

October 13, 2008

PSSUPT CARMELO ESPINA VALMORIA
Provincial Director
Cebu Police Provincial Office
Sudlon, Lahug
Cebu City

Dear Dir. Valmoria:

This has reference to your letter dated October 09, 2008, requesting legal opinion on the special permit granted by the Office of the Mayor of Aloguinsan, Cebu to Mr. Aredo Nengasca of Poblacion, Aloguinsan to hold a benefit cockfight every Sunday of October 2008 in Barangay Bojo.

In reply thereto, please be informed at the outset that official acts of public officials are accorded with the presumption of regularity and our Department is devoid of authority to pass upon their validity. The matter should be threshed out in the proper forum. Hence, our observations hereunder are simply for academic discussion.

Although the Local Government Code of 1991 has given authority to local government units the issuance of licenses for the establishment, operation and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks, said law neither expressly nor impliedly repealed the Cockfighting Law of 1974 (PD 449). The provisions of PD 449 still apply. Section 5(d) of PD 449 provides that cockfighting is allowed only in licensed cockpits. The only instance where a special permit can be issued by the city/municipal mayor (and not by the Punong Barangay) is when cockfighting is conducted for the entertainment of foreign dignitaries or for tourists or returning Filipinos (balikbayans), or for the support of national fund-raising campaigns for charitable purpose [Section 5(e), PD 449], upon resolution of the sangguniang bayan or sangguniang panlungsod [Secs 447, 458(v), RA 7160] provided that this privilege shall be extended for only one time for a period not exceeding three (3) days within a year (DILG Legal Opinion No. 17, S2002).

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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