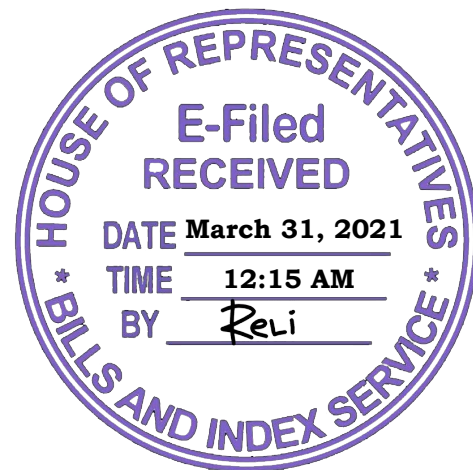


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9164



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

Under Article II, Section 16 of the 1987 Constitution, the State is mandated with preserving and conserving the environment, so as to “protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.” At the same time, however, the State cannot ignore how much of an economic driver tourism has become. From 2000 to 2018, “[t]he average share of tourism to GDP [wa]s 7.4 percent”¹ and then in 2019, “the contribution of Tourism Direct Gross Value Added (TDGVA) to the Philippine economy as measured by [GDP was] estimated at 12.7 percent.”²

Hence, to strike a balance between the fast growth rate of our tourism industry, we must promote an ecologically sound brand of tourism. We already made headway into this with Republic Act No. 9593 (“The Tourism Act of 2009”), with its Section 2 and 3 affirming the State’s commitment to fostering the growth of tourism without sacrificing the environment:

SECTION 2. Declaration of Policy. — x x x

[T]he State shall seek to:

x x x

(c) Promote a tourism industry that is ecologically sustainable, responsible, participative, culturally sensitive, economically viable, and ethically and socially equitable for local communities;

x x x

(e) Develop the country as a prime tourist hub in Asia, as well as a center of world congresses and conventions, by promoting sustainable tourism

¹ “Average Contribution of Tourism to GDP is 7.4 percent from 2000 to 2018,” PSA, June 18, 2020, available at <https://psa.gov.ph/tourism/satellite-accounts/id/162601>.

² “Share of Tourism to GDP is 12.7 percent in 2019,” PSA, June 19, 2020, available at <https://psa.gov.ph/tourism/satellite-accounts/id/162606>.

1 anchored principally on the country's history, culture and natural
2 endowments, and ensuring the protection, preservation and promotion of
3 these resources; and

4
5 x x x

6
7 SECTION 3. Objectives. — Pursuant to the above declaration, the State shall
8 adopt the following objectives:

9
10 x x x

11
12 (h) Ensure the right of the people to a balanced and healthful ecology through
13 the promotion of activities geared towards environmental protection,
14 conservation and restoration;

15
16 (i) Develop responsible tourism as a strategy for environmentally sound and
17 community participatory tourism programs, enlisting the participation of
18 local communities, including indigenous peoples, in conserving bio-physical
19 and cultural diversity, promoting environmental understanding and
20 education, providing assistance in the determination of ecotourism sites and
21 ensuring full enjoyment of the benefits of tourism by the concerned
22 communities;

23
24 (j) Strengthen the role of tourism councils and encourage the participation of
25 nongovernment organizations (NGOs), people's organizations (POs) and the
26 private sector in initiating programs for tourism development and
27 environmental protection;

28
29 x x x
30

31 This bill seeks to secure and build upon the gains attained through the
32 implementation of R.A. No. 9593. Specifically, it aims to prioritize the interest
33 of coastal localities, which do want to boost their tourism activities and
34 revenue while also maintaining and developing the coast as an ecosystem.

35
36 We still remember with much pain just how Boracay became the icon
37 of coastal tourism having gone totally wrong. "In a survey of the island's
38 sewerage facilities carried out in February [2018], the vast majority of
39 residential and business properties – 716 out of 834 – were found to have no
40 discharge permit and were presumably draining waste water directly into the
41 sea, according to a report by the official Philippines News Agency."³ No one
42 wants a repeat of the degradation of Boracay:⁴
43

³ "Philippines to shut down tourist island Boracay for six months," *Aljazeera*, April 5, 2018, available at <https://www.aljazeera.com/economy/2018/04/05/philippines-to-shut-down-tourist-island-boracay-for-six-months/#:~:text=Boracay's%20closure%20ordered%20by%20President,was%20outraged%20by%20environmental%20violations.&text=The%20Philippines%20government%20will%20be,was%20threatening%20its%20idyllic%20shores..>

⁴ Hugh Morris, "What's happening in Boracay, the island paradise ruined by tourism?," *The Telegraph*, September 13, 2018, available at <https://www.telegraph.co.uk/travel/destinations/asia/philippines/articles/boracay-closure-when-will-island-reopen/>.

1 A decade ago, Boracay certainly was worth visiting. The magazine
2 Travel+Leisure declared it the best island in the world back in
3 2012, thanks largely to the powder soft sand of White Beach. But
4 back in April [Pres.] Duterte called it a “cesspool”. His verdict
5 came after a video showing sewage flowing directly into Boracay’s
6 blue waters went viral. [He] castigated local authorities for
7 permitting unchecked development and dispatched an emergency
8 government taskforce to save the island from an ecological
9 catastrophe. Inspectors found over 800 environmental violations.
10 Figures showed that rubbish generated per person on Boracay was
11 more than three times higher than in the capital, Manila.

12
13 This bill, moreover, is in line with Strategies 2 and 4 of the National
14 Ecotourism Strategy & Action Plan 2013-2022:⁵

15
16 Strategy 2: Creating conducive environment for ecotourism
17 investments. - The strategy encourages the participation of private
18 sector investment in the protection and management of the local
19 environment and protected areas.

20
21 The objectives of this strategy are:

- 22 1. To establish a sustainable investment framework for ecotourism
23 2. To develop confidence of the business sector on ecotourism
24 investment
25 3. To contribute to financial sustainability of protected areas
26 4. To encourage creative and innovative community-based ecotourism
27 enterprises

28
29 Strategy 4: Promoting and developing a culture of ecotourism
30 Consistent with the strategic directions identified in the NTDP,
31 creating a culture of ecotourism will further promote environmental
32 awareness among the host communities and visitors.

33
34 The objectives of this strategy are:

- 35 1. To foster environmental awareness among host communities, local
36 government, business sector and visitors.
37 2. To integrate ecotourism into local tourism plans and programs.

38
39 It is for the foregoing premises that the approval of this Bill is earnestly
40 sought.

41
42
43 
ALFRED C. DELOS SANTOS

Representative, Ang Probinsyano Party-List

⁵ “National Ecotourism Strategy & Action Plan 2013-2022,” Biodiversity Management Bureau (BMB) – Department of Environment and Natural Resources (DENR) and Department of tourism (DOT), available at [file:///C:/Users/C17080/Downloads/National Ecotourism Strategy and Action Plan 2013-2022.pdf](file:///C:/Users/C17080/Downloads/National%20Ecotourism%20Strategy%20and%20Action%20Plan%202013-2022.pdf).

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HOUSE BILL NO. 9164

Introduced by **ANG PROBINSYANO**
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AN ACT
INSTITUTIONALIZING SUSTAINABLE COASTAL TOURISM, PROVIDING
MECHANISMS FOR ITS INSTITUTIONALIZATION, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Sustainable Coastal Tourism Act.”

SECTION 2. *Declaration of Policy.* – The State recognizes the indispensable role of coastal tourism in promoting rapid and inclusive growth among coastal provinces and affected local government units. The State further recognizes the pressure which coastal tourism bears upon marine and coastal environments. To this end, the State hereby declares it a policy to promote sustainable coastal tourism to reconcile the social economic growth from coastal tourism with the people’s right to a balanced and healthful ecology in accord with the rhythm and harmony and nature.

SECTION 3. *Definition of Terms.* – For the purpose of this Act:

- a) Coastal Local Government Unit/Coastal LGU. – LGUs bordering a coast regardless of income classification.
- b) Coastal Recreational Area. – Coastal areas including shores, sand bars, bays, lagoon mouths, and coastal estuaries within the tidal zone, which are used by the public for recreational activities such as swimming, bathing, surfing, skim boarding, snorkeling, and any other water sports.
- c) Council. – The National Council for Sustainable Coastal Tourism established under this Act.
- d) Local Sustainable Coastal Tourism Plans. – Plans to be formulated by coastal provinces under this Act in consultation with affected cities, municipalities, and communities.

- 1 e) National Coastal Recreational Area Quality Framework. –
- 2 Framework to be established by the Council under this Act.
- 3 f) Sustainable Coastal Tourism. – An approach to coastal tourism
- 4 which reconciled tourism with environmental stability.
- 5

6 SECTION 4. *Establishment of the Council.* – The National Council for
7 Sustainable Coastal Tourism is hereby established. The Council shall be the
8 policymaking, standard-setting, planning, coordination, enforcing,
9 monitoring, and advisory body of the government on sustainable coastal
10 tourism. The Council shall be an independent agency attached to the
11 Department of Environment and Natural Resources, with a separate budget
12 under the General Appropriations Act.

13
14 SECTION 5. *Powers and Functions of the Council.* – The Council shall be
15 empowered to:

- 16
- 17 a) Formulate the National Coastal Recreational Area Quality
- 18 Framework, which shall include, but not be limited to, the following
- 19 measurable requirements:
 - 20 1) Ecological Waste Management;
 - 21 2) Water Quality and Sanitation;
 - 22 3) Accessibility;
 - 23 4) Preventing and Reversing Coastal Degradation;
 - 24 5) Protection of Emergency Health Services; and
 - 25 6) Other measurable and reasonable standards pursuant to the
 - 26 declared State policy of this Act or other related laws or rules and
 - 27 regulations.
- 28 b) Supervise the formulation and implementation of Local Sustainable
- 29 Coastal Tourism Plans;
- 30 c) Utilize the Sustainable Coastal Tourism Challenge Fund created
- 31 under this Act as an incentive for LGUs to implement the provisions
- 32 of this Act;
- 33 d) Recognize meritorious and/or extraordinary implementation of this
- 34 Act by LGUs through awards;
- 35 e) Review, harmonize, and identify gaps in existing rules and
- 36 regulations on sustainable coastal tourism;
- 37 f) Conduct an inventory and assess the quality of all existing and
- 38 potential coastal recreational areas in the country;
- 39 g) Compile, use, and provide access to data on coastal recreational
- 40 areas, which shall include, but not be limited to, location,
- 41 magnitude, tourist arrivals, revenue from sustainable coastal
- 42 tourism, coastal degradation, water quality, and sanitation,
- 43 accessibility, and habitation of marine wildlife;
- 44 h) Research and develop community-based and sustainable coastal
- 45 tourism models and promote their adoption among local government
- 46 units;
- 47 i) Receive grants, contributions, donations, endowments, bequests, or
- 48 gifts in cash or in kind from local and foreign sources in support of
- 49 the development and implementation of climate change programs

1 and plans; Provided, That such donations shall not be used to fund
2 personal services expenditures and other operating expenses of the
3 Council;

- 4 j) Provide capacity building and technical assistance to coastal
5 municipalities, cities, and provinces in evaluating, formulating, and
6 reviewing local sustainable coastal tourism plans;
- 7 k) Mobilize non-government, private, and international participation in
8 local sustainable coastal tourism plans and projects; and
- 9 l) Provide awards and other forms of recognition to coastal provinces
10 and affected LGUs, which provide good examples of implementing
11 sustainable coastal tourism.

12
13 SECTION 6. *Composition of the Council.* – The Council shall be
14 composed of:

- 15
16 a) The DENR Secretary, or his duly authorized representative, as
17 Chairperson;
- 18 b) The Department of Tourism (DOT) Secretary, or his duly authorized
19 representative, as Co-Chairperson;
- 20 c) The Department of Transportation (DOTr) Secretary, or his duly
21 authorized representative;
- 22 d) The Department of Public Works and Highways (DPWH) Secretary,
23 or his duly authorized representative;
- 24 e) The Department of Health (DOH) Secretary, or his duly authorized
25 representative;
- 26 f) The Department of Interior and Local Government (DILG) Secretary,
27 or his duly authorized representative;
- 28 g) Two (2) representative from the academe, who shall be experts in
29 sustainable coastal management and/or related disciplines; and
- 30 h) Three (3) representatives from reputable non-government
31 organizations working on sustainable coastal tourism. The
32 representatives from the academe and non-government
33 organizations shall be appointed by the Council.

34
35 SECTION 7. *National Sustainable Coastal Recreational Area Quality*
36 *Framework.* – The Coastal shall formulate a National Coastal Recreational
37 Area Quality Framework, herein referred to as “The Framework,” within ninety
38 (90) days from the effectivity of this Act. The Framework shall be used to:

- 39
40 a) Assess the quality of all coastal recreational areas in the country;
- 41 b) Guide national government agencies in formulating, implementing,
42 and monitoring policies, programs, and projects in relation the goals
43 of this Act;
- 44 c) Guide coastal provinces, coastal cities, and coastal municipalities in
45 formulating their respective local sustainable coastal tourism plans.

46
47 SECTION 8. *Components of the Framework.* – The Framework shall
48 include, but not be limited to, the following measurable components:
49

- a) Ecological Waste Management;
- b) Water Quality and Sanitation;
- c) Presence of floatable materials, such as plastics, aluminum cans, and bottles;
- d) Accessibility;
- e) Preventing and reversing coastal degradation;
- f) Coastal cleanliness and/or visible pollution;
- g) Presence of Emergency Health Services;
- h) Protection of marine flora and fauna; and
- i) Other measurable and reasonable quality standards pursuant to the declared state policy of this Act or other related laws or rules and regulations.

SECTION 9. *National Inventory and Assessment of Coastal Recreational Areas.* – Within two (2) years from the effectivity of this Act, and every three (3) years thereafter, the Council shall create a database of existing coastal recreational areas in the country and assess them using the Framework.

SECTION 10. *Sustainable Coastal Tourism Challenge Trust Fund.* – The Sustainable Coastal Tourism Challenge Fund, hereafter referred to as “the Fund,” is hereby established. The Council shall use the Fund as an incentive for LGUs to comply with and implement the provisions of this Act.

The Fund shall be sourced from the equivalent of five percent (5%) of any annual increase of the revenues collected from the excise tax on manufactured oils and other fuels. It shall be indicated as a separate line item under the budget of the Council.

SECTION 11. *Role of National Government Agencies.* – In addition to their duties as members of the Council, the concerned agencies shall also perform the following functions to ensure the successful implementation of this Act:

- a) The DOT shall provide technical and financial assistance in marketing, promoting, and developing sustainable coastal tourism projects. The DOT shall also coordinate with the Philippine Information Agency (PIA) in formulating and disseminating information against the collection of flora and fauna in coastal recreational areas;
- b) The DPWH shall construct access roads and other essential infrastructure that are sustainably master planned for coastal recreational areas, in coordination with the DOT, the DILG, and the concerned coastal provinces and affected local government units; Provided, That all infrastructure constructed pursuant to this Act shall be planned and maintained in an environmentally sustainable manner;
- c) The DOTr shall assist in the provision of transportation services for coastal recreational areas, in coordination with the DOT, the DILG,

- 1 and the concerned coastal provinces and affected local government
2 units;
- 3 d) The DENR and its attached agencies shall provide technical and
4 financial assistance in monitoring and the status of flora and fauna
5 in coastal recreational areas and maintaining their assistance;
- 6 e) The DOH and the DENR – Environmental Management Bureau shall
7 formulate and enforce water quality and sanitation standards for
8 coastal recreational areas. The DOH shall also provide technical
9 assistance to coastal provinces and affected local government units
10 in monitoring such standards in coastal recreational areas; and
- 11 f) The DILG, in coordination with the Council, shall take the lead in
12 raising awareness of sustainable coastal tourism among coastal
13 provinces and affected local government units.
- 14

15 SECTION 12. *Local Sustainable Coastal Tourism Plans.* – Coastal LCDs
16 shall formulate and implement their respective Local Sustainable Coastal
17 Tourism Plans, herein referred to as “the plan,” to ensure the quality of coastal
18 recreational areas within their jurisdiction. The plans shall include, but not
19 be limited to:

20

- 21 a) Promotion and marketing of sustainable coastal recreational areas
22 in their jurisdiction;
- 23 b) Provision of proper and well-equipped waste management facilities
24 which can accommodate 50% more than the total number of waste
25 produced by the coastal area in a day;
- 26 c) Provision of facilities for coastal tourism, including the acquisition
27 of equipment, regulation and supervision of business concessions,
28 and security services for such facilities;
- 29 d) Clean-ups of coastal recreational areas;
- 30 e) Banning tourists and locals from collecting samples of flora and
31 fauna found in coastal recreational areas;
- 32 f) Collection of tourism access fees from coastal recreational areas;
33 Provided, That all amounts collected pursuant to this provision shall
34 accrue to the city or municipal government from which it was
35 collected and which shall be accounted for in accordance with
36 existing government rules and regulations; Provided, further, That
37 all the amounts collected shall be used by the LGU to implement the
38 provisions of this Act;
- 39 g) Inspection and regulation of water quality and sanitation in coastal
40 recreational areas;
- 41 h) Construction and maintenance of sustainably planned and
42 maintained access roads near coastal recreational areas;
- 43 i) Enforcement of easement zones, as provided in Presidential Decree
44 No. 1067, s.1976, otherwise known as the Water Code of the
45 Philippines;
- 46 j) Provision of emergency health services;
- 47 k) Dismantling of structures which prevent access to coastal
48 recreational areas; and

1 l) Moratorium on mining of sand and other minerals in or near coastal
2 recreational areas.

3
4 Local sustainable coastal tourism plans shall integrate the measurable
5 indicators used in the National Coastal Recreational Area Quality Framework.
6 Coastal LGUs shall consult affected communities in formulating their
7 respective plans.

8
9 SECTION 13. *Appropriations.* – The amounts necessary to implement
10 this Act shall be taken from the current budget of the Department of
11 Environment and National Resources. Thereafter, such amounts necessary to
12 effectively carry out the provisions of this Act shall be included in the annual
13 General Appropriations Act.

14
15 SECTION 14. *Penalty for Non-Compliant LGUs.* – Local government
16 officials who fail to formulate and implement their Local Sustainable Coastal
17 Tourism Plan shall be charged with the penalty of dereliction of duty as
18 defined under Chapter IV, Section 6 of Republic Act No. 7160, otherwise
19 known as the “Local Government Code of 1991.”

20
21 SECTION 15. *Implementing Rules and Regulations.* – The DENR, DOT,
22 DOTr, DPWH, DOH, and DILG shall promulgate the implementing rules and
23 regulations of this Act within ninety (90) days from its effectivity.

24
25
26 SECTION 16. *Separability Clause.* – If any provision of this Act is
27 declared invalid or unconstitutional, the other provisions not affected by such
28 declaration shall remain in force and effect.

29
30 SECTION 17. *Repealing Clause.* – All laws, executive orders,
31 administrative orders, and rules and regulations inconsistent with this Act
32 are hereby repealed or amended accordingly.

33
34
35 *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
36 publication in the Official Gazette or in a newspaper of general circulation.

37
38 Approved,