

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

NINETEENTH CONGRESS  
**First Regular Session**

**HOUSE BILL NO. 2844**



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Introduced by **HON. GUSTAVO S. TAMBUNTING**

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#### **EXPLANATORY NOTE**

Boracay, to date, remains to be one of the most popular destinations in Asia. With its pristine white sand beaches and clear water, Boracay is one of Philippines' best tourism hubs, known to be a destination for fun and relaxation. I have personally witnessed and experienced how Boracay serves as an effective place of rest and recreation for Filipinos and foreigners alike.

Tourism came to Boracay during the 1970s. During this time, the island was still backpacker's destination with barely any establishments in the area. Over the years numerous establishments, resorts and other developments have sprouted over the islands. With these developments, more tourists came to visit Boracay every year. Boracay hosts several holiday parties and festivities that attract thousands of tourists yearly. By 2017, over 2.1 million visitors were recorded to have visited the island—overly exceeding the intended capacity of the island which is half a million visitors per year.

Due to the recent surge in tourists during the recent years, several unchecked developments have been permitted by local authorities leading numerous ecological disasters occurring in the island's barangays. In December 2017, residents of the island have expressed outrage over the flooding along the island's main road which was worsened by the heavy raining during the time. Residents reported that the flooding was a perennial problem especially during the rainy season. The flooding was reported to be caused by lack or failure of the drainage system on the island.

In April 2018, the island was ordered closed for purposes of rehabilitation and redevelopment. It has since been reported that thousands of local residents were not connected to underground sewer lines and raw waste is pumped directly into the sea. The island was reopened to the public later in 2018, with several infrastructure projects yet to be completed. Presently, the rehabilitation is still in progress. The COVID-19 pandemic has severely affected the tourism, Boracay's main source of income. In this regard, this proposed measure seeks to preserve and protect the island by creating a Boracay Development Authority which is tasked to foresee and regulate the utilization and development of Boracay.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.

**REP. GUSTAVO S. TAMBUNTING**  
2nd District, Parañaque City

A large, stylized handwritten signature in black ink, written over the printed name and title of the representative.

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**AN ACT CREATING THE BORACAY DEVELOPMENT AUTHORITY**

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

**SECTION 1. Declaration of Policy.** – Pursuant to the constitutional mandate of the State to protect and advance the right of the people to balanced resources in the Island of Boracay, preserve and protect its terrestrial and marine ecosystem by providing environmental safeguards therefor with the objective of making the enjoyment and utilization of such natural resources accessible to the present and future generations. The State shall also pursue a policy of ensuring a fair, orderly and expeditious manner of distributing its wealth and resources, specifically lands forming part of its public domain which have been classified as alienable and disposable without compromising the protection and conservation of the country's natural resources.

**SECTION 2. Strict Regulation of the Utilization and Development of the Island.** – The utilization and development of the Island of Boracay shall be strictly regulated pursuant to all laws and statutes on the utilization, conservation, preservation and protection of natural resources and the environment. All utilization and development thereon shall strictly comply with the land use plan approved by the Boracay Development Authority and the requirements imposed by existing environmental rules, regulations and other issuances, taking into consideration the sustainable use and development of the area and at all times with utmost respect to the right of indigenous cultural communities to their ancestral lands.

For the safety of the local communities and tourists, the development of the Island of Boracay shall also take into consideration the hazard-prone areas of the Island. No development shall take place in areas identified as highly susceptible to natural hazards.

**SECTION 3. Creation of the Boracay Development Authority.** – A government instrumentality with corporate powers, to be known as the Boracay Development Authority is hereby created.

**SECTION 4. Jurisdiction.** – The authority shall have jurisdiction over Boracay Island.

**SECTION 5. Powers and Functions of the Authority.** – The Authority shall exercise the following powers and functions:

- a) Operate, administer, manage, and develop Boracay Island;
- b) Accept any local or foreign investment, business or enterprise, subject only to such rules as may be promulgated by the Authority without prejudice to the nationalization requirements under the Constitution;

- c) Formulate and implement short and long-term strategies for eco-tourism development, environmental protection, social development, and infrastructure development;
- d) Approve or disapprove and issue the necessary clearances for all plans, programs, and projects proposed by the local government offices/agencies within the Island, public corporations and private persons or enterprises where such plans, programs and/or project are related to the mandate of the Authority;
- e) Undertake and regulate the establishment, operation and maintenance of utilities, other services and infrastructure in Boracay;
- f) 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;
- g) Perform related functions which shall promote the development, conservation, management, protection, and utilization of the natural resources of the Island of Boracay as well as protect, maintain and develop the forests within the area;
- h) To adopt, implement and enforce measures and standards for environmental pollution control of all areas within its territory, including, but not limited to all bodies of water;
- i) Conduct public consultations and raise public awareness on the protection, development, and optimum utilization of coastal, marine, and fisheries resources;
- j) Order the closure, suspension of development or construction, or cessation of operations of any going concern that violates any provision of this Act or of the rules and regulations issued by the Authority;
- k) Institute the necessary legal proceeding against any person who commits acts in violation to Section 2 hereof;
- l) Adopt, amend and rescind such rules and regulations and impose reasonable fines for the effective implementation of the provisions of this Act;
- m) Construct, acquire, own, lease, operate and maintain on its own or through contract, franchise, license, permits, bulk purchase from private sector and build-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 therefor;
- n) Adopt, alter and use a corporate seal; to contract, lease, sell, dispose, acquire and own properties; to sue and be sued in order to carry out its duties and functions as provided for in this Act and to exercise the power of eminent domain for public use and public purpose;
- o) Directly or indirectly operate or license tourism-related activities subject to priorities and standards set by the Authority;
- p) Authorize the establishment of appropriate educational and medical institutions;
- q) Enforce the provisions of this Act and other existing and pertinent laws, rules and regulations similar to or complementary with this Act;
- r) Exercise such powers as may be essential, necessary or incidental to the powers granted to it hereunder as well as to carry out the policies and objectives of this Act.

**SECTION 6. Board of Directors.** – The powers of the Authority shall be vested in and exercised by a Board of Directors, hereinafter referred to as the Board, which shall be composed of Twelve (12) members, to wit:

- (1) Representative of the Province of Aklan,
- (2) Representative of the Municipality of Malay, Province of Aklan;
- (3) One representative each from the three barangays comprising the Island of Boracay, namely Manoc-manoc, Balabag and Yapak;
- (4) One (1) representative from the National Government;

- (5) Three (3) representatives from the business and investment sectors;
- (6) Three (3) representatives from local community organizations and/or non- governmental organizations

No person shall be appointed as a member of the Board unless he is a natural-born Filipino citizen and of good moral character.

**SECTION 7. General Manager/ Administrator.** – The President shall appoint a professional manager as Administrator or General Manager of the Authority. The Administrator/General Manager shall direct and manage the Island in accordance with the policies of the Board of Directors.

**SECTION 8. Implementing Rules and Regulations.** – Within ninety (90) days from the effectivity of this Act, the Council, after consultation the stakeholders, shall issue the rules and regulations necessary to effectively implement the provisions of this Act.

**SECTION 9. Separability Clause.** – If any provision of this Act is declared unconstitutional or invalid, the provisions not affected thereby shall continue to be in full force and effect.

**SECTION 10. Repealing Clause.** – All laws, decrees, orders, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SECTION 11. Effectivity.** – This Act shall take effect alter fifteen (15) days following its publication in the Official Gazette or in a newspaper of general circulation.

*Approved,*