

AN ACT REGULATING THE REGISTRATION, BRANDING, CONVEYANCE, AND LAUGHTER OF LARGE CATTLE, AND PROVIDING FOR THE DISPOSITION, CARE, CUSTODY, AND SALE OF ESTRAYS OR LARGE CATTLE CAP...

Act No. 1147, May 03, 1904

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By authority of the United States, be it enacted by the Philippine Commission, that:

SECTION 1. For the purposes of this Act the term "large cattle" shall be held to include carabaos, horses, mules, asses, and all members of the bovine family.

SEC. 2. All owners of large cattle shall register at the office of the treasurer of the municipality of their residence the private brand or brands used by them in marking their cattle by filing in triplicate, with said municipal treasurer a true copy of said brand or brands, impressed or accurately drawn upon stout paper, approximately fifteen centimeters wide by twenty centimeters long. One of the triplicate copies of said brand or brands so filed shall be retained in the office of the municipal treasurer, the others shall be sent by him to the provincial treasurer and the Chief of the Bureau of Archives, one copy to each and it shall be the duty of the municipal treasurer, the provincial treasurer, and the Chief of the Bureau of Archives to file in their respective offices said copies of said brand or brands and to keep a record of the names of the owners thereof, alphabetically arranged, together with the ages, civil status, and occupations or professions of such owners.

SEC. 3. No person shall be permitted to register or file a duplicate of any brand theretofore registered in the name of another unless he produces to the municipal treasurer, at the time of presentation for registry and filing, satisfactory evidence that he has succeeded to the right, to such brand previously registered and filed; nor shall any person be permitted, to register or file with said municipal treasurer any brand likely to be mistaken for a brand or mark owned and previously registered by another.

SEC. 4. The municipal treasurer, on registering and filing any brand or mark, shall issue to the person registering and filing the same a certificate setting forth, over his own signature, the fact of registering and filing said brand, the date of registering and filing, the name, age, civil status, and occupation or profession of the owner of the brand, and a copy of the brand as near as may be.

SEC. 5. Each municipality shall have a distinctive mark or brand for the purpose, of branding large cattle owned by the municipality and of counter branding large cattle owned by persons in the municipality and not bearing the counter brand of and other municipality. Each municipality shall register and file a copy of its brand with the provincial treasurer and with the Chief of the Bureau of Archives. The Insular Government, and each provincial government, shall have a distinctive brand for the purpose of branding large cattle owned by it. A copy of the brand of the Insular Government shall be filed with the Chief of the Bureau of Archives, and copies of provincial brands shall be registered and filed with the Chief of the Bureau of Archives and with the provincial treasurer of the province owning the brand.

SEC. 6. All unbranded cattle not less than two years old found within the jurisdiction of any municipality, shall be

branded on the right the with the registered brand of the owner and counter-branded on the left hip with the registered brand of the municipality in which they are found.

The branding for which provision is made by this section shall be effected in the presence of the municipal president, the municipal treasurer, and the municipal secretary, or their representatives duly authorized in writing to act for them: Provided, however, That in provinces not organized under the Provincial Government Act such branding shall be effected in the presence of at least three persons appointed for this purpose by the provincial governor.

SEC. 7. Large cattle already branded with brand of ownership, and counter branded with the brand of the proper municipality need not be rebranded but the owner must register such animals with the municipal treasurer and secure the certificate of ownership mentioned in section eight unless previously registered under this Act.

Cattle imported for immediate slaughter need not be branded or registered but the provisions of section thirty of this Act must be complied with.

SEC. 8. The municipal treasurer shall register in a book, properly prepared and kept for the purpose, all branded and counter-branded animals presented for registry and not previously registered under this Act, and shall set forth in his registry entry the name, residence of the owner, and the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the cattle registered. A copy of the entry shall be issued to the owner as a certificate of ownership, which certificate shall be prima facie evidence that the animal is the property of the person therein named as owner. The original registry entry and the copy thereof issued as a certificate of ownership shall be signed by the owner and by the municipal treasurer, and attested by the municipal secretary: Provided, however, That where the branding of cattle is effected in the presence of representatives of said municipal officials, the registry entry and the certificate of ownership shall be also signed or indorsed by such representatives as witnesses to the branding: Provided further, That in provinces not organized under the Provincial Government Act the registry entry shall be made and the certificate of ownership issued by the person designated by the governor of the province for that purpose, and countersigned or indorsed by the persons duly authorized to be present at the branding.

SEC. 9. Persons charged with the duty of branding or registering large cattle and issuing the proper certificates shall satisfy themselves of the ownership of the cattle so branded or registered, and shall take due care that no certificate of ownership is issued to any person other than the proper owner.

SEC. 10. Each certificate of registration issued shall have affixed to it a special stamp of the value of one peso, Philippine currency, bearing the design prepared by the Bureau of Patents, Copyrights, and Trade-Marks, which stamp, after being affixed to the certificate, shall be duly canceled with the seal of the municipality. The stamps required by this section shall be paid for by the owner of the cattle, and the moneys received therefor shall be paid into the municipal treasury.

SEC. 11. Each animal must be separately registered, and no certificate of ownership shall cover more than one animal.

SEC. 12. Large cattle branded prior to the passage of this Act and registered in the various municipalities in accordance with subdivision (d), section forty-three of Act Numbered Eighty-two, known as the Municipal Code, or in accordance with Act Numbered Six hundred and thirty-seven, upon surrender to the municipal treasurer of the written evidence of such registry, must be re-registered under the provisions of this Act and a certificate of ownership issued to the owner without, charge and without affixing to the certificate the stamp required by section of this Act. In such case, the reregistration entry and the certificate issued thereon shall be stamped "Previously

registered (insert date) day of,..... (insert month), 19.....(insert year); subdivision (d) section 13. Act No. 82 (or) Act No. 637.....(insert signature), municipal treasurer."

The written evidence of such previous registry shall be firmly attached to the retained office registry entry made under this Act.

SEC. 13. The municipal treasurer shall enter in a book, duly prepared and kept for the purpose, all transfers of large cattle, which entry shall set forth the name and residence of the owner, the name and residence of the purchaser, the purchase price of the animal or the consideration for the sale, the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks and other marks of identification of the animal, and a reference by number to the original certificate of ownership, with the name of the municipality which issued it.

SEC. 14. On making the entry of transfer prescribed by the previous section, the municipal treasurer shall issue to the purchaser of the animal a certificate of transfer setting forth the name and residence of the owner or vendor, the name and residence of the purchaser, the purchase price of the animal or the consideration for the sale, the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the animal transferred, and a reference to the original certificate of ownership by number, with the name of the municipality which issued such certificate.

SEC. 15. The entry of the transfer and the certificate of transfer shall be signed, in the case of organized municipalities, by the municipal treasurer and countersigned by the municipal president, the municipal secretary, and the owner and in the case of provinces not organized under the Provincial Government Act, and of townships, settlements, and rancherias not organized under the Municipal Code, by the owner and such person or persons as may be designated for the purpose by the provincial governor.

SEC. 16. No entry of transfer shall be made or certificate of transfer issued by the municipal treasurer or other proper official except upon the production of the original certificate of ownership and certificates of transfer and such other documents or evidence as will show title in the owner, or, in the case of loss of certificate of ownership or certificates of transfer, certified copies of the record showing that such documents were duly and properly issued, and it shall be the duty of the official custodian of the record to issue such certified copies on demand of the party entitled thereto without charge.

SEC. 17. On certificates of ownership and certificates of transfer, the municipal treasurer or other proper official shall carefully note in the proper place on the printed outline figure of the animal registered or transferred the brands, class, sex, age, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the animal registered or transferred, giving such marginal description, where necessary, as willfully identify the animal.

SEC. 18. In case of sale, the owner shall deliver to the purchaser the original certificate of ownership and all certificates of intermediate transfer showing ownership in himself, and in case of loss of the original certificate of ownership, or of any of the certificates of intermediate transfer, certified copies of the proper entries showing such documents to have been issued by the proper official.

SEC. 19. Certificates of transfer shall be issued in the municipality where the contract of sale is made and consummated by the delivery of the cattle.

SEC. 20. Erasures, interlineations, or amendments in certificates of registry or transfer shall be presumed to be invalid unless noted over the signature of the official or persons issuing or executing the same.

SEC. 21. Each certificate of transfer issued shall have affixed to, it the stamp specified in section ten, which

stamp, after being affixed to the certificate, shall be duly canceled by the municipal treasurer with the seal of the municipality. The stamp required by this section shall be paid for by the purchaser, and the moneys received therefor shall be paid into the municipal treasury. A separate certificate of transfer shall be issued for each animal sold or conveyed.

SEC. 22. No transfer of large cattle shall be valid unless registered and a certificate of transfer secured as herein provided.

SEC. 23. On the demand of the municipal president, municipal treasurer, municipal secretary, or of any Constabulary, police, or other peace officer, any person claiming to own large cattle shall produce and submit to such officer making the demand certificates of ownership and certificates of transfer showing his title thereto. In case of loss of certificates of ownership or certificates of transfer, certified copies of the entries showing the issuance, of the original documents may be furnished in lieu of the original papers.

SEC. 24. Any person refusing to produce on demand of the proper official, or within a reasonable time thereafter, the documents required by the section immediately preceding shall be punished by a fine of not less than ten pesos, Philippine currency, nor more than five hundred pesos. Philippine currency, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 25. All estrays and all animals recovered from thieves or taken by peace officers from persons unlawfully or reasonably suspected of being unlawfully in the possession of the same, shall be delivered to the treasurer of the municipality where found, and it shall thereupon become the duty of such municipal treasurer to properly care for and maintain such animals and to post for at least five consecutive days at the door of the municipal building in the municipality holding the animals, and to immediately forward to the provincial secretary, written notices in Spanish and in the local dialects of the finding of such estrays or of the seizure or taking, of the animals delivered to the municipal treasurer, together with the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the estrays or of the animals seized or taken from persons not entitled to the possession thereof, and notifying owners of such animals to present themselves within fifteen days after date to the municipality and establish title thereto. In case owners of animals taken as estrays or seized as above set out present themselves within the time limited in the notice and prove title thereto, it shall be the duty of the municipal treasurer to cause delivery of such animals to the lawful owners upon payment of necessary expenses of the maintenance and transportation, giving receipts for moneys paid and taking receipts for the animals delivered.

Should the owners of such animals fail to present themselves within the time fixed in the notice and prove title to the animals taken or seized as aforesaid, immediate notice of that fact shall be given by the municipal treasurer to the provincial board of the province, which shall order said animals to be sold at public auction and shall give notice of sale at least ten days before the date of sale by posting notice thereof at the door of the provincial building and at the door of the municipal building where such animals are held. The notice of the sale shall contain a statement of the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the animals to be sold, the place where found or seized, and the date, hour, and place of sale. The place of sale shall lie fixed, in the discretion of the provincial board, either at the provincial capital or in the municipality where such animals are held.

Animals ordered to be sold by the provincial board in accordance with the provisions of this section shall be sold for cash to the highest and best bidder therefor at public auction by verbal bidding, and the purchaser at such sale shall receive a good and indefeasible title to the animal sold.

It shall be the duty of the municipal treasurer to promptly notify the provincial secretary of all proceedings taken by him in each case arising under this section.

SEC. 26. Entry of the sale provided for in the section immediately preceding shall be made in the municipality in which the sale has taken place, and certificate of such sale shall be issued as in other cases, except that the entry and certificate of sale shall show that the same was made by the municipality in conformity with section twenty-five of this Act, and that the signature of the owner shall be omitted from the entry and certificate.

SEC. 27. At any time before actual sale as above provided, the lawful owners of the animals may prove title thereto to the municipal treasurer and receive their property on payment of all costs incurred by the municipality Or the province for the care, maintenance, and transportation of the animals.

SEC. 28. In the event that owners of animals sold at public auction pursuant, to the foregoing provisions shall appear and present proper evidence of title to such animals, it shall be the duty of the municipal treasurer to receive such evidence of title and deliver the same to the provincial board of the province, and the provincial board is hereby authorized to examine such evidence and make such other investigations as to it may seem proper, and if the provincial board after the examination of such evidence and the making of such other investigations is satisfied that the title to the animals is in the claimants, it is authorized to direct and cause payment of the net proceeds of the sale to be made to the claimants: Provided, however, That no claim for the proceeds of the sale of any animal or animals sold at public auction as above provided shall be received or allowed after the lapse of one year from the time of public sale.

SEC. 29. The moneys received from the sale of estrays or large cattle seized by peace officers shall be paid into the treasury of the municipality in which such animals were found or seized, and the expenses and cost of care, maintenance, transportation, and sale of the animals sold shall be a special charge against the moneys so paid in. After the lapse of one year from the date of sale as provided in the previous section, the net proceeds of sale of any animal or animals sold as provided in section twenty-five shall constitute a part of the municipal funds of the municipality where such animals were found or seized and shall be subject to appropriation for the purposes of such municipality as are other municipal funds.

SEC. 30. No large cattle shall be slaughtered or killed for food at the municipal slaughterhouse except upon permit secured from the municipal treasurer. Before issuing the permit for the slaughter of large cattle for human consumption, the municipal treasurer shall require for branded cattle the production of the original certificate of ownership and certificates of transfer showing title in the person applying for the permit, and for unbranded cattle such evidence as may satisfy said treasurer as to the ownership of the animals for which permit to slaughter has been requested.

SEC. 31. No permit to slaughter carabaos shall be granted by the municipal treasurer unless such animals are unfit for agricultural work or for draft purposes, and in no event shall a permit be given to slaughter for food any animal of any kind which is not fit for human consumption.

SEC. 32. The municipal treasurer shall keep a record of all permits for slaughter issued by him, and such record shall show the name and residence of the owner, and the class, sex, age, brands, knots of radiated hair commonly known as remolinos or cowlicks, and other marks of identification of the animal for the slaughter of which permit is issued and the date on which such permit is issued. Names of owners shall be alphabetically arranged in the record, together with date of permit.

A copy of the record of permits granted for slaughter shall be forwarded monthly to the provincial treasurer, who shall the and properly index the same under the name of the owner, together with date of permit.

SEC. 33. Any person slaughtering or causing to be slaughtered for human consumption or killing for food at the municipal slaughterhouse any large cattle except upon permit duly secured from the municipal treasurer, shall be punished by a fine of not less than ten nor more than five hundred pesos, Philippine currency, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 34. All large cattle which have attained the age of two years at the time of the passage of this Act or which will attain said age on or before January first, nineteen hundred and five, must be branded, registered, or re-registered in conformity with the provisions of this Act, on or before said January first, nineteen hundred and five, unless a shorter time shall be prescribed by resolution of the municipal council. After January first, nineteen hundred and five, all large cattle must be branded and registered as required by law on attaining two years of age. Any person who shall fail, neglect, or refuse to brand, register, or re-register his large cattle as required by the provisions of this section shall be punished for each animal not branded, registered, or re-registered as required by law, by a fine of not less than two nor more than five pesos, Philippine currency, or by imprisonment for not less than five days, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 35. Any person found in the possession of cuttle not branded or registered as required by law, shall be presumed to be the owner thereof for the purposes of the section immediately preceding.

SEC. 36. This Act shall also be applicable to townships, settlements, and raneherias not organized under the Municipal Code and to provinces not organized under the Provincial Government Act but in such provinces, townships, settlements, and raneherias the duties required by this Act to be performed by municipal or provincial officials shall be performed by such person or persons as may be designated in writing by the provincial governor of the province, and the stamps attached to certificates of ownership or of transfer shall be canceled, in the manner prescribed, by such provincial governor.

All moneys accruing to townships, settlements, or raneherias from the sale of stamps under this Act or from sales made under section twenty-five thereof shall be deposited with the provincial treasurer to the credit of the proper township, settlement, or raneheria, and may be expended for its benefit, in the same manner as other funds of such township, settlement, or raneheria: Provided, That the net proceeds of sales made in conformity with section twenty-five of this Act can not be so expended until after the lapse of one year from date of sale.

SEC. 37. The city of Manila is exempted from the operation of this Act, and within the jurisdiction of the city of Manila ordinances and regulations for the registration, transfer, and slaughter of large cattle now in effect are continued in force, subject to the right of the municipality of Manila to amend the same: Provided, however, That the official now or hereafter charged with the duty of registering brands, shall forward to the Bureau of Archives a report of all brands now or hereafter registered.

SEC. 38. Stamps provided by this Act to be issued shall be printed by the Public Printer under the regulations and supervision provided for the printing of internal-revenue stamps for the Government. The stamps required by this Act to be affixed to certificates of ownership and certificates of transfer when printed shall be delivered to the Insular Treasurer, who shall issue the same, upon proper requisition, to the provincial treasurers of the various provinces, collecting from such provincial treasurers the cost of printing the same. Provincial treasurers, in their turn, shall issue, upon proper requisition, to the municipal treasurers such stamps as may be required by their respective municipalities, such municipalities paying to the provincial treasurer the cost of printing the same. These stamps shall be accounted for by the several treasurers on the basis of their face value.

SEC. 39. Unless otherwise provided in this Act, any official or other person failing, refusing, or neglecting to perform any of the duties enjoined upon him by this Act, shall be punished by a fine of not less than ten nor more

than five hundred Philippine pesos, or by imprisonment for not less than ten days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 40. Act Numbered Six hundred and thirty-seven, and so much of Act Numbered Eight hundred and seventy-seven as provides for the disposition, care, custody, or sale of cattle, carabaos, horses, and animals of the bovine family, and all Acts or parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 41. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An Act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 42. This Act shall take effect July first, nineteen hundred and four.

Enacted, May 3, 1904.

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