

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE

S. B. No. 2481

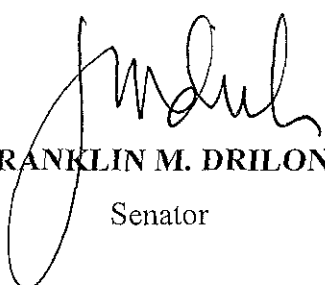
Introduced by Senator Franklin M. Drilon

EXPLANATORY NOTE

This bill seeks to establish a mechanism for the sustainable development and use of the island of Boracay, Municipality of Malay, Province of Aklan, defining for the purpose the mode of acquisition for certain parcels of its public domain classified as agricultural land open to disposition under Proclamation No. 1064 and providing environmental safeguards therefor, and for other purposes.

Proclamation No. 1064 provided the necessary framework for such mechanism and its constitutionality was sustained by the Supreme Court. It is now left for Congress as the High Court suggested, to flesh out an Act that would fortify this mechanism. Subject to certain limitations, the proposed measure authorizes the Department of Environment and Natural Resources to alienate parcels of land of the public domain located in the Island of Boracay, Municipality of Malay, Province of Aklan delineated and declared as agricultural lands open to disposition for agricultural, residential, commercial, industrial or other productive purpose under Proclamation No. 1064, through the issuance of a free patent to any citizen of the Philippines who for at least thirty (30) years has continuously occupied and/or cultivated either by himself or through his predecessors-in-interest or who shall have paid the real estate tax thereon while the same has not been occupied by any other person. The bill also provides for the putting in place of environmental safeguards including a mandate to respect the rights of the indigenous cultural communities to their ancestral lands.

Given the considerable contribution of Boracay Island to the economy and the tourism industry, the immediate approval of this measure is earnestly sought.


FRANKLIN M. DRILON
Senator

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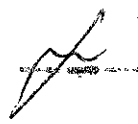
OFFICE OF THE CLERK OF THE SENATE

SEP 4 1985

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INTRODUCED BY HONORABLE FRANKLIN M. DRILON

AN ACT
ESTABLISHING A MECHANISM FOR THE SUSTAINABLE
DEVELOPMENT AND USE OF THE ISLAND OF BORACAY,
MUNICIPALITY OF MALAY, PROVINCE OF AKLAN, DEFINING FOR
THE PURPOSE THE MODE OF ACQUISITION FOR CERTAIN
PARCELS OF ITS PUBLIC DOMAIN CLASSIFIED AS
AGRICULTURAL LAND OPEN TO DISPOSITION UNDER
PROCLAMATION NO. 1064 AND PROVIDING ENVIRONMENTAL
SAFEGUARDS THEREFOR, AND FOR OTHER PURPOSES.

*Be it enacted by the Senate and House of Representative of the Philippines in Congress
assembled:*

1 SECTION 1. *Declaration of Policy.* – Pursuant to Article XII, Section 1 of the 1987
2 Philippine Constitution that the goals of the national economy are a more equitable
3 distribution of opportunities, income and wealth, the State hereby adopts a policy of
4 ensuring the fair and expeditious titling of alienable and disposable agricultural lands of the
5 public domain. Towards this end, the State shall facilitate the titling of lands in favor of
6 qualified Filipinos to provide them with security of land tenure. Further, in recognition of
7 the need to accelerate the country’s development without compromising the protection and
8 conservation of the country’s natural resources, the State shall undertake measures to adopt
9 sustainable development strategies of forestlands, national parks and the resources therein and
10 provide environmental safeguards while at the same time spurring local economic growth.

1 SECTION 2. *Coverage*- The provisions of this Act shall apply to the parcels of land of
2 the public domain located in the Island of Boracay, Municipality of Malay, Province of
3 Aklan delineated and declared as agricultural lands open to disposition for
4 agricultural, residential, commercial, industrial or other productive purpose through
5 *Proclamation No.1064*. The aforementioned agricultural lands are likewise hereby
6 excluded from the operation of Presidential Proclamation No. 1801, dated 10
7 November 1978, entitled, “Declaring Certain Islands, Coves and Peninsulas as Tourist
8 Zones and Marine Reserves under the Administration and Control of the Philippine
9 Tourism Authority”.

10 SECTION 3. *Mode of Acquisition*. – The Department of Environment and Natural
11 Resources shall alienate the agricultural lands identified in Section 2 hereof, subject to
12 the limitations provided for in this Act, through the issuance of a free patent over any
13 parcel thereof to any citizen of the Philippines who for at least thirty (30) years prior to
14 the effectivity of this Act has continuously occupied and/or cultivated either by himself
15 or through his predecessors-in-interest or who shall have paid the real estate tax thereon
16 while the same has not been occupied by any other person. Such qualified person shall
17 be entitled under this Act to have a free-patent issued to him for such tract of land not
18 to exceed twelve (12) hectares per applicant; *Provided*, That the Department of
19 Environment and Natural Resources shall also reserve lands or lots of sufficient size
20 and strategic location to the local government of Malay, the Province of Aklan and other
21 agencies of the national government for essential public purpose and/or services such as
22 school building, public plazas, health centers and similar offices and similar purpose
23 including necessary avenues, streets and alleyways; *Provided. Further*, That any title
24 that may be issued over lands for public purpose shall be in the name of the Republic of
25 the Philippines and all roads, avenues, streets, alleyways shall be in the name of the
26 Province of Aklan.

1 The provisions of Commonwealth Act No. 141, as amended, otherwise known as
2 the “Public Land Act”, not inconsistent herewith, shall be applicable.

3 SECTION 4. *Protected Forest Lands.* – Areas of the public domain within the Island
4 of Boracay classified as forestlands pursuant to *Proclamation No. 1064* are hereby
5 declared forestlands, under the sub classification of protection forests. For ecological
6 and rational landuse considerations, the following shall also constitute part of the
7 protected forestlands and inalienable portions of the public domain, to wit:

8 (a) Five (5) meters strip inland from the twenty-five (25) meters mandatory beach
9 front easement, measured from the mean high water mark;

10 (b) Five (5) meters on each side of the centerline of roads, for road protection and
11 widening and drainage; and

12 (c) Three (3) meters landward on both sides of creeks and canals.

13 Such forestlands shall be conserved, preserved and regulated by the Department of
14 Environment and Natural Resources, jointly with the Municipal Government of Malay,
15 the Provincial Government of Aklan and concerned national agencies pursuant to the
16 provisions of *Presidential Decree N. 705*, as amended, otherwise known as the
17 “Revised Forestry Code of the Philippines”, *Republic Act No. 9072*, otherwise known
18 as the “National Caves and Cave Resources Management and Protection Act”, their
19 implementing rules and regulations, as well as other pertinent laws, proclamations,
20 issuances and administrative orders on conservation and environmental protection.

21 SECTION 5. *Strict Regulation of the Utilization and Development of the Island.* –
22 The utilization and development of all areas along the Island of Boracay shall be strictly
23 regulated by the Department of Environment and Natural Resources pursuant to all
24 laws and statutes on the utilization and protection of natural resources and the
25 environment, and must strictly comply with the land use plan approved by the local
26 government unit and requirements

1 imposed by existing Department of Environment and Natural Resources rules, regulations
2 and other issuances, taking into consideration the sustainable use and development of the
3 area and at all times with utmost respect to the right of indigenous cultural communities
4 to their ancestral lands.

5 SECTION 6. *Implementing Rules and Regulations.* – The Department of
6 Environment and Natural Resources, in coordination with the Provincial Government
7 of the Province of Aklan, shall within ninety (90) days from the enactment of this Act,
8 promulgate the rules and regulations necessary for the implementation of this Act.

9 SECTION 7. *Separability Clause.* – If, for any reason, any provision of this Act is
10 declared unconstitutional or invalid, other provisions hereof which are not affected
11 thereby shall continue to be in full force and effect.

12 SECTION 8. *Repealing Clause.* – All laws, decrees, executive orders, proclamation
13 and administrative regulations, or parts thereof inconsistent herewith are hereby
14 repealed or modified accordingly.

15 SECTION 9. *Effectivity Clause.* – This Act shall take effect immediately after its
16 publication in least two national newspapers of general circulation

Approved.