

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

SENATE

S. No. 17



Introduced by Senator FRANKLIN M. DRILON

AN ACT CREATING THE BORACAY DEVELOPMENT AUTHORITY

EXPLANATORY NOTE

In 1978, 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. In 2017, over 2.1 million visitors were recorded to have visited Boracay.

The sewage system of the island was heavily clogged and in December 2017, Boracay suffered from waist-high floods – affecting 90% of its poorly-built roads. The waters off Boracay were contaminated with fecal coliform. The coral reefs had deteriorated. There was excessive algae growth caused by sewage being dumped directly in the waters of the island. The island was 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.

The island has been found in a state of disrepair, which led to its six-month closure in April 2018. Despite the re-opening of the island to tourists, it has been admitted that task of rehabilitating Boracay is not yet complete. Protecting and preserving the island must be the product of consistent, continuing, and widespread efforts.

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. Boracay is a treasure not just of one municipality, province or region. It is a national treasure, the protection of which should be a national concern. To this end, the bill proposes to create the Boracay Development Authority, 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 is a lofty goal. With the recent restoration efforts however, it has been shown that the said goal is not impossible. We have made great strides in getting Boracay back on its feet. Creating the Authority 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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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
3 and healthful ecology, it is hereby declared the policy of the state to adopt
4 sustainable development strategies of forestlands, national parks and other natural
5 resources in the Island of Boracay, preserve and protect its terrestrial and marine
6 ecosystem by providing environmental safeguards therefor with the objective of
7 making the enjoyment and utilization of such natural resources accessible to the
8 present and future generations. The State shall also pursue a policy of ensuring a
9 fair, orderly and expeditious manner of distributing its wealth and resources,
10 specifically lands forming part of its public domain which have been classified as
11 alienable and disposable without compromising the protection and conservation of
12 the country's natural resources.

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

1 sustainable use and development of the area and at all times with utmost respect to
2 the right of 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 Development Authority.*** - A
8 government instrumentality with corporate powers, to be known as the Boracay
9 Development Authority is hereby created.

10 **SECTION 4. *Jurisdiction.*** - The authority shall have jurisdiction over
11 Boracay Island.

12 **SECTION 4. *Powers and Functions of the Authority.*** - The Authority
13 shall exercise the following powers and functions:

- 14 a) Operate, administer, manage, and develop Boracay Island;
- 15 b) Accept any local or foreign investment, business or enterprise, subject
16 only to such rules as may be promulgated by the Authority without prejudice to the
17 nationalization requirements under the Constitution;
- 18 c) Formulate and implement short and long-term strategies for eco-
19 tourism development, environmental protection, social development, and
20 infrastructure development;
- 21 d) Approve or disapprove and issue the necessary clearances for all plans,
22 programs, and projects proposed by the local government offices/agencies within
23 the Island, public corporations and private persons or enterprises where such plans,
24 programs and/or project are related to the mandate of the Authority;
- 25 e) Undertake and regulate the establishment, operation and maintenance
26 of utilities, other services and infrastructure in Boracay;
- 27 f) Formulate and implement innovative management techniques and
28 strategies including the enforcement of a land use scheme and zoning plan, buffer
29 zone management for multiple use and protection, habitat conservation and
30 rehabilitation, diversity management, community organizing, socioeconomic and

1 scientific researches, site-specific policy development, pest management, and fire
2 control;

3 g) Perform related functions which shall promote the development,
4 conservation, management, protection, and utilization of the natural resources of
5 the Island of Boracay as well as protect, maintain and develop the forests within the
6 area;

7 h) To adopt, implement and enforce measures and standards for
8 environmental pollution control of all areas within its territory, including, but not
9 limited to all bodies of water;

10 i) Conduct public consultations and raise public awareness on the
11 protection, development, and optimum utilization of coastal, marine, and fisheries
12 resources;

13 j) Order the closure, suspension of development or construction, or
14 cessation of operations of any going concern that violates any provision of this Act
15 or of the rules and regulations issued by the Authority;

16 k) Institute the necessary legal proceeding against any person who
17 commits acts in violation to Section 2 hereof;

18 l) Adopt, amend and rescind such rules and regulations and impose
19 reasonable fines for the effective implementation of the provisions of this Act;

20 m) Construct, acquire, own, lease, operate and maintain on its own or
21 through contract, franchise, license, permits, bulk purchase from private sector and
22 build-operate-transfer scheme or joint-venture, the required utilities and
23 infrastructure in coordination with local government units and appropriate
24 government agencies concerned and in conformity with existing applicable laws
25 therefor;

26 n) Adopt, alter and use a corporate seal; to contract, lease, sell, dispose,
27 acquire and own properties; to sue and be sued in order to carry out its duties and
28 functions as provided for in this Act and to exercise the power of eminent domain
29 for public use and public purpose;

30 o) Directly or indirectly operate or license tourism-related activities
31 subject to priorities and standards set by the Authority;

1 p) Authorize the establishment of appropriate educational and medical
2 institutions;

3 q) Enforce the provisions of this Act and other existing and pertinent
4 laws, rules and regulations similar to or complementary with this Act;

5 r) Exercise such powers as may be essential, necessary or incidental to
6 the powers granted to it hereunder as well as to carry out the policies and
7 objectives of this Act.

8 **SECTION 5. Board of Directors.** – The powers of the Authority shall be
9 vested in and exercised by a Board of Directors, hereinafter referred to as the
10 Board, which shall be composed of Fifteen (15) members, to wit:

11 (1) Representative of the Province of Aklan,

12 (2) Representative of the Municipality of Malay, Province of Aklan;

13 (3) One representative each from the three barangays comprising the Island
14 of Boracay, namely Manoc-manoc, Balabag and Yapak;

15 (4) Four (4) representatives from the National Government;

16 (5) Three (3) representatives from the business and investment sectors;

17 (6) Three (3) representatives from local community organizations and/or non-
18 governmental organizations

19 No person shall be appointed as a member of the Board unless he is a Filipino
20 citizen, of good moral character, and of recognized competence in relevant fields
21 including economics, tourism, environmental protection, management, law, urban
22 planning and development.

23 **SECTION 6. General Manager/ Administrator.** - The President shall
24 appoint a professional manager as Administrator or General Manager of the
25 Authority. The Administrator/General Manager shall direct and manage the Island in
26 accordance with the policies of the Board of Directors.

27 **SECTION 7. Implementing Rules and Regulations.** - Within ninety (90)
28 days from the effectivity of this Act, the Council, after consultation the stakeholders,
29 shall issue the rules and regulations necessary to effectively implement the
30 provisions of this Act.

1 **SECTION 8. *Separability Clause.*** - If any provision of this Act is declared
2 unconstitutional or invalid, the provisions not affected thereby shall continue to be in
3 full force and effect.

4 **SECTION 9. *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 10. *Effectivity.*** – This Act shall take effect after fifteen (15) days
8 following its publication in the Official Gazette or in a newspaper of general
9 circulation.

Approved,