HORSE DECLARED A NON-STARTER BY REASON OF THE FAILURE OF THE AUTOMATIC STARTING APPARATUS TO FUNCTION IS ENTITLED TO A REFUND OF FEES PAID

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WHEREAS, the Philippine Racing Commission (Philracom) has the exclusive jurisdiction and control over all aspects of the conduct of horse racing as provided for by Presidential Decree No. 420;

WHEREAS, the Philracom may likewise impose fines, penalties and forfeiture to erring parties under the Rules and Regulations on Horse Racing;

WHEREAS, there are instances wherein the automatic starting apparatus fails to function which cause a gate or gates not to open simultaneously with the other gates of other stalls;

WHEREAS, in such a situation where a horse is declared a non-starter, the horse-owner is entitled to a refund of the fees paid for the horse's participation in the race i.e. declaration fees, trailer and transportation expenses etc. and the concerned Racing Club shall, in addition to the fees to be refunded to the horseowner, pay the appropriate penalty in accordance with the following schedule:

> 1st incident - Racing club concerned shall reimburse/refund to the affected horseowner the amount of Php5,000.00, unless, the horse is a resident of the Racing Club in which case the amount to be reimbursed/refunded by the latter shall only be Php3,000.00;
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> 2nd incident - Racing club concerned shall reimburse/refund to the affected horseowner the amount of Php5,000.00 (if horse is not a resident of the Racing Club concerned) or Php3,000.00 (if horse is a resident of the Racing Club concerned) plus the amount of Php5,000.00 as penalty payable to the Philracom;
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> 3rd incident - Racing club concerned shall reimburse/refund to the affected horseowner the amount of Php5,000.00 (if horse is not a resident of the Racing Club concerned) or Php3,000.00 (if horse is a resident of the Racing Club concerned) plus the amount of Php10,000.00 as penalty payable to the Philracom;
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> 4th incident - Racing club concerned shall reimburse/refund to the affected horseowner the amount of Php5,000.00 (if horse is not a resident of the Racing Club concerned) or Php3,000.00 (if horse is a resident of the Racing Club concerned) plus a penalty to be imposed by the Philracom in its discretion and in addition, the Racing Club shall be investigated for proper sanction if the circumstances so warrant;

NOW THEREFORE, it BE RESOLVED, as it is hereby RESOLVED, that whenever a horse is declared a non-starter by reason of the failure of the automatic starting apparatus to function which causes a gate or gates not to open simultaneously with the other gates of other stall, the horse owner is entitled to a refund of the fees paid for the horse's participation in the race i.e. declaration fees, trailer and transportation expenses etc. and the concerned Racing Club shall, in addition to the fees to be refunded to the horse owner, pay the appropriate penalty in accordance with the following schedule:

> 1st incident - Racing club concerned shall reimburse/refund to the affected horseowner the amount of Php5,000.00, unless, the horse is a resident of the Racing Club in which case the amount to be reimbursed/refunded by the latter shall only be Php3,000.00;

2nd incident - Racing club concerned shall reimburse/refund to the affected horse owner the amount of Php5,000.00 (if horse is not a resident of the Racing Club concerned) or Php3,000.00 (if horse is a resident of the Racing Club concerned) plus the amount of Php5,000.00 as penalty payable to the Philracom;

3rd incident - Racing club concerned shall reimburse/refund to the affected horse owner the amount of Php5,000.00 (if horse is not a resident of the Racing Club concerned) or Php3,000.00 (if horse is a resident of the Racing Club concerned) plus the amount of Php10,000.00 as penalty payable to the Philracom;

4th incident - Racing club concerned shall reimburse/refund to the affected horse owner the amount of Php5,000.00 (if horse is not a resident of the Racing Club concerned) or Php3,000.00 (if horse is a resident of the Racing Club concerned) plus a penalty to be imposed by the Philracom in its discretion and in addition, the Racing Club shall be investigated for proper sanction if the circumstances so warrant;

RESOLVED FURTHER, that a copy of this resolution be published in the Official Gazette and the Kopya and be furnished the racing Clubs as well as the horse owners/ trainers for their proper guidance and information.

APPROVED AND SIGNED by the undersigned Chairman and Commissioners of the Philippine Racing Commission, this 12th of January 2012 at Makati City Philippines.

Adopted: 12 January 2012

(ORIGINAL SIGNED)

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