

Republic of the Philippines
Department of Justice
National Prosecution Service
OFFICE OF THE CITY PROSECUTOR
Quezon City

**ANNA NIEVES HASHIM
CABRERA**

Complainant,

NPS DOCKET NO.

For: Violation of Republic Act Nos. 8485 (“Animal Welfare Act”), as amended, and 9268 (“Philippine Veterinary Medicine Act”), as well as Quezon City Ordinance No. 2505, series of 2016.

- versus -

**JONATHAN DOMINGUEZ
GALGUERRA &
EVANGELINE DIAZ
GALGUERRA**

Respondents.

x-----x

COMPLAINT AFFIDAVIT¹

I, **ANNA NIEVES HASHIM CABRERA** (hereinafter, referred to as the “Complainant”), of legal age, Filipino, after having been duly sworn in accordance with law, assisted by counsel, do hereby depose and state that:

Parties

1. The Complainant **Anna Nieves Hashim Cabrera** is the **Executive Director** of the Philippine Animal Welfare Society (PAWS), a volunteer-based non-stock non-profit association organized for the purpose of preventing animal cruelty through education, animal sheltering, and advocacy. She may be served with notice, summons, and other process of this Honorable Office at the **PAWS**

¹ This **Complaint Affidavit** has been prepared in the format prescribed by the Honorable Supreme Court in A.M. No. 11-9-14-SC, otherwise known as the “Efficient Use of Paper Rule.”

Animal Rehabilitation Center, Aurora Boulevard, Katipunan Valley, Loyola Heights, Quezon City.

2. Pursuant to Section 5² of Republic Act No. 8485, otherwise known as the “Animal Welfare Act of 1998” (hereinafter, referred to as “R.A. No. 8485”), as amended by Republic Act No. 10631, PAWS is a member of the Committee on Animal Welfare (hereinafter, referred to as the “CAW”) attached to the Department of Agriculture (hereinafter, referred to as the “DA”).

3. The CAW is mandated by law to issue the necessary rules and regulation for the strict implementation of the provisions of R.A. No. 8485, including the setting of safety and sanitary standards, subject to the approval of the Secretary of the DA.

4. The Respondents are **Jonathan Dominguez Galguerra** and **Evangeline Diaz Galguerra** (hereinafter, referred to as the “Respondents”), of legal age, Filipino, with residence at the # **349 F. Galguerra Drive, Talipapa, Quezon City**, where they may be served with notice, summons, and other process of this Honorable Office.

5. The Complainant has executed this *Complaint Affidavit* for the purpose of seeking the Respondents’ indictment for violations of:

² **Section 5.** There is hereby created a Committee on Animal Welfare attached to the Department of Agriculture which shall, subject to the approval of the Secretary of the Department of Agriculture, issue the necessary rules and regulation for the strict implementation of the provisions of this Act, including the setting of safety and sanitary standards, within thirty (30) calendar days following its approval. Such guidelines shall be reviewed by the Committee every three years from its implementation or whenever necessary.

The Committee shall be composed of the official representatives of the following:

xxx

10. Philippine Animal Welfare Society (PAWS)

xxx

- (a) Section 6 of R.A. No. 8485, as amended;
- (b) Section 30 of R.A. No. 9268; and
- (c) Quezon City (Q.C.) Ordinance No. 2505, series of 2016.

6. Section 6 of R.A. No 8485 makes it unlawful for any person to torture, neglect, kill or otherwise maltreat any animal (outside of the exceptions specified therein):

Section 6. It shall be unlawful for any person to torture any animal, to neglect to provide adequate care, sustenance or shelter, or maltreat any animal or to subject any dog or horse to dogfights or horsefights, kill or cause or procure to be tortured or deprived of adequate care, sustenance or shelter, or maltreat or use the same in research or experiments not expressly authorized by the Committee on Animal Welfare. xxx (Emphasis supplied.)

7. Section 30 of R.A. No. 9268 punishes the unlawful practice of veterinary medicine:

Sec. 30. Unlawful Practice of Veterinary Medicine - t shall be unlawful for any person to practice veterinary medicine and any of its allied branches, including veterinary dentistry, without a valid and existing Certificate of Registration and Professional Identification Card issued by the Board of Veterinary Medicine and the Commission.

8. Section 35 of Q.C. Ordinance No. 2505, s. 2016, requires dog owners to register their animals with the Q.C. Veterinary Department:

SECTION 35. REGISTRATION OF COMPANION DOGS AND CATS – No person shall own, possess, keep or harbor any dog aged three (3) months or more within the territorial jurisdiction of Quezon City unless such dog is registered with the City Veterinary Department. xxx

Statement of Facts

9. On June 21, 2019, the PAWS received numerous reports of two untrained backyard breeders performing a caesarean delivery on their

unregistered pregnant poodle without the use of anesthesia, resulting in the dog's death.

10. Under the user name "Gie Diaz", one of the breeders posted pictures of the pregnant dog (that they were trying to sell), the mutilated carcass of the same dog after the botched caesarean delivery, pictures of the dog's puppies, and an admission that they had performed the aforementioned procedure, screen shots of which have been attached hereto as Annexes "A" to "A-3".

11. The Complainant also discovered that "Gie Diaz" was Respondent Evangeline Diaz Galguerra and that she and Respondent Jonathan Dominguez Galguerra had performed the impromptu caesarean delivery on their dog.

Cause of Action

Owning an Unregistered Dog within Quezon City

12. At the outset, considering the deceased animal was not registered with the Q.C. Veterinary Department, the Respondents clearly committed a violation of Q.C. Ordinance No. 2505, s. 2016.

Unlawful Practice of Veterinary Medicine

13. Furthermore, it must be emphasized that the Respondents performed a caesarean delivery on an animal despite not being registered veterinary professionals.

14. Pursuant to Section 29 (a) of R.A. No. 9268, the practice of veterinary medicine includes "the examination and/or diagnosis, treatment, surgery of, or the prescribing and dispensing of any remedy for, any injury to or disease, ailment or deformity of animals."

15. Considering that a caesarean delivery is a surgical procedure, it is clear that the Respondents practiced veterinary medicine without a valid and existing Certificate of Registration and Professional Identification Card issued by the Board of Veterinary Medicine and the Professional Regulation Commission.

Torture, Neglect & Maltreatment of an Animal Resulting in its Death

16. Rule 6.1 of the Animal Welfare Act's Implementing Rules and Regulations ("IRR") defines cruelty to animals as "treatment that is

inhumane such as but not limited to overcrowding, neglect or failure to provide adequate care, sustenance and shelter, unnecessary restraint.”

17. Rule 6.5 of the same IRR requires an animal’s owner to provide the veterinary care necessary to maintain its health and well-being:

Rule 6.5. Veterinary Care - A person responsible for the welfare of an animal shall, in accordance with his or her means, provide said animal with the veterinary care necessary to maintain its health and well-being, and ensure that the animal receives all vaccinations required by law, rules, or regulations. A regular veterinary medical examination and referral to a duly licensed veterinarian must be made if any animal is sick, injured or in pain or suffering. Veterinarians may certify on the necessity or propriety of care or treatment of animals while in their custody.

18. This is reiterated in 4.57 (c) of Q.C. Ordinance No. 2505, s. 2016, which requires a dog’s owner to provide it veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

19. Thus, by performing a surgical procedure themselves without being registered veterinary professionals (and without using anesthesia), the Respondents not only maltreated and abused an animal by inflicting needless pain and causing its death, they also neglected to provide the animal and the puppies they delivered from it with the veterinary care demanded by the situation.

20. Considering the foregoing, it is respectfully submitted that the Complainant has adduced sufficient evidence to establish that probable cause exists to indict the Respondents for violations of the aforementioned statutes.

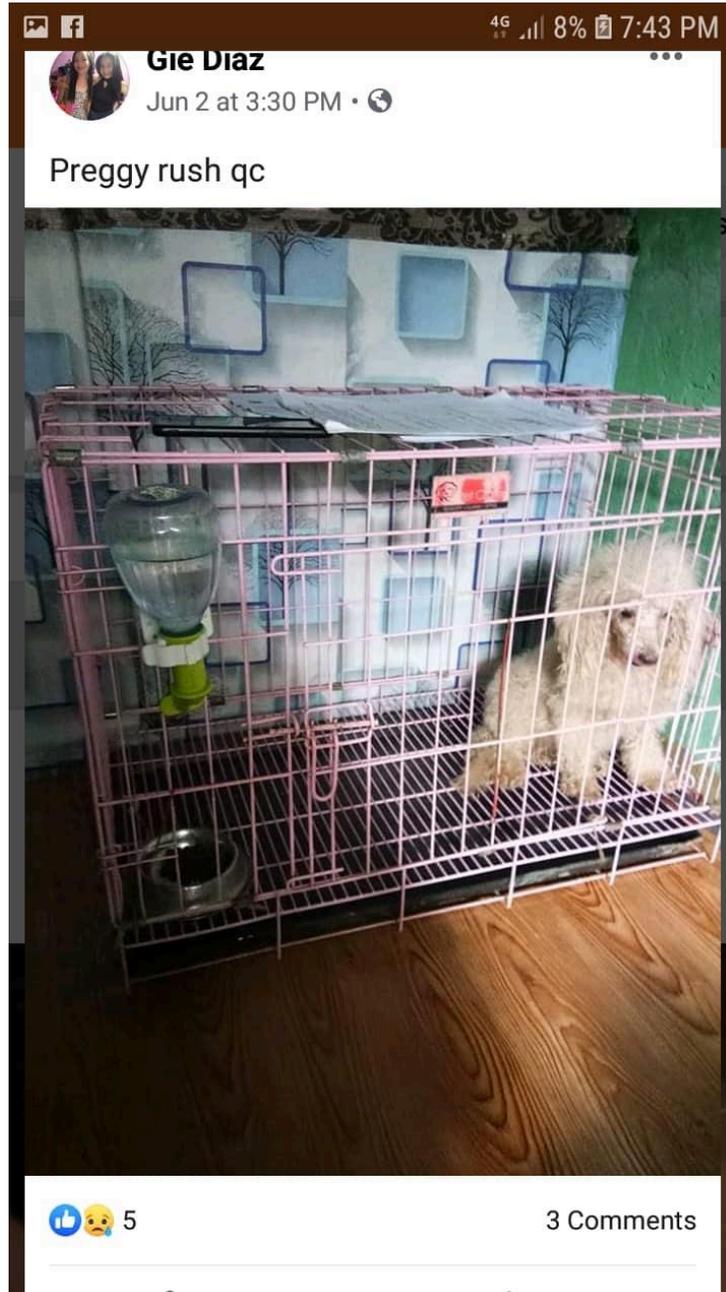
AFFIANTS FURTHER SAYETH NAUGHT.

IN WITNESS WHEREOF, We have hereunto affixed our signatures this **25th** day of **June 2019**, in **Quezon City**.

**ANNA NIEVES HASHIM
CABRERA**
Complainant

SUBSCRIBED AND SWORN to before me this **25th** day of **June 2019**. I further certify that I have personally examined the *affiants* and am satisfied that they have voluntarily and knowingly executed the foregoing *Complaint Affidavit*.

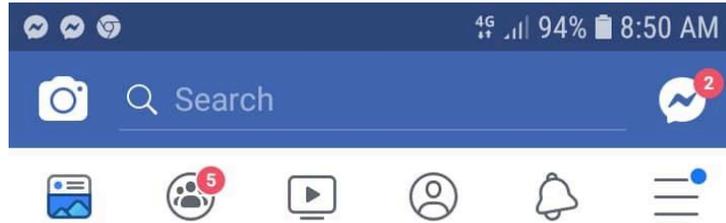
ANNEX "A"



ANNEX "A-1"



ANNEX “A-2”



Pahelp namatay ang nanay buhay ang mga
babi



ANNEX "A-3"

You and 126 others >

Daryl Andrew Supan Fely Rodriguez Gatmaitan pinatay...

Melody Kaezer
cs po ba?
3h Like

Leonard Bagalacsa Melody Kaezer cs without anestesi...

Romnick Malabiga
Baket po namatay?
3h Like

Mc Rosales
Be strong babies. 😞
3h Like

Gie Diaz
Walang vet dito at nakamatayan ng momy dog ng hindi pa nanganganak ung time na un naggalawan ang mga baby sa tyan nia lakas loob naming ginawang iligtas kahit sa oras na un ay luhaaan kami sa pagkamatay ng momy dog pero ganun man kangahas ung ginawa namin sa dog namin ay may 5 baby kaming naligtas at ngayon sa tulong ng concern advice ng iba dito ay nagawa kong icare ang mga baby
3h **Angry** 27

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Rica Marie S. Ocampo Rayven Crayg diyos ko naaawa a...

Rayven Crayg Rica Marie S. Ocampo asan po ung unang...

Kris Diane Barril-Sunpongco jusko qc lang naman pla...

Luningning Gutierrez
Hanap po kau sa katabing bahay baka may bagong panganak na aso, need po nila makadede

An admin or moderator will review your request.

ANNEX "A-4"

288 K/s 99% 07:55

Search

 **Roland Paul Saquilabon** 22 Jun at 22:43

Dun sa video na binura nila, kitang kita na bubay pa yung aso bago nya hiwain eh, tapos ilang minutes nag update sya na patay na yung aso 😞 tsk tsk

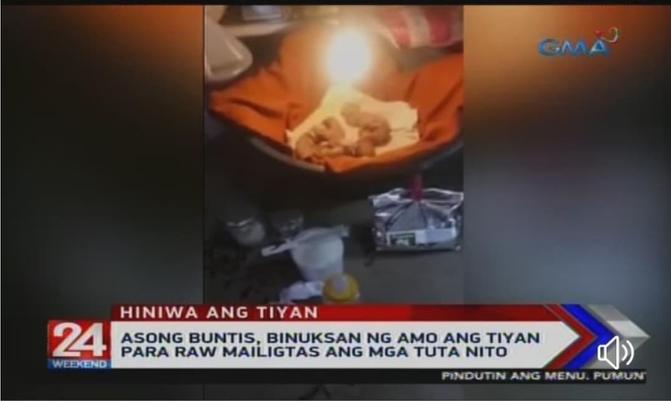
See translation

 **GMA News** 22 Jun at 20:10

Hiniwa ang tiyan ng isang buntis na aso ng mismong amo nito para raw maisalba ang buhay ng mga tuta dahil namatay na raw ang aso. Pero binatikos ito animal rights groups.

Sa mga Kapuso abroad, tumutok o mag-subscribe sa GMA Pinoy TV, GMA Life TV, at GMA News TV International para sa iba pang mga balita.

See translation



24 WEEKEND **HINIWA ANG TIYAN ASONG BUNTIS, BINUKSAN NG AMO ANG TIYAN PARA RAW MAILIGTAS ANG MGA TUTA NITO** PINDUTIN ANG MENU, PUMUN

723,033 views

ANNEX "A-5"

