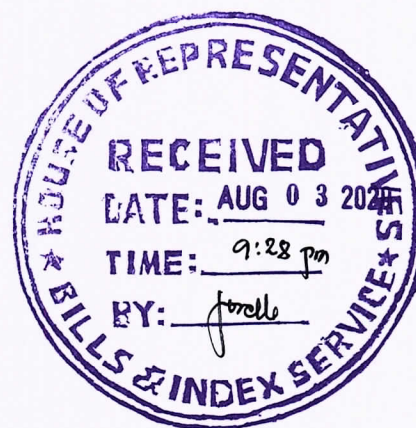




Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7249

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

Boracay has been one of the most visited tropical islands in the Philippines and in Asia. This is because of its unparalleled beauty that boasts powdery white sand, azure waters and loads of activities making tourists from all over the world want to see and experience for themselves. The surge in tourists expectedly resulted to rapid development in the Island which inevitably led to environmental hazards threatening the condition of the islands. As a response to this, President Duterte issued Proclamation 475 declaring a state of calamity in the barangays of Balabag, Manoc-manoc and Yapac in the Municipality of Malay, Aklan thereby ordering the temporary closure of the Island as a tourist destination for a duration of six months. The closure of Boracay was mainly for the purpose of rehabilitating and restoring the Island back to its former glory. While the six-month closure truly helped in reconditioning the Island, this is not enough. The country has to continue to move forward in order for Boracay to become a pristine tourist destination in the Philippines and in Asia for a very long time.

This Bill intends to create a Boracay Island Development Authority (BIDA), a regulatory and administrative agency attached to the Department of Environment and Natural Resources, which will delve on overseeing the island's environmental sustainability. Boracay Island Development Authority (BIDA) shall formulate policies, plans, programs, and projects for the rehabilitation, preservation, and enhancement of the Boracay Island ensuring adequate provisions for environmental management and control, the preservation of the equality of human

life and ecological systems, and the prevention of undue ecological disturbances, deterioration and pollution.

In view of the foregoing, the passage of this Bill is earnestly sought.

Eric C. Olivarez
ERIC OLIVAREZ



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1
2 **“AN ACT CREATING THE BORACAY ISLAND DEVELOPMENT AUTHORITY”**

3 *Be it enacted in the Senate and the House of Representatives of the Republic of the*
4 *Philippines in Congress assembled:*

5 **SECTION 1. Short Title.** – This Act shall be known as the “Boracay Island
6 Development Authority” (BIDA) Act of 2020.

7 **SECTION 2. Declaration of Policy.** – It is hereby declared the national policy to
8 promote and accelerate sustainable development and balanced growth of the Boracay
9 Island consistent with the necessity of maintaining a sound ecological balance and
10 protecting and enhancing the quality of the environment. Towards this end, the Boracay
11 Island Development Authority (BIDA) shall formulate policies, plans, programs, and
12 projects for the rehabilitation, preservation, and enhancement of the Boracay Island
13 ensuring adequate provisions for environmental management and control, the
14 preservation of the equality of human life and ecological systems, and the prevention of
15 undue ecological disturbances, deterioration and pollution.

16 It shall also promote and encourage the involvement of all sectors of society and
17 maximize people participation in natural resource management, conservation and
18 protection.

19 **SECTION 3. Creation of Boracay Island Development Authority (BIDA).** – For
20 the purpose of carrying out and effecting the declared national policy, there is hereby
21 created a body corporate to be known as the Boracay Island Development Authority

(BIDA), hereinafter referred to as the Authority, whose metes and bounds shall be issued by the President of the Philippines subject to the limitations of the Constitution and the pertinent provisions of the Local Government Code.

Within the framework and subject to the mandate and limitations of the Constitution and the provisions of the Local Government Code, the Authority shall be developed into a self-sustaining, industrial, commercial, financial and investment center to generate employment opportunities and to attract and promote productive local and foreign investments, taking into account the protection and preservation of the natural resources and biodiversity of the Boracay Island.

The Authority shall be organized within ninety (90) days after the approval of this Act.

The Authority is attached to the Department of Environment and Natural Resources (DENR) and shall execute the powers and functions herein vested in such manner as will, in its judgment, aid to the fullest possible extent in carrying-out the goals and purposes set forth below.

SECTION 4. Definition of Terms. – As used in this Act, the following terms are defined as follows:

“Boracay Island” refers to the most popular tourist destination in the Philippines located approximately 315km (200 miles) south of Manila and 2km off the northwest tip of the Island of Panay in the Western Visayas Region of the Philippines;

“Sustainable development” means the improvement in the quality of life of the present and future generations through the complementation of development and environmental protection activities and programs;

“Natural Resources” refer to life-support systems such as the sea, coral reefs, soil, lakes, rivers, streams, and forests as well as useful products found therein, such as minerals, wildlife, trees and other plants, including aesthetic attributes of scenic sites that are not man-made;

“Preservation” refers to the wise use of natural resources that assure regeneration and replenishment for continuous benefit;

“Ecology” means the life-sustaining interrelationships and interactions of organisms with each other and with their physical surroundings;

“Administrator” means the chief operating or executive officer of the Boracay Island Development Authority (BIDA) duly appointed by the Office of the President;

SECTION 5. Location of Principal Office. – The Authority shall maintain its principal office at a convenient place within the region but it may have branch offices in such other places that are necessary for the proper conduct of its business.

1 **SECTION 6. *Corporate Powers of the Authority.*** – The Authority shall have the
2 following powers and functions:

- 3 a. To succeed on its corporate name;
- 4 b. To sue and be sued in such corporate name;
- 5 c. To adopt, alter, and use corporate seal;
- 6 d. To adopt, amend, and repeal its by-laws;
- 7 e. To enter into contracts as may be allowed by existing laws to carry-out its
8 purposes and functions stated in this Act;
- 9 f. To establish a graded system of protection and development control over the
10 whole of Boracay Island including its tribal lands, forest mines, agricultural
11 areas, settlement areas, biodiversity, mangroves, coral reefs, seagrass beds
12 and the surrounding sea;
- 13 g. To accept any local or foreign investment, business or enterprise, subject only
14 to the internal policies of the Authority without prejudice to existing laws, rules
15 and regulations;
- 16 h. To undertake and regulate the establishment, operation and maintenance of
17 utilities, other services and infrastructure in the Island to fix just and reasonable
18 rates, fares, charges and other prices therefore;
- 19 i. To construct, acquire, own, lease, operate and maintain on its own or through
20 contract, franchise, license permits, bulk purchase from the private sector and
21 build-operate-transfer scheme or joint venture, the required utilities and
22 infrastructure in coordination with local government units and appropriate
23 government agencies concerned and in conformity with existing applicable
24 laws therefore;
- 25 j. Within the limitation provided by law, to raise and/or borrow the necessary
26 funds from local and international financial institutions and to issue bonds,
27 promissory notes and other securities for that purpose and to secure the same
28 by guarantee, pledge, mortgage, deed of trust, or assignment of its properties
29 held by the Authority for the purpose of financing its projects and programs
30 within the framework and limitations of this Act;
- 31 k. To protect, maintain and develop forest lands, protected areas and wetlands;
32 the rules and regulations of DENR and other government agencies directly
33 involved in the above functions shall be implemented by the Authority;
- 34 l. To receive donations, grants, bequeaths, and assistance of all kinds from local
35 and foreign government and private sectors and utilize the same;

- m. To adopt and implement measures and standards for environmental pollution control of all areas within its territory, including, but not limited to, all bodies of water and to enforce the same. For which purpose, the Authority shall create an Ecology Center;
- n. To promulgate all necessary rules and regulations; and
- o. To perform such other powers as may be necessary and authorized under existing laws to carry out the purposes of this Act.

SECTION 7. *Composition of the Board of Directors.* – The powers shall be vested in and exercised by a Board of Directors, hereinafter referred to as the Board, composed of eleven (11) members, as follows:

- a. The Administrator to be appointed by the President of the Philippines;
- b. The Secretary of DENR as the Chairman;
- c. The Secretary of NEDA as Vice-Chairperson;
- d. Two (2) representatives from the provincial government of Aklan and Municipality of Malay;
- e. The members of the Board from the government shall be regular officers from the following departments with a rank of director or higher, duly deputized to represent their respective secretaries and committed to the cause of sustainable development:
 - 1. Department of Tourism
 - 2. Department of Science and Technology
 - 3. Department of Public Works and Highways
 - 4. Department of Transportation and Communication

Officials next in rank to the above-mentioned member shall serve as permanent alternate members and follow the rules under the Government Commission for Government Owned or Controlled Corporations (GOCCs). He/she shall attend meetings of the Board in the absence of their principals and receive the corresponding diems.

SECTION 8. *Qualifications.* – No person shall be appointed or designated unless he is a natural-born Filipino citizen, of good moral character, of unquestionable integrity, with recognized competence in relevant fields including, but not limited to, economics, management, international relations, law or engineering.

1 All procedural matters in the conduct of board meetings shall be prescribed in its
2 internal rules.

3 **SECTION 9. Functions of the Board.** – The Board of Directors shall be the policy-
4 making body of the Authority and shall perform the following functions:

- 5 a. Determine the organizational structure of the Authority, define the duties and
6 responsibilities of all officials and employees, and adopt a compensation and
7 benefit scheme at least equivalent to that of the Bangko Sentral ng Pilipinas
8 (BSP);
- 9 b. Appoint all officials down to the third level and authorize the administrator of
10 the Authority to appoint all others: provided, that all appointments shall be on
11 the basis of merit and fitness and all personnel action shall be in pursuance of
12 civil service laws, rules and regulations, except those co-terminous employees
13 of the members of the Board;
- 14 c. Prepare the annual and supplemental budgets of the Authority;
- 15 d. Submit an annual report of the operation of the Authority to the President of
16 the Philippines, President of the Senate, and Speaker of the House of
17 Representatives;
- 18 e. Carry out the purposes of the Authority with the following terms and
19 references:
 - 20 1. As much as possible, major conversion projects shall be undertaken
21 under the complete project, turn key, or build-operate-transfer (BOT)
22 scheme as provided under Republic Act No. 6957;
 - 23 2. Starting on the third year of the Authority's full operation, a
24 privatization or divestment program of its projects and subsidiaries
25 shall begin under the general guidelines prescribed by the President
26 of the Philippines.

27 **SECTION 10. Board Meetings.** – The Board shall meet at least once a month.
28 The Board shall be convoked by the Chairman or upon written request, signed by the
29 majority of the members.

30 **SECTION 11. Powers and Functions of the Administrator.** – The Administrator
31 shall be the Chief Executive of the Authority. As such, he shall have the following
32 powers and duties:

- 33 a. Submit for consideration of the Board the policies and measures which he
34 believes to be necessary to carry out the purposes and provisions of this Act;

- b. Execute and administer the policies, plans, programs and projects approved by the Board;
- c. Direct and supervise the operation and internal administration of the Authority. The General Manager may delegate some of his administrative responsibilities to other officers of the Authority subject to the rules and regulations of the Board;
- d. Appoint officials and employees below the rank of division heads to positions within the approved budget upon written recommendation of the division head concerned using as guide the standard set forth in the Authority's merit system;
- e. Submit quarterly reports to the Board on personnel selection, placement and training;
- f. Submit to the NEDA an annual report and such other reports as maybe required, including the details of the annual and supplemental budgets of the Authority, and
- g. Perform such other functions as may be provided by law.

The Board may create such other divisions and positions as may be deemed necessary for the efficient, economical and effective conduct of the activities of the Authority.

SECTION 12. Capitalization and Financing. – The authority shall have an authorized capital of ONE HUNDRED FIFTY MILLION PESOS (Php150,000,000.00).

SECTION 13. Auditing. – The Board shall provide and appoint an auditor who shall formulate an auditing system for the Authority.

SECTION 14. Research and Development Division. – The Authority, in coordination with the Department of Science and Technology (DOST), other concerned government agencies and academic research institutions, may establish a research and development division for the prevention and control of degradation. The Authority shall conduct and promote the coordination and acceleration of research, investigation, studies, investment, trainings and surveys relating to the causes, extent, prevention and control of environmental degradation of the natural resources of Boracay Island.

SECTION 15. Implementing Rules and Regulations. – The Authority, through the Board of Directors and DENR shall establish the Implementing Rules and Regulations within ninety (90) days after the passage of this Act.

SECTION 16. Penal and Civil Liability Clause. – Any person, natural or juridical, who shall violate any of the provisions of this Act or any of the rules or regulations promulgated by the Authority pursuant thereto shall be liable to imprisonment of not

1 exceeding three years or to a fine not exceeding FIVE THOUSAND PESOS
2 (Php5,000.00) or both at the discretion of the Court.

3 If the violator be a corporation, partnership or association, the officer or officers of
4 the organization concerned shall be liable therefor.

5 The authority is hereby authorized to pursue separate civil actions for damages
6 resulting from infractions of the provisions of this Act, rules or regulations issued
7 pursuant thereto and/or conditions embodied in the clearances or permits issued by the
8 Authority.

9 **SECTION 17. *Separability Clause.*** – If any provision of this Act is declared invalid
10 or unconstitutional, the other provisions not affected thereby shall remain valid and
11 subsisting.

12 **SECTION 18. *Repealing Clause.*** – All acts, executive orders, memorandum
13 circulars/guidelines and other issuances or parts thereof, which are inconsistent with
14 this Act, are hereby repealed or modified accordingly.

15 **SECTION 19. *Effectivity.*** – This Act shall take effect upon its approval.

16 **Approved.**