

Republika ng Pilipinas
Lungsod ng Dagupan
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
-oOo-

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD, DAGUPAN CITY, HELD VIA ZOOM MEETING ON FEBRUARY 23, 2021.

PRESENT:

Hon. Jose Netu M. Tamayo	Deputy Presiding Officer, Member
Hon. Michael B. Fernandez	Majority Floor Leader, Member
Hon. Luis M. Samson, Jr.	Asst. Majority Floor Leader, Member
Hon. Marvin V. Fabia	City Councilor, Member
Hon. Teresa T. Coquia	City Councilor, Member
Hon. Marcelino D. Fernandez	Liga ng mga Barangay President, Ex-Officio Member
Hon. Joshua Bon Bon F. Bugayong	Pederasyon ng mga Sangguniang Kabataan President, Ex-Officio Member

ABSENT:

Hon. Dean Bryan L. Kua	City Vice Mayor & Presiding Officer (O.B.)
Hon. Karlos Liberato E. Reyna IV	Presiding Officer Pro Tempore, Member (O.B.)
Hon. Dennis C. Canto	Second Asst. Majority Floor Leader, Member (O.B.)
Hon. Maria Librada Fe M. Reyna	Minority Floor Leader, Member (O.B.)
Hon. Celia C. Lim	Asst. Minority Floor Leader, Member (O.B.)
Hon. Cisco Jay P. Flores	City Councilor, Member (O.B.)

- - - - -

ORDINANCE NO. 2230-2021

AN ORDINANCE GRANTING FRANCHISE TO THE UNITED ASSOCIATION OF COCKPIT OWNERS AND OPERATORS OF THE PHILIPPINES (UACOOP) TO BROADCAST LIVE AND DATA STREAMED-COCKFIGHTING ACTIVITIES AND DERBIES IN ONE (1) COMMERCIAL ESTABLISHMENT, AND TO ESTABLISH, OPERATE, AND MAINTAIN AN OFF-SITE COCKPIT BETTING STATION, ALSO SITUATED WITHIN THE SAME LOCATION, IN THE CITY OF DAGUPAN

WHEREAS, it has come to the attention of the Sangguniang Panglungsod about reports of widespread prevalence of various online gambling activities, including online "sabong";

WHEREAS, current trends in many jurisdictions like the key cities of Manila, Quezon City, San Juan City, and San Carlos City in Pangasinan, have shown that setting up regulatory mechanisms in place limit the access especially to minors and unqualified bettors to these establishments;

WHEREAS, this body received an application in a letter dated October 20, 2020, from the United Association of Cockpit Owners and Operators of the Philippines (UACOOP) and the same has been heard in a formal hearing last February 9, 2021;

WHEREAS, the Sangguniang Panlungsod as a legislative body of the city, by expressed provision of law, is empowered and authorized to license and grant franchise for the establishment, operation and maintenance of cockpits, regulate cockfighting activities and breeding of fighting cocks within its territorial jurisdiction, provided that existing rights should not be prejudiced;

WHEREAS, the United Association of Cockpit Owners and Operators of the Philippines (UACCOOP), is a corporation duly organized and existing under the Philippine laws with SEC Company Registration Number CS202008769 engaged in the business of Off-Site Cockpit Betting Stations (OCBS);

WHEREAS, pursuant to the Games and Amusement Board (GAB) continuing regulatory power over all aspects of cockfighting as provided in P.D. No.1802 (Creating the Philippine Gamefowl Commission), in relation to E.O. No. 149 (Streamlining the Office of the President), it devolves to the LGUs through Section 458 (a) (3) (v) of Republic Act No. 7160 (Local Government Code of 1991) the power to grant UACCOOP the authority to take video, live coverage of cockpits and livestreamed the same, subject to the terms and conditions stated therein;

WHEREAS, in view of today's modern technology, the Sangguniang Panlungsod of Dagupan recognizes that a cockpit may be viewed in different social media platform for a fee through the internet or live-streaming wherein the end user is situated in another location;

WHEREAS, upon consideration of the application of UACCOOP, the Sangguniang Panlungsod of Dagupan hereby grants franchise for the live streaming broadcast of other forms of transmission of cockpits; and any, all and only betting on cockfighting through the telephone, internet and other electronic machine means such as short messaging, mobile and desktop applications and similar platforms and collect fees for such purpose in commercial establishments within the City of Dagupan.

NOW, THEREFORE, on joint motion of Councilors Joshua Bonbon F. Bugayong and Luis M. Samson Jr., duly and jointly seconded by Councilors Marcelino D. Fernandez, Teresa T. Coquia, and Marvin V. Fabia, be it enacted by the Sangguniang Panlungsod of Dagupan in session assembled that:

SECTION 1. Nature, Scope, Grant of Franchise. Subject to the provisions of applicable laws, rules and regulation, a franchise to broadcast live and data stream cockfighting activities and derbies at one (1) commercial establishment within the City of Dagupan is hereby granted to United Association of Cockpit Owners and Operators of the Philippines (UACCOOP) provided, that the cockfighting subject to broadcast shall only be done in a licensed cockpit, unless otherwise allowed in some other area pursuant to Presidential Decree No. 449.

The establishment where the grantee intends to broadcast and live stream cockfighting activities and to establish, operate and maintain off-site cockpit betting stations shall be located and operated only within an appropriate area as prescribed by zoning laws and applicable ordinances. No establishment shall be operated and maintained within the radius of one (100) lineal meter from any existing school buildings and churches.

SECTION 2. Declaration of Franchise. Unless sooner revoked or cancelled, this franchise shall be valid for a period of ten (10) years commencing from the effectivity of this Ordinance with the option on the part of the Grantee to renew the same for a similar period and subject to the approval of the Sangguniang Panlungsod of Dagupan.

SECTION 3. Authority of the Office of the City Mayor – The Grantee shall apply and secure the Permit to Operate from the Office of the City Mayor and the latter shall have authority to require compliance of all existing laws, ordinances, rules and regulations similarly imposed to all business establishments and impose conditions thereto as are expressly or impliedly necessary for the protection of the welfare and safety of all persons going or transacting in said establishment.

SECTION 4. Prohibition of Sale, Lease, Usufruct and Transfer of Franchise – This franchise is non-transferable in character. As such, the Grantee shall not sell, assign, lease, grant the usufruct of or transfer this franchise, including rights and privileges acquired thereunder to any person, natural or juridical, firm or other entities, nor merge with any corporation or individual without prior notice and approval of the Sangguniang Panlungsod.

SECTION 5. Mandatory Payment of Taxes and Fees Provisions. The Grantee all be liable to pay all taxes, permits and fees prescribed by the City of Dagupan. The assessment shall be without prejudice to the subsequent impositions as may be adopted or hereafter may be required by law or ordinance. Failure on the part of the grantee to promptly and regularly comply with said tax obligations shall be a ground for the automatic revocation or cancellation of this franchise.

SECTION 6. Other Gambling Activities. All gambling games of any kind shall at any time be hereby prohibited at the premises of the off-site business operation. The managers or lessee/s of such off-site business and violators of this provision shall be prosecuted and held criminally liable under the provisions of existing laws.

SECTION 7. Prohibition Against Minors. No person less than twenty-one (21) years of age shall be allowed inside the premises of the off-site cockpit betting station at any time. The operator, manager or licensee shall be responsible for strict compliance with these rules and any violation therefore is punishable by suspension or cancellation of this franchise without prejudice to criminal prosecution under existing ordinance or laws.

SECTION 8. Anti-Fraud Measures. The Office of the Sangguniang Panlungsod shall adopt such measure as to obviate the use of fraudulent means or manipulation in all aspects of cockfighting and a provision for annual mandatory evaluation of its implementation. Persons employing means or manipulation shall be prosecuted against in accordance with our penal laws as may be warranted by the prevailing circumstances.

Any breach and/or circumvention on any of the conditions set in this Ordinance, shall be cause for the suspension or revocation of this Franchise.

SECTION 9. Conditions. For the safety and protection of all, the Grantee shall strictly observe and enforce the health standards promulgated by proper government agencies.

The Grantee shall acquire other permits, licenses, and clearances required by other existing laws, ordinances, rules and regulations prior to its operations.

Further, That in the event that this franchise be given permit by the executive, there must be an expressed, an emplaced in this establishment to the effect that: "*Ang labis labis na paglilibang ay makakaapekto sa pagbibigay suporta sa pamilya at pamayanan.*"

SECTION 9. Repealing Clause. All ordinances not consistent with the provisions of this Ordinance are hereby repealed.

SECTION 10. Effectivity Clause. This Ordinance shall take effect upon approval by the City Mayor and after 10 days from publication in a newspaper of general circulation pursuant to Section 59 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED UNANIMOUSLY.

Author:

COUNCILOR LUIS M. SAMSON, JR.

Co-Author:

COUNCILOR JOSHUA BON BON F. BUGAYONG

COUNCILOR MICHAEL B. FERNANDEZ
Member

COUNCILOR MARVIN V. FABIA
Member

COUNCILOR MARCELINO D. FERNANDEZ
Member

COUNCILOR TERESA T. COQUIA
Member

JOSE NETU M. TAMAYO
Deputy Presiding Officer

ATTESTED:

RYAN C. RAVANZO
City Secretary

APPROVED:

MARC BRIAN C. LIM
City Mayor

Date: _____