

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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2755



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. For 2000-2008, “[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, 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>.

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

x x x

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

x x x

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

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

(j) Strengthen the role of tourism councils and encourage the participation of non government organizations (NGOs), people's organizations (POs) and the private sector in initiating programs for tourism development and environmental protection;

x x x

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

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

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/>.

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

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

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

The objectives of this strategy are:

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

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

The objectives of this strategy are:

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

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



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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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 purposes 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, skimboarding, 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.

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

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

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

- a) Formulate the National Coastal Recreational Area Quality Framework, which shall include, but not be limited to, the following measurable requirements:
 - 1) Ecological Waste Management;
 - 2) Water Quality and Sanitation;
 - 3) Accessibility;
 - 4) Preventing and Reversing Coastal Degradation;
 - 5) Protection of Emergency Health Services; and
 - 6) Other measurable and reasonable standards pursuant to the declared State policy of this Act or other related laws or rules and regulations.
- b) Supervise the formulation and implementation of Local Sustainable Coastal Tourism Plans;
- c) Utilize the Sustainable Coastal Tourism Challenge Fund created under this Act as an incentive for LGUs to implement the provisions of this Act;
- d) Recognize meritorious and/or extraordinary implementation of this Act by LGUs through awards;
- e) Review, harmonize, and identify gaps in existing rules and regulations on sustainable coastal tourism;
- f) Conduct an inventory and assess the quality of all existing and potential coastal recreational areas in the country;
- g) Compile, use, and provide access to data on coastal recreational areas, which shall include, but not be limited to, location, magnitude, tourist arrivals, revenue from sustainable coastal tourism, coastal degradation, water quality, and sanitation, accessibility, and habitation of marine wildlife;
- h) Research and develop community-based and sustainable coastal tourism models and promote their adoption among local government units;

- i) Receive grants, contributions, donations, endowments, bequests, or gifts in cash or in kind from local and foreign sources in support of the development and implementation of climate change programs and plans; Provided, That such donations shall not be used to fund personal services expenditures and other operating expenses of the Council;
- j) Provide capacity building and technical assistance to coastal municipalities, cities, and provinces in evaluating, formulating, and reviewing local sustainable coastal tourism plans;
- k) Mobilize non-government, private, and international participation in local sustainable coastal tourism plans and projects; and
- l) Provide awards and other forms of recognition to coastal provinces and affected LGUs, which provide good examples of implementing sustainable coastal tourism.

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

- a) The DENR Secretary, or his duly authorized representative, as Chairperson;
- b) The Department of Tourism (DOT) Secretary, or his duly authorized representative, as Co-Chairperson;
- c) The Department of Transportation (DOTr) Secretary, or his duly authorized representative;
- d) The Department of Public Works and Highways (DPWH) Secretary, or his duly authorized representative;
- e) The Department of Health (DOH) Secretary, or his duly authorized representative;
- f) The Department of Interior and Local Government (DILG) Secretary, or his duly authorized representative;
- g) Two (2) representatives from the academe, who shall be experts in sustainable coastal management and/or related disciplines; and
- h) Three (3) representatives from reputable non-government organizations working on sustainable coastal tourism. The representatives from the academe and non-government organizations shall be appointed by the Council.

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

- a) Assess the quality of all coastal recreational areas in the country;
- b) Guide national government agencies in formulating, implementing, and monitoring policies, programs, and projects in relation to the goals of this Act;

- c) Guide coastal provinces, coastal cities, and coastal municipalities in formulating their respective local sustainable coastal tourism plans.

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

- 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 to the Council and/or the coastal LGU concerned 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, and the concerned coastal provinces and affected local government units;
- d) The DENR and its attached agencies shall provide technical and financial assistance to the Council and/or the coastal LGU concerned in monitoring the status of flora and fauna in coastal recreational areas and maintaining their assistance;
- e) The DOH and the DENR – Environmental Management Bureau shall formulate and enforce water quality and sanitation standards for coastal recreational areas. The DOH shall also provide technical assistance to coastal provinces and affected local government units in monitoring such standards in coastal recreational areas; and
- f) The DILG, in coordination with the Council, shall take the lead in raising awareness of sustainable coastal tourism among coastal provinces and affected local government units.

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

- a) Promotion and marketing of sustainable coastal recreational areas in their jurisdiction;
- b) Provision of proper and well-equipped waste management facilities which can accommodate 50% more than the total number of waste produced by the coastal area in a day;
- c) Provision of facilities for coastal tourism, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities;
- d) Clean-ups of coastal recreational areas;
- e) Banning tourists and locals from collecting samples of flora and fauna found in coastal recreational areas;
- f) Collection of tourism access fees from coastal recreational areas; Provided, That all amounts collected pursuant to this provision shall accrue to the city or municipal government from which it was collected and which shall be accounted for in accordance with existing government rules and regulations; Provided, further, That all the amounts collected shall be used by the LGU to implement the provisions of this Act;
- g) Inspection and regulation of water quality and sanitation in coastal recreational areas;

- h) Construction and maintenance of sustainably planned and maintained access roads near coastal recreational areas;
- i) Enforcement of easement zones, as provided in Presidential Decree No. 1067, s.1976, otherwise known as the Water Code of the Philippines;
- j) Provision of emergency health services;
- k) Dismantling of structures that prevent access to coastal recreational areas; and
- l) Moratorium on mining of sand and other minerals in or near coastal recreational areas.

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

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

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

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

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

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

SECTION 18. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,