

AN ACT REGULATING THE REGISTRATION, BRANDING, CONVEYANCE, AND SLAUGHTER OF LARGE CATTLE.

Act No. 637, February 12, 1903

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

SECTION 1. The registration and branding of large cattle, the form and manner of their conveyance, and the slaughter of cattle for public consumption are hereby regulated under the provisions of this Act.

SEC. 2. There shall be established a central office of registration under the control of the Secretary of the Interior, of which the Bureau of Patents, Copyrights, and Trade-Marks shall have charge.

There shall be established in each province a provincial office of registration under the supervision of the provincial board, of which the provincial treasurer shall have charge.

There shall be established in each municipality a local office of registration which shall be under the supervision of the provincial board, of which the municipal treasurer shall have charge.

SEC. 3. All brands of large cattle-within the limits of a municipality shall be registered at the local office of registration, together with the name; and surname, the occupation and profession, age and civil status of the owner of the brand registered.

SEC. 4. Each municipality shall have a mark or brand for the purpose of counter branding large cattle owned by the inhabitants thereof, and each municipality shall be provided with a facsimile impression of such brand.

SEC. 5. Designs of branding irons by each and every municipality in the province shall be registered at the provincial office of registration, together with proper specifications which shall prevent the mistaking of the brand of one municipality for that of another.

The provincial office of registration shall keep a list of the names of all owners of cattle in each and every municipality of its jurisdiction, in accordance with the provisions of this Act.

The Bureau of Patents, Copyrights, and Trade-Marks shall also keep a register of all brands adopted by the municipalities together with those adopted by private owners resident therein, which shall be forwarded to it by the provincial boards of the various provinces.

SEC. 6. In order to carry out the provisions of section three, owners of large cattle may have a private brand for their own use, but upon registering the same at the office of registration of a municipality they shall deliver to said office, in triplicate, upon sheets of stout paper which shall be not less than approximately fifteen centimeters wide by twenty centimeters long, a faithful and true copy of the size and shape of the brand as presented for registration.

SEC. 7. Registered brands shall not be altered, either in design or in size—which latter shall be of the dimensions described in the foregoing section—until after the necessary legal steps have been taken to effect a new record in the registration book showing the modification or alteration which has been made in the original brand.

SEC. 8. The brand of the municipality shall be marked on the left hip of all large cattle belonging to the inhabitants of the municipality, with the distinction that upon males the brand shall be vertical and upon females horizontal. The private brand of the owner shall be placed on the right hip of the animal, in a vertical position only.

SEC. 9. Cattle bred in the municipality shall be branded when they are between two and three years old. Those from other municipalities or provinces, and acquired in the manner prescribed in this Act, shall be presented for a second branding within a period of ten days, counting from the date of their arrival in the district of their new owner.

SEC. 10. The branding as ordered shall be effected by the municipal treasurer, with the assistance of the secretary and in the presence of the president. The municipal treasurer shall keep a register, to consist of a bound book containing the properly printed blank forms, which shall be obtained by him upon application to the provincial treasurer. The provincial treasurer shall obtain said registers from the central office of registration.

Of the blank form contained in the register, part shall be detachable and after being properly filled out shall be delivered to the owner of a branded animal as a certificate, of which a record shall be kept on the corresponding stub.

Both the certificate and stub shall be signed as follows: Each shall bear the signature of the municipal treasurer on the right-hand side, that of the president, together with his vice, on the left-hand side, that of the owner on a line farther down toward the center of the width of the paper, and, below this, that of the secretary. If the owner is unable to write, two witnesses shall sign for him at his request.

Each certificate shall have affixed to it stamps to the value of twenty cents, in money of the United States, which shall be duly canceled with the seal of the proper municipality.

SEC. 11. When a herd is to be branded and it is not possible to have it branded at the municipal building, the president, treasurer, and secretary, either jointly or severally, can delegate the actual branding to one or more subordinate municipal employees.

SEC. 12. A certificate issued in accordance with the provisions of paragraphs two, three, and four of section ten shall prima facie attest the true ownership of the animal recorded in it as having been branded and registered.

SEC. 13. No person in charge of the registration and branding of cattle shall permit such registration and branding until proof of ownership has been established by the testimony of two legally competent witnesses who are also cattle owners. The testimony of the two witnesses shall at once be weighed and passed upon by the president, treasurer, and secretary who shall orally examine the witnesses in conducting the investigation. The entire proceedings shall be recorded in an instrument signed by all parties present at the transaction. If the municipal officials, after consideration of the evidence, do not believe that the person presenting the cattle for registration and branding is the lawful owner they shall not grant the registration.

SEC. 14. In order that the provisions of the last paragraph of section five may be carried out, the municipal treasurer, upon obtaining the three designs of a brand presented for registration, shall keep one of them in the archives of the municipality and shall send the other two to the provincial treasurer, who shall also keep one for his register and shall send the third one for a like purpose to the Bureau of Patents, Copyrights, and Trade-Marks.

The municipal treasurer shall make a collection of the designs remaining in his possession, winding them together in alphabetical order, with a note at the bottom of each design showing the number of the corresponding certificate as well as the owner's name.

SEC. 15. The Bureau of Patents, Copyrights, and Trade-Marks, as well as the provincial treasurers, shall make similar collections of the designs of brands forwarded to them in accordance with preceding sections of this Act and shall arrange them alphabetically according to the municipalities.

SEC. 16. Municipal treasurers shall, in order to carry out the provisions of paragraph two of section five, send to the provincial office registration a duplicate list of the names of all cattle owners who have obtained a certificate of ownership in their respective jurisdictions, said list being made in alphabetical order similar to that followed in the keeping of the designs of brands.

One of these lists shall remain in the possession of the provincial treasurer who shall make a bound collection of the lists of all the municipalities in his province in alphabetical order in accordance with the names of the municipalities.

The provincial treasurer shall forward the other list to the central Bureau of Patents, Copyrights, and Trade-Marks. The lists received by said Bureau shall be collected in alphabetical order and bound together by provinces, and from this collection a general one containing all the provinces in the Archipelago shall be made, also in alphabetical order.

SEC. 17. Cattle in transit shall not be allowed to remain for a longer period than two days within the jurisdictional limits of a municipality without the fact being communicated to the municipal president.

SEC. 18. Municipal authorities shall be subject to the same requirements regarding the registration of designs of branding irons at the provincial offices of registration and the Bureau of Patents, Copyrights, and Trade-Marks as are required of private persons by the provisions of section four of this Act.

SEC. 19. For each certificate of cattle branding the owner shall pay ten cents, in money of the United States, or its equivalent in local currency at the authorized rate of exchange, which amount shall be paid into the municipal treasury.

FORM AND MANNER OF MAKING CONVEYANCES.

SEC. 20. The term "large cattle," for the purposes of this Act, shall be held to include cattle, carabaos, and horses, and the conveyance thereof shall lie effected in the following manner only:

(1) In the presence of the municipal president and treasurer of any municipality, assisted by the secretary thereof, by registration and the issuance of a printed document in due legal form containing the necessary detail similar to the certificates of registration of ownership.

(2) By a public instrument in the presence of a notary public: Provided, however, That the cattle are a part of an estate; but in this case the provisions of the foregoing paragraph shall also be separately complied with.

SEC. 21. The printed document referred to shall fulfill all the requirements exacted by the provisions of paragraph three of section ten, and shall be termed certificates of conveyances, and their issuance shall be subject to the same regulations with regard to registration: Provided, That such registration shall be recorded in a book kept separately from the regular register of cattle.

Said register shall be kept in the archives of each municipality under the custody and responsibility of the municipal treasurer. It shall be subject to the immediate supervision of the provincial treasurer whose duty it shall be to see that it is properly kept.

SEC. 22. Whenever one or more of the municipal officials whose presence is required to validate the branding, registration, or conveyance of cattle under this Act shall be incapacitated from discharging the duty, either by

reason of illness or absence, or for any other cause, his place shall be taken by the person who acts as substitute in other matters, in accordance with the Municipal Code. In case there is no such person provided by law, then the municipal official or officials actually present may select persons as substitutes for the absent official or officials.

SEC. 23. When a sale of cattle is made, the title deeds or certificates of ownership shall be delivered to the new owner, together with a note recording the fact of said conveyance, signed by the conveyor, or, in case he is unable to write, by two witnesses at his request.

SEC. 24. In case of the death or loss of an animal it shall be the duty of the owner to show his certificate of ownership to the municipal treasurer of the municipality where such death or loss has taken place, and, upon proper identification of the animal or proof of its loss, the treasurer shall, with the consent of the president and the certificate of the secretary, execute in writing upon the back of the certificate of ownership or of conveyance, as the case may be, a statement of the facts.

SEC. 25. Certificates of conveyance shall be issued in the municipality where the contract is made and consummated by the delivery of the cattle whenever the seller is able to establish his property rights and after he has been properly identified by the officers who are parties to the transaction.

In case the contract is not made by the owner himself, but by another person who represents him, such representation shall be properly authorized in writing. The authority of such person shall then be scrutinized and the signature thereon compared with that of the certificate of ownership acquired from the last sale, and a note of such comparisons shall be made on the back of the certificate of conveyance. If the seller is unable to write, two witnesses at his request shall sign for him.

In cases where the conveyance shall be issued under this section in a municipality which is not the municipality where the cattle were originally registered, it shall be the duty of the municipal treasurer of the municipality where the cattle are sold to send a certified copy of the certificate of conveyance to the municipal treasurer of the municipality where the cattle were originally registered, and such certified copy of the certificate of conveyance shall be filed with the certificate of original registration.

SEC. 26. Municipal treasurers shall comply with the provisions of section ten of this Act as to the provision of blank forms for certificates of conveyance.

SEC. 27. The same fees as are provided in section nineteen of this Act for each certificate of cattle branding shall be collected for each certificate of conveyance, and shall be deposited in the municipal treasury of the municipality where such certificate of conveyance is issued. The fees shall be paid by the purchaser before he shall receive the certificate of conveyance.

SLAUGHTER OF CATTLE.

SEC. 28. Whenever one or more cattle are to be killed for food, it shall be a necessary requisite to exhibit to the municipal treasurer a certificate of ownership or a deed of conveyance, or both, if they are to be had. The municipal treasurer shall take up the certificates, and, with the approval of the president and the secretary, he shall enter in a register of slaughtered cattle, which shall be kept for that purpose, the number of cattle to be killed, after proper identification has been had in the same manner and form as provided for in cases of registration and sale.

SEC. 29. The certificates thus taken up shall be sent once a month by the municipal treasurer of each municipality to the provincial treasurer of the province in which the municipality is located, whose duty it shall be to keep a record of all cattle slaughtered in the province.

SEC. 30. Except in cases hereinafter provided, the slaughtering of male and female carabaos which may be used

for agricultural labor, as well as the slaughtering of cows which may be used for breeding purposes, is strictly forbidden.

SEC. 31. Whenever an animal of the classes mentioned in the next preceding section shall have become disabled either through old age or accident, the owner shall take such animal before the municipal treasurer, who, together with the president and secretary, shall authorize the slaughter of such animal and the sale of its meat after the same has been examined by the president of the board of health of the municipality, providing that in his judgment the meat is fit for human consumption.

If the animal is unable to be taken to the municipal building the owner shall so inform the municipal treasurer, who in turn shall inform the president of the municipal board of health in order that said official may make the proper examination of such animal; and the permit for slaughtering shall then be either granted or denied in accordance with the results of such examination.

SEC. 32. Wild carabaos which have been captured shall preferably be tamed and broken to work, but in the event of their being destined to the slaughterhouse, on account of injuries received in the chase, or because they can not be tamed, the owners in the first instance shall be compelled to comply with the provisions of paragraph two of the next preceding section, and in the second instance shall give information of the fact to the municipal treasurer who, together with the president and secretary, shall authorize the slaughter of the animal.

SEC. 33. All of the provisions of sections twenty-eight to thirty-two, inclusive, of this Act shall be carried out under the supervision of the municipal treasurer either within the public slaughterhouse or any other part of the municipality: Provided, however, That the treasurer may delegate to another in whom he has confidence, and always on his own responsibility, the performance of his duties in this respect.

PENALTIES.

SEC. 34. Violations of the provisions of this Act, except where otherwise expressly provided, shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 35. In case the owner of cattle, by reason of the negligence or fraud of the municipal officials in carrying out the provisions of this Act, shall be subjected to loss of his cattle, or to damage in the recovery of the same, he shall, in addition to the criminal prosecution in the next preceding section provided, have a right of civil action for the recovery of such damages in the Court of First Instance against the official or officials so guilty of negligence or of making the loss or damage possible.

SEC. 36. In cases of delegation mentioned in section eleven, the responsibility incurred through inexact compliance with the provisions of section thirteen, as well as those of the first paragraph of section twenty-five, shall fall both upon the person or persons delegating and upon the delegates.

SEC. 37. Every animal over the age limit fixed by section nine found not properly branded shall subject its owner to a fine of five dollars, money of the United States, or in default of payment to imprisonment for a period of twenty days.

SEC. 38. A violation of section seventeen shall subject the owner or drover of the cattle to a fine of five dollars, in money of the United States, for each animal in the herd, or in default of payment to imprisonment for a period of twenty days.

GENERAL PROVISIONS.

SEC. 39. Within the jurisdiction of the city of Manila the same regulations as are now in force shall be continued.

SEC. 40. The provisions of the Municipal Code and of the Charter of the city of Manila with respect to a tax on the slaughtering of animals shall continue in full force and effect.

SEC. 41. Erasures, interlineations, or amendments in any of the documents referred to in this Act shall be presumptive evidence of fraud, and documents containing such erasures, interlineations or amendments shall not be received unless the erasures, interlineations, or amendment are satisfactorily explained by a note on the instrument which is signed and dated by the party making the same, and shall be further explained by oral evidence of good faith.

SEC. 42. No document shall treat of more than one animal, so that for each head of cattle a separate certificate shall be issued.

SEC. 43. In all cases when it shall be necessary, under the provisions of this Act, to write an indorsement on a document, if the same can not be done for lack of space it may be placed on a separate sheet of paper which shall be attached to the original document.

SEC. 44. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 45. 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. 46. This Act shall take effect May first, nineteen hundred and three.

Enacted, February 12, 1903.

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