



## HOUSE OF REPRESENTATIVES

H. No. 4796

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BY REPRESENTATIVES MIRAFLORES AND MATUGAS, PER COMMITTEE  
REPORT NO. 1173

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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 FOR THE PURPOSE THE MODE OF ACQUISITION FOR CERTAIN PARCELS OF ITS PUBLIC DOMAIN CLASSIFIED AS AGRICULTURAL LAND OPEN TO DISPOSITION UNDER PROCLAMATION NO. 1064 AND 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,  
2 Section 1 of the 1987 Philippine Constitution, declaring the goals of the  
3 national economy to be the more equitable distribution of opportunities,  
4 income and wealth, the State hereby adopts a policy of ensuring the fair and  
5 expeditious titling of alienable and disposable agricultural lands of the public  
6 domain. Towards this end, the State shall facilitate the titling of lands in favor  
7 of qualified Filipinos to provide them with security of land tenure. Further, in  
8 recognition of the need to accelerate the country's development without

1 compromising the protection and conservation of the country's natural  
2 resources, the State shall undertake measures to adopt sustainable development  
3 strategies of forestlands, national parks and the resources therein and provide  
4 environmental safeguards while at the same time spurring local economic  
5 growth.

6       SEC. 2. *Coverage.* – The provisions of this Act shall apply to the  
7 parcels of land of the public domain located in the Island of Boracay,  
8 Municipality of Malay, Province of Aklan, delineated and declared as  
9 agricultural lands open to disposition for agricultural, residential, commercial,  
10 industrial or other productive purpose through Proclamation No. 1064. The  
11 aforementioned agricultural lands are likewise hereby excluded from the  
12 operation of Presidential Proclamation No. 1801 dated 10 November 1978,  
13 entitled: "Declaring Certain Islands, Coves and Peninsulas in the Philippines as  
14 Tourist Zones and Marine Reserve under the Administration and Control of the  
15 Philippine Tourism Authority".

16       SEC. 3. *Mode of Acquisition.* – The Department of Environment and  
17 Natural Resources (DENR) shall alienate the agricultural lands identified in  
18 Section 2 hereof, subject to the limitations provided for in this Act, through the  
19 issuance of a free patent over any parcel thereof to any citizen of the  
20 Philippines who, for at least thirty (30) years prior to the effectivity of this Act,  
21 has continuously occupied and/or cultivated either by himself or through his  
22 predecessors-in-interest or who shall have paid the real estate tax thereon while  
23 the same has not been occupied by any other person. Such qualified person  
24 shall be entitled under this Act to have a free patent issued to him for such tract  
25 of land not to exceed twelve (12) hectares per applicant: *Provided,* That the  
26 DENR shall also reserve lands or lots of sufficient size and strategic location to  
27 the Municipal Government of Malay, the Provincial Government of Aklan and  
28 other agencies of the national government for essential public purposes and/or

1 services such as school buildings, public plazas, health centers and similar  
2 offices and similar purposes including necessary avenues, streets and  
3 alleyways: *Provided, further,* That any title that may be issued over lands for  
4 public purpose shall be in the name of the Republic of the Philippines and all  
5 roads, avenues, streets and alleyways shall be in the name of the Province of  
6 Aklan.

7 The provisions of Commonwealth Act No. 141, as amended, otherwise  
8 known as "The Public Land Act", not inconsistent herewith shall be applicable.

9 SEC. 4. *Protected Forestlands.* – Areas of the public domain within  
10 the Island of Boracay classified as forestlands pursuant to Proclamation  
11 No. 1064 are hereby declared forestlands, under the subclassification of  
12 protection forests. For ecological and rational land use considerations, the  
13 following shall also constitute part of the protected forestlands and inalienable  
14 portions of the public domain, to wit:

15 (a) Five (5) meters strip inland from the twenty-five (25) meters  
16 mandatory beachfront easement, measured from the mean high water mark;

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

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

20 Such forestlands shall be conserved, preserved and regulated by the  
21 DENR jointly with the Municipal Government of Malay, the Provincial  
22 Government of Aklan and concerned national agencies pursuant to the  
23 provisions of Presidential Decree No. 705, as amended, otherwise known as  
24 the "Revised Forestry Code of the Philippines"; Republic Act No. 9072,  
25 otherwise known as the "National Caves and Cave Resources Management and  
26 Protection Act", their implementing rules and regulations, as well as other  
27 pertinent laws, proclamations, issuances and administrative orders on  
28 conservation and environmental protection.

1           SEC. 5. *Strict Regulation on the Utilization and Development of the*  
2 *Island.* – The utilization and development of all areas along the Island of  
3 Boracay shall be strictly regulated by the DENR pursuant to all laws and  
4 statutes on the utilization and protection of natural resources and the  
5 environment, and must strictly comply with the land use plan approved by the  
6 local government unit and the requirements imposed by existing DENR rules,  
7 regulations and other issuances, taking into consideration the sustainable use  
8 and development of the area and with utmost respect to the right of indigenous  
9 cultural communities to their ancestral lands.

10           SEC. 6. *Implementing Rules and Regulations.* – The DENR, in  
11 coordination with the Provincial Government of Aklan, shall, within ninety  
12 (90) days from the enactment of this Act, promulgate the rules and regulations  
13 necessary for the implementation of this Act.

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

17           SEC. 8. *Repealing Clause.* – All laws, decrees, executive orders,  
18 proclamations and administrative regulations or parts thereof inconsistent  
19 herewith are hereby repealed or modified accordingly.

20           SEC. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
21 days after its publication in the *Official Gazette* or in two (2) newspapers of  
22 general circulation.

Approved,

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