



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
First Regular Session

H. B. No. 4175

Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
CREATING THE BORACAY ISLAND COUNCIL, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Being one of the country's major tourist destinations, Boracay Island is famed for its powdery white sands, turquoise waters, lively nightlife and abundant water sports.

However, in April 2018, the government ordered the closure of the Boracay Island resorts to tourists, paving way for its six-month rehabilitation to address the poor sewage conditions in the area. The problem was seen to be an offshoot of decades of unregulated construction of buildings and facilities that overwhelmed the tiny sewerage system in the area.

Every year, Boracay Island attracts millions of visitors and raked in billions of pesos in revenue, but its environment suffered as manifested by garbage pile-ups on different areas, algal blooms as indicator of deteriorating water conditions, and narrow roads clogged with traffic due to vehicles emitting fumes.

Nonetheless, Boracay Island reopened with its rejuvenated beaches and clearer waters in October 2018. Its shoreline is free of vendors, masseuses, fire dancers and watersports. Beach parties are also banned, as is smoking and drinking. According to the Department of Tourism, just 19,000 tourists are to be allowed on the island each day, with worker numbers also capped at 15,000.

Boracay indeed is reforming, and with this continuous rehabilitation, lasting changes must be implemented. This bill aims to create the Boracay Island Council which shall take over the management, development, regulation, protection and maintenance of the Island of Boracay. Hence, the immediate passage of this bill is sought.

HON. TEODORICO "NONONG" T. HARESCO, JR.
Representative
2nd District, Province of Aklan

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

- 1 **SECTION 1. *Short Title.*** – This Act shall be known as the “**Boracay Island Council.**”
2
- 3 **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to protect and
4 advance the right of the people to a balanced and healthful ecology. Given this, the State
5 shall adopt policies and strategies forging environmental safeguards to protect our
6 natural resources and our people.
7
- 8 **SEC. 3. *Regulation of the Utilization and Development of the Boracay Island.*** – The
9 utilization and development of the Island of Boracay shall be strictly regulated pursuant
10 to all laws and statutes on the utilization, conservation, preservation and protection of
11 natural resources and the environment.
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- 13 All utilization and development shall strictly comply with the land use plan approved by
14 the Boracay Island Council and the requirements imposed by existing environmental
15 rules, regulations and other issuances, taking into consideration the sustainable use and
16 development of the area and at all times with utmost respect to the right of indigenous
17 cultural communities to their ancestral lands.
18
- 19 **SEC. 4. *The Boracay Island Council.*** – A Boracay Island Council is hereby created,
20 hereinafter referred to as the “**Council,**” which shall be under the Office of the President,
21 and shall be composed of the following:
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- 23 1) Secretary of the Department of Environment and Natural Resources;
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- 25 2) Secretary of the Department of the Interior and Local Government;
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- 27 3) Secretary of the Department of Tourism;
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- 29 4) Secretary of the Department of Justice;
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- 31 5) Administrator of the National Mapping and Resource Information Authority;
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- 6) Director of the Land Management Bureau;
- 7) Administrator of the Land Registration Authority;
- 8) Chairperson of the National Commission on Indigenous Peoples;
- 9) Representative of the Province of Aklan who shall be a resident of the Municipality of Malay;
- 10) Representative from local community organizations who shall be a resident of the Municipality of Malay; and
- 11) Representative from the private sector who shall be a resident of the Municipality of Malay.

The Chairperson of the Council shall be appointed by the President of the Philippines 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. 5. Powers, Functions and Duties of the Council. – The Council shall have the following powers, functions and duties:

- 1) Regulate the establishment, operation, and maintenance of utilities, activities, and infrastructure in Boracay;
- 2) Formulate and implement short- and long-term strategies for sustainable development, environmental protection, social development, and infrastructure development;
- 3) Formulate and implement innovative management techniques and strategies, including the enforcement of a land use scheme and zoning plan, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organizing, socioeconomic and scientific researches, site-specific policy development, pest management, and fire control;
- 4) Perform related functions which shall promote the development, conservation, management, protection, and utilization of the natural resources of Boracay;
- 5) 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;
- 6) Coordinate with the appropriate government agencies and local government units concerned to strictly enforce laws and ordinances under its jurisdiction, and to ensure that the latter's plans, programs, and projects are aligned with the plans, programs, and policies of the Council;
- 7) 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;

- 1 8) Recommend legislation to conserve the natural resources and promote the socio-
2 economic development of the area to Congress, or such other legislation to support
3 of the objectives of the Council;
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- 5 9) Conduct public consultations and raise public awareness on the protection,
6 development, and optimum utilization of coastal, marine, and fisheries resources;
7
- 8 10) Issue Cease and Desist Order for any act or omission that violates any provision
9 of this Act;
10
- 11 11) Order the closure or suspension of any development or construction, or the
12 cessation of operations of any going concern that violates any provision of this Act;
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- 14 12) File criminal charges against violators of any provision of this Act;
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- 16 13) Adopt, amend, and rescind such rules and regulations and impose reasonable
17 fines therefor for the effective implementation of the provisions of this Act;
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- 19 14) Enforce the provisions of this Act and other existing and pertinent laws, rules and
20 regulations similar to or complementary with this Act; and
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- 22 15) Perform such other powers and functions as may be necessary in carrying out its
23 functions, powers, and the provisions of this Act.
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- 25 **SEC. 6. *Penalty.*** – The penalty of six (6) years imprisonment or a fine of One Hundred
26 Thousand Pesos (₱100,000.00), or both, at the discretion of the court, shall be imposed
27 upon any person who shall violate the provisions of this Act.
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- 29 **SEC. 7. *Implementing Rules and Regulations.*** – The Council, after consultation with the
30 stakeholders, shall issue the rules and regulations necessary to effectively implement the
31 provisions of this Act within ninety (90) days from the effectivity of this Act.
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- 33 **SEC. 8. *Separability Clause.*** – If any provisions of this Act or the application of such
34 provision to any person or circumstances be declared unconstitutional, the remainder of
35 this Act or the application of such provision to other person or circumstances shall not be
36 affected by such declaration.
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- 38 **SEC. 9. *Repealing Clause.*** – All laws, decrees, proclamations, executive orders, rules and
39 regulations or other issuances or parts thereof contrary to inconsistent with the
40 provisions of this Act are hereby repealed, amended or modified accordingly.
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- 42 **SEC. 10. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
43 two (2) national newspapers of general circulation.
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- 45 *Approved,*