

HON. JULIUS G. JAMERO
SB Member

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 66th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON MARCH 4, 2024.

OFFICERS/MEMBERS:

POSITION

PRESENT

ABSENT

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Hon. Edgardo G. Jamero

Municipal Vice Mayor

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Hon. Julius G. Jamero

SB Member

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Hon. Jo Vincent J. Morpos

SB Member

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Hon. Dean Kaiser C. Tangalin

SB Member

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Hon. Francis Joeray T. Gumban

SB Member

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Hon. Jerson L. Cabahug

SB Member

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Hon. Julito C. Mandac

SB Member

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Hon. Percalixia Y. Bazar

SB Member

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Hon. Efren A. Costanilla

SB Member

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Hon. Domingo M. Gingco

Ex - Officio Member, LnB

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Hon. Kirby Tracy V. Estillore

Ex - Officio Member, SK

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Municipal Ordinance No. 11th-6-2024

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN A COCKPIT IN THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR, INCLUDING OTHER REGULATIONS RELATIVE THERETO.

Be it ordained by the Sangguniang Bayan of Dumingag, Zamboanga del Sur in a session assembled, that:

SECTION 1. TITLE

This Ordinance shall be called "Cockpit Franchise Ordinance" within the municipality of Dumingag, Zamboanga del Sur.

SECTION 2. LEGAL BASES

Presidential Decree No. 449, otherwise known as the Cockfighting Law of 1974, provides a regulatory framework for the traditional sport of cockfighting.

SECTION. 447 (3)(v) of RA 7160 otherwise known as the Local Government Code of 1991, on the powers, duties, functions and compensation of the Sangguniang Bayan states that, "Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, that existing rights should not be prejudiced.

Zamboanga del Sur Provincial Ordinance No. 032-2020, an ordinance regulating the grant of franchise and operation of cockpits in the province of Zamboanga del Sur and for other purposes and its subsequent amendments.

Zamboanga del Sur Provincial Amendatory Ordinance No. 054-2021, "Amending the provisions of Section 6 of Provincial Ordinance No. 032-2020, otherwise known as the Ordinance regulating the grant of franchise and operation of cockpits in the province of Zamboanga del Sur and for other purposes."

Zamboanga del Sur Provincial Resolution No. 936-2023, "Informing all local chief executives of this province that the grant of franchise is not mandatory and that the mayor is still authorized to grant permits to operation of cockpits."

SECTION 3. PURPOSE

- a. Cockfighting has been and still is a popular, traditional and customary form of recreation and entertainment among Filipinos during legal holidays, local fiestas, agricultural, commercial and industrial fairs, carnivals or expositions;
- b. Based on the aforementioned significance and cultural connotations of cockfighting within Filipino customs and traditions, it should not be exploited merely as a commodity for commercial gain or treated solely as a business enterprise. Instead, it should be regarded as a means to preserve and perpetuate native Filipino heritage, thereby enriching our national identity. Moreover, it ought not to be utilized as a tool for unchecked gambling, but rather as a vehicle for fostering cultural appreciation and understanding.
- c. To effectively control and regulate cockfighting towards its establishment as a form of recreation, relaxation, and source of entertainment;
- d. To provide additional revenue or source of income for the municipality.
- e. To provide job/employment in the legitimate operation of cockpit.

SECTION 4. DECLARATION OF POLICY

It is hereby declared a policy of Dumingag to ensure the maximum development and promotion of wholesome recreation and amusement, while also recognizing the cultural significance of cockfighting within the municipality. In alignment with this objective, the LGU endeavors to regulate the practice of cockfighting in a responsible manner, promoting ethical conduct and community engagement.

This policy underscores the importance of balancing traditional recreational activities with modern standards of accountability and sustainability, fostering an environment where cockfighting can coexist harmoniously with broader efforts to enhance recreation and amusement for all residents.

SECTION 5. DEFINITION OF TERMS

The following words are hereby defined for easy understanding:

- a. Bettor - is 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
- b. Bet taker or Promoter - refers to a person who alone or with another initiates a cockfight and/or calls and take care of bets from owners or both gamecocks and those of other bettors before he orders commencement or the cockfight thereafter distributes won bets to the winners offer deducting a certain commission, or both
- c. Cockfighting - is the sport of pitting or evenly matching gamecocks to engage in on actual fight where bets on either side are laid. Cockfighting may also be formed as "cockfighting derby; pintakasi or tupado," or its equivalent in different Philippines localities
- d. Cockpit - includes any place, compound, building or portion thereof, where cockfights are held, whether or not money bets are made on the results of such cockfights
- f. Fighting Cock/Game Cock - is also called as rooster, whether locally breed or imported or hybrids primarily for cockfighting
- g. Franchise - a special privilege granted by the Sangguniang Bayan of Dumingag to an individual or a group to establish, operate and maintain a cockpit in the municipality of Dumingag

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Secretary to the Sanggunian

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Municipal Mayor

- h. *Gaffer (toga-tari)* - refers to a person knowledgeable in the art of arming fighting cocks with gaffs on one or both legs.
- i. *International Derby* - refers to an invitational cockfight participated in by local and foreign game cockers or cockfighting "afficionados" with "pot money" awarded to the proclaimed winning entry.
- j. *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.
- k. *Referee (Sentenciador)* - refers to a person who watches and oversees the proper gaffing of fighting cocks; determines the physical condition of gamecocks while cockfighting is in progress, the injuries sustained by the cocks and their capability to continue fighting, and decides and makes known his decision either by word or gesture the result of the cockfighting by announcing the winner or deciding a tie in a contest game.
- l. *Regular Games/Cockfighting* - are cockfights held at designated cockpit arena usually on weekend featuring two fighting game cock.
- m. *Pintakasi* - is a special three-day cockfighting event scheduled usually on weekdays with an intended charitable institution or group of beneficiaries.

SECTION 6. ADMINISTRATIVE PROVISIONS

- a. ***Ownership, operation and management of cockpit.*** Only Filipino citizens not otherwise inhibited by existing laws shall be allowed to own, manage and operate cockpits. Cooperative capitalization is encouraged. The applicant must not be less than forty (40) years old and a resident of Dumingag for a period of not less than five (5) years. If the applicant is a corporation or partnership, the same must be a registered corporation or partnership and must establish its main, sub-office/branch in the municipality during the last five (5) years at the time the application is filed. The corporation or partnership must also be exclusively owned by Filipino citizens.
- b. ***Establishment of Cockpits.*** There shall be only one cockpit for every one hundred thousand (100,000) population or fraction thereof be allowed to operate within this municipality.
- c. ***Cockpit-size and construction.*** Cockpits shall be constructed and operated within the appropriate areas as prescribed in the zoning law or ordinance. No cockpits are constructed within or near the existing residential or commercial areas, hospitals, school buildings, churches or other public buildings. Owners, lessees, or operators of cockpits which are now in existence and do not conform to this requirement are required to comply with these provisions within a period to be specified by the Municipal Mayor. Approval or issuance of building permits for the construction of cockpits shall be made by the Municipal Engineer in accordance with existing ordinances, laws and practices.
- d. Upon approval/issuance of the franchise and payment of the fees herein imposed, the corresponding Mayors Permit shall be issued as specified in this Ordinance.
- e. ***Holding of cockfights.*** Cockfighting shall be allowed in this municipality only in a licensed cockpit during Sundays, legal holidays and during local fiestas for not more than three (3) days. It may also be held during municipal, agricultural, commercial, or industrial fairs, carnival, or exposition for a similar period of three (3) days upon resolution of the Sangguniang Bayan. No cockfighting on the occasion of such affair, carnival or exposition shall be allowed within the month if a local fiesta or for more than two (2) occasions a year. 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.

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- f. **Cockfighting for entertainment of tourists or for charitable purposes.** Subject to the preceding subsection hereof, the holding of cockfights may also be allowed for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as "Balikbayans", or for the support of national fund-raising campaigns for charitable purposes as may be authorized upon resolution of the Sangguniang Bayan, in licensed cockpits or in playgrounds or parks. This privilege shall be extended for only one (1) time, for a period not exceeding three (3) days, within a year.
- g. Only duly registered and licensed promoters, referees, cashiers, bet managers, pit referees, bet takers, or gaffers shall take part in all kinds of cockfights held in this municipality. No operator or owner of a cockpit shall employ or allow to participate in a cockfight any of the above-mentioned personnel unless he has registered and paid the fee herein required.

SECTION 7. COCKFIGHTING OFFICIALS

Gaffers, referees, bet takers, promoters and other cockpit personnel shall not act as such in any cockfight in the municipality without first securing a license renewable every year on their birth month from the municipality where such cockfighting is held. Only gaffers, referees, bet takers or promoters licensed by the municipality shall officiate in all kinds of cockfighting authorized herein.

SECTION 8. IMPOSITION OF FEES

The following fees shall be collected annually from cockpit operators/owners/licensee and cockpit personnel:

(a) From the owner/operator/licensee of the cockpit		
1.	Application Filing Fee	₱ 1,100.00
2.	Annual Mayor's Cockpit Permit Fee	5,000.00
From cockpit personnel: (license fee)		
1.	Promoters/Hosts	₱ 1,700.00
2.	Pit Manager	1,000.00
3.	Referee	700.00
4.	Bet Taker "Kristo/Liamador"	500.00
5.	Bet Manager "Maciador/Kasador"	600.00
6.	Gaffer "Mananari"	450.00
7.	Cashier	700.00
8.	Derby Matchmaker	500.00

SECTION 9. TIME AND MANNER OF PAYMENT

- a. The filing fee is payable to the Municipal Treasurer upon application for a Mayor's permit and upon application for a franchise to establish, operate and maintain a cockpit issued by the legislative body.
- b. The annual cockpit permit fee is payable upon application for a permit before a cockpit shall be allowed to operate within the first twenty days of January of each year in case of renewal thereof.
- c. The permit fees on cockpit personnel shall be paid before they participate in a cockfight and shall be paid annually upon renewal of the permit on the birth month of the permittee.

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SECTION 10. SPECIAL PERMIT FEE FOR COCKFIGHTING

There shall be collected the following fees for cockfighting:

(a)	Special Cockfights (Pintakasi)	₱ 1,000.00
(b)	Special Derby assessment from Promoters of:	
	Two-Cock Derby/ every duration	₱ 2,100.00
	Three-Cock Derby/ every duration	5,100.00
	Four-Cock Derby/ every duration	5,600.00
	Five-Cock Derby/ every duration	7,800.00
(c)	Sultada Fee	
	1. Regular cockfights (ordinary)	₱ 100.00/sultada
	Two -Three wins	150.00/sultada
	2. Derby	
	₱ 30,000.00 and above	₱ 350.00/sultada
	More than ₱ 5,000.00 but less than ₱ 30,000.00	250.00/sultada
	₱ 5,000.00 and below	150.00/sultada

SECTION 11. TIME AND MANNER OF PAYMENT

The fees herein imposed shall be payable to the Municipal Treasurer before the special cockfights and derbies can be lawfully held.

SECTION 12. FRANCHISE / LICENSE FEE

Pursuant to Zamboanga del Sur Provincial Ordinance No. 032-2020, no person shall operate a cockpit without paying first a Franchise/License Fee in the amount of One Hundred Fifty Thousand Pesos (₱ 150,000.00) which is renewable every five (5) years.

The specified amount shall be paid directly to the Municipal Treasurer, either in cash or via installments, and shall be allocated exclusively to the General Fund of the municipality. If opting for installment payments, a down payment of thirty percent (30%) of the total amount is required, with the remaining balance payable in equal installments. These installments can be made on a quarterly, semi-annual, or annual basis, not exceeding a period of three (3) years.

SECTION 13. REGULATED ACTS

- The franchise to establish, operate and maintain a cockpit shall be granted by the Sangguniang Bayan. The franchise shall be in effect for a period of five (5) years and renewable every five (5) years thereafter unless terminated by the Sangguniang Bayan for violation of any of the provisions of this Ordinance and related regulation. Present franchise holder shall have the option to reapply within 180 days from the approval of this ordinance. Failure to file the application on the prescribed period will pass on the option to other applicants.
- Pursuant to Zamboanga del Sur Provincial Resolution No. 936-2023, the Municipal Mayor is authorized to grant a Mayor's Permit for the operation of a cockpit. Additionally, a Business Permit will be issued for its operation, provided that all other provisions and regulations of this Ordinance are adhered to. However, it should be noted that these permits can only be availed for a period of up to three (3) consecutive years and will serve as provisional authorization for the cockpit's operation. Beginning in the fourth year of operation, cockpit operators are now required to obtain a franchise from the Sangguniang Bayan of Dumingag in order to continue its operations.
- No cockpit shall operate without the annual Mayor's Permit and Business Permit duly issued by the Local Government Unit of Dumingag for the respective calendar year. These permits, issued at any time during the calendar year, shall expire on December 31st of the same year.

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Municipal Mayor

- d. *Provide Parking Space.* The owner of the cockpit shall provide adequate parking space as provided in the Zoning Ordinance.
- e. *The cockpit must be situated at a distance of two hundred (200) meters away from national highways, provincial and municipal roads and fifty (50) meters from barangay road to avoid congestion and obstruction to traffic.*
- f. *The cockpit shall be constructed at least two hundred (200) meters away from any existing residential areas, school buildings, churches and other public buildings as noise arising from the cockpit causes disturbance and other pollutants detrimental to public health.*
- g. *No card game or any games of chance of any kind shall be permitted in the premises of a cockpit.*
- h. *No person under the age of eighteen years shall be allowed within the premises of the cockpit; neither shall any person under the influence of liquor be allowed to enter or stay in said premises.*
- i. *No intoxicating liquor of any kind shall be sold in the premises of the cockpit nor within a distance of one hundred lineal meters from the cockpit enclosure; neither shall any firearm or, any deadly weapon be permitted to be carried within the premises thereof, except by peace officers in the due performance of official duties.*
- j. *Aside from the operation of a cockpit, all other business activities inside the premises of the cockpit will have to secure a Mayor's Permit/Business Permit, as the case may be, relative to their operations and pay corresponding business taxes and license fees as required by law including cockfighting officials such as but not limited to Promoters, Pit Managers, Referees (Sentenciador), Bet Managers (Kasador), Bet Takers (Kristo) and Gaffers (Mananari).*
- k. *Strictly no smoking on the said public place except in the designated area for smoking aficionados.*
- l. *Beneficiaries of the Pantawid Pamilyang Pilipino Program, including their spouses and immediate members of the household are prohibited from entering the cockpit or engage in cockfighting or any form of gambling.*
- m. *Local/barangay government officials and employees and national government agency employees are prohibited to enter the cockpit arena during office hours except during legal and non-working holidays and in the performance of official duties.*

SECTION 14. REQUIREMENTS FOR FRANCHISE APPLICATION

For new applicants:

- a. *Registration of Business from either Securities and Exchange Commission (SEC) or the Department of Trade and Industry (DTI)*
- b. *Bureau of Internal Revenue (BIR) Certificate of Registration*
- c. *Proof of Ownership of the Land or Lease Contract if being leased*
- d. *Proof of Financial Capacity, Company Profile and Development Plan; provided that, there shall be proof of at least fifty thousand pesos (₱ 50,000.00) business capital that is deposited in an accredited banking institution*
- e. *Barangay Resolution interposing no objection*
- f. *Barangay Clearance*
- g. *Zoning Clearance and Building or Occupancy Permit*
- h. *Community Tax*

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For renewal:

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- a. Audited Financial Statement
- b. Valid Registration of Business from either Securities and Exchange Commission (SEC) or the Department of Trade and Industry (DTI)
- c. Valid Bureau of Internal Revenue (BIR) Certificate of Registration
- d. Valid lease contract if leased
- e. Certification from the Office of the Municipal Engineer on the worthiness of the structure
- f. Sanitary, Health and Fire Clearance
- g. Community Tax
- h. Sanitary, Health and Fire Clearance
- i. Barangay Clearance

SECTION 15. OTHER REQUIREMENTS PRIOR TO THE ISSUANCE OF FRANCHISE PERMIT AND ITS RENEWAL

In addition to the requirements provided under Section 12 of this Ordinance, the following are required prior to the issuance of a franchise permit:

- a. Certification from the Provincial Treasurer as to the compliance/submission of the following;
 1. Certification from the Municipal Treasurer relative to the registration of the required Admission Tickets to be sold to every person who wants access inside the cockpit arena.
 2. Tax Clearance from the Municipal Treasurer relative to full payment of the Amusement Tax due to the cockpit operator or franchise holder.
- b. Certification from the Municipal Treasurer bearing the List of Cockpit Personnel indicating therein the date of the expiration of their license.
- c. The franchise application shall be in writing and filed in six (6) copies and is supported with proof on the qualifications of the applicant.
- d. The application must, within (5) days from receipt thereof, be posted by the Secretary to the Sanggunian in the bulletin board of the LGU and in the barangay hall where the said cockpit is sought to be operated.
- e. Building Permit being issued in accordance with the National Building Code of the Philippines and in conformance to existing zoning and other pertinent municipal ordinances.
- f. A vicinity map showing the proposed location of the cockpit with access roads.

SECTION 16. CERTIFICATION FROM THE PROVINCIAL TREASURER

In addition to the requirements in issuing a cockpit franchise/license/permit, a certification from the Provincial Treasurer certifying to the effect that the municipality is complying with Section 6 of the Zamboanga del Sur Provincial Ordinance No. 032-2020.

SECTION 17. FORM OF ADMISSION TICKETS

The franchise holder or operator of cockpit shall provide or cause the printing of the required Admission Tickets which shall be serially numbered indicating therein the name of

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the cockpit arena and the admission price will be set at fifty pesos (₱ 50.00) for every person who wanted to gain access inside the cockpit. The serial number must be printed on both ends of the tickets such that when divided into two when presented for admission, the serial number will appear on both parts. The gatekeeper shall drop one-half of the torn ticket in a locked box or receptacle to be provided by the operator and the other half to be returned to the customer. The box or receptacle shall be opened in the presence of a representative from the Office of the Provincial or Municipal Treasurer.

An amusement tax/levy at the rate of thirty percent (30%) of gross receipts from the admission tickets or "arkabala" for every cockfighting is hereby imposed. For this purpose, the Municipal Treasurer is hereby mandated to remit the monthly share of the province to the Provincial Treasurer's Office which is equivalent to fifty percent (50%) of the thirty percent (30%) and the remaining fifty percent (50%) of the thirty percent (30%) amusement tax shall accrue to the General Fund of the municipality.

The host barangay shall receive a twenty percent (20%) share, which shall be taken from the LGUs fifty percent (50%) share of the thirty percent (30%) amusement tax, pursuant to Zamboanga del Sur Provincial Amendatory Ordinance No. 054-2021.

SECTION 18. REGISTRATION OF ADMISSION TICKETS

All admission tickets which shall be sold to the public must be registered with the Office of the Municipal Treasurer and shall be duly stamped with the Official Seal of the Office. The Municipal Treasurer shall monitor the proper use of the admission tickets and shall submit reports thereof to the Provincial Treasurer.

SECTION 19. INSPECTION AND VERIFICATION OF TICKETS

The Provincial and/or Municipal Treasurer shall whenever they deem it necessary, post their duly authorized inspectors at the gate of the cockpit for purposes of verifying the validity of all tickets being sold/used and to confiscate any unregistered or recycled tickets.

SECTION 20. TIME, MANNER AND PLACE OF PAYMENT

The proprietor, operator or franchise holder of the cockpit shall submit monthly report of the number of tickets sold, indicating therein the serial numbers and the number of tickets unsold during the month and shall pay the corresponding amusement tax due thereon to the Municipal Treasurer within the first twenty (20) days of the month.

SECTION 21. PENAL PROVISIONS

After finding sufficient ground for violation of any provision hereof, the following penalties shall be imposed to any person, natural or juridical, to wit;

- First Offense - a fine of one thousand five hundred pesos (₱ 1,500.00) and in the case of the franchisee, the same fine and two weeks suspension of license
- Second Offense - a fine of two thousand pesos (₱ 2,000.00) and in the case of the franchisee, the same fine and one month suspension of license
- Third Offense - a fine of two thousand five hundred pesos (₱ 2,500.00) and in the case of the franchisee, the same fine and revocation of license

SECTION 22. APPLICABILITY CLAUSE

The provision of PD 449, otherwise known as the Cockfighting Law of 1974, Zamboanga del Sur Provincial Ordinance No. 032-2020 and its amendments and such other pertinent laws

shall apply to all matters not provided in this ordinance regarding the operation of cockpits and the holding of cockfights in this municipality.

SECTION 23. SEPARABILITY CLAUSE

If any portion of this ordinance is declared invalid or unconstitutional, other portions hereof not affected by such declaration shall remain in full force and effect.

SECTION 24. REPEALING CLAUSE

Any portion of an ordinance, order or memorandum of local effect inconsistent with the provision/s of this ordinance is hereby repealed or modified accordingly.

SECTION 25. EFFECTIVITY CLAUSE

This ordinance shall take effect after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality of Dumingag and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

Enacted: March 4, 2024

CONCURRED:

SANGGUNIAN BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Domingo M. Gingco

Hon. Jo Vincent J. Morpos

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Hon. Efren A. Costanilla

Hon. Kirby Tracy V. Estillore

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED

EDGARDO C. JAMERO
Presiding Officer/Municipal Vice Mayor

APPROVED: April 11, 2024

GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing Ordinance is true and correct.

JESSYL B. PALON
Secretary to the Sanggunian