



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

097. 7 DPWH
07. 07. 2018

May 4, 2018

DEPARTMENT MEMORANDUM)

CIRCULAR NO.)

Series of 2018)

24

07. 07. 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 Proclamation No. 475 dated April 26, 2018 entitled **"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."**

A copy of said Proclamation 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: Proclamation No. 475 dated April 26, 2018

cc: Office of the Secretary

10.1.4 MKBA/RPE



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 475

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 them;

WHEREAS, Section 16, 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 shall 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 Bolabog 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;

THE PRESIDENT OF THE PHILIPPINES

- 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 flying foxes or fruit bats have been damaged and/or destroyed; and
- g. Only four (4) out of nine (9) wetlands in Boracay Island remain due to illegal encroachment of structures, including 937 identified illegal 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 algal 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;

WHEREAS, RA No. 9275 also mandates the DENR, in coordination with other concerned agencies and the private sectors, to take such measures as may be necessary to upgrade the quality of such water in non-attainment areas to meet the standards under which it has been classified, and the local government units to prepare and implement contingency plans and other measures including relocation, whenever necessary, for the protection of health and welfare of the residents within potentially affected areas;

WHEREAS, Proclamation No. 1064 (s. 2006) classified the Island of Boracay into 377.68 hectares of reserved forest land for protection purposes and 628.96 hectares of agricultural land as alienable and disposable land;

WHEREAS, pursuant to the Regalian Doctrine, and as emphasized in recent jurisprudence, 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 valid titles;

WHEREAS, pursuant to RA No. 10121, or the Philippine Disaster Risk Reduction and Management Act of 2010, the National Disaster Risk Reduction and Management Council has recommended the declaration of a State of Calamity in the Island of Boracay and the temporary closure of the Island as a tourist destination to ensure public safety and public health, and to assist the government in its expeditious rehabilitation, as well as in addressing the evolving socio-economic needs of affected communities;

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 declare a State of Calamity in the barangays of Balabag, Manoc-Manoc and Yapak (Island of Boracay) in the Municipality of Malay, Aklan. In this regard, the temporary closure of the Island as a tourist destination for six (6) months starting 26 April 2018, or until 25 October 2018, is hereby ordered, subject to applicable laws, rules, regulations and jurisprudence.

Concerned government agencies shall, as may be necessary or appropriate, undertake the remedial measures during a State of Calamity as provided in RA No. 10121 and other applicable laws, rules and regulations, such as control of the prices of basic goods and commodities for the affected areas, employment of negotiated procurement and utilization of appropriate funds, including the National Disaster Risk Reduction and Management Fund, for relief and rehabilitation efforts in the area. All departments and other concerned government agencies are also hereby directed to coordinate with, and provide or augment the basic services and facilities of affected local government units, if necessary.

The State of Calamity in the Island of Boracay shall remain in force and effect until lifted by the President, notwithstanding the lapse of the six-month closure period.

All departments, agencies and offices, including government-owned or controlled corporations and affected local government units are hereby directed to implement and execute

the abovementioned closure and the appropriate rehabilitation works, in accordance with pertinent operational plans and directives, including the Boracay Action Plan.

The Philippine National Police, Philippine Coast Guard and other law enforcement agencies, with the support of the Armed Forces of the Philippines, are hereby directed to act with restraint and within the bounds of the law in the strict implementation of the closure of the Island and ensuring peace and order in the area.

The Municipality of Malay, Aklan is also hereby directed to ensure that no tourist will be allowed entry to the Island of Boracay until such time that the closure has been lifted by the President.

All tourists, residents and establishment owners in the area are also urged to act within the bounds of the law and to comply with the directives herein provided for the rehabilitation and restoration of the ecological balance of the Island which will be for the benefit of all concerned.

DONE in the City of Manila, this 26th of April in the year of Our Lord, Two Thousand and Eighteen.

Route



By the President:

[Signature]

SALVADOR C. MEDIALDEA
Executive Secretary

