



LOCAL GOVERNMENT ROLE IN THE CONTEXT OF TOURISM DEVELOPMENT AND MANAGEMENT

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ABSTRACT:

This paper examines the challenging role of the local government in tourism development and management. In examining the role of the local government, a certain tourism activity and development in a certain municipality in the Philippines was made the center of discussion as it brings issues and concerns that ripened into a case which is the subject of this study. In situating this study within the context of local government role in tourism management, this paper discovers the tensions at play between local government, other government agencies and the stakeholders. The significance of this study is that it allows a clearer understanding of the role of the local government and how to regulate tourism activities and development in a certain tourism place without compromising the same. Case analysis method is use in this sudy in examining the events, concerns and issues surrounding the tourism activities and development.

KEYWORDS:

Local Government, Tourism Development and Management, Regulate Tourism Activity, Case Analysis, Role of Local Government.



I. INTRODUCTION

In the modern era, tourism has grown and is now recognised for its significant contribution to the economic growth of many nations. It is sometimes described as a non-polluting sector, a new type of sugar, a tool for regional development, a passport to development, and invisible exports. Due to its prosperous growth, the tourism industry will enhance its share of regional income, of which tourism accounts for the majority, by considering the variables that affect it, including the quantity of tourism-related items available, the number of domestic and foreign visitors, hotel occupancy rates, and, of course, per capita income (Anggaini,2023).

In this context, local governments are crucial to the prosperity of the region's tourism sector and have a significant impact on resource conservation in the framework of sustainable development. In the Philippine Setting, the Tourism Act of 2010 defines sustainable tourism development as the management of all resources to meet the needs of visitors and host communities while safeguarding future opportunities. This includes meeting economic, social, and artistic needs without compromising cultural integrity, vital ecological processes, biological diversity, or life support systems. The community's participation in planning and decision-making to ascertain its long-term interests is essential to this strategy, as is the involvement of other relevant stakeholders. Accordingly, the local government may contribute to the preservation of the very resource that the tourism sector in the area depends on and have a significant impact on it. In addition, other factors such as personal abilities, available financial and material resources, community approval, and governance will influence the institutional ability of the local government to support tourism growth.

Moreover, local governments have an obligation to advance the cultural, social, economic, and environmental well-being of their constituents. That must be connected to their tourism activities. The task of creating their tourist plans, which outline the local government's medium- to long-term aims and plans for enhancing community well-being, falls to the LGUs. The community outcomes that result from tourism growth must be outlined in the plan, together with how they have been determined and how the local government will support them (Javier & Elazigue 2011).

According to the theory of Pitana and Gayatri (2005), in developing tourism potential in their regions, local government acts as motivator, facilitator, and dynamics. The local government plays a crucial role in tourist development as a motivator, ensuring the survival of the tourism industry; as a facilitator for the growth of tourist potential is to supply all facilities, both material and immaterial, necessary to support all programmes; and dynamics, one of the pillars of good governance, effective synergy between the public, private, and community sectors is essential for optimal development.

On the other hand, there are other interconnected parties primarily involved in the development of tourism: the community, and the private sector. Every stakeholder has unique tasks and responsibilities that work well together. This should not be set aside as it will contribute to whatever successes the tourism sector may have. But in not considering these sectors, it will bring about concerns and issues in the tourism industry, tourism development as well as management, and that should not be taken lightly.

It is in this aspect that the study is pursued because on a certain municipality in the Philippines, these sectors may have been missed and the tourism developments in the area resulted to some violations compromising to a certain extent the surrounding environment which prompted the researcher to examine the same.

In this study, the researcher adapted a case scenario from a completed case study as guide in developing a research finding.

METHODOLOGY

A case analysis approach was applied in this work. An organisational setting's complex scenarios are critically analysed, taking into account the "real world" scenario. Reflection and critical thinking skills are then applied to consider appropriate solutions, decisions, or recommended courses of action. Case analysis is a problem-based teaching and learning method. A case analysis paper's goal is to provide a methodical and coherent framework for examining the case scenario. Case analysis stresses creating a bridge of relevancy between abstract thought and practical application, as opposed to emphasising theories or notions. By doing this, it teaches the worth of both within a particular area of professional practice (William, 2015).

In this research, the data or information used is taken from a completed case study, the researcher sought the permission and consent of the author. The facts of the case were integrated in this study as well as the alternative solutions to have a clearer recommendations.

The result of the study provides a clearer understanding of the role of the local government and how to regulate tourism activities and development in a certain tourism place. Moreover, policies in the aspect of tourism development, and management may be recommended after comprehending the result of the study.

RESULTS AND DISCUSSIONS

For the purposes of academic discussion people and other agencies involved are kept confidential.

Isla Hermosa is one of the most visited tourist destinations in Eastern Luzon. It is located in the western part of the Province of Cagayan Valley. It became well-known for its white powdery sand and crystal clear blue waters along both sides of the island. It has a length of 753 meters and is occupied with a carrying capacity of 700 people per day.

The island is managed by the Local Government Unit (LGU) in coordination with the private people's organization, the Security and Exchange Commission (SEC) registered and accredited by the Sangguniang Bayan and Sangguniang Panlalawigan as a conduit and working in the tourism operation of the municipality.

In the year 2011, the Tourism Investment and Enterprise Zone Authority (TIEAZA), formerly the Philippine Tourism Authority (PTA) funded the tourism building project located in front of the municipal park adjacent to the town hall. This is utilized as a station for booking and reservation for Isla Hermosa for both domestic and international tourists.

In 2013, the island gained its popularity when a big Cruise Ship moored there to let its guests relax under the shed of coconut and sea-almond (Talisay) trees. Isla Hermosa also provides comfort for its visitors by providing cottages and other amenities. The local government built some basic facilities and assured safety by assigning tourist policemen stationed on the island. It is a perfect getaway for just a day or a couple of days for relaxation, swimming, snorkeling as well as scuba diving. It is also one of the sites recommended for a cruise tourism destination in Eastern Luzon making it one of the favorite destinations in the region.

On November 13, 2000, the Department of Environment and Natural Resources (DENR) issued an Administrative Order No. 2000-83 on the Guidelines for the Management and Development of Small Islands, including its coastal areas. Section I. Basic Policy- It specifies the policy of the State to ensure the sustainable use, development, management, renewal, and conservation of the country's natural resources, including the protection and enhancement of the quality of the environment for the present and future generations. It is also indicated in this policy that, the State should apply a more realistic system of valuation for the utilization, development, and conservation of natural resources.

Accordingly, the State, through the Department of Environment and Natural Resources (DENR), should adopt measures that enhance the sustainable management and development of the country's small islands taking into consideration their appropriate land uses and protective and productive values. Therefore, the Department of Environment and Natural Resources (DENR) is primarily responsible for the conservation, management, protection, proper use, and sustainable development of the country's environment and natural resources.

So, in response to the Administrative Order No. 2000-83 dated November 13, 2000, the Department of Environment and Natural Resources Region III (DENR-R3) represented by the Regional Executive Director and the Local Government Unit (LGU) represented by the local executive, entered into an agreement on May 28, 2014 for the protection, conservation and preservation of the forestlands, timberlands, mangroves, and unclassified public land of the municipality.

In 2015, one year after the signing of the agreement, the LGU saw the potential of Isla Hermosa as an opportunity for economic augmentation. Because of the influx of visitors coming from different places in the country and the world, LGU provides quality services to the guests. Thus, constructions of concrete facilities like toilets, dressing rooms, and the pavilion have seen and been utilized lately.

On March 1, 2018, the Philippine President declaration on one of the islands in the Philippine for closure and rehabilitation program, the agencies concerned for the protection and conservation of the natural resources of the Philippines were ordered to assess all tourism destination areas in the country for environmental compliance. Unexpectedly, the DENR-R3 conducted an assessment in Isla Hermosa on environmental compliance. Two months later, DENR-R3 released the result of their assessment with the rating of "Passed" in all the Fecal Coliform Tests conducted on the island. The LGU was delighted with the result and considered it as proof that Isla Hermosa is preserved, protected, conserved, and well-managed.

However, despite the result, the DENR-R3 questioned tourism activities and development in Isla Hermosa as part of the assessment which was released through the Philippine Eagle News last September 6, 2018, and other newspapers. As per the record, the agency found out that the island has 12 concrete structures used as toilets and dressing rooms, 22 cottages made of light materials, and a pavilion made of concrete materials. All of these are not included in the agreement. DENR-R3 said, the LGU "has no authority to run tourism activities and development since the agreement signed in 2014 allowed only to "protect, conserve, and preserve the island." Furthermore, "as the operator and developer, they have no issued tenurial instrument giving them the authority to develop the island much more to sub-lease it to another person or entity." A tenurial instrument as defined in the DENR Administrative Order 96-29 is "a guaranteed peaceful possession and use of specific forest land area

and the resources found therein, covered by an agreement, contract or grant which cannot be altered or abrogated without due process.”

In addition, the management of the small island ecosystem is governed by a special regulation provided under an Administrative Order issued in 2000.

Because of this, parties, the DENR-R3, and the LGU reviewed the agreement during the Regional Development Council (RDC) meeting. However, the DENR-R3 stands strong on the provisions in the agreement made in 2014 and wants LGU to explain the existing development and tourism activities on the island. On the other hand, the LGU strongly believes that they did not commit any mistakes or lapses in developing the island. LGU used the tourism approach as a tool for nature conservation. Yet, DENR was not convinced of the LGU’s explanations about the development and tourism activities in Isla Hermosa.

The main problem in this case is the conflicting role of the governing body on the protected island.

According to the DENR-R3 and LGU agreement signed on May 28, 2014, LGU has no authority to run tourism activities, only allowed to 'protect, conserve, and preserve' the island. The agreement specified the following: (a) Article II, Section 16 of the 1987 Constitution provides for the protection and advancement of the right of the Filipino people, both men and women, to healthful and balanced ecology, (b) Executive Order No. 192, series of 1987, mandates the Department of Environment and Natural Resources (DENR) as the primary government agency responsible for the sustainable management and development of the country’s natural resources, (c) Joint DILG and DENR Memorandum Circular No. 98-01 provides that the LGUs shall share with the DENR responsibility in the sustainable management and development of the forest resources within their territorial jurisdiction and that the DENR and LGUs shall endeavor to strengthen their collaboration and partnership in forest management.

The agreement also indicated the duties and responsibilities of the LGU as enumerated: (1) Shall take the lead in the administration, protection, preservation, and conservation of the entire forestlands such as but not limited to timberland, mangroves and unclassified public land of the municipality, (2) Shall survey and establish baseline data on all the actual forest occupants or informal settlers in swampy land, timberland, forestland, and the land of public domain as a tool for comprehensive area management of terrestrial and coastal forest primarily in Barangays A, B, C, D, E, F, G, H, I, J, K, and L, all under the municipality, (3) Shall regulate the presence of the informal settlers within the forestlands of Barangays A, B, C, D, E, F, G, H, I, J, K and L all under the municipality, (4) Shall initiate environmental related protection, rehabilitation, watershed management, and conservation program and allocate funds hereof, (5) Shall consult with the DENR and subject to existing national policies, rules and regulations, construct prerequisite government infrastructure facilities such as Eco-village, Municipal Abattoir, Municipal Coastal Resource Management (CRM) Training Center, and Bus Terminal within Lots 926 and 933 in Barangays A, B, and C of this municipality, (6) Shall initiate in coordination with DENR the filing of appropriate criminal complaints about forestry laws violation, and, (7) Shall adopt through legislative action and enforce the Municipal Forest Land Use Plan of the municipality upon approval of the DENR;

Incongruent with the DENR Memorandum Circular and Administrative Order and the Agreement, LGU Municipality has done their counterpart by formulating and implementing

municipal ordinances, resolutions, and other programs that can help in the protection and conservation of Isla Hermosa and other declared tourism destination areas of the municipality. The Sangguniang Bayan passed several resolutions as follows: (a) Municipal Resolution No. 558-030894 - declaring Isla Hermosa and other tourism destination areas in the municipality, for Reforestation, Wildlife Preservation, Environmental Protection, and Tourism Development under the protective care of the agencies (DENR and PTA) concerned dated August 3, 1994, (b) Municipal Resolution No. 412-250618 - A Resolution Approving Municipal Ordinance No. 427-250618 Entitled "An Ordinance Declaring Off Fishing Season within the specified buffer zone of Isla Hermosa during June, July and August of each year and every year thereafter" dated June 25, 2018, and, (c) The Implementation of Carrying Capacity of 700 people per day; and Yearly Program on Isla Hermosa Clean-up and Maintenance.

Accordingly, despite the good programs and ordinances LGU had implemented in developing and conserving Isla Hermosa and other tourism destination areas in the municipality, it is still unlawful to initiate any development and tourism activities in the island and all protected areas as mandated by the 1987 Constitution and promulgated by an Administrative Order (AO-2000-83) through the office of the DENR. Again, LGU "as the operator and developer have no issued tenurial instrument giving them the authority to develop the island much more to sub-lease it to another person or entity," and "has no authority to run tourism activities and development in the island."

Because of this, the DENR questioned the LGU about the existing tourism activities and development in Isla Hermosa a violation of the agreement made on May 28, 2014.

Alternative Solutions

In this case, three alternative solutions are offered.

First, LGU should consult the legality of DENR in questioning the existing tourism activities and development in Isla Hermosa. Second, LGU may request the DENR through the Regional Development Council to amend some provisions of the Agreement signed in 2014 and ask DENR for the tenurial instrument giving LGU the authority to develop the island and continue the existing tourism activities. Lastly, LGU should prove to the DENR that the existing development and tourism activities on the island cannot compromise the preservation, protection, and conservation of its natural beauty and landscape.

Primarily, it is lawful and logical action for the LGU to consult legal counsel on whether or not DENR has the authority to question the LGU about the tourism activities and development of the island, considering that the two agencies are independent of each other and have separate implementing rules and regulations with regards to the management of natural resources. Also, the amendment of the agreement signed in 2014 is one way to resolve the issue. In addition, LGU should ask DENR for the tenurial instrument so that LGU has the authority to continue the existing tourism activities and development in Isla Hermosa because the Department of Tourism (DOT) is elated knowing that the island is the region's most visited destination and one of the contributors in the economic augmentation in Eastern Luzon and the municipality.

Secondly, adherence to the DENR implementing rules and regulations as to the stoppage of the development and tourism activities in Isla Hermosa for the following reasons: (a) Islands/Islets less than 500 hectares in area shall be under strict conservation areas and as such shall not be alienated nor disposed of for any purpose. Existing permits or leases shall be allowed to continue until

their termination, provided that these are consistent with the approved Island Physical Framework Plan (IPFP) after that, no renewal of leases shall be allowed, (b) Islands/Islets 500 hectares up to 5,000 hectares shall be under restricted use. Land titling shall be limited to those with pending applications on classified A and D lands as of the effectivity of this Order. Land leases/permits that are inconsistent with the IPFP shall no longer be renewed after their termination, and (c) Island/Islets above 5,000 hectares up to 50,000 hectares shall be open to sustainable development. Land titling may be undertaken in certified A and D lands. Thus, continued development and tourism activities can destroy and ruin the natural landscape of the island.

On the other hand, the local government unit shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them under the Local Government Code. Continuously, local government units shall likewise exercise such other powers and discharge such other functions and responsibilities that are necessary, appropriate, or incidental to the efficient and effective provision of the basic services and facilities provided. Additionally, NGOs and other sectors in the locality which are also dependent on tourism-related activities in Isla Hermosa will be at stake since tourism is an approach used by the LGU as an economic driver.

Lastly, in harmony with the DENR's quest to protect and preserve the natural resources that the Philippines has, LGU should take their part in preserving and protecting the island and other tourism destination areas under their jurisdiction as they are mandated by the 1987 Constitution and the Local Government Code of the Philippines.

Recommendation

By evaluating the alternatives mentioned above, it is recommended to adopt the second and third alternative solutions.

Isla Hermosa is known as the little Boracay not only to locals but also to international tourists making it the top tourist destination in the region. It draws attention and captivates the hearts of many to experience the island. Asking the DENR to consider amending some provisions of the existing agreement signed in 2014 to continue the present tourism activities and development in Isla Hermosa is a good way of resolving the issue.

Similarly, the tenurial instrument from the DENR will give the authority to manage the island. Applying laws related to environmental protection is also considered such as the joint DENR and DILG Memorandum Circular No. 98-01 states that the DENR, in coordination with DILG, shall enhance the capacities of the LGUs in the various aspects of forest management. Initially, the DENR shall coordinate, guide, and train the LGUs in the management of the devolved functions. As the LGUs' capacity in forest management is enhanced, the primary tasks in the management of devolved functions shall be performed by the LGUs and the role of the DENR becomes assistive and coordinative.

Another, Republic Act No. 7160 of 1991 otherwise known as the Local Government Code of the Philippines (Section 17), provides the LGU's responsibility for basic services and facilities that include tourism development and promotion programs, tourism facilities, and other tourist attractions, including the acquisition of equipment, regulation and supervision of business concessions, and security services for such facilities without compromising the natural landscape and beauty of nature.

In addition, Republic Act No. 9593 otherwise known as the Tourism Act of 2009 (Section 37), indicated that LGUs, in consultation with stakeholders, are encouraged to utilize their powers under the Local Government Code of the Philippines to ensure the preparation and implementation of a tourism development plan, the enforcement of standards and the collection of statistical data for tourism purposes. The plan should integrate zoning, land use, infrastructure development, the national system of standards for tourism enterprises, heritage, and environmental protection imperatives in a manner that encourages sustainable tourism development.

All of the above-mentioned provisions of laws can be used as an additional reference before taking any actions no matter how good the intentions are. Consultation from the concerned agencies like DENR is important. And, asking for environmental compliance for any activities and development in the island and other protected areas is likewise appropriate.

Second, to synchronize with the national implementation for the protection, preservation, and conservation of the natural resources and management of the small islands (like Isla Hermosa), it is appropriate that everybody should take their duties and responsibilities. Thus, the creation and implementation of local ordinances and resolutions concerning environmental protection and conservation are necessary more than development.

Lastly, strengthening and empowering people's organizations in the municipality as a conduit working arm of environmental management and protection is also vital. Implementation of different programs like coastal clean-up, tree planting, and solid waste management is a priority. And, applying the DENR's implementing rules and regulations to the management of Small Islands and all protected areas in the municipality is mandatory.

CONCLUSIONS

The study discusses the concept of legal aspects in tourism development and management. This is an important guide for the lgu and other cooperating agencies in protecting the disputed tourism area and for the environmental protection program where the consideration of which will avoid any violation of the existing laws. Based on the discussion, findings revealed that adherence to existing laws and observance of the same could lead the lgu understand its role on the context of Tourism development and management.

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