

**Republic of the Philippines  
Congress of the Philippines  
Metro Manila**

**Eighteenth Congress  
First Regular Session**

**HOUSE BILL NO. 6285**



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Introduced by **Honorable Claudine Diana D. Bautista**

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**EXPLANATORY NOTE**

This bill seeks to create the Boracay Development Authority.

Boracay is a tropical island found in the north western tip of Panay in Aklan, a province on the Visayas Island and is known for its colorful Ati-Atihan festival. It is a paradise for certified sun-worshippers all over the world. In fact, local and foreign tourists have made Boracay their yearly destination. Others have chosen to live on this haven.

Boracay's boast all the elements of a tropical heaven - crystal blue waters, powder white sand beaches, liberal doses of tropical palms and flowering plants, and a healthy and diverse marine life.

However, due to failure to control tourists, Boracay suffered from degradation due to pollution, poor waste disposal and other environmental concerns. President Duterte ordered for the closure of the whole Island for six months and the island underwent an extensive facelift. Since reopening in October 2018, there are new rules and regulations, and a limit to the number of tourists allowed on the island.

At present, Boracay Island is now back to its former glory as one of the beautiful Island in the world. The task now for the Government is how to preserve the cleanliness and beauty of the Island.

With this bill, a national office will be created to ensure that the Island will retain its attractiveness and splendour as a tourist destination.

In view of the foregoing, approval of this bill is earnestly requested.

  
**CLAUDINE DIANA D. BAUTISTA**

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**AN ACT  
CREATING THE BORACAY ISLAND DEVELOPMENT AUTHORITY**

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

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

SECTION 2. **Declaration of Policy.** It is hereby declared the national policy to promote and accelerate sustainable development and balanced growth of the Boracay Island consistent with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment. Towards this end, the 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.

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

SECTION 3. **Boracay Island Development Authority (BIDA) created.** For the purpose of carrying out and effecting the declared national policy, there is hereby 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 BIDA 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.

It 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 in this Act, the following terms are defined as follows:

1. **“Boracay Island”** refers to the most popular tourist destinations, located approximately 31.5km (200 miles) south of Manila and 2km off the Northwest tip of the Island of Panay in the Western Visayas Region of the Philippines;
2. **“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;
3. **“Natural Resources”** refers 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, wildfire, trees, and other plants, including the aesthetic attributes of scenic sites that are not man-made;
4. **“Preservation”** refers to the wise use of natural resources that assured regeneration and replenishment for continuous benefit;
5. **“Administrator”** means the chief operating or executive officer of the Boracay Island Development Authority (BIDA) duly appointed by the Office of the President;
6. **“Board of Directors”**

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.

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

- a. To succeed on its corporate name;
- b. To sue and be used in such corporate name

- c. To adopt, alter, and use corporate seal;
- d. To adopt, amend, and repeal its by-laws;
- e. To enter into contracts as may be allowed by existing laws to carry out its purposes and functions state in this Act;
- f. To establish a graded of protection and development control over the whole of Boracay Island including its tribal lands, forest mines, agricultural areas, settlement areas, biodiversity, mangroves, coral reefs, seagrass beds and the surrounding sea;
- g. To accept any local or foreign investment, business or enterprise, subject only with the internal policies of the Authority without prejudice to existing laws, rules and regulations;
- h. To undertake and regulate the establishment, operation and maintenance of utilities, other services and infrastructure in the Island to fix just and reasonable rates, fares, charges and other prices therefore;
- i. To construct, acquire, own, lease, operate and maintain on its own or through contract, franchise, license permits bulk purchase from the private sector and built-operate-transfer scheme or joint-venture the required utilities and infrastructure in coordination with local government units and appropriate government agencies concerned and in conformity with existing applicable laws therefore;
- j. Within the limitation provided by law, to raise and/or borrow the necessary funds from local and international financial institutions and to issue bonds, promissory notes, and other securities for that purpose and to secure the same by guarantee, pledge, mortgage, deed of trust, or assignment of its properties held by the Authority for the purpose of financing its projects and programs within the framework and limitations of this Act;
- k. To protect, maintain and develop forest lands, protected areas and wetlands, the rules and regulations of DENR and other government agencies directly involved in the above functions shall be implemented by the Authority;
- l. To receive donations, grants bequeaths and assistance of all kinds from local 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 authorized under existing laws to carry out the purpose of this Act.

**SECTION 7. *Incorporation.*** The members of the first Board of Directors shall be elected by the Stockholders and the incorporation shall be held to have been affected from the date of the first board meeting.

**SECTION 8. *Composition of the Board of Directors.*** The powers shall be vested in and exercised by a Board of Directors, referred to as the Board composed of 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 member of the Board from 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 Governance Commission for GOCCs. He/She shall attend meeting of the Board in the absence of their principals and receive the corresponding diems.

**SECTION 9. *Qualifications.*** No person shall be appointed or designated unless he is a natural-born Filipino citizen, of good moral character, of unquestionable integrity, and or recognized competence in relevant fields including but not limited to, economics, management, international relations, law or engineering.

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

**SECTION 10. *Functions of the Board.*** The Board of Directors shall be policy-making body of tile Authority and shall perform the following functions:

- a. Determine the organizational structure of the Authority, define the duties and responsibilities of all officials and employees and adopt a compensation and benefit scheme at least equivalent to that of the Bangko Sentral ng Pilipinas (BSP);
- b. Appoint all officials down to the third level and authorize the administrator of the Authority to appoint all others; provided, that all appointments shall be on the basis of merit and fitness and all personnel action shall be in pursuance of Civil Service Laws, rules, and regulations, except those coterminous employees of the members of the Board;
- c. Prepare the annual and supplemental budgets of the Authority;
- d. Submit an annual report of the operation of the Authority to the President of the Philippines, President of the Senate and Speaker of the House of Representatives;
- e. Carry out the purposes of the Authority with the following terms and references:
  1. As much as possible, major conversion projects shall be undertaken under the complete project turn key or build-operate-transfer (BOT) scheme as

provided under Republic Act Numbered Sixty Nine Hundred and Fifty Seven (RA 6957); and

2. Starting the third year of the Authority's full operation, a privatization or divestment program of its project and subsidiaries shall begin under general guidelines prescribed by the president of the Philippines.

SECTION 11. **Board Meetings.** The board shall meet at least once a month. The Board shall be convoked by the Chairman or upon written request signed by the majority of the members.

SECTION 12. **Powers and Functions of the Administrator.** The Administrator shall be the Chief Executive of the Authority. As such, he shall have the following powers and duties:

- a. Submit for consideration of the Board, the policies and measures which he 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 certain of his administrative responsibilities to other officers of the Authority subject to rules and regulations of the Board.
- d. Appoint officials and employees below the rank of division heads to positions in 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 13. **Capitalization and Financing.** The Authority shall have an authorized capital of One Hundred Fifty Million Pesos (₱ 150,000,000.00).

SECTION 14. **Auditing.** The Board shall provide and appoint an auditor who shall formulate an auditing system for the Authority.

SECTION 15. **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 environmental degradation of the natural resources of Boracay Island.

SECTION 16. ***Implementing Rules and Regulations.*** The Authority, through the Board of Directors and DENR shall establish the Implementing Rules and Regulations within ninety (90) day after the passage of this Act.

SECTION 17. ***Penal and Civil Liability Clause.*** Any person, natural or juridical, who shall violate any of the provision of this Act or any rules or regulation promulgated by the Authority pursuant therto shall be liable to imprisonment of not exceeding three years or to a fine not exceeding Five Thousand Pesos or both at the discretion of the Court.

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

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

SECTION 18. ***Separability Clause.*** If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 19. ***Repealing Clause.*** All Acts, Executive Orders, memorandum circulars/guidelines and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 20. ***Effectivity.*** This Act shall take effect upon its approval.

Approved.