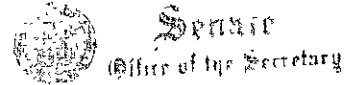
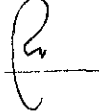


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



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SENATE

RECEIVED BY: 

S.B. No. 2953

Introduced by Sen. Antonio "Sonny" F. Trillanes IV

Explanatory Note

The Island of Boracay, with its pristine white sand beaches and turquoise waters, is undoubtedly one of the crown jewels of the Philippine tourism industry. Its beauty is comparable to the best beaches in the world and it continues to draw hundreds of thousands of local and foreign tourists alike year in and year out, bringing in tens of billions of pesos into the local economy¹. Yet all in not well in this island paradise.

Titling application has been a big issue on Boracay Island since Presidential Proclamation 1801 was declared in 1978 and Philippine Tourism Authority Circular No. 3-82 was subsequently issued in opposition of the applications for confirmation of imperfect title or free patent on the Island.² Consequently, Proclamation 1064 issued in 2006 classified 628.96 hectares or 60.94 percent of Boracay as alienable and disposable, and the rest as forest land and protected areas. Through such proclamation, the government has taken the step necessary to open up the island to private ownership.

The ruling of the Supreme Court is that there is nothing invalid or irregular, much less, unconstitutional, about the classification of Boracay Island made through Proclamation No.1064. And to protect the private investments in Boracay, the Philippine Congress has urged to enact a law to entitle present occupants to acquire title to their occupied lots or to exempt them from certain requirements under the present land laws.

Thus, this bill aims to resolve the land ownership problem in Boracay. The bill, once approved, will allow lawful occupants of land on the island to be issued free patents if they have been continuously occupying their lots for at least 30 years prior to the passage of this measure. This proposed law, moreover, would exempt property claimants from certain requisites for land ownership under the Public Land Act and other laws.

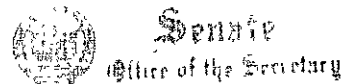
In view of the foregoing and in order to bring peace, tranquility and further development to Boracay, the approval of this bill is earnestly sought.

ANTONIO "SONNY" F. TRILLANES IV

¹ See: Boracay nets whopping P14 Billion in tourism receipts in 2010; Manila Bulletin, 09 January 2011; also published at <http://mb.com.ph/2011/01/09/boracay-nets-whopping-p14-billion-2010-tourism-receipts> (accessed 31 August 2011).

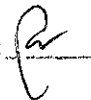
² "Boracay is 98% untitled," <http://www.rappler.com/2011/08/18/boracay-98-percent-untitled-philippines/> (accessed 18 August 2011).

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S. No. 2953

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

11
12 **SEC. 2. Coverage.** – The provisions of this Act shall apply to the parcels of land of the
13 public domain located in the Island of Boracay, Municipality of Malay, Province of Aklan,
14 delineated and declared as agricultural lands open to disposition for agricultural, residential,
15 commercial, industrial or other productive purpose through Proclamation No. 1064. The
16 aforementioned agricultural lands are likewise hereby excluded from the operation of

1 Presidential Proclamation No. 1801 dated 10 November 1978, entitled: "Declaring Certain
2 Islands, Coves and Peninsulas in the Philippines as Tourist Zones and Marine Reserve under the
3 Administration and Control of the Philippine Tourism Authority.

4
5 **SEC. 3. *Mode of Acquisition.*** – The Department of Environment and Natural Resources
6 (DENR) shall alienate the agricultural lands identified in Section 2 hereof, subject to the
7 limitations provided for in this Act, through the issuance of a free patent over any parcel thereof
8 to any citizen of the Philippines who, for at least thirty (30) years prior to the effectivity of this
9 Act, has continuously occupied and/or cultivated either by himself or through his predecessors-
10 in-interest or who shall have the paid real estate tax thereon while the same has not been
11 occupied by any other person. Such qualified person shall be entitled under this Act to have a
12 free patent issued to him for such tract of land not to exceed twelve (12) hectares per applicant:
13 *Provided,* That the DENR shall also reserve lands or lots of sufficient size and strategic location
14 to the Municipal Government of Malay, the Provincial Government of Aklan and other agencies
15 of the national government for essential public purposes and/or services such as school buildings,
16 public plazas, health centers and similar offices and similar purposes including necessary
17 avenues, streets and alleyways: *Provided, further,* That any title that may be issued over lands for
18 public purpose shall be in the name of the Republic of the Philippines and all roads, avenues,
19 streets and alleyways shall be in the name of the Province of Aklan.

20 The provisions of Commonwealth Act No. 141, as amended, otherwise known as "The
21 Public Land Act", not inconsistent herewith shall be applicable.

22
23 **SEC. 4. *Protected Forestlands.*** – Areas of the public domain within the Island of Boracay
24 classified as forestlands pursuant to Proclamation No. 1064 are hereby declared forestlands,
25 under the subclassification of protection forests. For ecological and rational land use
26 considerations, the following shall also constitute part of the protected forestlands and
27 inalienable portions of the public domain, to wit:

28 (a) Five (5) meters strip inland from the twenty-five (25) meters mandatory
29 beachfront easement, measured from the mean high water mark;

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

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

4 Such forestlands shall be conserved, preserved and regulated by the DENR jointly with
5 the Municipal Government of Malay, the Provincial Government of Aklan and concerned
6 national agencies pursuant to the provisions of Presidential Decree No. 705, as amended,
7 otherwise known as the “Revised Forestry Code of the Philippines”, Republic Act No. 9072,
8 otherwise known as the “National Caves and Cave Resources Management and Protection Act”,
9 their implementing rules and regulations, as well as other pertinent laws, proclamations,
10 issuances and administrative orders on conservation and environmental protection.

11
12 **SEC. 5. *Strict Regulation on the Utilization and Development of the Island.*** – The
13 utilization and development of all areas along the Island of Boracay shall be strictly regulated by
14 the DENR pursuant to all laws and statutes on the utilization and protection of natural resources
15 and the environment, and must strictly comply with the land use plan approved by the local
16 government unit and the requirements imposed by existing DENR rules, regulations and other
17 issuances, taking into consideration the sustainable use and development of the area and with
18 utmost respect to the right of indigenous cultural communities to their ancestral lands.

19
20 **SEC. 6. *Implementing Rules and Regulations.*** – The DENR, in coordination with the
21 Provincial Government of Aklan, shall, within ninety (90) days from the enactment of this Act,
22 promulgate the rules and regulations necessary for the implementation of this Act.

23
24 **SEC. 7. *Separability Clause.*** – If, for any reason, any provision of this Act is declared
25 unconstitutional or invalid, the other provisions hereof which are not affected thereby shall
26 continue to be in full force and effect.

1 **SEC. 8. *Repealing Clause.*** – All laws, decrees, executive orders, proclamations and
2 administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified
3 accordingly.

4
5 **SEC. 9. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
6 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,