

HOUSE OF REPRESENTATIVES

H. No. 9583

BY REPRESENTATIVES HARESCO, CABOCHAN, BARZAGA, VILLANUEVA (E.) AND RIVERA, PER
COMMITTEE REPORT NO. 1050

AN ACT
PROVIDING FOR THE MODE OF DISPOSITION OF ALIENABLE
AND DISPOSABLE LANDS AND REGULATING THE USE AND
DEVELOPMENT OF THE AREAS IN BORACAY ISLAND,
MUNICIPALITY OF MALAY, PROVINCE OF AKLAN

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

1 **SECTION 1. Declaration of Policy.** – It is the policy of the State to
2 advance the goals of the national economy towards a more equitable distribution
3 of opportunities, income, and wealth and ensure an orderly and expeditious
4 manner of distributing its wealth and resources, specifically lands which have
5 been classified as alienable and disposable, without compromising the protection
6 and conservation of the country's natural resources. Towards this end, the State
7 shall provide the mode of disposition of alienable and disposable lands and
8 regulate the use and development of the areas in Boracay Island, Municipality of
9 Malay, Province of Aklan, to stimulate local economic growth.

10 **SEC. 2. Land Classification.** – The classification of land in the Island of
11 Boracay, Municipality of Malay, Province of Aklan declared in Proclamation No.
12 1064, series of 2006, entitled, "Classifying Boracay Island Situated in the
13 Municipality of Malay, Province of Aklan into Forestland (Protection Purposes)
14 and into Agricultural Land (Alienable and Disposable) Pursuant to Presidential
15 Decree No. 705 or the "Revised Forestry Reform Code of the Philippines" is
16 adopted. The Department of Environment and Natural Resources (DENR) shall,

1 in coordination with the National Mapping and Resource Information Authority
2 and the concerned local government units, conduct a mandatory review of the land
3 classification under Presidential Proclamation No. 1064, particularly the alienable
4 and disposable lands, for purposes of recommending to Congress any correction or
5 reclassification.

6 The alienable and disposable lands open to disposition for agricultural,
7 commercial, residential, and industrial purposes in Boracay Island are excluded
8 from the operation of Proclamation No. 1801, Series of 1978, entitled, "Declaring
9 Certain Islands, Coves and Peninsulas as Tourist Zones and Marine Reserve
10 under the Administration and Control of the Philippine Tourism Authority."

11 **SEC. 3. *Mode of Disposition.*** – The DENR shall dispose the alienable and
12 disposable lands in Boracay Island to any qualified citizens of the Philippines,
13 subject to the limitations provided under this Act, pursuant to the provisions of
14 Commonwealth Act No. 141, otherwise known as "The Public Land Act," as
15 amended. Individual applicants for the issuance of free patent shall establish proof
16 that they or their predecessors-in-interest have, for at least thirty (30) years prior
17 to the effectivity of this Act, continuously occupied, possessed or cultivated the
18 parcels of land applied for or have paid the real property tax thereon. Any
19 qualified applicant is entitled to a tract of land not to exceed twelve (12) hectares
20 and a free patent and original certificate of title may be issued in the name of the
21 applicant.

22 The DENR shall reserve parcels of land of sufficient size and strategic
23 location to the local governments of the Municipality of Malay and Province of
24 Aklan, and other agencies of the National Government for essential public
25 purposes or services such as school buildings, public plazas, health centers and
26 other improvements, including necessary roads, avenues, streets, and alleyways.
27 Any title that may be issued over the reserved lands shall be in the name of the
28 Republic of the Philippines.

29 **SEC. 4. *Management of Forest Lands.*** – The DENR shall conserve and
30 preserve the forest lands in Boracay Island and regulate the use of these forest
31 lands consistent with the provisions of Presidential Decree No. 705, Series of 1975,
32 otherwise known as the "Revised Forestry Code of the Philippines," as amended,
33 and other pertinent laws, proclamation, issuances and administrative orders.

1 For ecological and rational land use considerations, the following are
2 considered part of the protected forest lands:

- 3 (a) Five (5) meters strip inland from the twenty-five (25) meters mandatory
4 beach front easement, measured from the mean high-water mark; and
5 (b) Three (3) meters landward on both sides of creeks and canals.

6 Roads and pathways classified as forest lands under Presidential
7 Proclamation No. 1064 are removed from such classification and placed under the
8 jurisdiction of the Department of Public Works and Highways.

9 **SEC. 5. *Use and Development of the Island of Boracay.*** – The local
10 government of the Municipality of Malay, Province of Aklan shall strictly enforce
11 the land use plan and the DENR shall strictly regulate the development and
12 sustainable use of the areas in Boracay Island pursuant to existing rules and
13 regulations, and pertinent laws, including Republic Act No. 9147, otherwise
14 known as the “Wildlife Resources Conservation and Protection Act,” and Republic
15 Act No. 8371, otherwise known as “The Indigenous Peoples’ Rights Act of 1997.”

16 **SEC. 6. *Implementing Rules and Regulations.*** – Within ninety (90)
17 days from the effectivity of this Act, the Secretary of the DENR shall, in
18 consultation with the local government of the Municipality of Malay, the
19 provincial government of Aklan, and concerned national government agencies,
20 issue the corresponding rules and regulations for the effective implementation of
21 this Act.

22 **SEC. 7. *Separability Clause.*** – If any part or provision of this Act is
23 declared unconstitutional or invalid, the remaining parts or provisions not affected
24 shall remain in full force and effect.

25 **SEC. 8. *Repealing Clause.*** – All laws, decrees, executive orders,
26 proclamations, rules and regulations, issuance or parts thereof inconsistent with
27 the provisions of this Act are hereby repealed or modified accordingly.

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

30 Approved,