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

EIGHTEENTH CONGRESS  
Third Regular Session

COMMITTEE REPORT NO. 1050

Submitted by the Committee on Natural Resources on June 4, 2021
Re: House Bill No. 9583

Recommend its approval, in substitution of House Bills Numbered 3562 and 4181


Mr. Speaker:

The Committee on Natural Resources, to which were referred House Bill Numbered 3562, introduced by Representative Teodorico T. Haresco, Jr., entitled:

“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, PROVIDING ENVIRONMENTAL SAFEGUARDS THEREFOR, AND FOR OTHER PURPOSES”

and

House Bill Numbered 4181, introduced by Representative Manuel DG. Cabochan III, entitled:

“AN ACT
ESTABLISHING A POLICY 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 PARCELS OF LAND WITHIN THE ISLAND CLASSIFIED AS AGRICULTURAL LAND OPEN TO DISPOSITION UNDER PROCLAMATION NO. 1064 AND PROVIDING ENVIRONMENTAL SAFEGUARDS THEREFOR”
has considered the same and recommends that the attached House Bill Numbered 9583 entitled:

“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 approved in substitution of House Bills Numbered 3562 and 4181, with Representatives Haresco, Cabochan and Barzaga as authors thereof.

Respectfully submitted,

REP. ELPIDIO F. BARZAGA JR.
Chairperson
Committee on Natural Resources

THE HONORABLE SPEAKER
House of Representatives
Quezon City
Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City  

EIGHTEENTH CONGRESS  
Third Regular Session  

HOUSE BILL NO. 9583  
(In substitution of House Bills Numbered 3562 and 4181)  

 Introduced by Representatives Teodorico T. Haresco, Jr.,  
Manuel DG. Cabochan III, and Elpidio F. Barzaga Jr.  

“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 the House of Representatives of the  
Philippines in Congress assembled:  

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

SEC. 2. Land Classification. – The classification of land in the Island of  
Boracay, Municipality of Malay, Province of Aklan declared in Proclamation No.  
1064, series of 2006, entitled, “Classifying Boracay Island Situated in the  
Municipality of Malay, Province of Aklan into Forestland (Protection Purposes)  
and into Agricultural Land (Alienable and Disposable) Pursuant to Presidential  
Decree No. 705 or the “Revised Forestry Reform Code of the Philippines” is  
adopted. The Department of Environment and Natural Resources (DENR) shall,
in coordination with the National Mapping and Resource Information Authority and the concerned local government units, conduct a mandatory review of the land classification under Presidential Proclamation No. 1064, particularly the alienable and disposable lands, for purposes of recommending to Congress any correction or reclassification.

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

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

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

**SEC. 4. Management of Forest Lands.** – The DENR shall conserve and preserve the forest lands in Boracay Island and regulate the use of these forest lands consistent with the provisions of Presidential Decree No. 705, Series of 1975, otherwise known as the “Revised Forestry Code of the Philippines,” as amended, and other pertinent laws, proclamation, issuances and administrative orders.
For ecological and rational land use considerations, the following are considered part of the protected forest lands:

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

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

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

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

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

SEC. 8. Separability Clause. – If any part or provision of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 9. Repealing Clause. – All laws, decrees, executive orders, proclamations, rules and regulations, issuance or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,