

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7077**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

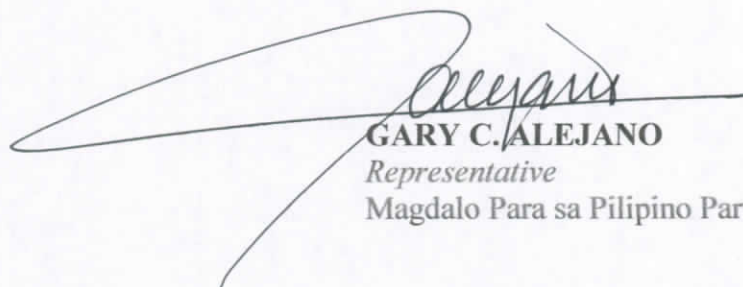
The Island of Boracay, with its pristine white sand beaches and turquoise waters, is undoubtedly one of the crown jewels of the Philippine tourism industry. Its beauty is comparable to the best beaches in the world and it continues to draw hundreds of thousands of local and foreign tourists alike year in and year out, bringing in tens of billions of pesos into the local economy. Yet all is 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. 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 allow 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.


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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AN ACT
ESTABLISHING A POLICY 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 PARCELS OF LAND WITHIN THE ISLAND CLASSIFIED AS
AGRICULTURAL LAND OPEN TO DISPOSITION UNDER PROCLAMATION NO.
1064 AND PROVIDING ENVIRONMENTAL SAFEGUARDS THEREFOR

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

CHAPTER I
TITLE, POLICY AND OBJECTIVES

1 **SECTION 1. Declaration of Policy.** - Sections 1 to 4, Article XII of the Constitution
2 provide the State policy on national economy and patrimony, declaring, among others, the goal
3 of a more equitable distribution of opportunities, income and wealth, and the State's ownership
4 over all lands of the public domain, with the exception of agricultural lands. Consequently, the
5 State hereby adopts a policy of ensuring a fair, orderly and expeditious manner of distributing its
6 wealth and resources, specifically lands forming part of its public domain which have been
7 classified as alienable and disposable without compromising, however, the protection and
8 conservation of the country's natural resources. Towards this end, a policy mechanism is hereby
9 adopted to allow and facilitate the titling of lands in the Island of Boracay in favor of qualified
10 Filipinos. This is for the purpose of providing security of land tenure and in recognition of the
11 need to accelerate the country's development in a more sustainable and defined manner
12 specifically in the said island. And corollary to this, the State shall likewise undertake measures
13 to adopt sustainable development strategies of forestlands, national parks and other natural
14 resources in the Island of Boracay and provide environmental safeguards for the same.

15
16 **SEC. 2. Coverage.** -The provisions of this Act shall apply to the parcels of land of the
17 public domain located in the Island of Boracay, Municipality of Malay, Province of Aklan,
18 delineated and declared as agricultural lands open to disposition for agricultural, residential,
19 commercial, industrial or other productive purposes pursuant to Proclamation No. 1064:
20 *Provided, however, That, the Department of Environment and Natural Resources (DENR) in*

1 coordination with the National Mapping and Resource Information Authority (NAMRIA) and
2 the local government units concerned shall conduct a mandatory review of the classification
3 under Proclamation No. 1064 especially those parcels of land otherwise classified as agricultural,
4 have been in the possession of individuals and whose real property taxes thereon are being paid
5 for at least thirty (30) years before the effectivity of this Act. Such review shall be made as basis
6 for the confirmation or correction, as the case may be, of the technical description contained in
7 Proclamation No. 1064. Moreover, during the pendency of such review, individuals possessing
8 such parcels of land and paying the real estate taxes thereon for at least thirty (30) years shall be
9 accorded the right to possession.

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

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

30
31 The provisions of Commonwealth Act No. 141, as amended, otherwise known as the
32 "Public Land Act", not inconsistent herewith, shall be applicable.

33
34 **SEC. 4. Protected Forest Lands.** - Areas of the public domain within the Island of
35 Boracay classified as forestlands pursuant to Proclamation No. 1064 and in compliance with
36 Section 2 hereof are hereby declared forestlands, under the sub-classification of protection
37 forests. For ecological and rational land use considerations, the following shall also constitute
38 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 fundings 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;

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

4 (9) Perform such other powers and functions as may be necessary in carrying out its
5 functions, powers, and the provisions of this Act.
6

7 **SEC. 8. Congressional Oversight Committee.** - For the full and effective implementation
8 of this Act, there shall be created a Congressional Oversight Committee, to be referred to as the
9 Boracay Island Congressional Oversight Committee, to be composed of four (4) members from
10 the Senate and four (4) members from the House of Representatives. The Chairperson of the
11 Senate Committee on Environment and Natural Resources and the Chairperson of the House of
12 Representatives Committee on Natural Resources shall be the chair and co-chair of the Boracay
13 Island Congressional Oversight Committee, respectively. The other members from the Senate
14 shall be appointed by the Senate President based on proportional representation of the parties or
15 coalitions therein with at least one (1) senator representing the minority. The other members
16 from the House of Representatives shall be appointed by the Speaker also based on proportional
17 representation of the parties or coalitions therein with at least one (1) member representing the
18 minority.
19

20 The Boracay Island Congressional Oversight Committee shall be the principal body
21 tasked to monitor and evaluate the implementation of the provisions of this Act. For such
22 purpose, it may require, from time to time, the DENR and the local government unit to submit a
23 comprehensive status and accomplishment report on the implementation of the provisions of this
24 Act. The Secretary of the DENR shall promptly comply with any order of the Boracay Island
25 Congressional Oversight Committee.
26

27 The secretariat of the oversight committee shall be drawn from the existing secretariat
28 personnel of the committees comprising the oversight.
29

30 **SEC. 9. Penalty.** - The penalty of six (6) years imprisonment or a fine of One hundred
31 thousand pesos (P100,000.00), or both at the discretion of the court shall be imposed upon any
32 person who shall violate the provisions of this Act. Should the offending party be a government
33 official or employee, he shall suffer, in addition to the aforementioned penalties, perpetual
34 absolute disqualification to hold public office.
35

36 **SEC. 10. Implementing Rules and Regulations.** - Within ninety (90) days from the
37 effectivity of this Act, the DENR in coordination with the NAMRIA, all local government units,
38 government agencies, private organizations, non-government organizations concerned and other

1 stakeholders shall issue the rules and regulations necessary to effectively implement the
2 provisions of this Act.

3
4 **SEC. 11. *Separability Clause.*** – If, for any reason, any provision of this Act is declared
5 unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue
6 to be in full force and effect.

7
8 **SEC. 12. *Repealing Clause.*** - All laws, decrees, executive orders, proclamations and
9 administrative regulations, or parts thereof inconsistent herewith are hereby repealed or modified
10 accordingly.

11
12 **SEC. 13. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its
13 complete publication in the Official Gazette or in two (2) newspaper of general circulation in the
14 Philippines.

Approved,