



EXCERPT FROM THE MINUTES OF THE 103RD REGULAR SESSION OF THE 5TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON JULY 31, 2024.

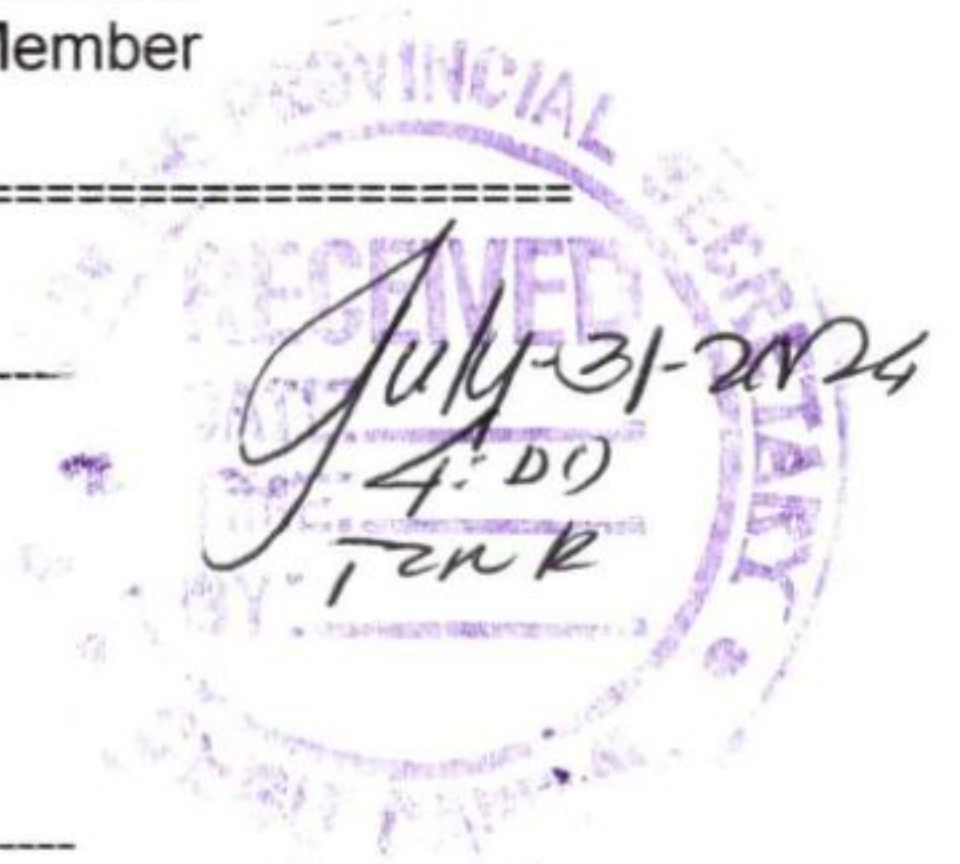
PRESENT:

HON. VIRGILIO M. CHIONG	- Vice Mayor /Presiding Officer
HON. CLINT ISIDRO A. CHIONG	- Presiding Officer Pro Tempore
HON. CARMELINO N. CRUZ, JR.	- Majority Floor Leader
HON. SCOTT JUVENAL A. CHIONG	- Assistant Majority Floor Leader/Liga ng mga Barangay President
HON. ALEXANDER R. LARA	- Sangguniang Panlungsod Member
HON. AURELIO B. ALINSONORIN	- Sangguniang Panlungsod Member
HON. CHARMAINE R. NAVARRO	- Sangguniang Panlungsod Member
HON. RAY A. MANABAT	- Sangguniang Panlungsod Member
HON. JUSTINO L. DAKAY	- Sangguniang Panlungsod Member
HON. DOMINADOR A. LIBOR	- Sangguniang Panlungsod Member
HON. LETECIA F. ABANGAN	- Sangguniang Panlungsod Member
HON. ELMER JOHN R. LAPITAN	- Sangguniang Panlungsod Member
HON. FAITH JAMES B. SERVANO	- SK Federation President

ORDINANCE NO. 2024-41

Principal Author: HON. CLINT ISIDRO A. CHIONG
Vice Chairperson, Committee on Games and Amusement

Co-Author: HON. RAY A. MANABAT
Chairperson, Committee on Consumer and Public Utilities
Member, Committee on Games and Amusement



AMENDING PARAGRAPHS (A) AND (B) OF SECTION 4 OF ORDINANCE NO. 2024-34 OTHERWISE KNOWN AS "PROVIDING FOR THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPITS, REGULATION OF COCKFIGHTING AND IMPOSITION OF FEES IN THE CITY OF NAGA, CEBU"

EXPLANATORY NOTE

The Sangguniang Panlungsod enacted City Ordinance No. 2024-34, titled: "**PROVIDING FOR THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPITS, REGULATION OF COCKFIGHTING AND IMPOSITION OF FEES IN THE CITY OF NAGA, CEBU,**" and submitted the same to the Office of the Secretary to the Sangguniang Panlalawigan on March 22, 2024 for review and approval.

This Sanggunian has to modify paragraphs (a) and (b) of Section 4 of Ordinance No. 2024-34 to conform with the opinion/recommendation of the Sangguniang Panlalawigan Committee on Laws and Review on Ordinance that called for the amendment of the aforementioned Section after finding that it is contrary to Section 5(d) of Presidential Decree (PD) No. 449 or the Cockfighting Law of 1974.

In its recommendation, the Committee categorically stated that it "deeply regrets that it could not accord its approval to the Ordinance under review being contrary to Section 5(d) of Presidential Decree No. 449, unless modified by the Sangguniang Panlungsod concerned."

The Committee, chaired by Hon. Provincial Board Member Raul D. Bacaltos (Cebu, 1st District), specifically cited Section 4(a) of Ordinance No. 2024-34, which considered the holding of cockfights on Fridays, Saturdays and Mondays as contrary to Section 5(d) of PD 449.

Similarly, the reviewing Committee stressed that cockfighting on the occasion of a barangay fiesta/foundation under Section 4(b) of the same Ordinance "is bereft of legal basis." It emphasized that PD 449 "does not specifically provide for a definition of 'local fiestas' except that the same is categorically stated in Section 5(d) thereof."

"Nowhere in said provision will we find any authority on the part of the sangguniang panlungsod to allow the holding of cockfights during barangay fiestas. Several attempts by way of introducing amendments to PD 449 were made in Congress to suit the same but, to no avail," the Committee Report No. 086-04-2024 dated April 15, 2024 read.

BE IT ORDAINED, as it is hereby **ORDAINED** by the 5th Sangguniang Panlungsod of the City of Naga, Cebu, in a session duly assembled, that:

Handwritten signatures of the members of the Sangguniang Panlungsod.

SECTION 1. TITLE. - This Ordinance shall be known as the **“COCKFIGHTING ORDINANCE IN THE CITY OF NAGA, CEBU.”**

SECTION 2. SCOPE. - This Ordinance shall govern the establishment, operation, maintenance and ownership of cockpits.

SECTION 3. DEFINITION OF TERMS. - As used in this Ordinance, the following terms shall be understood, applied and construed as follows:

- a. Cockfighting - shall embrace and mean the commonly known game or term "cockfighting derby, pintakasi or tupada", or its equivalent terms in different Philippine localities.
- b. Zoning Law or Ordinance - Either or both national or local 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. Bet Taker or Promoter - 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.
- d. Gaffer (Taga Tari) - A person knowledgeable in the art of arming fighting cocks with gaff or gaffs on either or both legs.
- e. 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 make known his decision by word or gestures the result of the cockfight by announcing the winner or declaring a tie or no contest game.

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 losses his bet depending upon the result of the cockfight as announced by the Referee or Sentenciador. He may be the owner of fighting cock

SECTION 4. PLACE AND TIME OF HOLDING COCKFIGHTS. - **Cockfights may be held only in licensed cockpits on the following schedule:**

- a. **Regular cockfights - only during Sundays and legal holidays and during local fiestas for not more than three (3) days, provided, that, no cockfights shall be held on:**
 1. New Year's Day (January 1)
 2. Holy Thursday
 3. Good Friday
 4. Philippine Independence Day (June 12)
 5. All Souls Day (Nov. 1)
 6. Christmas Day (Dec. 25)
 7. Rizal Day (Dec. 30)
 8. Election/Referendum Day
 9. Registration Day on such election/referendum
- b. **Special cockfights - The City Mayor may issue special permits for special cockfights, except on the regular cockfight schedule, valid only for two (2) consecutive days and duly approved by the Sangguniang Panlungsod. Provided, further, that prior consent of the franchise holder/cockpit operator shall have been obtained/secured for the purpose.**

SECTION 5. LICENSING OF COCKPITS. - No cockpit shall be allowed to operate without the proper franchise from the City Government, through the Sangguniang Panlungsod, and a permit from the Office of the City Mayor. Only Filipinos may apply for a franchise, which shall be effective for twenty-five (25) years from its issuance; and may be renewed, at the discretion of the local government unit (LGU).

The Mayor's permit shall be secured annually from the time the cockpit was issued a franchise to operate. Application for annual renewal accompanied by a certification under oath that all its employees have been paid must be submitted to the Mayor's Office not later than December 31.

In order to secure the franchise, the applicant shall submit the following documents to the Office of the City Mayor:

1. An application stating therein the name of the cockpit, the name of the owner/s, or in case of partnership or corporations, a certified copy of its articles of incorporation and by-laws, the names of the operator/manager, franchisee, and the mailing addresses of the above-mentioned persons;
2. Occupancy permit.

SECTION 6. COCKFIGHTING OFFICIALS. - The following officials are required to register with the City Government.

1. Promoter/operator;
2. Pit manager;
3. Referee;
4. Bet manager;
5. Bet taker;
6. Gaffer;
7. Cashier.

The above officials shall not officiate cockpits without first securing a certificate of registration and renewing the same annually on or before the 31st of January. The City Government may revoke for cause such registration together with the corresponding licenses. Requirements for the issuance of a certificate of registration and renewal thereof include: National Bureau of Investigation (NBI) clearance, police clearance, Regional Trial Court (RTC) clearance and Municipal Trial Court in Cities (MTCC) clearance.

SECTION 7. PERMIT REQUIRED FOR SPECIAL COCKFIGHTS. -

- a) No special cockfight shall be allowed unless authorized by a special permit from the Office of the City Mayor. Application for such permit shall be filed with the Office of the City Mayor fifteen (15) days before the event.
- b) Every application shall be signed by the owner/operator or franchisee of the cockpit where such special cockfight are to be held and countersigned by the promoter or a representative of the beneficiary.

SECTION 8. FEES. - Without prejudice to the taxes, fees and other levies imposed by the province in accordance with the Local Government Code or 1991, the following fees shall be paid to the LGU:

a. Application/filing fee (non-refundable)	₱ 1,250.00
b. Franchise fee	₱10,000.00
c. Annual Mayor's permit fee	₱ 2,500.00
d. Annual Fixed tax	
Along the National Highway	₱ 5,000.00
Along the City or barangay road	₱ 3,750.00
e. Per cockfight - ordinary	₱ 20.00
Two-cock derby	₱ 50.00
Three-cock derby	₱ 65.00
Four-cock derby	₱ 75.00
f. Registration of Cockpit Personnel:	
a. General Manager, Promoter, Hosts	₱ 1,250.00
b. Pit Manager	₱ 900.00
c. Referee (Koyme)	₱ 600.00
d. Kristo/Llamador/Head	₱ 350.00
e. Bet Manager/Kasador	₱ 350.00
f. Derby Matchmaker	₱ 600.00
g. Cashier	₱ 250.00
h. Gaffer	₱ 180.00
i. Derby Matchmaker	₱ 600.00
g. Special Permit Fee:	
a. Special Cockfight (Hackfight)	₱ 500.00/day
b. Special Cockfight (Derby)	₱ 1000.00/day
c. Special Cockfight in barangay fiestas, foundation days	
i. Hackfight for 2 days	₱ 500.00/day
ii. Derby	₱ 1000.00/ day
d. For Promoters of Derby (every permit issued/event for three (3) days only excluding Sundays and holidays)	
i. Two-cock derby	₱ 2,000.00
ii. Three-cock derby	₱ 4,000.00
iii. Four-cock derby	₱ 5,000.00
iv. Five-cock derby	₱ 7,500.00
v. Six-cock derby	₱ 9,000.00

- e) Resetting or rescheduling of special cockfights for which Special Permit has been previously issued ₱ 250.00
- f) Filing fee for complaint, petition and or application for proper and equitable relief as provided in the rules herein prescribed. ₱ 250.00

SECTION 9. COMPLAINT AND PROTEST. - The City Government shall take cognizance of complaints and protests related to the operation and management of cockpits or the conduct of cockfights and violation of rules and regulations, which complaint or protest must be in writing and under oath.

SECTION 10. IMPLEMENTING RULES AND REGULATIONS. - The local chief executive shall, through an executive order, issue the necessary rules and regulations determining the manner as to how this regulatory ordinance be properly implemented to effectively carry-out the intent thereof.

SECTION 11. PROHIBITION OF MINORS. - No person less than eighteen (18) years of age shall be allowed inside the premises of the cockpit during cockfights. The operators, managers or licensee shall be responsible for the strict compliance with this rule.

SECTION 12. OTHER GAMBLING GAMES PROHIBITED. - No gambling of any other kind shall be permitted in the premises of the cockpit during cockfights. The owner, manager or lessee of such cockpit shall be responsible for such actions.

SECTION 13. PENAL PROVISIONS. - The license and mayor's permit of cockpits found to be violating these rules and regulations may be suspended/cancelled. In addition to these, a fine not exceeding Two Thousand Pesos (₱2,000.00) or imprisonment for a period of not exceeding six months or both at the discretion of the court notwithstanding criminal actions.

SECTION 14. RETROSPECTIVITY. - Existing cockpits currently operating within the City of Naga, Cebu, shall comply with the provisions of this Ordinance, upon effectivity thereof.

SECTION 15. APPLICABILITY CLAUSE. - The provisions of existing ordinances, resolutions, executive orders which are not contradictory with this Ordinance are hereby adopted as an integral part of this Ordinance.

SECTION 16. SEPARABILITY CLAUSE. - Any provision of this Ordinance declared null and void by any competent authority shall not affect the other provisions thereof not declared invalid.

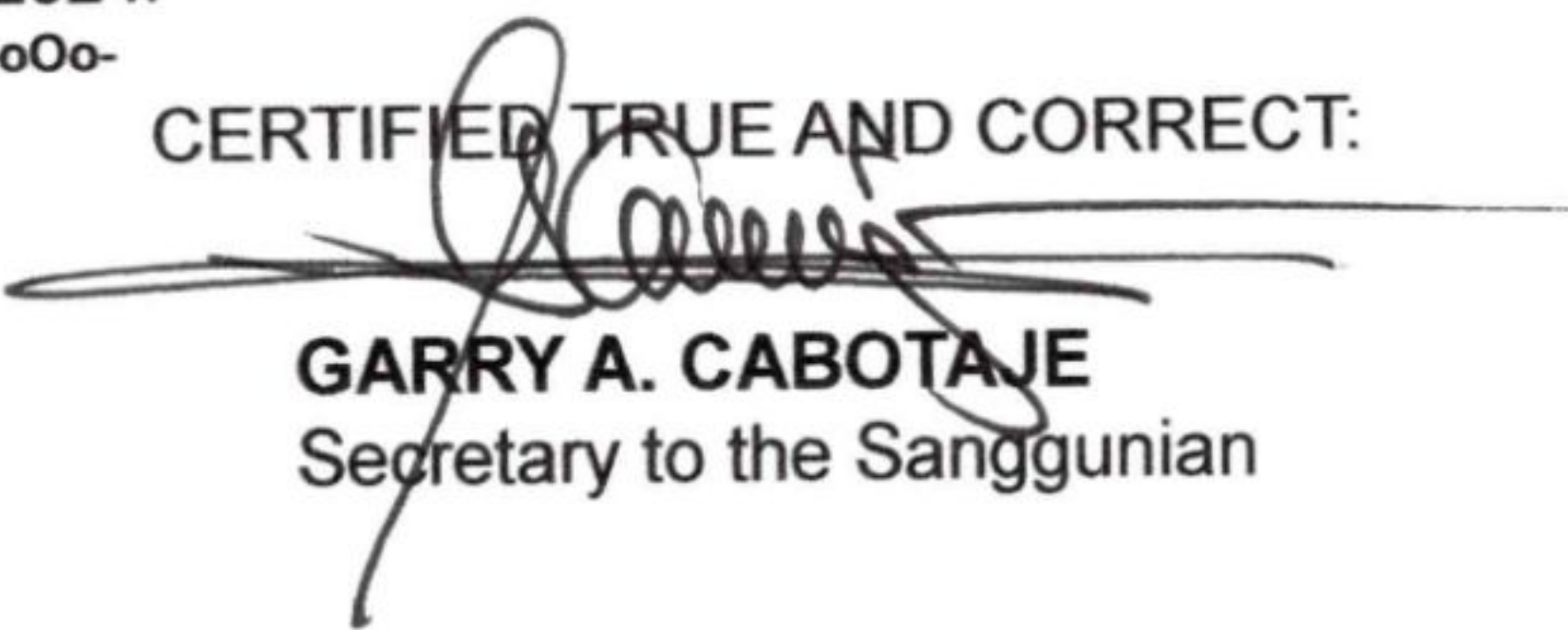
SECTION 17. REPEALING CLAUSE. - This Ordinance shall repeal, revoke, amend, modify and or otherwise supersede any rules and regulations inconsistent herewith.

SECTION 18. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately upon its approval and due compliance with the pertinent requirements of R.A. 7160 or the Local Government Code of 1991.


ENACTED BY THE 5TH SANGGUNIANG PANLUNGSOD OF THE CITY OF NAGA, CEBU, on motion of Hon. Clint Isidro A. Chiong, seconded by Hon. Ray A. Manabat, in its 103rd Regular Session held on the 31st day of July 2024.

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CERTIFIED TRUE AND CORRECT:


GARRY A. CABOTAJE
 Secretary to the Sanggunian

ATTESTED BY:


VIRGILIO M. CHIONG
 City Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
 City Mayor