

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3427



Introduced by Hon. Giorgidi B. Aggabao

EXPLANATORY NOTE

The beautiful island of Boracay in the Province of Aklan is a major tourist destination in our country and hailed in 2012 by a prestigious international travel magazine as the most beautiful island of the world. Indeed, the island's pristine natural beauty with its stunning white sand beach, clear and blue waters set against such comfortable and modern facilities and amenities has earned Boracay a travel haven and recreational delight. After dark, this island transforms itself virtually into a one big party place of singing, dancing and frolicking of local and international visitors alike.

In the midst of all these, however lies a long standing unresolved issue of land titling. Many claimants who have been in possession of these lands for more than 30 years and have religiously paid the corresponding real estate taxes thereon are quietly hanging on to their hope that someday, one day, their rights will be recognized and their title to the lands will be given them.

This bill aims to establish a mechanism for Boracay's land use and development subject to environmental safeguards and protection, as well as a mode of acquisition by which certain agricultural disposable lands can be titled to qualified citizens particularly those who, for at least the past 30 years have been in possession or in cultivation of such lands and have paid real estate taxes thereon.

Approval of this bill is earnestly sought.


GIORGIDI AGGABAO

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AN ACT
ESTABLISHING A SUSTAINABLE LAND DEVELOPMENT AND USE
OF THE ISLAND OF BORACAY, AKLAN AND PROVIDING FOR ACQUISITION OF
DISPOSABLE AGRICULTURAL LAND WITHIN THE ISLAND, PROVIDING
ENVIRONMENTAL SAFEGUARDS AND FOR OTHER PURPOSES

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

CHAPTER I
TITLE, POLICY AND OBJECTIVES

SECTION 1. *Declaration of Policy.* – Sections 1 to 4, Article XII of the Constitution provide the State policy on national economy and patrimony, declaring among others, the goals of a more equitable distribution of opportunities, income and wealth, and the State's ownership over all lands of the public domain, with the exception of agricultural lands.

Consequently, the State hereby adopts a policy of ensuring a fair, orderly and expeditious manner of distributing its wealth and resources, specifically lands forming part of its public domain which have been classified as alienable and disposable without compromising, however, the protection and conservation of the country's natural resources.

Towards this end, a policy mechanism is hereby adopted to allow and facilitate the titling of lands in the Island of Boracay in favor of qualified Filipinos. This is for the purpose of

providing security of land tenure and in recognition of the need to accelerate the country's development in a more sustainable and defined manner specifically in the said island.

The State shall likewise undertake measures to adopt sustainable development strategies of forestlands, national parks and other natural resources in the Island of Boracay and provide environmental safeguards for the same.

SEC. 2. Coverage. – The provisions of this Act shall apply to the parcels of land of the public domain located in the Island of Boracay, Municipality of Malay, Province of Aklan, delineated and declared as agricultural lands open to disposition for agricultural, residential, commercial, industrial or other productive purposes pursuant to Proclamation No. 1064: *Provided, however,* That, the Department of Environment and Natural Resources (DENR) in coordination with the National Mapping and Resource Information Authority (NAMRIA) and the local government units concerned shall conduct a mandatory review of the classification under Proclamation No. 1064 especially those parcels of land classified as agricultural or forest lands, which have been in the possession of individuals and through their predecessors-in-interest and whose real property taxes thereon are being paid for at least thirty (30) years including those who have acquired such lands and their successors-in-interest before the effectivity of this Act. Such review shall be made as basis for the confirmation or correction for the purpose of titling, as the case may be, of the technical description contained in Proclamation No. 1064. Moreover, during the pendency of such review, individuals possessing such parcels of land and paying the real estate taxes thereon for at least thirty (30) years shall be accorded the right to possession, use, disposition, development and enjoyment thereof.

The aforementioned agricultural lands are likewise hereby excluded from the operation of Presidential Proclamation No. 1801, dated 10 November 1978, entitled, "Declaring Certain Islands, Coves and Peninsulas as Tourist Zones and Marine Reserves under the Administration and Control of the Philippine Tourism Authority".

SEC. 3. Mode of Acquisition. – The DENR shall alienate the agricultural lands identified in Section 2 hereof, subject to the limitations provided for in this Act, through the issuance of a free patent or original certificate of title to any citizen of the Philippines who for at

least thirty (30) years prior to the effectivity of this Act has continuously occupied, acquired and/or cultivated either by himself or through his predecessors-in-interest, or who shall have paid the real estate tax thereon; *Provided*, however, that the individual can establish proof of ownership, acquisition or any other means through their predecessors-in-interest over any parcel thereof. Such qualified person shall be entitled under this Act to have a free patent or original certificate of title issued to him for such tract of land not to exceed twelve (12) hectares per applicant; *Provided*, further, that the DENR shall also reserve lands or lots of sufficient size and strategic location to the local government of Malay, the Province of Aklan and other agencies of the national government for essential public purposes and/or services such as school buildings, public plazas, health centers and similar offices and similar purposes including necessary avenues, streets and alleyways ; *Provided*, finally, That any title that may be issued over lands for public purpose shall be in the name of the Republic of the Philippines and all roads, avenues, streets, alleyways shall be in the name of the Province of Aklan.

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

SEC. 4. Protected Forest Lands. – Areas of the public domain within the Island of Boracay classified as forestlands pursuant to Proclamation No. 1064 and in compliance with Section 2 hereof are hereby declared forestlands; *Provided*, however, that those areas classified as forest lands have undergone the process stated in Section 2 hereof; for classification as true forest lands, under the sub-classification of protection forests. For ecological and rational land use considerations, the following shall also constitute part of the protected forestlands and inalienable portions of the public domain, to wit:

- (a) Five (5) meters strip inland from the twenty-five (25) meters mandatory beach front easement, measured from the mean high water mark;
- (b) Five (5) meters on each side of the centerline of roads, for road protection and widening and drainage;
- (c) Three (3) meters landward on both sides of creeks and canals; and

(d) Caves and cave resources within the public domain and private lands, excluding any aqueduct, mine tunnel and other man-made excavations.

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

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

For the safety of the local communities and tourists, the development of the Island of Boracay shall also take into consideration the hazard-prone areas of the island. No development shall take place for areas identified as highly susceptible to natural hazards even though it is within the parcels of land delineated and declared as agricultural.

SEC. 6. *Boracay Island Council.* – There is hereby created a Boracay Island Council, hereinafter referred to as the Council, which shall be under the Office of the President.

The Council shall be composed of the following:

- (1) The Secretary of the DENR or his/her duly authorized representative;
- (2) The Secretary of the Department of the Interior and Local Government or his/her duly authorized representative;

(3) The Secretary of the Department of Tourism or his/her duly authorized representative;

(4) The Secretary of the Department of Justice or his/her duly authorized representative;

(5) The Administrator of the NAMRIA or his/her duly/authorized representative;

(6) The Director of the Land Management Bureau or his/her duly authorized representative;

(7) The administrator of the Land Registration Authority or his/her duly authorized representative;

(8) The Chairperson of the National Commission on Indigenous Peoples or his/her duly authorized representative;

(9) Incumbent Member of the House of Representatives who has jurisdiction over the Island of Boracay;

(10) The Governor of the Province of Aklan;

(11) The Mayor of the Municipality of Malay, Province of Aklan;

(12) The Punong Barangay of the three barangays comprising the island of Boracay, namely: Manoc-manoc, Balabag and Yapak; and

(13) Such other members from the private sector as the majority of the Council may determine.

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

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

SEC. 7. Powers and Functions of the Council. – The Council shall exercise the following powers and functions:

(1) Formulate plans and policies as may be necessary to carry out the provisions of this Act;

(2) Coordinate with the local governments units concerned to ensure that the latter's plans, programs and projects are aligned with the plans, programs and policies of the Council;

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

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

(5) Recommend to Congress such matters that may require legislation in support of the objectives of the Council;

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

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

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

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

SEC. 8. *Congressional Oversight Committee.* — For the full and effective implementation of this Act, there shall be created a Congressional Oversight Committee, hereinafter referred to as the Boracay Island of Congressional Oversight Committee, to be composed of four (4) members each from the Senate and House of Representatives, which shall be the Chairpersons of the Senate Committees on Environment and Natural Resources, Tourism and Local Government and another senator who shall be appointed by the Senate President, and, Chairpersons of the House Committees on Natural Resources, Tourism and Local Government,

and the elected Representative of the Province of Aklan subject to appointment by the Speaker of the House of Representatives. It shall be chaired by the Chairperson of the Senate Committee on Environment and Natural Resources, and the Vice-Chair shall be the Chairperson of the House Committee on Natural Resources.

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

The secretariat of the oversight committee shall be drawn from the existing secretariat personnel of the committees comprising the oversight.

SEC. 9. *Penalty.* – The penalty of six (6) years imprisonment or a fine of One Hundred Thousand Pesos (P100,000.00), or both at the discretion of the court shall be imposed upon any person who shall violate the provisions of this Act.

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

SEC. 10. *Implementing Rules and Regulations.* – The Department of Environment and Natural Resources, in coordination with the Provincial Government of the Province of Aklan and in consultation with the Boracay Island Congressional Oversight Committee, shall within ninety (90) days from the enactment of this Act, promulgate the rules and regulations necessary for the implementation of this Act.

SEC. 11. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, other provisions hereof which are not effected thereby shall continue to be in full force and effect.

SEC. 12. *Repealing Clause.* – All laws, decrees, executive orders, proclamations and administrative regulations, or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SEC. 13. *Effectivity Clause.* – This Act shall take effect immediately after its publication in at least two national newspapers of general circulation.

Approved,