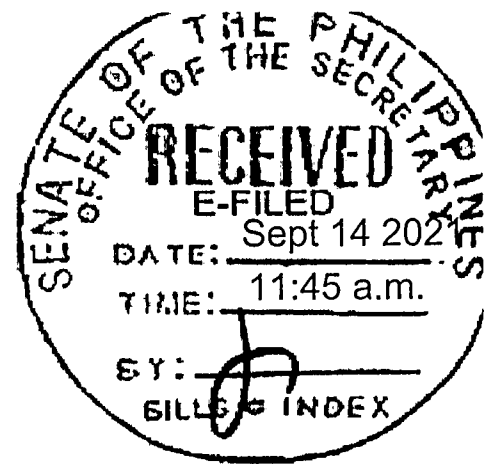


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

P.S. Res. No. 907

Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE LIFTING OF MORATORIUM ON THE OPENING OF CASINOS IN THE RECENTLY REHABILITATED BORACAY ISLAND, AND ALLOWING A CHINESE COMPANY TO CONTINUE ON ITS PLANS THEREIN WHICH WERE PREVIOUSLY HALTED BY THE GOVERNMENT, WITH THE END IN VIEW OF DETERMINING THE BEST POLICY THAT TAKES INTO CONSIDERATION THE ECONOMIC NEEDS OF THE NATIONAL AND LOCAL GOVERNMENTS IN AKLAN, THE PROTECTION OF THE ENVIRONMENT, AND THE CONSERVATION OF THE INTERNATIONALLY RECOGNIZED TOURIST DESTINATION

1 WHEREAS, Section 16 of Article II of the Constitution mandates that “the
2 State shall protect and advance the right of the people to a balanced and healthful
3 ecology in accord with the rhythm and harmony of nature”;

4 WHEREAS, the Supreme Court, in *Oposa v. Factoran*,¹ explained that “while
5 the right to a balanced and healthful ecology is to be found under the Declaration of
6 Principles and State Policies and not under the Bill of Rights, it does not follow that it
7 is less important than any of the civil and political rights enumerated in the latter.
8 Such a right belongs to a different category of rights altogether for it concerns
9 nothing less than self-preservation and self-perpetuation...”;

10 WHEREAS, the right to a balanced and healthful ecology carries with it the
11 correlative duty to refrain from impairing the environment,² and it is an issue of
12 transcendental importance with intergenerational implications;³

¹ G.R. No. 101083 (July 30, 1993).

² *Ibid.*

³ *Arigo v. Swift*; G.R. No. 206510. (16 September 2014)

1 WHEREAS, it can be recalled that in 2018, public uproar erupted when it was
2 announced that Boracay island was to be shut down for six (6) months after
3 environmental violations were discovered due to rapid development and pollution
4 that threatened its idyllic shores. Even back then, the island raked in billions with its
5 revenue, making up 20% of the country's total tourism industry. However, the
6 tourism boom which brought jobs and investment, inevitably strained the island's
7 water and waste disposal systems and sewer system. In a survey of its sewerage
8 facilities carried out in February 2018, the vast majority of residential and business
9 properties – a staggering 716 out of 834 – were found to have no discharge permit
10 and were presumably draining waste water directly into the sea;⁴

11 WHEREAS, on the same month that Boracay was sealed off from the public in
12 2018, President Duterte claimed that he knew nothing about plans of a Chinese
13 company to build a casino-resort in Boracay which was later belied by Malacañang
14 photos showing him meeting with officials of Chinese company Galaxy
15 Entertainment on 6 December 2017. "*What? Mga casino? Who owns the casino?*
16 *Walang plano diyang casino-casino. Tama na 'yun kasi sobra na*", he was quoted
17 saying. He also promised that he would "give" Boracay to farmers, and that he plans
18 to put the entire island under land reform program. A month before said closure, the
19 Philippine Amusement and Gaming Corporation (PAGCOR) granted a provisional
20 license to Galaxy Entertainment for the \$500-million Boracay integrated-casino
21 resort whose construction was scheduled to take place in 2019 over a 23-hectare
22 property in Aklan;⁵

23 WHEREAS, as the island first reopened in October of 2018, government
24 officials confirmed that no casino is operating in its domain after the PAGCOR
25 agreed to revoke the franchises of casino operators there. "That's the order of the
26 President. He doesn't want gaming in Boracay", PAGCOR said. Even Department of
27 Tourism (DOT) Secretary Bernadette Romulo-Puyat stressed the strict order to stop
28 casino operations. According to her, "if you have a casino, you cannot operate even if
29 you are compliant with the requirements." Department of Environment and Natural
30 Resources (DENR) Undersecretary Benny Antiporda said it's the President who
31 really wanted Boracay casino licenses cancelled. "Boracay is not a gambling area, it is
32 a tourist area", he was quoted saying. While Undersecretary Epimaco Densing of the

⁴ Al Jazeera. (05 April 2018) *Philippines to shut down tourist island Boracay for six months*. Retrieved 10 September 2021, from:

⁵ Ranada, P. (10 April 2018) *FACT CHECK: Clueless about Boracay casino? Duterte discussed it with owners*. Retrieved 10 October 2021, from:
<https://www.rappler.com/newsbreak/fact-check/duterte-knowledge-casino-owners-meeting-boracay-galaxy-entertainment>

1 Department of Interior and Local Government (DILG), for his part, explained that
2 barring casinos from Boracay would “make sure that the island will not exceed its
3 carrying capacity”, and thus help the government maintain a reasonable number of
4 visitors to the island resort.⁶ Even Department of Justice (DOJ) Secretary Menardo
5 Guevarra asked the DOT to urge the President to issue an executive order banning
6 casinos in Boracay because the government is keen on its no-casino policy in
7 Boracay;⁷

8 WHEREAS, in 2018, a statement was published in DENR’s very website which
9 quoted Sec. Roy A. Cimatu who has held disfavor on opening casinos in the island:
10 “now that the island’s waters and beaches are back to their pristine condition, we
11 would rather that true nature lovers come and enjoy them.... Boracay already has
12 enough hotel rooms. Adding more and filling these with guests will again lead to
13 more trash and more wastewater. Then, we’re back to square one”;⁸

14 WHEREAS, in 2021, just months shy from the 3rd anniversary of the first
15 reopening of Boracay, President Duterte in his weekly “Talk to the People” declared a
16 reversal of his formerly firm stance against gambling in the island. According to him,
17 such turnaround is necessary to provide more sources of revenue for the
18 government. The lifting of such moratorium, Presidential Spokesperson Harry Roque
19 said, is part of the government’s revenue-generating efforts to augment funds for its
20 COVID-19 response;⁹

21 WHEREAS, not long after such pronouncement, PAGCOR confirmed that
22 President Duterte has given his go-signal for the plans of Galaxy Entertainment to
23 proceed with putting up integrated casino-resort projects in Boracay which he earlier
24 halted;¹⁰

25 WHEREAS, following the President’s pronouncement, the DOT clarified that
26 it is hands off in the promotion and construction of casinos in Boracay. However,

⁶ Simeon, L. and Talavera C. (23 October 2018) *Pagcor OK with Boracay casino ban*. Retrieved 10 September 2021, from: <https://www.philstar.com/headlines/2018/10/23/1862413/pagcor-ok-boracay-casino-ban>

⁷ Rey, A. (26 October 2018) *No casinos in Boracay as island reopens*. Retrieved 10 September 2021, from: <https://www.rappler.com/nation/no-casinos-for-boracay-reopening>

⁸ Arnaldo, M. (30 August 2021) *BIATF officials seem blindsided by Duterte announcement allowing casinos in Boracay*. Retrieved 10 September 2021, from: <https://businessmirror.com.ph/2021/08/30/biatf-officials-seem-blindsided-by-duterte-announcement-allowing-casinos-in-boracay/>

⁹ Quisimorio, E. (28 August 2021) *COVID response funds to be drawn from Boracay casino operations, confirms Roque*. Retrieved 10 September 2021, from: <https://mb.com.ph/2021/08/28/covid-response-funds-to-be-drawn-from-boracay-casino-operations-confirms-roque/>

¹⁰ Cordero, T. (31 August 2021) *Duterte OK'd Galaxy, Megaworld's Boracay casino plans, PAGCOR confirms*. Retrieved 10 September 2021, from:

1 according to Sec. Puyat, “when we promote the country, we promote sun and
2 beach”;¹¹

3 WHEREAS, the Boracay Inter-Agency Task Force (BIATF), on the other hand,
4 “appeared to have been blindsided” by the announcement of President Duterte. One
5 BIATF source refused to comment on the issue because, “that’s a decision made by
6 the highest official of the land.” Pressed if BIATF officials were informed about the
7 policy change prior to the President’s announcement, the same source said that it
8 was “unexpected”;¹²

9 WHEREAS, the President of Rajah Tours Philippines which sells Boracay
10 travel and tour packages to foreign clients articulated his opposition to the opening
11 of casinos on the island: “why build casinos when most players stay indoor most of
12 the time anyway? As we have seen, gambling junkets do not usually include families”.
13 He added that “sustainability was a problem that was meant to be addressed during
14 Boracay’s initial closure in 2018. Attention was given to sanitation as well as carrying
15 capacity. With the possible entry of more establishments, all of the efforts to clean
16 the island may be for naught. We all know that casinos need a mass volume of
17 players to be viable. Having casinos may mean the influx of more people on the
18 island which leads to environmental degradation.” Moreover, he pointed out that
19 there exist other venues “where casinos could be set up and would be able to handle
20 the influx of junkets and gamblers. There is Clark, Subic, Cebu and others that can
21 generate probably even more gambling revenues due to larger carrying capacities.
22 Why put it on a small island?”;¹³

23 WHEREAS, some business owners in Boracay also expressed their shock with
24 the President’s stand reversal. “Because after saying that he hates casino, he doesn’t
25 like gambling, it made us all happy. But now, with this new pronouncement, it’s
26 *kinda* scary because you don’t know what’s *gonna* happen.” One of them, Nanette
27 Aguirre-Graf, explained that in the past, the island has been promoted as a family
28 destination – even prohibiting “go-go bars and anything that will tarnish the image
29 of the island” as such. She articulated that “we all know that what goes with the
30 casino island or having casinos in an island--it goes with, you know, drugs,

¹¹ Nodalo, T. (03 September 2021) *DOT hands off in promotion, construction of casinos in Boracay*. Retrieved 10 September 2021, from: <https://cnnphilippines.com/news/2021/9/3/DOT-on-Boracay-casinos.html>

¹² *Supra* Note 12.

¹³ *Supra* Note 8.

1 prostitution, criminality and all those things. And money laundering and many other
2 things that [are] negative”;¹⁴

3 WHEREAS, according to the Philippine Institute for Development Studies
4 (PIDS), “the increasing influx of both international and local tourists, coupled with
5 the improper management of wastes and poor implementation of environmental
6 policies and guidelines, has aggravated the island’s environmental condition and
7 sustainability. PIDS likewise noted that problems that were already long ago
8 identified have greatly persisted because of policy implementation deficits and
9 overall governance, including the tendency for government agencies to formulate
10 piecemeal policies and to work in silos, rather than adopting and practicing a whole
11 of government approach to Boracay development”;¹⁵

12 WHEREAS, in intensifying its pandemic response, the government must not
13 be self-defeating so as to forego the gains of Boracay rehabilitation over the years.
14 After having expended both time and resources to restore this paradise, all risks that
15 would make years in rehabilitation efforts and billions in public funds all for naught,
16 must be most stringently examined;

17 WHEREAS, the Senate as a legislative body must investigate with utmost
18 scrutiny to ensure that the value of Boracay as a natural treasure is not diminished,
19 and all matters relating to and affecting every square inch thereof is dissected;

20 WHEREAS, it is imperative to determine whether there exist other measures
21 that would aid the government in its programs aimed at boosting its COVID-19
22 response without causing further harm to the already rehabilitated island. It is
23 likewise important to consider that Boracay should remain a family destination for
24 local and international tourists and should be free from vices associated with casinos
25 and gambling destinations;

26 WHEREAS, as already raised by business owners in Boracay, the best thing
27 the government can do for Boracay residents is to vaccinate them so that the island
28 can fully reopen. The Senate must also look into the vaccination rates in the island so
29 that it may be informed whether government efforts are enough in vaccination which
30 would allow it to fully open its shores to tourism so it may usher in cash flow again;

¹⁴ ABS-CBN News. ‘Scary’: Boracay community leader oppose Duterte pitch to open casinos on island. Retrieved 10 September 2021, from: <https://news.abs-cbn.com/video/news/08/30/21/boracay-locals-oppose-casinos-on-island>

¹⁵ Philippine Institute for Development Studies. (December 2018) *The Boracay Closure: Socioeconomic Consequences and Resilience Management*. Retrieved 10 September 2021, from: <https://www.econstor.eu/bitstream/10419/211057/1/1663337306.pdf>

1 WHEREAS, the Senate must launch an exhaustive probe into any and all
2 government contracts intending to grant franchises to casino operators in Boracay
3 especially when no less than the President himself and his officials have previously
4 repeatedly opposed and resisted such movement. Having already recognized the
5 deleterious effects to the island of allowing casinos to open, questions must be raised
6 to ascertain whether a drastic flip-flopping on the government's stance is reasonable,
7 or whether such decision is controlled and influenced by personal ties and
8 commitments;

9 WHEREAS, there is no apparent urgent need for revenue to reverse what is
10 already an accepted policy against casinos in Boracay;

11 WHEREAS, public officials must be reminded that public service is a public
12 trust. The important government positions they hold demand that they act based on
13 the facts of every case and the surrounding circumstances, taking into account the
14 effects of every decision to all stakeholders. Policies must therefore be driven not by a
15 perfunctory submission to the will of the President, especially not when such policy
16 has been previously opposed by them;

17 WHEREAS, the benefits as claimed by government officials must be put on a
18 scale to determine whether the added social and economic costs of opening the
19 already overdeveloped island of Boracay which would inescapably have impact on
20 the environment, are not only warranted but justified;

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
22 appropriate Senate Committee, to conduct an inquiry, in aid of legislation, on the
23 lifting of moratorium on the opening of casinos in the recently rehabilitated Boracay
24 Island, and allowing a Chinese company to continue on its plans therein which were
25 previously halted by the Government, with the end in view of determining the best
26 policy that takes into consideration the economic needs of the national and local
27 governments in Aklan, the protection of the environment, and the conservation of
28 the internationally recognized tourist destination.

Adopted,


BEILA M. DE LIMA