partnership and must have established its main or sub-office in the place where it seeks to operate a cockpit during the last five (5) years at the time the application is filed;
- b.) The applicant must be a Filipino. If it is a corporation or partnership, the same is exclusively owned by Filipino citizens;
- c.) The applicant must have legally operated a cockpit anywhere in the Philippines for at least three (3) years during the last ten (10) years from the application shall have been filed.

Section 6. Regulation Prior to the Issuance of Cockpit Franchise/License/Permit and the Operation of Cockpits. – In order to have control system in the operation of cockpit within the territorial jurisdiction of Zamboanga del Sur, the municipalities, in addition to their respective requirements in the issuance of cockpit franchise and the operation of cockpits in their localities, shall observe and comply the foregoing regulations, viz:

- a.) The cockpit operator or pit manager shall impose a minimum fee in the amount of Fifty (Php 50.00) pesos for every person who wants to gain access inside the cockpit. For this purpose, the cockpit operator or pit manager shall issue an admission ticket or "arkabala", duly stamped and registered in the Municipal Treasurer's Office and/or the Bureau of Internal Revenue (BIR) for easy monitoring and accounting of the tax collection;
- b.) A levy at the rate of not more than thirty percent (30%) of gross receipts from the admission ticket or "arkabala" for every cockfighting is hereby imposed. For this purpose, the Municipal Treasurer is mandated to remit the monthly share of the province to the Provincial Treasurer's Office and to the Barangay concerned;

Section 7. Certification from the Provincial Treasurer. – In addition to the requirements of the municipality in issuing cockpit franchise/license/permit is a certification from the Provincial Treasurer to the effect that the municipality is complying with the provisions of Section 6 hereof.

Section 8. Prohibition of Beneficiaries of the Pantawid Pamilyang Pilipino Program To Enter Cockpit. – The beneficiaries, including their spouses and immediate members of the household, of the Pantawid Pamilyang Pilipino Program of the government are prohibited from entering the cockpit or engaging into cockfighting or any form of gambling.

Section 9. Operation of Cockpit.

- a.) No annual permit/license shall be issued by the local government unit to operate cockpit, unless the applicant is the franchise holder to operate one.

- b.) An application for a franchise by the current permit/license holder which has not been acted upon by the local sanggunian for a period of not less than three (3) months at the time the application for license or permit is filed to operate a cockpit for a calendar year shall be deemed an implied franchise for purposes only of the said application.
- c.) No cockpit shall be operated without an annual license/permit duly issued by the local government unit concerned for a given calendar year. A permit/license which is issued anytime of the calendar year shall expire on December 31 of the said calendar year.
- d.) No cockfighting activities shall be conducted anywhere, except at the duly licensed cockpit and only once-a-week during a Saturday or a Sunday, or as may be specified in the permit or license.
- e.) No other form of game or gambling shall be allowed inside the cockpit premises, except cockfighting.

Section 10. Grant of Special Permits. - Special Permits may be granted to the licensed cockpit operator to conduct a special holding of cockfighting activities during special occasions including the promotion of culture, arts and tourism, but not to exceed two (2) days in a week. Provided that no special permit shall be issued twice for the same calendar month.

Section 11. Franchise Term. - The term of the franchise is hereby fixed to five (5) years.

Section 12. Franchise Fee. - The franchise fee shall be fixed by the respective local sanggunian based on the classification of municipalities under the following schedules:

- a. The 1st class municipalities shall pay the amount of Two Hundred Thousand (Php 200, 000.00) pesos.
- b. The second (2nd) and third (3rd) class municipalities shall pay the franchise fee in the amount of One Hundred Fifty Thousand (Php 150, 000.00);
- c. The fourth (4th) and fifth (5th) class municipalities shall pay the franchise fee in the amount of One Hundred Thousand (Php 100, 000.00);

The amount of franchise fee specified in the immediately preceding paragraph shall be paid directly to the Office of the Municipal Treasurer, either quarterly, semi-annually, annually or at once as may be provided in the ordinance which grants the franchise. Provided, that appropriate incentives or discounts shall be granted according to the options on the mode of payment.

Section 13. Franchise Application Requirement. - No application for cockpit franchise shall be accepted in the absence of any of the following requirements:

- a.) The franchise application shall be in writing and filed in six (6) copies and is supported with proof on the qualifications of the applicant under Section 3 hereof;
- b.) The application must, within five (5) days from receipt thereof, be posted by the sanggunian secretary in the bulletin board of the local government unit and in the barangay hall where the said cockpit is sought to be operated;
- c.) In case the applicant is not the current holder of a local permit/license to operate a cockpit, he shall be required to present a duly approved building permit being issued in accordance with the National Building Code of the Philippines and in conformance to existing zoning and other local ordinances;

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- d.) In case the applicant is the current holder of a local permit/license to operate a cockpit, he shall be required to present his local license or permit of the current or immediate preceding year;
- e.) A vicinity map showing access road/s.

Section 14. Preferred Applications. - Applications for franchise to continue the operation of a cockpit which was established under the Philippine Gamefowl Commission prior to the effectivity of the Local Government Code, as amended, shall be preferred over other applications. Provided, that the said cockpit is still legally operating at the time the application for franchise was filed. Only in the absence of any preferred application that other applications shall be given due course.

Section 15. Zoning Requirement. - Franchise shall be granted to operate a cockpit only in industrial or agricultural zones of the locality.

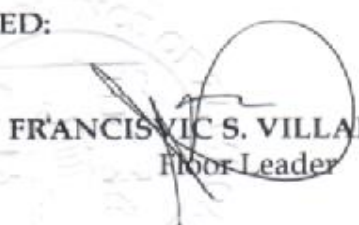
Section 16. Penalties. - Any violation to the provisions of this ordinance shall be penalized with a fine of Two Thousand Five Hundred (Php 2, 500.00) pesos for the first offense; Three Thousand Five Hundred (Php 3, 500.00) pesos for the second offense and Five Thousand (Php 5, 000.00) for the third and for every subsequent offenses. A fifth (5th) violation shall also revoke the granted permit and franchise if the violator is the permit and/or franchise holder.

Section 17. Separability Clause. Any provision of this Ordinance which may be declared as void for being contrary to law shall not affect all other provisions which are not so declared as such.

Section 18. Effectivity Clause. - This Ordinance shall take effect fifteen (15) days from the last day of posting and publication, whichever is earlier, but all existing franchises already granted at the time of the approval of this Ordinance shall not be affected and prejudiced.

ENACTED AND APPROVED this 30th day of April 2020 during the 36th Regular Session of the 10th Provincial Board at the Session Hall of SP Building, Provincial Government Center, Barangay Dao, Pagadian City, Philippines.

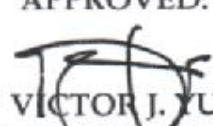
VERIFIED:


FRANCIS VIC S. VILLAMERO
Floor Leader

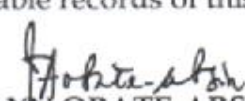
ATTESTED:


ROSELLER L. ARIOSA
Vice Governor/Presiding Officer

APPROVED:


VICTOR J. YU
Provincial Governor

I HEREBY CERTIFY that the foregoing is an accurate and true excerpt of the Minutes of the Session per available records of this Office:


ANNALYN OBATE-ABSIN, RN, CESE
Secretary to the Sangguniang Panlalawigan