



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila

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DEPARTMENT MEMORANDUM)


CIRCULAR NO. 31)
Series of 2018 05-16-18)

FOR / TO : Undersecretaries
Assistant Secretaries
Service Directors
Bureau Directors
Regional Directors
Heads of UPMOs
District Engineers
This Department

For information and guidance, attached is a certified copy of Executive Order No. 53 dated May 8, 2018 entitled **"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."**

A copy of said Executive Order may also be downloaded from the **DPWH website: <http://dpwhweb>**. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

For dissemination to all concerned.


B. ELIZABETH E. YAP, Ph.D., CESO II
Assistant Secretary for Support Services

Encl: Executive Order No. 53 dated May 8, 2018

cc: Office of the Secretary

10.1.4 MKBA/RPE



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 53

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;

THE PRESIDENT OF THE PHILIPPINES

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)
Members	: 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)
	: 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;
- (f) 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;
7. Enforce compliance of commercial establishments and households with critical environmental laws, such as but not limited to RA No. 9275, and RA No. 9003 or the Ecological Solid Waste Management Act;
8. Supervise and control all forest lands, water ways, and alienable and disposable lands; and impose appropriate sanctions for any violation of applicable laws pertaining thereto;
9. Monitor on a regular basis the compliance of all businesses with environmental laws, rules and regulations, and to issue notices of violation as well as cease and desist orders to violators under relevant laws;
10. Complete the cadastral mapping and the carrying capacity assessment of Boracay Island within four (4) months from the effectivity of this Order; and

11. Recommend the amendment of existing laws in order to conform to existing conditions and attain the objectives of this Order.

(b) DOT

1. Ensure the sustainable tourism development of Boracay Island pursuant to Section 3 of RA No. 9593 or the Tourism Act of 2009 which provides for a participatory and consultative formulation of plans and programs to protect, conserve and preserve critical environmental and cultural resources of the country;
2. Monitor adherence by tourism and related businesses to standards for operation and construction of tourism facilities; and
3. Implement a mandatory accreditation for all primary tourism enterprises.

(c) DILG

1. Supervise the compliance of concerned LGUs with the mandate of the Task Force; and
2. Ensure regular monitoring of activities of the LGUs in regulating tourism businesses and enforcing critical environmental laws, rules and regulations, including local ordinances.

(d) DOJ

1. Provide legal support to the Task Force through its Provincial Prosecutor's Office in Aklan, among others;
2. Assist the relevant agency in the prosecution of persons and establishments found to have violated environmental laws;
3. Provide legal advice and opinion to the Task Force on the interpretation of pertinent laws, rules and regulations; and
4. Coordinate with the Office of the Solicitor General, Land Registration Authority and the DENR in the institution of action for reversion of land to the public domain in the appropriate court within six (6) months from the effectivity of this Order.

(e) DPWH

1. Assess and improve the road network in the Island and construct pedestrian and bike lanes, whenever applicable;
2. Coordinate with TIEZA and LGUs in developing a more sustainable flood control program for the Island; and
3. Ensure speedy disposition of cases relating to the enforcement of the National Building Code.

(f) DSWD

1. Provide immediate social welfare assistance to affected individuals and families;
2. Conduct social case management of individuals and their communities for community-based development programs; and
3. Facilitate the rehabilitation of affected individuals, families and communities through the implementation of social development programs.

(g) DOLE

1. Implement social safety nets and other assistance to affected workers through, among others, emergency employment, training, financial support, livelihood assistance and job facilitation services, such as job fairs.

(h) DTI

1. Provide alternative livelihood, marketing, trainings and other assistance for affected workers and businesses.

(i) TIEZA

1. Undertake the completion of the drainage system program throughout the Island. If necessary, work with the DPWH towards a sustainable flood control intervention; and
2. Ensure the completion of the expansion program for water and sewerage system in the three (3) barangays within Boracay Island.

(j) Philippine National Police (PNP)

1. Ensure that appropriate assistance is extended to the Task Force in enforcing laws, rules and regulations, as well as provide support in the demolition of illegal structures and closure of businesses found to have violated pertinent laws, rules and regulations.

(k) Provincial Government of Aklan

1. Provide assistance to the Municipality of Malay in the appropriate enforcement of national and local laws to protect and preserve the ecology of Boracay Island;
2. Exercise disciplinary authority and impose administrative sanctions on local officials who violated environmental laws and/or this Order, promptly acting on any case brought before it against such officials, pursuant to RA No. 7160; and
3. Appropriate necessary funds for the implementation of critical infrastructure projects and social programs.

(l) Municipal Government of Malay

1. Enforce zoning, environmental and tourism ordinances and introduce any amendment thereto if necessary to align with national standards, among others;
2. Review municipal records to determine establishments or structures that violate environmental laws, building code, zoning ordinance and other applicable national and local rules and regulations. Upon determination of any violation, promptly issue the proper order to address the aforesaid violations;
3. Coordinate with key agencies for the issuance of Demolition and Cease and Desist Orders to business establishments and residents found to have violated relevant laws, rules and regulations;
4. Ensure mandatory connection of all establishments and households to the existing sewerage system and impose proper sanctions for non-compliance in accordance with RA No. 9275;
5. Enact urgent ordinances to: (a) appropriate the necessary land, including the required rights-of-way/road access to the land for the construction of drainage

- lines and pump stations; (b) raise funds to subsidize necessary expenses for their operation and maintenance; and (c) promote and enforce ecologically responsible behavior, practices and rules by residents and tourists; and
6. In accordance with the approved Action Plan, evaluate any proposed project in the Island and recommend the same to the Task Force for approval and issuance of licenses and permits by the appropriate agency.

Section 5. Task Force Secretariat. The Task Force Chair shall designate a Secretariat Head from among the high-ranking officials of the DENR. The Secretariat Head shall report to the Task Force through the DENR Secretary. The Task Force Secretariat shall be complemented by existing units/offices from its member-agencies. It shall provide technical and administrative support and assistance to the Task Force in the performance of its tasks, coordinate with relevant agencies on the status of its plans and programs, and provide updates to the Task Force on the implementation of the Boracay Action Plan.

Section 6. Reportorial Requirement. The Task Force shall submit a monthly report on the implementation of this Order to the Office of the President, through the Office of the Executive Secretary. Such report shall include the actions taken by the Provincial Government of Aklan and Municipality of Malay, which shall be closely monitored by the Task Force, and the progress and accomplishments of the Task Force based on the timeline and milestones contained in the Boracay Action Plan, including a comparison from its pre-rehabilitation phase baseline data.

Section 7. Funding. The funding for the implementation of this Order shall be sourced from existing appropriations of member-agencies of the Task Force and such other appropriate funding sources as the Department of Budget and Management may identify, subject to existing budgeting, accounting and auditing laws, rules and regulations.

Section 8. Separability Clause. In the event that any provision of this Order or any part thereof is declared invalid, illegal or unconstitutional, the provisions not thereby affected shall remain in force and effect.

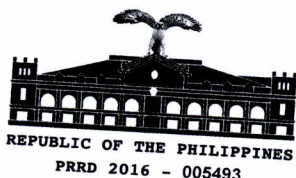
Section 9. Repealing Clause. All executive orders, rules and regulations, and other issuances or parts thereof that are inconsistent with the provisions of this Executive Order, are hereby repealed or modified accordingly.

Section 10. Effectivity. This Order shall take effect immediately.

DONE in the City of Manila, this 8th day of May, in the year of Our Lord, Two Thousand and Eighteen.

By the President:

SALVADOR C. MEDIALDEA
Executive Secretary



Bautista

