



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



EIGHTEENTH CONGRESS
First Regular Session

H. B. No. **3562**

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

EXPLANATORY NOTE

Boracay Island, arguably the most popular destination, is located approximately 315 kilometers (200 miles) south of Manila City and 2 kilometers off the northwest tip of the Island of Panay in the Western Visayas Region of the Philippines. Boracay Island comprises the barangays of Manoc-Manoc, Balabag, and Yapak (3 of the 17 barangays which make up the Municipality of Malay), and is under the administrative control of the Philippine Tourism Authority, in coordination with the Provincial Government of Aklan.

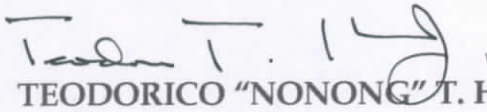
On May 22, 2006, then-President Gloria Macapagal-Arroyo issued Proclamation Number 1064, classifying 628.96 hectares or 60.94 percent of the 1,032 hectare Boracay Island as alienable and disposable on the premise that the whole of the island is government property. The same Proclamation provides for a 15-meter buffer zone on each side of the centerline of roads and trails, which are reserved for road right of way and which would form part of the area reserved for forestland protection purposes. With the issuance of Proclamation No. 1064, there is a need to establish a mechanism wherein the sustainable development and use of the Boracay Island, as part of Municipality of Malay, Province of Aklan, is ensured. The mode of acquisition for certain parcels of its public domain classified as agricultural land open to disposition under the said Proclamation and environmental safeguards to Boracay Island should also be provided clearly.

Considering that the necessary framework for the establishment of the mechanism for the sustainable development and use of Boracay Island was already provided under Proclamation No. 1064 which was sustained by the Supreme Court, it is now left for Congress to flesh out a law that would fortify such mechanism.

This refiled bill, which was previously approved by the House of Representatives and transmitted to the Senate during the 16th Congress, seeks to establish a mechanism for the sustainable development and use of Boracay Island, defining for the purpose the mode of acquisition of certain parcels of land of the public domain classified as agricultural land open to disposition under Proclamation No. 1064, providing environmental safeguards therefor, and for other purposes. Subject to certain limitations in this bill, the Department of Environment and Natural Resources may

alienate parcels of land of the public domain situated at the Boracay Island, Municipality of Malay, Province of Aklan, delineated as agricultural lands open to disposition for agricultural, residential, commercial, industrial, or other productive purposes under Proclamation No. 1064, through the issuance of a free patent to any citizen of the Philippines who, for at least thirty (30) years from the passage of this measure, has continuously occupied and/or cultivated either by himself or through his predecessors-in-interest or who shall have paid the real estate tax thereon while the same has not been occupied by any other person. The bill also provides for the institution of environmental safeguards, including a mandate to respect the rights of the indigenous cultural communities to their ancestral lands.

Given the considerable contribution of Boracay Island to the Philippine economy and the tourism industry, the immediate passage of this bill is earnestly sought.


TEODORICO "NONONG" T. HARESCO, JR.

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**AN ACT ESTABLISHING A MECHANISM FOR THE SUSTAINABLE
DEVELOPMENT AND USE OF THE ISLAND OF BORACAY, MUNICIPALITY OF
MALAY, PROVINCE OF AKLAN, DEFINING THE MODE OF ACQUISITION FOR
CERTAIN PARCELS OF LAND OF THE PUBLIC DOMAIN CLASSIFIED AS
AGRICULTURAL LAND OPEN TO DISPOSITION UNDER PROCLAMATION
NO. 1064, PROVIDING ENVIRONMENTAL SAFEGUARDS THEREFOR, AND
FOR OTHER PURPOSES**

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

1 **SECTION 1. Declaration of Policy.** – Pursuant to Article XII, Section 1 of the
2 1987 Philippine Constitution, which provides that the goals of the national economy are
3 a more equitable distribution of opportunities, income and wealth, the State shall adopt
4 a policy of ensuring the fair and expeditious titling of alienable and disposable
5 agricultural lands of the public domain. Towards this end, the State shall facilitate the
6 titling of lands in favor of qualified Filipinos to provide them with security of land
7 tenure. Further, in recognition of the need to accelerate the country's development
8 without compromising the protection and conservation of the country's natural
9 resources, the State shall undertake measures to adopt sustainable development
10 strategies of forestlands, national parks and the resources therein and provide
11 environmental safeguards while at the same time spurring local economic growth.

12
13 **SEC. 2. Coverage.** – The provisions of this Act shall apply to the parcels of land of
14 the public domain located in the Island of Boracay, Municipality of Malay, Province of
15 Aklan delineated and declared as agricultural lands open to disposition for agricultural,
16 residential, commercial, industrial or other productive purposes through Proclamation
17 No. 1064, dated 22 May 2006, entitled "*Classifying Boracay Island Situated in the*
18 *Municipality of Malay, Province of Aklan into Forestland (Protection Purposes) and into*
19 *Agricultural Land (Alienable and Disposable) Pursuant to Presidential Decree No. 705 (Revised*
20 *Forestry Reform Code of the Philippines).*" These agricultural lands are likewise hereby
21 excluded from the operation of Proclamation No. 1801, dated 10 November 1978,
22 entitled "*Declaring Certain Islands, Coves and Peninsulas in the Philippines as Tourist Zones*
23 *and Marine Reserve under the Administration and Control of the Philippine Tourism*
24 *Authority.*"

25
26 **SEC. 3. Mode of Acquisition.** – The Department of Environment and Natural
27 Resources (DENR) shall alienate the agricultural lands identified in Section 2 hereof,
28 subject to the limitations provided for in this Act, through the issuance of a free patent
29 over any parcel thereof to any citizen of the Philippines, who for at least thirty (30)
30 years prior to the effectivity of this Act, has continuously occupied and/or cultivated
31 either personally or through predecessors-in-interest or who shall have paid the real

1 estate tax thereon while the same had not been occupied by any other person. Such
2 qualified citizen shall be entitled under this Act to have a free-patent issued for such
3 tract of land not to exceed twelve (12) hectares per applicant: *Provided*, That the DENR
4 shall also reserve lands or lots of sufficient size and strategic location to the local
5 government of Malay, Province of Aklan, and other agencies of the national
6 government for essential public purposes and/or services such as school buildings,
7 public plazas, health centers and similar purposes, including necessary avenues, streets,
8 and alleyways: *Provided, further*, That any title that may be issued over lands for public
9 purposes shall be in the name of the Republic of the Philippines and all roads, avenues,
10 streets, and alleyways shall be in the name of the Province of Aklan.

11
12 The provisions of Commonwealth Act No. 141, as amended, otherwise known as
13 the "*Public Land Act*," not inconsistent herewith, shall be applicable.

14
15 **SEC. 4. Protected Forestlands.** - Areas of the public domain within the Island of
16 Boracay classified as forestlands pursuant to Proclamation No. 1064 are hereby declared
17 forestlands, under the subclassification of protection forests. For ecological and rational
18 land use considerations, the following shall also constitute part of the protected
19 forestlands:

20
21 (a) Five (5) meters strip inland from the twenty-five (25)-meter mandatory
22 beach front easement, measured from the mean high water mark;

23
24 (b) Five (5) meters on each side of the centerline of roads, for road protection
25 and widening and drainage; and

26
27 (c) Three (3) meters landward on both sides of creeks and canals.

28
29 Such forestlands shall be conserved, preserved, and regulated by the DENR,
30 jointly with the Municipal Government of Malay, the Provincial Government of Aklan,
31 and concerned national agencies pursuant to the provisions of Presidential Decree No.
32 705, as amended, otherwise known as the Revised Forestry Reform Code of the
33 Philippines, Republic Act No. 9072, otherwise known as the "*National Caves and Cave*
34 *Resources Management and Protection Act*," their implementing rules and regulations, as
35 well as other pertinent laws, proclamations, issuances and administrative orders on
36 conservation and environmental protection.

37
38 **SEC. 5. Strict Regulation of the Utilization and Development of the Island of**
39 **Boracay.** - The utilization and development of all areas along the Island of Boracay
40 shall be strictly regulated by the DENR pursuant to all laws and statutes on the
41 utilization and protection of natural resources and the environment, and must strictly
42 comply with the land use plan approved by the local government unit and the
43 requirements imposed by existing DENR rules, regulations and other issuances, taking
44 into consideration the sustainable use and development of the area and at all times with
45 utmost respect to the right of indigenous cultural communities to their ancestral lands.

46
47 **SEC. 6. Implementing Rules and Regulations.** - The DENR, in coordination with
48 the Provincial Government of the Province of Aklan, shall, within ninety (90) days from
49 the effectivity of this Act, promulgate the rules and regulations necessary for its
50 implementation.

1 **SEC. 7. *Separability Clause.*** - If, for any reason, any provision of this Act is
2 declared unconstitutional or invalid, the other provisions hereof which are not affected
3 thereby shall continue to be in full force and effect.
4

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

9 **SEC. 9. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
10 publication in the Official Gazette or in a newspaper of general circulation.
11

12 *Approved,*