

**ORDINANCE NO. 2004-024**  
**(Author: Hon. Alex F. Patio)**

**AN ORDINANCE PROVIDING THE RULES AND REGULATIONS  
FOR THE HOLDING OF COCKFIGHTING IN THE CITY OF SAN  
FERNANDO, PAMPANGA AND FOR OTHER PURPOSES**

***EXPLANATORY NOTE***

*WHEREAS, Section 458, par. A, sub-par. 3 (V) of R.A. 7160 otherwise known as the Local Government Code of 1991 expressly provides that the “Sangguniang Panlungsod, being the legislative body of the city government, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city’s inhabitants pursuant to Section 16 of this Code in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, shall xxx grant franchise, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended the general welfare of the inhabitants;*

*WHEREAS, this Sangguniang Panlungsod deems it proper and necessary to enact this Ordinance in order to ensure an orderly conduct of cockfighting when if absent is always causing disarray among the participating aficionados;*

*WHEREAS, by virtue of which, it would guarantee the true and orderly conduct of the game within the city, considered to be the oldest sport of the Philippines, thereby affording a wholesome entertainment to regular aficionados, and visitors most especially tourists and visiting Balikbayans;*

*NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of San Fernando, Pampanga in session assembled, that:*

**ARTICLE I**  
**TITLE AND SCOPE**

**Section 1. Title** - This Ordinance shall be known and cited as:

**THE COCKFIGHTING ORDINANCE OF THE CITY OF SAN FERNANDO,  
PAMPANGA**

**Section 2. Coverage** - This Ordinance shall govern the establishment, operation, maintenance and ownership of cockfight and the conduct of cockfighting within the City of San Fernando, Pampanga.

**Section 3. Purpose.** - This Ordinance is enacted for the following purposes:

3.1 to ensure an orderly conduct of cockfighting when if absent is always causing disarray among the participating aficionados;

3.2 to provide a wholesome entertainment to regular aficionados, and visitors most especially tourists and visiting Balikbayans;

3.3 to generate more revenues for the city government through the enforcement of proper taxes due all concerned parties.

**ARTICLE II**  
**DEFINITION OF TERMS**

**Section 4. Definition of Terms** - As used in this Ordinance, the following terms shall mean:

- 4.1 Cockpit- an enclosed building usually in a circular or hexagonal shape area where battles of gamecocks are being undertaken;
- 4.2 Cockfighting - shall mean the commonly known game or term cockfighting, derby, pintakasi, or its equivalent terms in different Philippine localities;
- 4.3 Bettakers - refers to person or persons charged in handling of bets during cockfights, or one who collects losing bets and distributes them to the winning betters after deducting their commissions. They are otherwise known as “KRISTOS” and are classified as follows:
- 4.3a Regular bettakers - those who are regularly employed by the owner-operator of the cockpit and hence, receive a commission as such; and
- 4.3b Ordinary bettakers - those who are not employed by the owner-operator and who always stays outside the cockpit arena but nevertheless governed by the regulations of the management of the cockpit;
- 4.3c Bettors - those persons who arrive at the agreement that the one proved wrong in the outcome of the cockfight must pay what was stipulated;
- 4.3d Promoters - a person or group of persons who by means of a written or verbal invitation to cockfighting aficionados initiate the holding of hackfights or derbies;
- 4.3e Gaffer or “taga-tari” - refers to an individual who is capable of arming of fighting cock with a sharp metal spur fastened to the leg of a gamecock; more often to its left leg;
- 4.3f Referee or Sentenciador - the person officially designated by the management of the cockfight who endorses the rules and regulations of cockfighting itself and decides and proclaims the winning cock;
- 4.3g “Taga-gamot” - refers to an individual who, by customs and traditions, attend to the medical needs of a wounded gamecock;
- 4.3h Sultador - the owner of the gamecock himself or any person designated by him to release the gamecock for the fight;
- 4.3i Breeders - those engaged in the activity or producing gamefowls and for commercial purposes; and
- 4.3j Derby - a pre-scheduled cockfighting with the corresponding minimum weights and bets. It is either 2-cock; 3-cock; 4-cock; 5 cock; 6-cock; 8-cock and stag derby with specific regulations to be met and executed by participants.

### **ARTICLE III IMPOSITION OF FEES**

**Section 5. Imposition of Fees.** - There shall be collected an annual license fee from among those mentioned in Section 4 hereof, except par. (1); par. (b); par. (i) and par. (k), in accordance with the following rates, to wit:

|     |            |                |         |
|-----|------------|----------------|---------|
| 5.1 | Bettakers: |                |         |
|     | 5.1a       | Ordinary ..... | P150.00 |
|     | 5.1b       | Regular .....  | P200.00 |

- 5.2 Promoters - two and a half (2 ½) percent from the gross proceeds/receipts on any given hackfight or derby promoted;
- 5.3 Gaffer or “Taga-tari” - P250.00 per annum;
- 5.4 Referee or “Sentenciador” - P250.00 per annum;
- 5.5 Taga-gamot - P250.00 per annum
- 5.6 For every scheduled cockfight day, the manager, operator, maintainer, or owner of cockpits shall pay a fee of One Thousand Five Hundred (P1,500.00) Pesos for its cockfight day payable on or before the scheduled cockfight day.
- 5.7 Special Permit Fees shall likewise be paid for the following:
- |      |                          |   |            |
|------|--------------------------|---|------------|
| 5.7a | International Derby      | - | P15,000.00 |
| 5.7b | Special Cockfights       | - | P3,000.00  |
| 5.7c | Two-Cock Derby           | - | P1,000.00  |
| 5.7d | Three-Cock Derby         | - | P2,400.00  |
| 5.7e | Four-Cock Derby          | - | P4,000.00  |
| 5.7f | Five-Cock Derby or over- | - | P5,000.00  |
- 5.8 For every “sultada” for derby to be collected from winning cocks owner to be remitted to the City of San Fernando, Pampanga treasury by the cockpit owner or operator (Sultada Fee - P100.00)

**Section 6. Time of Payment** - The fees mentioned in the immediately preceding section shall be paid to the city treasurer or his duly designated representatives after fifteen (15) days from the effectivity of this Ordinance and at every expiration of licenses thereafter. A grace period of ten (10) days is granted under this section for failure to pay at the expiration date, or due date.

**Section 7. Surcharge for late payment.** - Failure to pay the prescribed fees under Section 6 hereof during the period stipulated shall subject the person concerned to a surcharge of 25% of the original amount due.

#### ARTICLE IV ADMINISTRATIVE PROVISIONS

**Section 8. Administrative Provisions** - The following shall be the administrative provisions of this Ordinance:

8.1 Only licensed gaffers, bettakers, referees, and promoters including taga-tari, taga-gamot shall be allowed to participate in the cockfight for any given cockfight or derby including Sundays’ regular cockfighting. Licensed persons under this section are those who have substantially complied with the payment of corresponding fees stated under Section 5 of this Ordinance.

8.2 During hackfigths or derbies including Sundays’ regular cockfighting, only the sultadors and referees or sentenciadors are allowed to remain inside the arena in order to ensure that there will be no obstructions to be encountered during the fight. Sultadors or any persons are strictly prohibited from giving any undue influence to the referee/sentenciador from conducting and deciding the outcome of the fight. They are instead, required to maintain position at any corners of the arena in order not to disrupt and confuse the decision of the referee, thereby attaining an orderly outcome of the game for the benefit and satisfaction of all.

8.3 Losing betters - an owner of gamecock shall effect payment to winners without any unnecessary delay or upon demand by winners or its management. Losing betters found betting without sufficient fund thereof shall be punished in accordance with Section 12 hereof.

8.4 Promoters of hackfights and derbies are required to secure a permit from the Sangguniang Panlungsod before engaging into the activity at least fifteen (15) days before, except, when the holding of the derby falls on Sundays.

8.5 The Chief of Police of the city shall assign one (1) element in complete uniform of his unit inside the arena for assistance for the purpose stipulated under paragraph b of this section. Further, he is also required by virtue of this Ordinance, to assign four (4) elements of his unit during Sundays' regular cockfighting, including any promoted hackfight and derby to see to it that peace and order situation is properly observed and maintained. Furthermore, he is also empowered or his duly authorized representatives to inspect license of persons mentioned under Section 1 hereof for purpose of compliance of this Ordinance and finally, shall have the right to prohibit or deny participations of those persons who failed to comply with the provisions of this Ordinance particularly Section 3 of Article II.

8.6 No person shall be allowed to bring in his guns of any caliber, or any deadly weapons, except those who are duly authorized personalities with the corresponding mission order, license and permit to carry outside of residence.

#### **Section 9. Cockpits and Cockfighting, in general.**

9.1 Ownership, operation and management of cockpit. Only Filipino citizens not otherwise disqualified by existing laws shall be allowed to own, manage and operate a cockpit within the territorial jurisdiction of this city. Cooperative capitalization is encouraged.

9.2 Cockpit site and construction. Cockpits shall be constructed and operated within the appropriate areas as prescribed herein. No cockpit shall be constructed within the radius of 200 hundred meters to existing residential or commercial areas, hospitals, school buildings, churches and other public buildings, owners, lessees, or operators of cockpits which are now in existence at the time of the effectivity of this ordinance are already exempt from this provision.

9.3 Holding of cockfights - Cockfighting shall be allowed only in licensed cockpit during Sundays except on LEGAL HOLIDAYS and during local fiestas except during Holy Thursday; Good Friday; election or referendum day and during registration days for such election or referendum.

9.4 Cockfighting for entertainment and charitable purposes - Subject to the preceding sub-section hereof, and sub-section (d) of section 8 cockfighting or derby may 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 campaign for charitable purposes.

9.5 Other games during cockfighting prescribed - No gambling of any kind shall be permitted within the premises of the cockpit arena during cockfights. The owner, manager, or lessee or operator of the cockfight and the participants thereof shall be criminally liable under Section 12 hereof.

**Section 10. Licensing of Cockfights.** - Subject to the provisions of R.A 7160 otherwise known as the Local Government Code of 1991, specifically under **Section 447 (a) (3) (v)**, the Sangguniang Panlungsod is duly authorized to issue a license for the establishment, operation and maintenance of cockfights and commercial breeding of gamecocks.

**ARTICLE IV  
MISCELLANEOUS PROVISION**

**Section 11.** No person below 18 years of age shall be allowed to participate in cockfights being held in all cockfighting arenas in the City of San Fernando, Pampanga.

**ARTICLE V  
PENAL PROVISIONS**

**Section 12. Penalty Provision.** - The following penalties shall be imposed on any or all violators of this Ordinance:

**12.1 For First Offense** - a fine of P1,000.00 and or imprisonment of one (1) week or both at the discretion of the proper court;

**12.2 For Second Offense** - a fine of P2,500.00 and or imprisonment of one (1) month or both at the discretion of the proper court;;

**12.3 For Third Offense** - a fine of 5,000.00 and or imprisonment of three (3) months or both at the discretion of the proper court;

**12.4 Perennial violators of this Ordinance after due notice and hearing shall suffer the penalty of one (1) month to six (6) months suspension from operating the cockfighting business in addition to the aforementioned penalties.**

**In the case of cockpit owners, any violation of the provisions of this Ordinance shall mean the penalty of one (1) month to six (6) months' suspension from operating the cockfighting business in addition to the aforementioned penalties.**

The Officers of Juridical persons/corporate entities such as the president, general manager and other persons shall, be liable in their personal capacity and shall be sanctioned in accordance to the provision imposing penalties to natural persons.

In case of Juridical persons, the latter is under obligation to notify its employees about the violation of this Ordinance.

**Section 13. Repealing Clause** - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

**Section 14. Separability Clause** - If any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be affected and shall therefore, be in full force and effect.

**Section 15. Effectivity Clause** - This Ordinance shall take effect immediately upon satisfaction of its required publication for three consecutive issues in a newspaper of general circulation in the Province of Pampanga and the posting of the same in conspicuous places of the City Hall.

**ADOPTED this 8<sup>th</sup> day of December 2004.**