

FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

OFFICE OF THE CLERK

9 APR 13 PM 54

SENATE

S. B. No. 3149

RECEIVED BY



---

INTRODUCED BY HONORABLE MAR ROXAS

---

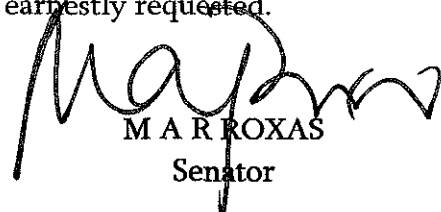
The Island of Boracay is considered as the crown jewel of the Philippine tourism industry but has become a heavily developed island for residential, tourism and commercial purposes. Government records however show that the entire island remained unclassified, hence, pursuant the authority of the President to classify lands as alienable and disposable, *Proclamation No. 1064* was issued in 22 May 2006 declaring certain parcels of land in the Island of Boracay as agricultural and open to disposition.

The Supreme Court, in *Secretary of Environment and Natural Resources vs Yap, et.al*<sup>1</sup>, has pronounced that there is nothing invalid or irregular, much less unconstitutional about the classification of Boracay Island made through *Proclamation No. 1064*. It further declared that in issuing the said Proclamation, the government has taken the step necessary to open up the island to private ownership. Unfortunately, the said Proclamation is silent as to the mode of acquisition of the lands declared as alienable and disposable. Thus, the Supreme Court in the same case affirmed that Congress may enact a law providing for the registration of title to the said lands, thereby enabling private parties to acquire title to their occupied lots.

Thus, this bill defines the mode of acquisition of the lands classified as agricultural land open to disposition in the Island of Boracay through a free patent system that will enable qualified citizens to have these lands titled in their name. Moreover, taking into consideration the importance of ensuring the sustainable use and development of the island, this proposed measure requires strict compliance with the land use plan approved by the local government unit and existing rules and regulations of the Department of Environment and Natural Resources. The environmental integrity of the island is likewise protected as the bill identifies protected forest areas and recognizes rights of indigenous cultural communities to their ancestral domain.

In sum, the intent of this bill is two-pronged: to facilitate the titling of lands in favor of present, qualified occupants and to ensure the sustainable and balanced development and use of the Island of Boracay.

In view of the foregoing, early passage of this bill is earnestly requested.



MAR ROXAS  
Senator

---

<sup>1</sup> G.R. 167707, October 8, 2008


FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

OFFICE OF THE CLERK

9 APR 13 PM 1:54

SENATE

S. B. No. 3149

RECEIVED BY 

---

INTRODUCED BY HONORABLE MAR ROXAS

---

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 Representatives 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  
10 and provide environmental safeguards while at the same time spurring local economic  
11 growth.

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

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

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

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

8           (a) Five (5) meters strip inland from the twenty-five (25) meters mandatory beach front  
9 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, the  
15 Provincial Government of Aklan and concerned national agencies pursuant to the provisions  
16 of *Presidential Decree No. 705*, as amended, otherwise known as the “Revised Forestry Code  
17 of the Philippines”, *Republic Act No. 9072*, otherwise known as the “National Caves and  
18 Cave Resources Management and Protection Act”, their implementing rules and regulations,  
19 as well as other pertinent laws, proclamations, issuances and administrative orders on  
20 conservation and environmental protection.

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

5         SECTION 6. *Congressional Oversight Committee.* For the full and effective  
6 implementation of this Act, there shall be created a Congressional Oversight Committee,  
7 hereinafter referred to as the Boracay Island Congressional Oversight Committee, to be  
8 composed of four (4) members each from the Senate and House of Representatives, which  
9 shall be the Chairpersons of the Senate Committees on Environment and Natural Resources,  
10 Tourism and Local Government and another senator who shall be appointed by the Senate  
11 President, and, Chairpersons of the House Committees on Natural Resources, Tourism and  
12 Local Government, and the elected Representative of the Province of Aklan subject to  
13 appointment by the Speaker of the House of Representatives. It shall be chaired by the  
14 Chairperson of the Senate Committee on Environment and Natural Resources, and the Vice-  
15 Chair shall be the Chairperson of the House Committee on Natural Resources.

16         The Boracay Island Congressional Oversight Committee shall be the principal body  
17 tasked to monitor and evaluate the implementation of the provisions of this Act. For such  
18 purpose, it may require, from time to time, the Department of Environment and Natural  
19 Resources and the local government unit to submit a comprehensive status and  
20 accomplishment report on the implementation of the provisions of this Act. The Secretary of  
21 the Department of Environment and Natural Resources shall promptly comply with any  
22 order of the Boracay Island Congressional Oversight Committee.

23         SECTION 7. *Implementing Rules and Regulations.* – The Department of Environment  
24 and Natural Resources, in coordination with the Provincial Government of the Province of  
25 Aklan and in consultation with the Boracay Island Congressional Oversight Committee, shall

1 within ninety (90) days from the enactment of this Act, promulgate the rules and regulations  
2 necessary for the implementation of this Act.

3 SECTION 8. *Separability Clause.* – If, for any reason, any provision of this Act is declared  
4 unconstitutional or invalid, other provisions hereof which are not effected thereby shall  
5 continue to be in full force and effect.

6 SECTION 9. *Repealing Clause.* – All laws, decrees, executive orders, proclamations and  
7 administrative regulations, or parts thereof inconsistent herewith are hereby repealed or  
8 modified accordingly.

9 SECTION 10. *Effectivity Clause.* – This Act shall take effect immediately after its  
10 publication in at least two national newspapers of general circulation.

Approved,