



HOUSE OF REPRESENTATIVES

H. No. 4625

BY REPRESENTATIVES HARESCO, AGGABAO AND MATUGAS, PFR COMMITTEE
REPORT NO 317

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

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 I of the 1987 Philippine Constitution, which provides that the goals of
3 the national economy are a more equitable distribution of opportunities,
4 income and wealth, the State shall adopt 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
9 compromising the protection and conservation of the country's natural

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

5 SEC. 2. *Coverage* – The provisions of this Act shall apply to the
6 parcels of land of the public domain located in the Island of Boracay,
7 Municipality of Malay, Province of Aklan delineated and declared as
8 agricultural lands open to disposition for agricultural, residential, commercial,
9 industrial or other productive purposes through Proclamation No. 1064, dated
10 22 May 2006, entitled “Classifying Boracay Island Situated in the Municipality
11 of Malay, Province of Aklan into Forestland (Protection Purposes) and into
12 Agricultural Land (Alienable and Disposable) Pursuant to Presidential Decree
13 No. 705 (Revised Forestry Reform Code of the Philippines)”. These
14 agricultural lands are likewise hereby excluded from the operation of
15 Proclamation No. 1801, dated 10 November 1978, entitled “Declaring Certain
16 Islands, Coves and Peninsulas in the Philippines as Tourist Zones and Marine
17 Reserve under the Administration and Control of the Philippine Tourism
18 Authority”.

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

1 DENR shall also reserve lands or lots of sufficient size and strategic location to
2 the local government of Malay, Province of Aklan, and other agencies of the
3 *national government for essential public purposes and/or services such as*
4 *school buildings, public plazas, health centers and similar purposes, including*
5 *necessary avenues, streets, and alleyways: Provided further,* That any title
6 that may be issued over lands for public purposes shall be in the name of the
7 Republic of the Philippines and all roads, avenues, streets, and alleyways shall
8 be in the name of the Province of Aklan. The provisions of Commonwealth
9 Act No. 141, as amended, otherwise known as the "Public Land Act", not
10 inconsistent herewith, shall be applicable.

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

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

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

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

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

1 pertinent laws, proclamations, issuances and administrative orders on
2 conservation and environmental protection.

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

12 SEC. 6 *Implementing Rules and Regulations.* -- The DENR, in
13 coordination with the Provincial Government of the Province of Aklan, shall,
14 within ninety (90) days from the effectivity of this Act, promulgate the rules
15 and regulations necessary for its implementation.

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

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

22 SEC. 9. *Effectivity* - This Act shall take effect fifteen (15) days after
23 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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