Boracay, famous and well-loved for its powdery white sand and clear turquoise waters, has always been one of the favorite beach destinations in the Philippines. It is frequented by local and international tourists. Through the years, many establishments were built without regard to the environment. It has become very chaotic and crowded, especially during holidays. Boracay also became polluted by abusive businesses and poorly managed waste disposal and sewage systems.

Last February 2018, President Rodrigo Duterte called the island of Boracay a "cesspool" and announced plans to close the island to tourists and conduct a rehabilitation. A few months later, it was temporarily closed to the general public for six months.

At present, after Boracay's re-opening, the changes and the huge difference became very apparent to residents and visitors. Boracay is once again starting to become the island paradise it is known for.

The goal now is to ensure that the "new" Boracay remains the same and abuses and pollution do not come back. A Boracay Island Development Authority (BIDA) is needed to ensure that the improvements and the results of the rehabilitation do not go to waste. The BIDA will also promote sustainable tourism and it shall formulate policies, plans, programs, and projects for the rehabilitation, preservation, and enhancement of the Boracay Island ensuring adequate provisions for environmental management and control, the preservation of the equality of human life and ecological systems, and the prevention of undue ecological disturbances, deterioration and pollution.

In view of the foregoing, immediate passage of this bill is earnestly requested.

RUFUS B. RODRIGUEZ
EIGHTEENTH CONGRESS
REPUBLIC OF THE PHILIPPINES
Second Regular Session

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 7313

AN ACT
CREATING THE BORACAY ISLAND DEVELOPMENT AUTHORITY, PROVIDING FUNDING THEREFOR AND FOR OTHER PURPOSES

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

Section 1. Short Title. This Act shall be known as the "Boracay Island Development Authority (BIDA) Act".

Section 2. Declaration of Policy. — It is hereby declared the national policy to promote and accelerate sustainable development and balanced growth of the Boracay Island consistent with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment. Towards this end, the Boracay Island Development Authority (BIDA) shall formulate policies, plans, programs, and projects for the rehabilitation, preservation, and enhancement of the Boracay Island ensuring adequate provisions for environmental management and control, the Preservation of the equality of human life and ecological systems, and the prevention of undue ecological disturbances, deterioration and pollution.

It shall also promote and encourage the involvement of all sectors of society and maximize people participation in natural resource management, conservation and protection.

Section 3. Boracay Island Development Authority (BIDA). — For the purpose of carrying out and effecting the declared national policy, there is hereby created a body corporate to be known as the Boracay Island Development Authority (BIDA), hereinafter referred to as the Authority whose metes and bounds shall be issued by the President of the Philippines subject to the limitations of the Constitution and the pertinent provisions of the Local Government Code.

Within the framework and subject to the mandate and limitations of the Constitution and the provisions of the Local Government Code, the BIDA shall be developed into a self-sustaining, industrial, commercial, financial and investment center to generate employment opportunities and to attract and promote productive local and foreign investments, taking into account the protection and preservation of the natural resources and biodiversity of the Boracay Island.
It shall be organized within ninety (90) days after the approval of this Act.

The Authority is attached to the Department of Environment and Natural Resources (DENR) and shall execute the powers and functions herein vested in such manner as will, in its judgment, aid to the fullest possible extent in carrying-out the goals and purposes set forth below.

Section 4. Location of Principal Office. — The Authority shall maintain its principal office at a convenient place within the region, but it may have branch offices in such other places that are necessary for the proper conduct of its business.
Section 5. Corporate Powers of the Authority. — The Authority shall have the following powers and functions:

a. To succeed on its corporate name;
b. To sue and be used in such corporate name
c. To adopt, alter, and use corporate seal;
d. To adopt, amend, and repeal its by-laws;
e. To enter into contracts as may be allowed by existing laws to carry out its purposes and functions stated in this Act;
f. To establish a graded system of protection and development control over the whole of Boracay Island including its tribal lands, forest mines, agricultural areas, settlement areas, biodiversity, mangroves, coral reefs, seagrass beds and the surrounding sea;
g. To accept any local or foreign investment, business or enterprise, subject only with the internal policies of the Authority without prejudice to existing laws, rules and regulations;
h. To undertake and regulate the establishment, operation and maintenance of utilities, other services and infrastructure in the Island to fix just and reasonable rates, fares, charges and other prices therefore;
i. To construct, acquire, own, lease, operate and maintain on its own or through contract, franchise, license permits bulk purchase from the 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 therefore;
j. Within the limitation provided by law, to raise and/or borrow the necessary funds from local and international financial institutions and to issue bonds, promissory notes and other securities for that purpose and to secure the same by guarantee, pledge, mortgage, deed of trust, or assignment of its properties held by the Authority for the purpose of financing its projects and programs within the framework and limitations of this Act;
k. To protect, maintain and develop forest lands, protected areas and wetlands, the rules and regulations of DENR and other government agencies directly involved in the above functions shall be implemented by the Authority;
l. To receive donations, grants, bequeaths and assistance of all kinds from local and foreign government and private sectors and utilize the same;
m. To adopt and implement measures and standards for environmental pollution control of all areas within its territory, including, but not limited to all bodies of water and to enforce the same. For which purpose the Authority shall create an Ecology Center;
n. To promulgate all necessary rules and regulations; and
o. To perform such other powers as may be necessary authorized under existing laws to carry out the purposes of this Act.

Section 6. Composition of the Board of Directors. — The powers shall be vested in and exercised by a Board of Directors, referred to as the Board, composed of 9 members, as follows:

a. The Secretary of DENR as the Chairman;
b. The Secretary of NEDA as Vice-Chairperson;
c. The Secretary of the Department of Tourism, or his/her duly authorized representative;
d. The Secretary of the Department of Science and Technology or his/her duly authorized representative;
e. The Secretary of the Department of Public Works and Highways or his/her duly authorized representative;
f. The Secretary of the Department of Transportation and Communication or his/her duly authorized representative;
g. Two (2) Representatives from the Provincial government of Aklan and Municipality of Malay;
h. The Administrator of the Authority to be appointed by the President of the Philippines;
Section 7. Qualifications. – No person shall be appointed or designated unless he is a natural-born Filipino citizen, of good moral character, of unquestionable integrity, and or recognized competence in relevant fields including but not limited to, economics, management, international relations, law or engineering.

All procedural matters in the conduct of board meetings shall be prescribed in its internal rules.

Section 8. Functions of the Board. – The Board of Directors shall be policy-making body of the Authority and shall perform the following functions:

a. Determine the organizational structure of the Authority, define the duties and responsibilities of all officials and employees and adopt a compensation and benefit scheme at least equivalent to that of the Bangko Sentral ng Pilipinas (BSP);

b. Appoint all officials down to the third level and authorize the administrator of the Authority to appoint all others; provided, that all appointments shall be on the basis of merit and fitness and all personnel action shall be in pursuance of Civil Service Laws, rules and regulations, except those coterminous employees of the members of the Board;

c. Prepare the annual and supplemental budgets of the Authority;

d. Submit an annual report of the operation of the Authority to the President of the Philippines, President of the Senate and Speaker of the House of Representatives;

e. Carry out the purposes of the Authority with the following terms and references:
   1. As much as possible, major conversion projects shall be undertaken under the complete project turn key or build-operate-transfer (BOT) scheme as provided under Republic Act 6957; and
   2. Starting the third year of the Authority’s full operation, a privatization or divestment program of its projects and subsidiaries shall begin under general guidelines prescribed by the President of the Philippines.

Section 9. Board Meetings. – The Board shall meet at least once a month.

Section 10. Powers and Functions of the Administrator. – There is hereby appointed by the President of the Republic of the Philippines an Administrator who shall be the Chief Executive of the Authority. As such, he shall have the following powers and duties:

a. Submit for consideration of the Board, the policies and measures which he believes to be necessary to carry out the purposes and provisions of this Act;

b. Execute and administer the policies, plans, programs and projects approved by the Board;

c. Direct and supervise the operation and internal administration of the Authority. The General Manager may delegate certain of his administrative responsibilities to other officers of the Authority subject to the rules and regulations of the Board;

d. Appoint officials and employees below the rank of division heads to positions in the approved budget upon written recommendation of the division head concerned using as guide the standard set forth in the Authority’s merit system;

e. Submit quarterly reports to the Board on personnel selection, placement and training;

f. Submit to the NEDA an annual report and such other reports as maybe required, including the details of the annual and supplemental budgets of the Authority, and

g. Perform such other functions as may be provided by law.

The Board may create such other divisions and positions as may be deemed necessary for the efficient, economical and effective conduct of the activities of the Authority.
Section 11. Appropriations. – The amount necessary for the creation and the operations of the Authority shall be included in the annual General Appropriations Act.

Section 12. Auditing. – The Board shall provide and appoint an auditor who shall formulate an auditing system for the Authority.

Section 13. Research and Development Division. – The Authority, in coordination with the Department of Science and Technology (DOST), other concerned government agencies and academic research institutions, may establish a research and development division for the prevention and control of degradation. The Authority shall conduct and promote the coordination and acceleration of research, investigation, studies, investment, trainings and surveys relating to the causes, extent, prevention and control of environmental degradation of the natural resources of Boracay Island.

Section 14. Implementing Rules and Regulations. – The Authority, through the Board of Directors and DENR shall establish the Implementing Rules and Regulations within ninety (90) days after the passage of this Act.

Section 15. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Section 16. Repealing Clause. – All Acts, Executive Orders, memorandum circulars/guidelines and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

Section 17. Effectivity. – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of national circulation.

Approved,