

SENATE

SENATE BILL NO. 3275

(In substitution of Senate Bill Nos. 727, 2481 and 2953)

Prepared jointly by the Committees on Environment and Natural Resources;
and on Local Government with Senators Ejercito Estrada, Drilon, Trillanes IV, Escudero,
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AN ACT

**ESTABLISHING A POLICY MECHANISM FOR THE SUSTAINABLE DEVELOPMENT
AND USE OF THE ISLAND OF BORACAY, MUNICIPALITY OF MALAY, PROVINCE OF
AKLAN, DEFINING FOR THE PURPOSE THE MODE OF ACQUISITION FOR PARCELS
OF LAND WITHIN THE ISLAND CLASSIFIED AS AGRICULTURAL LAND OPEN TO
DISPOSITION UNDER PROCLAMATION NO. 1064 AND PROVIDING
ENVIRONMENTAL SAFEGUARDS THEREFOR**

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

- 1 **SECTION 1. Declaration of Policy.** – Sections 1 to 4, Article XII of the Constitution
2 provide the State policy on national economy and patrimony, declaring, among others,
3 the goals of a more equitable distribution of opportunities, income and wealth, and the
4 State's ownership over all lands of the public domain, with the exception of agricultural
5 lands.
6 Consequently, the State hereby adopts a policy of ensuring a fair, orderly and
7 expeditious manner of distributing its wealth and resources, specifically lands forming
8 part of its public domain which have been classified as alienable and disposable without
9 compromising, however, the protection and conservation of the country's natural
10 resources.

1 Towards this end, a policy mechanism is hereby adopted to allow and facilitate
2 the titling of lands in the Island of Boracay in favor of qualified Filipinos. This is for the
3 purpose of providing security of land tenure and in recognition of the need to accelerate
4 the country's development in a more sustainable and defined manner specifically in the
5 said island.

6 And corollary to this, the State shall likewise undertake measures to adopt
7 sustainable development strategies of forestlands, national parks and other natural
8 resources in the Island of Boracay and provide environmental safeguards for the same.

9 **SEC. 2. Coverage.** – The provisions of this Act shall apply to the parcels of land of
10 the public domain located in the Island of Boracay, Municipality of Malay, Province of
11 Aklan, delineated and declared as agricultural lands open to disposition for agricultural,
12 residential, commercial, industrial or other productive purposes pursuant to
13 Proclamation No. 1064: *Provided, however,* That, the Department of Environment and
14 Natural Resources (DENR) in coordination with the National Mapping and Resource
15 Information Authority (NAMRIA) and the local government units concerned shall
16 conduct a mandatory review of the classification under Proclamation No. 1064
17 especially those parcels of land otherwise classified as agricultural, have been in the
18 possession of individuals and whose real property taxes thereon are being paid for at
19 least thirty (30) years before the effectivity of this Act. Such review shall be made as
20 basis for the confirmation or correction, as the case may be, of the technical description
21 contained in Proclamation No. 1064. Moreover, during the pendency of such review,
22 individuals possessing such parcels of land and paying the real estate taxes thereon for
23 at least thirty (30) years shall be accorded the right to possession.

1 The aforementioned agricultural lands are likewise hereby excluded from the
2 operation of Presidential Proclamation No. 1801, dated 10 November 1978, entitled
3 “Declaring Certain Islands, Coves and Peninsulas as Tourist Zones and Marine Reserves
4 under the Administration and Control of the Philippine Tourism Authority”.

5 **SEC. 3. *Mode of Acquisition.*** –The DENR shall alienate the agricultural lands
6 identified in Section 2 hereof, subject to the limitations provided for in this Act, through
7 the issuance of a free patent over any parcel thereof to any citizen of the Philippines
8 who for at least thirty (30) years prior to the effectivity of this Act has continuously
9 occupied and/or cultivated either by himself or through his predecessors-in-interest,
10 or who shall have paid the real estate tax thereon. Such qualified person shall be
11 entitled under this Act to have a free patent issued to him for such tract of land not to
12 exceed twelve (12) hectares per applicant: *Provided*, That the DENR shall also reserve
13 lands or lots of sufficient size and strategic location to the local government of Malay,
14 the Province of Aklan and other agencies of the national government for essential public
15 purposes and/or services such as school buildings, public plazas, health centers and
16 similar offices and similar purposes including necessary avenues, streets and alleyways:
17 *Provided, further*, That any title that may be issued over lands for public purpose shall
18 be in the name of the Republic of the Philippines and all roads, avenues, streets,
19 alleyways shall be in the name of the Province of Aklan.

20 The provisions of Commonwealth Act No. 141, as amended, otherwise known as
21 the “Public Land Act”, not inconsistent herewith, shall be applicable.

22 **SEC. 4. *Protected Forest Lands.*** – Areas of the public domain within the Island of
23 Boracay classified as forestlands pursuant to Proclamation No. 1064 and in compliance
24 with Section 2 hereof are hereby declared forestlands, under the sub-classification of

1 protection forests. For ecological and rational land use considerations, the following
2 shall also constitute part of the protected forestlands and inalienable portions of the
3 public domain, to wit:

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

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

8 (c) Three (3) meters landward on both sides of creeks and canals; and

9 (d) Caves and cave resources within the public domain and private lands,
10 excluding any aqueduct, mine tunnel and other man-made excavations.

11 Such forestlands shall be conserved, preserved and regulated by the DENR,
12 jointly with the Municipal Government of Malay, the Provincial Government of Aklan
13 and concerned national agencies pursuant to the provisions of Presidential Decree No.
14 705, as amended, otherwise known as the "Revised Forestry Code of the Philippines",
15 Republic Act No. 9072, otherwise known as the "National Caves and Cave Resources
16 Management and Protection Act", their implementing rules and regulations, as well as
17 other pertinent laws, proclamations, issuances and administrative orders on
18 conservation and environmental protection.

19 **SEC. 5. *Strict Regulation of the Utilization and Development of the Island.*** – The
20 utilization and development of all areas along the Island of Boracay shall be strictly
21 regulated by the DENR pursuant to all laws and statutes on the utilization and
22 protection of natural resources and the environment, and must strictly comply with the
23 land use plan approved by the local government unit and the requirements imposed by
24 existing DENR rules, regulations and other issuances, taking into consideration the

1 sustainable use and development of the area and at all times with utmost respect to the
2 *right of indigenous cultural communities* to their ancestral lands.

3 For the safety of the local communities and tourists, the development of the
4 Island of Boracay shall also take into consideration the hazard-prone areas of the Island.
5 No development shall take place for areas identified as highly susceptible to natural
6 hazards even though it is within the parcels of land delineated and declared as
7 agricultural.

8 **SEC. 6. Boracay Island Council.** – There is hereby created a Boracay Island
9 Council, hereinafter referred to as the Council, which shall be under the Office of the
10 President.

11 The Council shall be composed of the following:

- 12 (1) The Secretary of the DENR or his/her duly authorized representative;
- 13 (2) The Secretary of the Department of the Interior and Local Government or
14 his/her duly authorized representative;
- 15 (3) The Secretary of the Department of Tourism or his/her duly authorized
16 representative;
- 17 (4) The Secretary of the Department of Justice or his/her duly authorized
18 representative;
- 19 (5) The Administrator of the NAMRIA or his/her duly authorized
20 representative;
- 21 (6) The Director of the Land Management Bureau or his/her duly authorized
22 representative;
- 23 (7) The Administrator of the Land Registration Authority or his/her duly
24 authorized representative;

1 (8) The Chairperson of the National Commission on Indigenous Peoples or
2 his/her duly authorized representative;

3 (9) Incumbent Member of the House of Representatives who has jurisdiction
4 over the Island of Boracay;

5 (10) The Governor of the Province of Aklan;

6 (11) The Mayor of the Municipality of Malay, Province of Aklan;

7 (12) The Punong Barangay of the three barangays comprising the island of
8 Boracay, namely: Manoc-manoc, Balabag and Yapak; and

9 (13) Such other members from the private sector as the majority of the Council
10 may determine.

11 The Chairperson of the Council shall be appointed by the President for a term of
12 one (1) year. The Council shall elect, from among its members, a vice-chairperson.

13 A majority of the members of the Council shall constitute a quorum for the
14 conduct of its business.

15 **SEC. 7. Powers and Functions of the Council.** – The Council shall exercise the
16 following powers and functions:

17 (1) Formulate plans and policies as may be necessary to carry out the
18 provisions of this Act;

19 (2) Coordinate with the local governments units concerned to ensure that the
20 latter's plans, programs and projects are aligned with the plans, programs and policies
21 of the Council;

22 (3) Call on any department, bureau, office, agency or instrumentality of the
23 government, and private entities and organizations for cooperation and assistance in
24 the performance of its functions;

1 (4) Arrange, negotiate for, accept donations, grants, gifts, loans, and other
2 fundings from domestic and foreign sources to carry out the activities and purposes of
3 the Council;

4 (5) Recommend to Congress such matters that may require legislation in
5 support of the objectives of the Council.

6 (6) Adopt, amend and rescind such rules and regulations and impose
7 reasonable fines therefor for the effective implementation of the provisions of this Act;

8 (7) Enforce the provisions of this Act and other existing laws, rules and
9 regulations similar to or complementary with this Act;

10 (8) Perform related functions which shall promote the development,
11 conservation, management, protection, and utilization of the natural resources of the
12 Island of Boracay; and

13 (9) Perform such other powers and functions as may be necessary in carrying
14 out its functions, powers, and the provisions of this Act.

15 **SEC. 8.** *Congressional Oversight Committee.* – For the full and effective
16 implementation of this Act, there shall be created a Congressional Oversight Committee,
17 to be referred to as the Boracay Island Congressional Oversight Committee, to be
18 composed of four (4) members from the Senate and four (4) members from the House
19 of Representatives. The Chairperson of the Senate Committee on Environment and
20 Natural Resources and the Chairperson of the House of Representatives Committee on
21 Natural Resources shall be the chair and co-chair of the Boracay Island Congressional
22 Oversight Committee, respectively. The other members from the Senate shall be
23 appointed by the Senate President based on proportional representation of the parties
24 or coalitions therein with at least one (1) senator representing the minority. The other

1 members from the House of Representatives shall be appointed by the Speaker also
2 based on proportional representation of the parties or coalitions therein with at least
3 one (1) member representing the minority.

4 The Boracay Island Congressional Oversight Committee shall be the principal
5 body tasked to monitor and evaluate the implementation of the provisions of this Act.
6 For such purpose, it may require, from time to time, the DENR and the local government
7 unit to submit a comprehensive status and accomplishment report on the
8 implementation of the provisions of this Act. The Secretary of the DENR shall promptly
9 comply with any order of the Boracay Island Congressional Oversight Committee.

10 The secretariat of the oversight committee shall be drawn from the existing
11 secretariat personnel of the committees comprising the oversight.

12 **SEC. 9. *Penalty.*** - The penalty of six (6) years imprisonment or a fine of One
13 hundred thousand pesos (P100,000.00), or both at the discretion of the court shall be
14 imposed upon any person who shall violate the provisions of this Act.

15 Should the offending party be a government official or employee, he shall suffer,
16 in addition to the aforementioned penalties, perpetual absolute disqualification to hold
17 public office.

18 **SEC. 10. *Implementing Rules and Regulations.*** - Within ninety (90) days from the
19 effectivity of this Act, the DENR in coordination with the NAMRIA, all local government
20 units, government agencies, private organizations, non-government organizations
21 concerned and other stakeholders shall issue the rules and regulations necessary to
22 effectively implement the provisions of this Act.

1 **SEC. 11. *Separability Clause.*** -If, for any reason, any provision of this Act is
2 declared unconstitutional or invalid, other provisions hereof which are not affected
3 thereby shall continue to be in full force and effect.

4 **SEC. 12. *Repealing Clause.*** - All laws, decrees, executive orders, proclamations
5 and administrative regulations, or parts thereof inconsistent herewith are hereby
6 repealed or modified accordingly.

7 **SEC. 13. *Effectivity Clause.***-This Act shall take effect fifteen (15) days after its
8 complete publication in the *Official Gazette* or in two (2) newspaper of general
9 circulation in the Philippines.

Approved,