

[PROCLAMATION NO. 475, April 26, 2018]

**DECLARING A STATE OF CALAMITY IN THE BARANGAYS OF
BALABAG, MANOC-MANOC AND YAPAK (ISLAND OF BORACAY)
IN THE MUNICIPALITY OF MALAY, AKLAN, AND TEMPORARY
CLOSURE OF THE ISLAND AS A TOURIST DESTINATION**

WHEREAS, Section 15, Article II of the 1987 Constitution states that the State shall protect and promote the right to health of the people and instill health consciousness among

WHEREAS, Section 18, Article II of the 1987 Constitution provides that it is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature,

WHEREAS, Section 2, Article XII of the 1987 Constitution provides that the State protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone;

WHEREAS, an Inter-Agency Task Force, composed of the Department of Environment and Natural Resources (DENR), the Department of the Interior and Local Government (DILG) and the Department of Tourism (DOT), was established to evaluate the environmental state of the Island of Boracay, and investigate possible violations of existing environmental and health laws, rules and regulations;

WHEREAS, the investigations and validation undertaken revealed that:

- a. There is a high concentration of fecal coliform in the Boiabog beaches located in the eastern side of Boracay Island due to insufficient sewer lines and illegal discharge of untreated waste water into the beach, with daily tests conducted from 6 to 10 March 2018 revealing consistent failure in compliance with acceptable water standards, with an average result of 18,000 most probable number (MPN)/100ml, exceeding the standard level of 400 MPN/100ml;
- b. Most commercial establishments and residences are not connected to the sewerage infrastructure of Boracay island, and waste products are not being disposed through the proper sewerage infrastructures in violation of environmental law, rules, and regulations;
- c. Only 14 out of 51 establishments near the shores of Boracay island are compliant with the provisions of Republic Act (RA) No. 9275 or the Philippine Clean Water Act of 2004;
- d. Dirty water results in the degradation of the coral reefs and coral cover of Boracay Island, which declined by approximately 70.5% from 1988 to 2011, with the highest decrease taking place between 2008 and 2011 during a period of increased tourist arrivals (approximately 38.4 %);

e. Solid waste within Boracay Island is at a generation rate of 90 to 115 tons per day, while the hauling capacity of the local government is only 30 tons per day hence leaving approximately 85 tons of waste in the Island daily;

f. The natural habitats of Puka shells, nesting grounds of marine turtles, and roosting grounds of fly ing foxes or fruit bats have been damaged and/or destroyed; and

g. Only four (4) cut of nine (9) wetlands in Boracay Island remain due to illegal encroachment of structures, including 937 identified iliegal structures constructed on forestlands and wetlands, as well as 102 illegal structures constructed on areas already classified as easements, and the disappearance of the wetlands, which act as natural catchments, enhances flooding in the area;

WHEREAS, the findings of the Department of Science and Technology -DOST) reveal that beach erosion is prevalent in Boracay Island, particularly along the West Beach, where as much as 40 meters of erosion has taken place in the past 20 years from 1993 to 2003, due to storms, extraction of sand along the beach to construct properties and structures along the foreshore, and discharge of waste water near the shore causing degradation of coral reefs and seagrass meadows that supply the beach with sediments and serve as buffer to wave action;

WHEREAS, the DOST also reports that based on the 2010-2015 Coastal Ecosystem Conservation and Adaptive Management Study of the Japan International Cooperation Agency, direct discharge of waste water near the shore has resulted in frequent aigai bloom and coral deterioration, which may reduce the source of sand and cause erosion;

WHEREAS, the data from the Region VI - Western Visayas Regional Disaster Risk Reduction and Management Council shows that the number of tourists in the island in a day amounts to 18,082, and the tourist arrival increased by more than 160% from 2012 to 2017;

WHEREAS, the continuous rise of tourist arrivals, the insufficient sewer and waste management system, and environmental violations of establishments aggravate the environmental degradation and destroy the ecological balance of the Island of Boracay, resulting in major damage to property and natural resources, as well as the disruption of the normal way of life of the people therein.

WHEREAS, it is necessary to implement urgent measures to address the abovementioned human-induced hazards, to protect and promote the health and well-being of its residents, workers and tourists, and to rehabilitate the Island in order to ensure the sustainability of the area and prevent further degradation of its rich ecosystem.

WHEREAS, RA No. 9275 provides that the DENR shall designate water bodies, or portions thereof, where specific pollutants from either natural or man-made source have already exceeded water quality guidelines as non-attainment areas for the exceeded pollutants and shall prepare and implement a program that will not allow new sources of exceeded water pollutant in non-attainment areas without a corresponding reduction in discharges from existing sources;