

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BACOLOD
-ooOoo-

CITY ORDINANCE NO. 333

July 23, 2003

AN ORDINANCE PROHIBITING THE CATCHING/GATHERING, COLLECTING AND SELLING OF SPIDERS (ARACHNID) WITHIN THE JURISDICTION OF BACOLOD CITY, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, spiders, considered as "harmless" and beneficial insect have been found by farmers to be useful in getting rid of pests and other insects infesting in their farmlands;

WHEREAS, most farmers now are using the so called Integrated Pest Management System [IPMS], because this practice is proven to be more practical and safe for it uses basic and fundamental techniques in farming by harnessing the natural method;

WHEREAS, it was discovered that spiders play an important part in the application of Integrated Pest Management System because it is a natural method of killing harmful insects that are wreaking havoc on the plantations;

WHEREAS, local farmers are complaining that spiders which used to thrive in their farmlands are getting scarce due to the indiscriminate and unwarranted catching/gathering and collection of spiders by the so called "spider-hunters";

WHEREAS, "spider-gatherers" and "spider-hunters", also cause destruction to plantations because their unauthorized intrusions in the farmlands causes damage to the crops, trees and sugarcanes planted therein to the detriment of our local farmers;

WHEREAS, it was gathered that some "spider-hunters" sustained injuries due to electrocution because aside from trees, ricelands and sugarcane fields, they also catch and collect spiders even from on top of the electrical posts of streetlights;

WHEREAS, it has been observed that one of the primary reasons why spiders are gathered and collected, is because this beneficial insect is used by gamblers in a game called "spider-fighting";

WHEREAS, to help our farmers protect the continued existence of spiders in the farms as well as to protect public safety, there is a need for an Ordinance that will prohibit the unwarranted and indiscriminate gathering/catching and collection of spiders within the jurisdiction of Bacolod City;

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacolod in session assembled that:

ARTICLE I

TITLE AND DEFINITION OF TERMS

SECTION 1. TITLE. This Ordinance shall be known as the **"SPIDER ORDINANCE"**.

SECTION 2. DEFINITION OF TERMS

For the purpose of this Ordinance, the terms or words and phrases used herein shall be mean or be understood as follows:

- A. **SPIDER**- is a small wingless creature of the order ARANEIDA, subclass ARACHNIDA, having eight legs, a large unsegmented abdomen, jaws often equipped with poison glands for paralyzing insect prey, usually four pairs of compound eyes, and spinnerets from which a very fine thread is drawn and woven into a web.
- B. **BETTOR**- a person who participates in spider-fighting 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 spider-fighting as announced by the Referee;
- C. **REFEREE**- a person who watches, oversees, determines, decides and make known his decision by word or gestures the result of the spider-fighting;
- D. **BET TAKER OR PROMOTER**- a person who calls and takes care of bets from owners of the spiders and those of other bettors before he orders the commencement of the spider-fighting and thereafter distributes won bets to the winners after deducting a certain commission,

SECTION 3. PROHIBITED ACTS

- A. It shall be prohibited for any person to catch/gather, collect or sell any kind of spiders within the jurisdiction of Bacolod City.
- B. It shall be prohibited likewise for any person to engage in spider-fighting, whether by wagers consisting of money, articles of value or representative of value are at stake, or purely for entertainment, in any place within the jurisdiction of Bacolod City.
- C. Any person whether as a Referee, Bet Taker or Promoter, or Bettor who directly or indirectly participates in spider-fighting, by betting money or other valuable things, or who maintains, organizes or knowingly permits spider-fighting in any place owned or controlled by him shall be punishable by this Ordinance.

SECTION 4. EXCEPTIONS

- A. Any person who intends to collect or gather/catch spiders for educational, research, scientific or experiment purposes, he shall submit a written application for exemption to the City Mayor stating therein his purpose,

reasons and justifications. The City Mayor shall act on the application within fifteen [15] days from receipt, and the approval/disapproval of the City Mayor shall be communicated to the applicant in writing. Failure on the part of the City Mayor to act on the application within the fifteen [15] day period, the application for exemption is deemed approved.

- B. Any person who collects or gathers spiders while cleaning the residential houses, offices, buildings, business establishments, and the like, to get rid of spider webs and to maintain the cleanliness of the surroundings is likewise exempt from the coverage of this Ordinance.

ARTICLE II

SECTION 5. PENALTIES.

Any person caught gathering/catching, collecting, selling and/or in possession of spiders without a valid exemption as required by Section IV hereof, shall be fined not less than Five Hundred Pesos [P500.00] but not more than One Thousand Pesos [P1,000.00] and/or imprisonment of not less than Thirty [30] days but not more than Sixty [60] days, or both, at the discretion of the court.

Any person who participates in spider-fighting whether as Bettor, Referee or Bet Taker or Promoter shall be fined not less than One Thousand Pesos [P1,000.00] but not more than Two Thousand Pesos [P2,000.00] and/or imprisonment of not less than Sixty [60] days but not more than Ninety [90] days, or both, at the discretion of the court.

Any person who maintains, organizes or knowingly permits spider-fighting, whether by wagers consisting of money, articles of value or representative of value are at stake, or purely for entertainment, in any place owned or controlled by him shall be fined not less than Five Hundred [P500.00] Pesos but not more than One Thousand [P1,000.00] Pesos and/or imprisonment of not less than Thirty [30] days but not more than Sixty [60] days, or both, at the discretion of the court.

ARTICLE III

SECTION 6. YOUTHFUL OFFENDERS

A minor nine (9) years of age or under at the time of the commission of the offense is exempted from criminal liability, and he/she shall, after apprehension in accordance with law and the taking of the blotter, be immediately released to the minor's parent, guardian, or nearest relative.

The same shall be done for a child over nine (9) years and under fifteen (15) years of age at the time of the commission of the offense, unless he committed the offense the third time or oftener, in which case he shall be proceeded against in accordance with Section 7 hereof.

SECTION 7. COMMUNITY SERVICE

In the case of minor fifteen (15) years of age but under eighteen (18) years of age at the time of the commission of the offense, he/she shall immediately be brought to

the nearest Police Station for the taking of the blotter and his/her personal circumstances, and the apprehending officer shall immediately inform the parent, guardian or nearest relative of the minor's apprehension, and the minor shall immediately be brought to the nearest DSSD rehabilitation center to render Community Service for eight (8) hours.

In Barangays where there are no DSSD Rehabilitation Center, the Punong Barangays may be designated by the City Mayor to assign tasks and supervise the Community Service mentioned in the preceding paragraph.

After completion of the Community Service of eight (8) hours, a Certificate of Completion of Community Service shall be issued said minor, duly signed by the DSSD Social Worker on duty or the Punong Barangay in case the Community Service was rendered under his/her supervision, and the head of the DSSD.

In case the minor fails or refuses to perform the Community Service as herein provided, he/she shall be proceeded against in accordance with the provisions of Presidential Decree No. 603 (Child and Youth Welfare Code), as amended, on the Investigation, Prosecution and Rehabilitation of Youthful Offenders.

SECTION 8. THIRD AND SUBSEQUENT OFFENSES

In the case of minor nine [9] years of age or under at the time of the commission of the offense who commits the offense the third [3rd] time or oftener, their parents or guardian shall be proceeded against in accordance with the provisions of P.D. 603, as amended, also known as the Child and Youth Welfare Code, the Civil Code of the Philippines or any laws applicable.

SECTION 9. DISPOSITION OF CONFISCATED OR SEIZED SPIDER

Upon apprehension, the apprehending officer shall confiscate or seize all spiders in favor of the City government. After seizure and confiscation of the spiders, the apprehending officer shall immediately photograph the same in the presence of the violator and the apprehending officer shall immediately release the spiders to the nearest sugarcane fields, ricelands, trees or any other plantations that would ensure its continued existence.

SECTION 10. EFFECTIVITY

This Ordinance shall take effect [15] days upon its publication in a newspaper of general circulation in the City of Bacolod.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Archie S. Baribar, Roberto M. Rojas, Jude Thaddeus A. Sayson, Ana Marie V. Palermo, Celia Matea R. Flor, Jose H. Gabuat, Lyndon P. Caña, Bobbie S. Lucasan, Reynold I. Iledan, Sonya M. Verdeflor, Arturo V. Parreño, Marx Louie S. de la Rosa.

Negative : None.

Main Author : Councilor Jude Thaddeus A. Sayson

Co-Authors : Councilor Jose H. Gabuat
Councilor Reynold I. Iledan

Absent : None.

Passed : July 23, 2003 (107th Regular/Special Session)

Comments: Passed.
Councilors Elmer T. Sy and Greg G. Gasataya were out of the Session Hall when this Ordinance was passed.

RAMIRO L. GARCIA, JR.
Vice Mayor
Presiding Officer

ATTESTED:

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: _____, 2003

10 DAYS LAPSED
AS OF 8/11/03

LUZVIMINDA S. VALDEZ
City Mayor

NTA/HPL/eng