

## [ EXECUTIVE ORDER NO. 53, May 08, 2018 ]

### **CREATING A BORACAY INTER-AGENCY TASK FORCE, PROVIDING FOR ITS POWERS AND FUNCTIONS AND THOSE OF THE MEMBER-AGENCIES THEREOF, AND OTHER MEASURES TO REVERSE THE DEGRADATION OF BORACAY ISLAND**

**WHEREAS**, Section 16, Article II of the 1987 Constitution enshrines the State policy of protecting and advancing the people's right to a balanced and healthful ecology in accordance with the rhythm and harmony of nature,

**WHEREAS**, Section 1, Title XIV, Book IV, of Executive Order No. 292 or the Administrative Code of 1987 provides that the State shall ensure, for the benefit of the Filipino people, the full exploration and development as well as the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources, consistent with the necessity of maintaining a sound ecological balance and protecting and enhancing the quality of the environment and the objective of making the exploration, development and utilization of such natural resources equitably accessible to the different segments of the present as well as future generations;

**WHEREAS**, Section 3(i), Chapter I, Title I, Book I of Republic Act (RA) No. 7160, as amended or the Local Government Code of 1991 provides that the local government shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction;

**WHEREAS**, pursuant to various environmental laws, persons who caused or contributed to environmental damage must be held accountable and must be made to pay at their expense the damage they caused up to the same extent the environment was rendered unfit for utilization and beneficial use;

**WHEREAS**, Boracay Island, being a world-famous beach destination in the Philippines which contributes immensely to the socio-economic growth of the country, is a vital national asset and a source of national pride;

**WHEREAS**, Proclamation No. 1064 (s. 2006) classified Boracay Island into three hundred seventy-seven and 68/100 (377.68) hectares of reserved forest land for protection purposes and six hundred twenty-eight and 96/100 (628.96) hectares of agricultural land as alienable and disposable land;

**WHEREAS**, pursuant to the Regalian Doctrine, whereby all lands not privately owned belong to the State, the entire island of Boracay is state-owned except for lands already covered by existing titles;

**WHEREAS**, years of indiscriminate development have led to environmental degradation, pollution and the depletion and destruction of the Island's biodiversity;

**WHEREAS,** the issues surrounding the development of Boracay Island are no longer a purely local matter but a national concern that needs concerted national and local cooperation and synchronization of plans and programs;

**WHEREAS,** previous presidential issuances have been issued establishing a coordinative body to address the systemic problems of Boracay Island, namely, Letter of Instruction No. 1298 (s. 1983), Executive Order (EO) No. 377 (s. 2004), and EO No. 706 (s. 2008), among others;

**WHEREAS,** there is a need to re-establish an enhanced inter-agency task force which will formulate, implement, and oversee policies, as well as strictly enforce national laws and local ordinances, to ensure the rehabilitation and ecological sustainability of Boracay Island; and

**WHEREAS,** pursuant to the mandate of the President under the 1987 Constitution, there is a need to ensure that all agencies and local government units (LGUs) faithfully execute environmental and other laws in Boracay Island;

**NOW THEREFORE, I, RODRIGO ROA DUTERTE,** President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order the following:

**Section 1. Creation of the Boracay Inter-agency Task Force.** The Boracay Inter-agency Task Force ("Task Force") is hereby created, to be composed of the following:

**Chair :** Secretary, Department of Environment and Natural Resources (DENR)

**Vice Chair** Secretary, Department of the Interior and Local Government (DILG)

**Co-Vice Chair :** Secretary, Department of Tourism (DOT)

Secretary, Department of Justice (DOJ)  
Secretary, Department of Public Works and Highways (DPWH)  
Secretary, Department of Social Welfare and Development (DSWD)

Secretary, Department of Labor and Employment (DOLE)

**Members:** Secretary, Department of Trade and Industry (DTI)

Chief Operating Officer, Tourism Infrastructure and Enterprise Zone Authority (TIEZA)

Chief, Philippine National Police (PNP)

Governor Province of Aklan

Mayor, Municipality of Malay

The Task Force members may designate an alternate to represent their respective offices in the Task Force in their absence. Such alternate must have a minimum rank equal to the rank of the Task Force Secretariat Head under Section 5 hereof and must be fully authorized to decide on behalf of the Task Force member.

The Task Force may call upon or mobilize any department, bureau, office, agency, or instrumentality of the government, including government-owned-or controlled corporations (GOCCs), to extend full support towards the attainment of the objectives of this Order.

The Task Force shall be deemed dissolved after two (2) years from the effectivity of this Order, unless extended by the President upon recommendation of the Cabinet.

**Section 2. Powers and Functions.** The Task Force shall have the following powers and functions:

(a) Ensure that policies on Boracay Island are consistent with relevant laws, rules, and regulations, and fully implement, in coordination with relevant agencies and LGUs, such policies, laws, rules and regulations, including the Boracay Action Plan;

(b) Review and consolidate existing master plans and formulate, in close consultation with tourism stakeholders, urban planners and environmental groups, and local governments, an Action Plan towards the sustainable tourism development of Boracay, taking into account current critical environmental, social and tourism issues, the on-going master planning being undertaken by the Malay Municipality, and environment-friendly infrastructure facilities, establishments and technologies.

The Boracay Action Plan shall be a comprehensive medium-term masterplan to rehabilitate, protect and preserve the biodiversity of Boracay Island and ensure its sustainable development. It shall be submitted within three (3) months from the issuance of this Order for the approval of the President upon recommendation of the Cabinet;

(c) Coordinate with concerned agencies and LGUs on the immediate withholding or revocation of permits or licenses issued to any establishment or business the operation, facility or structure of which violates environmental laws and local ordinances, such as but not limited to, construction of resorts and tourism facilities along easement areas and forest lands, illegal reclamation and/or occupation of wetlands, lack of permits to operate or discharge waste water, and operating without or in violation of Environmental Compliance Certificate and Environmental Sanitation Clearance;

(d) Ensure that the concerned agency or LGUs undertake the appropriate measures relative to the violation of environmental laws, including demolition, closure or cessation of business and/or filing of administrative action against erring persons or establishments;

(e) Complete within (6) months from the effectivity of this Order the evaluation of all building permits or licenses granted by relevant agencies and LGUs and the basis for their grant, including supporting papers or documents, and recommend to the relevant agency or body the prosecution of government officials and employees who have violated environmental and other laws, rules and regulations in granting the same;

(e) Collaborate with the Department of Agriculture (DA), Technical Education and Skills Development Authority (TESDA) and other concerned agencies in facilitating activities related to the rehabilitation of affected farmers, fishermen, workers and communities. To this end, the Task Force shall invite the DA, TESDA and other relevant agencies in its

meetings and coordinate with them in the implementation of programs and assistance on the ground;

(g) Create committees or technical working groups consisting of relevant national government agencies and local government units that will address specific concerns relative to the implementation of this Order; and

(h) Perform other tasks that the President may direct.

**Section 3. Moratorium on the Issuance of Licenses and Permits.** A moratorium on the construction of new tourism and other business facilities and enterprises, including expansion of existing amenities or establishments, as well as suspension of issuance of building permits and other licenses shall be strictly enforced for six (6) months from the effectivity of this Order. The Task Force shall review and recommend to the President the extension of such moratorium if necessary.

**Section 4. Agency Duties.** The members of the Task Force shall perform the following functions in accordance with and/or in conjunction with their respective mandates:

(a) **DENR**

1. Enforce and monitor the twenty-five (25) meters plus five (5) meters easement established in accordance with existing laws, rules and regulations;
2. In coordination with DPWH and TIEZA, review and recommend the amendment of Proclamation No. 1064, which provides for a fifteen (15) meter buffer zone on each side of the centerline of roads and trails for right-of-way;
3. Ensure and monitor the mandatory connection of all establishments to the central wastewater treatment facilities pursuant to Section 8 of RA No. 9275 or the Philippine Clean Water Act and Section 28 of Presidential Decree No. 198 or the Provincial Water Utilities Act, as amended;
4. Relocate and demolish all establishments and structures situated inside forest lands, wetlands, and other bodies of water which violate environmental laws or do not have licenses, agreements or any appropriate tenurial instruments with the DENR;
5. Rehabilitate three hundred seventy-seven and 68/100 (377.68) hectares of forest lands in coordination with stakeholders;
6. Order the National Water Resources Board (NWRB) to issue a moratorium on the grant of new permits to draw water until full assessment of the aquifers rate of recharge has been undertaken;