



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7256

Introduced by HON. CARLITO S. MARQUEZ

EXPLANATORY NOTE

This bill seeks to formulate the Boracay Island Development Authority (BIDA) that would conduct the zone-wide responses to the problems and difficulties that plagued the island paradise and its nearby frontier. Consistent with the policy thrust of the President Rodrigo Roa Duterte as espoused during his SONA 2020 last July 27, 2020 and as advocated through Executive Orders No. 53 and 115 that were issued last April and May 2018 that decreed a 6-month closure of the island for tourists to undertake major renovation works, especially of the sewerage system, which had become obsolete and insufficient and previously reverberated and underlined during the 3rd SONA of the President for an urgent need to enhance efficiency, effectiveness, transparency, accountability, credibility, and responsiveness in bringing back to its glory days the beauty and charm of the island paradise.

Boracay Island, being a world-famous beach destination in the Philippines which contributes immensely to the socio-economic growth of the country, is a vital national asset and a source of national pride. However, experts say that years of indiscriminate and haphazard development have led to ecological dilapidation, unrelenting pollution and the depletion and destruction of the island's biodiversity.

Section 3 (i), Chapter 1, Title I, Book 1 of Republic Act No. 7160, as amended or the Local Government Code of 1991 provides that the local government shall share with the national government the responsibility in the management and maintenance of ecological

balance within their territorial jurisdiction. With the recent temporary closure of the island due to said concerns and other pressing problems, it is high time to address these predicaments and quandaries. Indeed, extraordinary riddles should be resolved also through peculiar solutions. Barangay Caticlan, which is the jump-off locus in going to Boracay should, likewise, be integrated in the discussion. It is high time that Caticlan be included in the development, being the frontier in going to Boracay Island.

The concerns surrounding the enhancement of Boracay Island and nearby Caticlan are no longer a purely local matter but a national trepidation that require concerted national and local cooperation and synchronization of plans and programs.

There is a need to re-establish an enhanced inter-agency or development authority which will formulate, implement, and oversee policies, as well as strictly enforce national laws and local ordinances, to ensure the rehabilitation and ecological sustainability of Boracay Island and nearby Caticlan.

The role of the BIDA is to assist the four (4) political units in crafting and implementing an integrated development plan characterized by unity of purpose, innovation, resiliency, sustainability, adaptability and creativity in meeting the challenges of tourism upsurge, transport decongestion, climate change, waste management, and disaster prevention among others, in order to achieve a decent quality of life for the people of Boracay and Caticlan. The zone-wide services under the jurisdiction of the BIDA are those services which have zone-wide impact and transcend local political boundaries or entail huge expenditures such that it would not be viable for said services to be provided by the individual Local Government Units (LGUs) comprising Boracay island and that of Barangay Caticlan.

Rest assured that this proposed measure does not grant the BIDA with police power, let alone legislative power, and that all its functions are only administrative in nature. The BDA is not a local government unit or a public corporation endowed with legislative power, it has no power to enact ordinances for the welfare of the community.

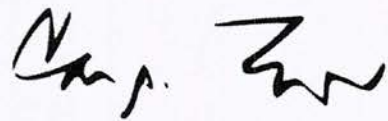
With the passage of this bill into law, Boracay and Caticlan would be declared as a "special development and administrative zone" and the administration of "island-wide" basic services affecting the zone placed under "a development authority" referred to as the BIDA.

The powers of the BIDA are limited to the following acts: formulation, coordination, regulation, implementation, preparation, management, monitoring, setting of policies, installation of a system and administration. Again, we should emphasize that there is no syllable in this bill that grants the BIDA police power, let alone legislative power. Even the Boracay Island Development Council has not been delegated any legislative power. The BIDA is, as termed in its charter itself, a "development authority." It is an agency created for the purpose of laying down policies and coordinating with the various national government agencies, people's organizations, non-governmental organizations and the private sector for the efficient and expeditious delivery of basic services in the vast tourism island.

We underscore that all its functions are administrative in nature, without diminution of the autonomy of the local government units concerning purely local matters.

Lastly, this proposed measure aims to regain the lost glory of the island paradise and put once again in the world tourism radar.

For the foregoing reason, immediate passage of this bill is urgently sought and be certified as urgent in the legislative agenda.



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AN ACT
CREATING THE BORACAY ISLAND DEVELOPMENT
AUTHORITY, DEFINING ITS POWERS AND FUNCTIONS,
PROVIDING FUNDS THEREFOR AND OTHER PURPOSES

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

Section 1. Declaration of Policy. – It is hereby declared to be the policy of the State to treat Boracay Island and Caticlan as a special development and tourism zone and certain basic services affecting or involving Boracay and Caticlan as a zone-wide services more efficiently and effectively planned, supervised and coordinated by a development authority as created herein, without prejudice to the autonomy of the affected local government units.

Pursuant to this policy, Boracay Island and Caticlan which is composed of four (4) barangays in the Municipality of Malay, Province of Aklan that was created by virtue of RA 381, embracing the barangays of Manoc-Manoc, Balabag, Yapak and Caticlan, is hereby constituted into a special development and tourism zone, subject to direct supervision of the President of the Philippines.

Section 2. Creation of the Boracay Island Development Authority (BIDA). – The affairs of Boracay and Caticlan shall be administered by the Boracay Island Development Authority, hereinafter referred to as the BIDA.

The BIDA shall perform planning, monitoring and coordinative functions, and in the process exercise regulatory and supervisory authority over the delivery of zone-wide services within Boracay island and Caticlan without diminution of the autonomy of the local government units concerning purely local matters.

Section 3. Scope of BIDA Services. – Zone-wide services under the jurisdiction of the BIDA are those services which have zone-wide impact and transcend local political boundaries or entail huge expenditures such that it would not be viable for said services to be provided by the individual local government units (LGUs) comprising Boracay and Caticlan. These services shall include:

(a) Development planning which includes the preparation of medium and long-term development plans, the development, evaluation and packaging of projects, investments programming; and coordination and monitoring of plan, program and project implementation.

(b) Transport and traffic management which include the formulation, coordination, and monitoring of policies, standards, programs and projects to rationalize the existing transport operations, infrastructure requirements, the use of thoroughfares, and promotions of sale and convenient movement of persons and goods; provision for the airport and ferry transport system and the institution of a system to regulate airport/port and road users; administration and implementation of all traffic enforcement operations, traffic engineering services and traffic education programs, including the limited supervision of the single ticketing system for persons who enter and leave the island of Boracay which is solely dispensed and governed by the Provincial Government of Aklan as expressed through local ordinances.

(c) Solid waste disposal and management which include formulation and implementation of policies, standards, programs and projects for proper and sanitary waste disposal. It shall likewise include the establishment and operation of sanitary land fill and related facilities and the implementation of other alternative programs intended to reduce, reuse and recycle solid waste.

(d) Flood control and sewerage management which include the formulation and implementation of policies, standards programs and projects for an integrated flood control, drainage and sewerage system.

(e) Urban renewal, zoning, and land use planning, and shelter services which include the formulation, adoption and implementation of policies, standards, rules and regulations, programs and projects to rationalize and optimize urban land use and provide direction to urban growth and expansion, the rehabilitation and development of slum and blighted areas, the development of shelter and housing facilities and the provision of necessary social services thereof and the rehabilitation of wetlands in the island.

(f) Health and sanitation, urban protection and pollution control which include the formulation and implementation of policies, rules and regulations, standards, programs and projects for the promotion and safeguarding of the health and sanitation of the region and for the enhancement of ecological balance and the prevention, control and abatement of environmental pollution.

(g) Public safety which includes the formulation and implementation of programs and policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamities and disasters such as conflagrations, earthquakes, flood and tidal waves, and coordination and mobilization of resources and the implementation of contingency plans for the rehabilitation and relief operations in coordination with national agencies concerned.

(h) Tourism which also includes the formulation and implementation of integrated domestic and international promotions and marketing programs of Boracay and including Caticlan, as a major global tourism destination, highlighting the uniqueness and assisting the development of its tourism products and services, with the end in view of increasing tourist arrivals and tourism investment without compromising the ecological balance of the island.

Section 4. Boracay Island Development Council. – The governing board and policy-making body of the BIDA shall be the Boracay Island Development Council, composed of the Chairman, the Governor of Aklan, the Mayor of the Municipality of Malay, the Barangay Chairmen of Barangays Manoc-Manoc, Balabag, Yapak and Caticlan in the Municipality of Malay, and the President of the Boracay Foundation, Incorporated (BFI), the President of the Philippine Chamber of Commerce and Industry-Boracay (PCCI Boracay) and two (2) representatives from non-governmental organizations (NGOs) concerning Boracay Island.

Likewise, the heads of the Department of Tourism (DOT), Department of Environment and Natural Resources (DENR), Department of Public Works and Highways (DPWH), Department of the Interior and Local Government (DILG), Department of Transportation (DOTr), Department of Budget and Management (DBM), Housing and Urban Development Coordinating Committee (HUDC), and Philippine National Police (PNP) or their duly authorized representatives are also members of the Council, but will attend meetings of the Council as non-voting members.

The Council shall be headed by the Chairman, who shall be appointed by the President and who shall continue to hold office at the discretion of the appointing authority. He shall be vested with rank, rights, privileges, disqualifications, and prohibitions of a cabinet member.

The Chairman shall be assisted by a General Manager, an Assistant General Manager for Finance and Administration, an Assistant General Manager for Planning and Assistant General Manager for Operations, all of whom shall be appointed by the President with the consent and concurrence of the majority of the members of the Council, subject to civil service laws, rules and regulations. They will enjoy security of tenure and may be removed for cause in accordance with law.

The General Manager shall continue to hold office at the discretion of the appointing authority. He shall be vested with rank, rights, privileges, disqualifications, and prohibitions of a cabinet member.

The Assistant General Manager for Planning must have not less than five (5) years extensive experience in development and planning or must hold a Master's degree in urban planning or scholar disciplines.

The Chairman and members of the Council shall be entitled to allowance and *per diems* in accordance with existing policies, rules and regulations on the matter.

Section 5. Functions and Powers of the Boracay Island Development Authority. – The BIDA shall:

(a) Formulate, coordinate and regulate the implementation medium and long- term plans and programs for the delivery of zone-wide services, land use and physical development within Boracay island and Caticlan, consistent with national development objectives and priorities, in furtherance to the objectives of EOs 53 and 115, series of 2018;

(b) Prepare, coordinate and regulate, the implementation of medium-term investment programs for zone-wide services which shall indicate sources and uses of funds for priority programs and projects, and which shall include the packaging of projects and presentation of funding institutions;

(c) Undertake and manage on its own zone-wide programs and projects for the delivery of specific services under its jurisdiction, subject to the approval of the Council. For this purpose, Boracay and Caticlan can create appropriate project management offices;

(d) Coordinate and monitor the implementation of such action plans, programs and projects in Boracay and Caticlan; identify bottlenecks and adopt solutions to problems of implementation;

(e) The BIDA shall set policies concerning traffic in Boracay and Caticlan and shall coordinate and regulate the implementation of all programs and projects concerning traffic management, specifically pertaining to enforcement, engineering and education. Upon request, it shall be extended assistance and cooperation, including but not limited to, assignment of personnel, by all other government agencies and offices concerned;

(f) Administer the Caticlan Airport and only supervise the single ticketing system for the jetty port at Caticlan which is solely administered and regulated by the Provincial Government of Aklan and the Municipality of Malay; fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke driver's licenses in the enforcement of such traffic laws and regulations, the provisions of RA 4136 to the contrary notwithstanding. For this purpose, The Authority shall enforce all traffic laws and regulations in Boracay and Caticlan, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organization to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose;

(g) Advertise and promote the island and its nearby Barangay Caticlan domestically and internationally as a major global tourism destination, highlighting the uniqueness and assisting the development of its tourism products and services, with the end in view of increasing tourist arrivals and tourism investments with the primordial aim of conserving its ecological primitiveness and balance; and

(h) Perform other related functions required to achieve the objectives of the BIDA, including the undertaking of delivery of basic services to the local government units or the four (4) barangays therein, when deemed necessary subject to prior coordination with and consent of the local government units concerned.

Section 6. Functions of the Boracay Island Development Council. - (a) The Council shall be the policy-making body of the BIDA.

(b) It shall approve zone-wide plans, programs and projects and issue rules and regulations deemed necessary by the BIDA to carry out the purposes of this Act.

(c) It may increase the rate of allowances and *per diems* of the members of the Council to be affective during the term of the succeeding Council. It shall fix the compensation of the officers and personnel of the BIDA and approve the annual budget thereof for submission to the Department of Budget and Management (DBM).

(d) It shall promulgate rules and regulations and set policies and standards for-wide application governing the delivery of basic services, prescribe and collect service and regulatory fees, and impose and collect fines and penalties.

Section 7. Functions of the Chairman. - The Chairman shall:

(a) Appoint, subject to civil service laws, rules and regulations, all subordinate officers and employees, who shall enjoy security of tenure and may be removed only for cause in accordance with law. The chairman is hereby authorized to engage the services of experts/consultants either on full time or part-time basis, as may be required in the performance of his functions and duties as may be determined by him;

(b) Execute the policies and measures approved by the Boracay Island Development Council and be responsible for the efficient and effective day-to-day management of the operations of the BIDA;

(c) Prepare the annual budget for the operations of the BIDA for the submission to the Council;

(d) Submit for consideration of the Council such other duties and measures as he may deem necessary to carry out the purposes and provisions of this Act;

(e) Subject to the guidelines and policies set by the Council, are the staffing pattern and fix the number of subordinate officials and employees of the BIDA; and exercise the power to discipline subordinate officials and employees under the provisions of law;

(f) Prepare an annual report on the accomplishments of the BIDA at the close of each calendar year for submission to the Council and to the President of the Philippines; and

(g) Perform such other duties as may be assigned to him by the President or by the Council.

Section 8. Functions of the General Manager. – The General Manager shall:

(a) Assist the Chairman in the administration of the BIDA and supervision of subordinate personnel;

(b) Assist the Chairman in the supervision of the operation of the various operating centers and units of BIDA;

(c) Assist the Chairman in the review of plans and programs for the BIDA and for Boracay and Caticlan in the preparation of the annual report of activities and accomplishments of the BIDA; and

(d) Perform such other duties and functions as may be lawfully delegated or assigned by the chairman from time to time.

Section 9. Institutional Linkages of the BIDA. - The BIDA shall, in carrying out its functions, consult, coordinate and work closely with the LGUs, the National Economic and Development Authority (NEDA) and other national government agencies mentioned in Section 4 hereof, and accredited people's organization (POs), non-governmental organizations (NGOs), and the private sector operating in Boracay and Caticlan. The BIDA Chairman or his authorized representative from among the Council members, shall be *ex-officio* member of the boards of government corporations and committees of the departments and offices of government whose activities are relevant to the objectives and responsibilities of the BIDA which shall include but not limited to DOT, DENR, DPWH, DOTr, PNP, and Department of the Interior and Local Government (DILG) and the Boracay Waterworks and Sewerage System.

The BIDA shall have a master plan that shall serve as the framework for the local development plans of the component LGUs.

The BIDA shall submit its development plans and investments programs to the NEDA for integration into the Medium-Term Philippine Development Plan (MTPDD) and public investment program.

The implementation of the BIDA's plans, programs, and projects shall be undertaken by the LGUs, the concerned national governments agencies, the POs, NGOs and the private sector and the BIDA itself where appropriate. For this purpose, the BIDA may enter into contracts, memoranda of agreement and other cooperative agreements with these bodies for the delivery of the required services within Boracay island and Caticlan.

The BIDA shall, in coordination with the NEDA and the Department of Finance, interface with the foreign, assistance agencies for purposes of obtaining financing support, grants and donations in support of its programs and projects.

Section 10. Sources of Funds and the Operating Budget of BIDA:

(a) To carry out the purposes of this Act, the amount of *Two Billion Pesos* (P2,000,000,000) is hereby authorized to be appropriated for the initial operation of the BIDA. Thereafter, the annual expenditures including capital outlays of the BIDA shall be provided in the General Appropriations Act.

(b) The three (3) barangays of Boracay island and Caticlan shall continue to receive the Internal Revenue Allotment (IRA) currently allocated to them.

(c) The BIDA is likewise empowered to levy, fine and impose fees and charges for various services rendered.

(d) Five percent (5%) of the total annual gross revenue of the preceding year, net of the internal revenue allotment, of each local government unit mentioned in Section 2 hereof, shall accrue and become payable monthly to the BIDA by each barangay. In case of failure to remit the said fixed contribution, the DBM shall cause the disbursement of the same to BIDA chargeable against the IRA allotment of the barangay concerned, the provisions of Section 286 of RA 7160 to the contrary notwithstanding.

Section 11. Reportorial Requirement. – The Council shall publish an annual report on its accomplishments to Congress, aligned with its key thematic areas of the Boracay and Caticlan Action Plan, including the plans and projects implemented and the total budget utilized.

Section 12. Transitory Provisions. – To prevent disruption in the delivery of basic island services pending the full implementation of the BIDA's organizational structure and staffing pattern, all officials and employees of the four (4) barangays concerned and all agencies covered herein shall continue to exercise their duties and functions and receive their salaries and allowances, except for certain personnel who shall have been given notice of change of duties and functions, and of being transferred to another office or position.

Subject to the conditions that may be established by the Department of Budget and Management, Office of the President, and Commission on Audit, all assets and properties presently in use or under the accountability of the local government units (4 barangays concerned) and all its obligations, indebtedness, or liabilities which are not purely for local matter, functions and operations shall be transferred to and assumed by the BIDA created under this Act,

The civil service laws, rules and regulations pertinent to the displacement of personnel affected by this Act shall be strictly enforced. The national government shall provide such amounts as may be necessary to pay the benefits accruing to displaced employees at the rate of one and one-fourth (1 1/4) month's salary for every year of service: Provided, That, if qualified for retirement under existing retirement laws, said employees may opt to receive the benefits thereunder.

Section 13. Repealing Clause. – All other laws, decrees executive order, rules and regulations, or parts or provisions thereof which are not affected shall continue to remain in full force and effect.

Section 14. Separability Clause. – If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

Section 15. Effectivity. - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,