

SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Second Regular Session

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RECEIVED



SENATE
S. No. 1756

Introduced by Senator FRANKLIN M. DRILON

AN ACT CREATING THE BORACAY ISLAND COUNCIL

EXPLANATORY NOTE

In 1978, a German writer Jens Peters published a book about the Philippines, describing Boracay as the most beautiful island in Asia. It was a secret destination, a paradise jealously guarded by discerning tourists, wherein thick foliage encircled the beach, with only generators powering the island and where there were no concrete structures save for nipa huts that lined the coast.

The secret has been shared and today, Boracay is one of the most popular destinations in Asia. The nipa huts were replaced with hotel accommodations of varying sizes, the thick foliage is no longer in sight. Establishments have been built with hardly any breathing spaces in between each other, and are situated very close to the shores. Foreign and local tourists frequent this small tropical island located in the northwest tip of the Panay Island. Last year, over 2.1 million visitors were recorded to have visited Boracay. The influx of tourists in the area however came with a heavy cost to the environment and the island's biodiversity.

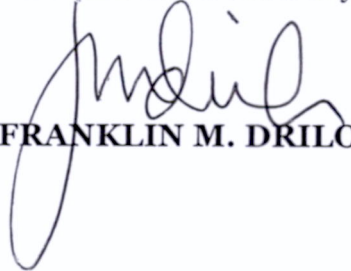
The sewage system of the island is heavily clogged and in December 2017, Boracay suffered from waist-high floods – affecting 90% of its poorly-built roads. The waters off Boracay are contaminated with fecal coliform. The coral reefs had deteriorated. There is excessive algae growth caused by sewage being dumped directly in the waters of the island. The island is also on the brink of exceeding its carrying capacity. Like many areas in the Philippines, the once virgin island has been trampled with and ruined by overdevelopment and lack of urban planning.

Boracay is now in a state of disrepair. The situation calls for urgent and extreme measures to address the crisis.

It is apparent that Boracay has suffered from the governmental system currently in place. It has failed to provide the island with the protection and preservation that it needs. Real and lasting changes must therefore be made. The bill proposes to create the Boracay Island Council, composed of representatives from different departments, local government units and the private sector, which shall take over the management, development, regulation, protection and maintenance of the island, including its coastal and marine biodiversity.

Restoring Boracay to its old pristine glory may no longer be possible. All efforts must be exerted however, to save it from total destruction. Creating the Council would help ensure that the island will continue to exist with a functioning ecosystem, under a workable plan for sustainable development.

In view of the foregoing, the urgent approval of this bill is earnestly sought.



FRANKLIN M. DRILON

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S. B. No. 1756

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AN ACT CREATING THE BORACAY ISLAND COUNCIL

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

1 **SECTION 1. Declaration of Policy.** – Pursuant to the constitutional
2 mandate of the State to protect and advance the right of the people to a balanced and
3 healthful ecology, it is hereby declared the policy of the state to adopt sustainable
4 development strategies of forestlands, national parks and other natural resources in
5 the Island of Boracay, preserve and protect its terrestrial and marine ecosystem by
6 providing environmental safeguards therefor. The State shall also pursue a policy of
7 ensuring a fair, orderly and expeditious manner of distributing its wealth and
8 resources, specifically lands forming part of its public domain which have been
9 classified as alienable and disposable without compromising the protection and
10 conservation of the country's natural resources.

11 **SECTION 2. Strict Regulation of the Utilization and Development**
12 **of the Island.** –The utilization and development of the Island of Boracay shall be
13 strictly regulated pursuant to all laws and statutes on the utilization, conservation,
14 preservation and protection of natural resources and the environment. All utilization
15 and development thereon shall strictly comply with the land use plan approved by
16 the Boracay Island Council and the requirements imposed by existing environmental
17 rules, regulations and other issuances, taking into consideration the sustainable use

1 and development of the area and at all times with utmost respect to the right of
2 indigenous cultural communities to their ancestral lands.

3 For the safety of the local communities and tourists, the development of the
4 Island of Boracay shall also take into consideration the hazard-prone areas of the
5 Island. No development shall take place in areas identified as highly susceptible to
6 natural hazards.

7 **SECTION 3. *Creation of the Boracay Island Council.*** - A Boracay
8 Island Council is hereby created, hereinafter referred to as the Council, which shall
9 be under the Office of the President. The Council shall be composed of the following:

- 10 (1) Secretary of the Department of Environment and Natural Resources;
- 11 (2) Secretary of the Department of the Interior and Local Government;
- 12 (3) Secretary of the Department of Tourism;
- 13 (4) Secretary of the Department of Justice;
- 14 (5) Administrator of the National Mapping and Resource Information
15 Authority (NAMRIA);
- 16 (6) Director of the Land Management Bureau;
- 17 (7) Administrator of the Land Registration Authority;
- 18 (8) Chairperson of the National Commission on Indigenous Peoples;;
- 19 (9) Representative of the Province of Aklan;
- 20 (10) Representative of the Municipality of Malay, Province of Aklan;
- 21 (11) Representatives of the three barangays comprising the island of Boracay,
22 namely: Manoc-manoc, Balabag and Yapak; and
- 23 (12) Representatives from non-governmental organizations and/or local
24 community organizations.

25 The Chairperson of the Council shall be appointed by the President for a term
26 of one (1) year. The Council shall elect, from among its members, a vice-

1 chairperson. A majority of the members of the Council shall constitute a quorum for
2 the conduct of its business.

3 **SECTION 4. Powers and Functions of the Council.** - The Council shall
4 exercise the following powers and functions:

5 (1) Regulate the establishment, operation and maintenance of utilities,
6 other services, activities and infrastructure in the Island of Boracay;

7 (2) Identify and segregate certain parcels of public land which may be
8 reserved for eco-tourism and other sustainable development activities and/or
9 projects;

10 (3) Formulate and implement short- and long-term strategies for
11 sustainable development, environmental protection, social development, and
12 infrastructure development;

13 (4) Formulate and implement innovative management techniques and
14 strategies including the enforcement of a land use scheme and zoning plan, buffer
15 zone management for multiple use and protection, habitat conservation and
16 rehabilitation, diversity management, community organizing, socioeconomic and
17 scientific researches, site-specific policy development, pest management, and fire
18 control;

19 (5) Perform related functions which shall promote the development,
20 conservation, management, protection, and utilization of the natural resources of the
21 Island of Boracay;

22 (6) To protect, maintain and develop the forests within the area;

23 (7) To adopt and implement measures and standards for environmental
24 pollution control of all areas within its territory, including, but not limited to all
25 bodies of water and to enforce the same;

26 (8) Coordinate with the appropriate government agencies and local
27 governments units concerned to strictly enforce laws and ordinances under its
28 jurisdiction and to ensure that the latter's plans, programs and projects are aligned
29 with the plans, programs and policies of the Council;

30 (9) Call on any department, bureau, office, agency or instrumentality of the
31 government, and private entities and organizations for cooperation and assistance in
32 the performance of its functions;

1 (10) Arrange, negotiate for, accept donations, grants, gifts, loans, and other
2 funding from domestic and foreign sources to carry out the activities and purposes of
3 the Council;

4 (11) Recommend legislation to conserve the natural resources and promote
5 the socio-economic development of the area to Congress or such other legislation to
6 support of the objectives of the Council;

7 (12) Conduct public consultations and raise public awareness on the
8 protection, development, and optimum utilization of coastal, marine, and fisheries
9 resources;

10 (13) Issue Cease and Desist Order for any act or omission that violates any
11 provision of this Act;

12 (14) Order closure, suspension of development or construction, or cessation
13 of operations of any going concern that violates any provision of this Act;

14 (15) File criminal charges against violators of any provision of this Act;

15 (16) Adopt, amend and rescind such rules and regulations and impose
16 reasonable fines therefor for the effective implementation of the provisions of this
17 Act;

18 (17) Enforce the provisions of this Act and other existing and pertinent
19 laws, rules and regulations similar to or complementary with this Act;

20 (18) Perform such other powers and functions as may be necessary in
21 carrying out its functions, powers, and the provisions of this Act.

22 **SECTION 5. *Penalty.*** – The penalty of six (6) years imprisonment or a fine
23 of One Hundred Thousand Pesos (P100,000.00), or both at the discretion of the
24 court shall be imposed upon any person who shall violate the provisions of this Act.

25 Should the offending party be a government official or employee, he/she shall
26 suffer, in addition to the aforementioned penalties, perpetual absolute
27 disqualification to hold public office.

28 **SECTION 6. *Implementing Rules and Regulations.*** - Within ninety
29 (90) days from the effectivity of this Act, the Council, after consultation the
30 stakeholders ,shall issue the rules and regulations necessary to effectively implement
31 the provisions of this Act.

1 **SECTION 7. *Separability Clause.*** - If any provision of this Act is declared
2 unconstitutional or invalid, the provisions not affected thereby shall continue to be
3 in full force and effect.

4 **SECTION 8. *Repealing Clause.*** - All laws, decrees, orders, rules and
5 regulations inconsistent with the provisions of this Act are hereby repealed or
6 modified accordingly.

7 **SECTION 9. *Effectivity.*** – This Act shall take effect within fifteen (15) days
8 after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,