SPIn 2026-458
RECEIVED
TANGGAPAN NG
SANGGUNIANG PANLUNGSOD NG NAGA
Date SEP 14 2026
Time 8:21AM By:

For 1st Reading Sept. 14, 2026

ORDINANCE NO. 2026-XXX

AN ORDINANCE ALIGNING THE COCKFIGHTING REGULATIONS OF THE CITY OF NAGA WITH PRESIDENTIAL DECREE NO. 449 (THE COCKFIGHTING LAW OF 1974), AMENDING FOR THE PURPOSE ORDINANCE NO. 92-069, AS AMENDED

Author: Hon. FRANCISCO M. MENDOZA

Expianatory Note

Section 458(a)(3)(v) of Republic Act No. 7160, otherwise known as the *Local Government Code of 1991*, empowers the Sangguniang Panlungsod to authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting in the city. In the exercise of this power, the Sanggunian enacted Ordinance No. 92-069 otherwise known as "The Cockfighting Ordinance." In the following years, several amendments were made by virtue of Ordinance Nos. 94-015, 94-030, 96-043, and 2022-025 increasing the number of derbies per month. A Resolution was also passed purportedly allowing cockfights on Fridays and Saturdays in addition to Sundays.

The Supreme Court ruled in the landmark case of *Tan v. Pereña* (G.R. No. 149743, February 18, 2005) that: the Local Government Code of 1991 did not repeal or render inoperative Presidential Decree No. 449 (the *Cockfighting Law of 1974*); that the licensing power devolved upon local Sanggunians remains strictly subordinate to national statutory standards; and that cockfighting is an activity inherently subject to the paramount police power of the State to prevent uncontrolled gambling and economic disruption.

The Supreme Court also reiterated in *Magtajas v. Pryce Properties Corporation, Inc.* (G.R. No. 111097, July 20, 1994) the fundamental rule that municipal ordinances and local issuances must not contravene the Constitution or any national statute, otherwise they are *ultra vires* and void.

Under Section 5(d) of Presidential Decree No. 449, cockfighting is strictly regulated as to the days on which it may be held, explicitly mandating that:

> *"Except as provided in this Decree, cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas for not more than three days. It may also be held during provincial, city or municipal, agricultural, commercial or industrial fair, carnival or exposition for a similar period of three days upon resolution of the province, city or municipality where such fair, carnival or exposition is to be held, subject to the approval of the Chief of Constabulary [now the Philippine National Police] or his authorized representative: Provided, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions in a year in the same city or municipality: Provided, further, that 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";

Section 5(e) of Presidential Decree No. 449 provides a special exception for tourist entertainment or national charitable fundraising campaigns authorized by the Office of the President, but explicitly conditions that *"this privilege shall be extended for only one time, for a period not exceeding three days, within a year to a province, city, or municipality,"* thereby precluding its use as a pretext for regular weekend or recurring weekday scheduling.

In the definitive ruling of *Chan v. People* (G.R. No. 238304, July 27, 2022), the Supreme Court affirmed the criminal conviction under Republic Act No. 3019 (*Anti-Graft and Corrupt Practices Act*) of a municipal official who issued permits authorizing cockfights "every Saturday," declaring that holding cockfights on such day is prohibited by Section 5(d) and (e) of Presidential Decree No. 449, and establishing that local legislative ordinances or resolutions purporting to allow regular non-Sunday cockfights are void and provide no legal protection against criminal liability.

Indeed, pursuant to the doctrines enunciated by the Supreme Court in *Tan v. Pereña* (G.R. No. 149743), and *Chan v. People* (G.R. No. 238304), the delegated authority of the Sangguniang Panlungsod under Section 458(a)(3)(v) of Republic Act No. 7160 remains subordinate to the national regulatory limits prescribed by Presidential Decree No. 449. No local ordinance, much less resolution, executive permit, or franchise may expand cockfighting activities beyond statutory limits.

To preserve the rule of law and insulate the City Government of Naga and its public officials from administrative sanctions and criminal liabilities under Republic Act No. 3019, it is imperative that the city's local cockpit regulation, specifically Ordinance No. 92-069 as amended, is harmonized with national policies, statute and jurisprudence on the matter.

Be it ordained therefor by the Sangguniang Panlungsod of the City of Naga, in session assembled, that:

SECTION 1. — Section 6 of Ordinance No. 92-069 is hereby amended to read as follows:

> **"SECTION 6. Maximum Number of Cockpits.** — In strict compliance with Section 5(b) of Presidential Decree No. 449, and considering that the population of the City of Naga exceeds one hundred thousand (100,000) inhabitants, not more than two (2) cockpits may be established, franchised, maintained, and operated in Naga City. Any provision, district allocation, or measure purporting to authorize a third or additional cockpit is hereby declared void and without effect."

SECTION 2. — Section 11 of Ordinance No. 92-069 is hereby amended now to read as follows:

> **"SECTION 11. Allowable Days and Conditions for Cockfighting.** — Regular cockfighting operations and special cockfight derbies or *pintakasi* in any duly licensed cockpit in the City of Naga shall strictly be held only on the days authorized hereunder:

a. **Regular Cockfighting Days:** Regular weekly cockfights shall be held **exclusively on Sundays**. No regular weekly cockfights shall be permitted on weekdays, Fridays and Saturdays.

b. **Legal Holidays:** Cockfights may be held on officially proclaimed legal holidays.

c. **Absolute Statutory Prohibitions:** Notwithstanding subsections (a) and (b), cockfighting of any kind is **strictly prohibited** on:

1. December 30 (Rizal Day);
2. June 12 (Philippine Independence Day);
3. November 30 (National Heroes Day);
4. Holy Thursday;
5. Good Friday;
6. Election or Referendum Days; and
7. Registration Days for such election or referendum.

d. **Local Fiestas:** Upon a Resolution of the Sangguniang Panliungsod. cockfights may be conducted during the Penafrancia Festival, specifically on any day(s) of the week of the Traslacion and on any day(s) of the week of the Fluvial Procession, provided the total number of days do not exceed three (3) days.

e. **Fairs, Carnivals, or Expositions:** Cockfights not exceeding three days may be held on the occasion of an official city agricultural, commercial, or industrial fair, carnival, or exposition provided that:

1. They are not held during the month of September;
2. They are authorized by the Sangguniang Panlungsod thru a resolution; and
3. They shall not be held on more than two (2) occasions within the same calendar year.

f. **Tourist Entertainment and Charitable Fund-Raising:** Pursuant to Section 5(e) of P.D. No. 449, cockfights for the entertainment of foreign dignitaries, tourists, and returning overseas Filipinos (*balikbayans*), or for national charitable fundraising campaigns authorized by the Office of the President, may be held upon resolution of the Sangguniang Panlungsod; provided, that this privilege shall be extended only once for a period not exceeding three (3) days within an entire calendar year.

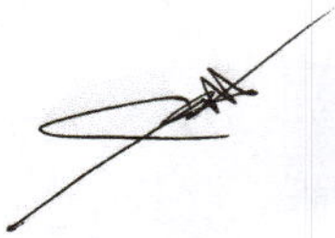
SECTION 3. Derbies. – The law does not make any distinction between regular cockfights, derbies or *pintakasis*. Thus cockfights—of whatever type or name—may only be authorized or held on the days cockfights are permitted under the preceding section.

SECTION 4. Revocation of Non-Conforming Permits. — Any special permit issued thru a resolution or executive clearance, franchise stipulation, or operational schedule previously issued in favor of any cockpit operator authorizing cockfights outside the dates

and periods prescribed under Section 4 of this Ordinance are herein withdrawn and without force and effect.

SECTION 5. Repealing Clause. — Ordinance Nos. 94-030 and 2022-025 setting the frequency of derbies per month are herein repealed.

All other ordinances, resolutions, executive issuances or parts thereof which are inconsistent with any of the provisions of this Ordinance are likewise deemed repealed, amended or modified accordingly.

SECTION 6. Separability Clause. — If any part, section, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions not affected shall continue in full force and effect.

SECTION 7. Effectivity. — This Ordinance shall take effect immediately upon its approval and compliance with statutory publication requirements.