

FEBRUARY 9, 2026

Item No.: 10
Date: 11 2026 FEB

SANGGUNIANG PANLALAWIGAN

Province of Leyte
Leyte Provincial Government Complex, Palo, Leyte

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: FEB 10 2026
By: NABIM

Through:

HON. LEONARDO M. JAVIER, JR.

Provincial Vice Governor and Presiding Officer
Sangguniang Panlalawigan, Province of Leyte
Leyte Provincial Government Complex, Palo, Leyte

ATTENTION:

Hon. MILDRED JOY P. QUE

SP Member, 2nd District of Leyte
Leyte Provincial Government Complex, Palo,
Leyte

Hon. RAISSA J. VILLASIN

SP Member, 2nd District of Leyte
Leyte Provincial Government Complex, Palo,
Leyte

Committee on Environment and Natural Resources

Sangguniang Panlalawigan
Leyte Provincial Government Complex, Palo,
Leyte

Committee on Agriculture

Sangguniang Panlalawigan
Leyte Provincial Government Complex, Palo,
Leyte

Committee on Disaster Risk Reduction and Management

Sangguniang Panlalawigan
Leyte Provincial Government Complex, Palo,
Leyte

Dear Vice Governor Javier,

We are writing to your good office to urgently seek your assistance regarding the escalating mining activities in the Municipality of MacArthur, Leyte, particularly in the barangays of Maya, Liwayway, and San Pedro.

We wish to bring to the attention of the Sangguniang Panlalawigan serious concerns regarding the encroachment of mining operations into agricultural lands. These activities impair the rights of Agrarian Reform Beneficiaries (ARBs), undermine environmental safeguards, and jeopardize food security in the province.

I. Impairment of ARBs' Rights and Illegal Conversion of Irrigated and Irrigable Lands

The mining operations in the Municipality of MacArthur encroach upon lands awarded to Agrarian Reform Beneficiaries (ARBs) and constitute an illegal conversion of irrigated and irrigable agricultural lands protected under the Comprehensive Agrarian Reform Law (R.A. 6657), as amended by R.A. 9700.

Section 65 of R.A. 9700 expressly prohibits the conversion of irrigated and irrigable lands. This prohibition is categorically reinforced under **DAR Administrative Order No. 1, Series of 2002**, particularly **Section 4 of Article II (Areas Non-Negotiable for Conversion)**, which provides that:

"An application involving areas non-negotiable for conversion shall not be given due course even when some portions thereof are eligible for conversion. The following areas shall not be subject to conversion:

4.1. Lands within protected areas designated under the NIPAS, including mossy and virgin forests, riverbanks, and swamp forests or marshlands, as determined by the DENR;

4.2. All irrigated lands, as delineated by the DA and/or the National Irrigation Administration (NIA), where water is available to support rice and other crop production, and all irrigated lands where water is not available for rice and other crop production but are within areas programmed for irrigation facility rehabilitation by the government;

4.3. All irrigable lands already covered by irrigation projects with firm funding commitments, as delineated by the DA and/or NIA; and

4.4. All agricultural lands with irrigation facilities."

The lots that are the subject of this case are clearly either irrigated or irrigable, and are therefore covered by this provision. As such, these lands should primarily be used for agricultural purposes and protected from destructive activities that would diminish their natural value.

The areas in MacArthur currently being mined are "areas highly restricted from conversion" under **DAR Administrative Order No. 1 Series of 2002**, as amended by **DAR Administrative Order No. 3 and Administrative Order No. 3-A, Series of 2021**, since such agricultural lands benefit from the National Irrigation Administration (NIA) and the Department of Agriculture (DA) programs. Under the said Rules, such highly restricted areas include not only irrigated lands but also all irrigable lands delineated by the DA or NIA, regardless of whether they are already covered by existing irrigation

projects. Furthermore, no application for land conversion has been approved by the DAR Regional Office for these operations.

II. Undermining Environmental Safeguards and Violations of the Philippine Mining Act of 1995 (R.A. 7942)

Beyond the issue of illegal land conversion, the mining activities have resulted in serious environmental degradation and the creation of geohazards, in violation of the Philippine Mining Act of 1995 and its Implementing Rules and Regulations.

The method employed, particularly the siphoning of magnetite sand beneath the topsoil, has caused land instability, soil collapse, and ground subsidence. One documented case involves **Mr. Ruben Y. Manaog**, who cultivates agricultural land inherited from his father, an Agrarian Reform Beneficiary (ARB) and CLOA holder. In 2020, representatives of the MacArthur Iron Project Corporation (MIPC) approached Mr. Manaog and attempted to persuade him to sell the land. Mr. Manaog outrightly refused, as he wished to continue cultivating the land and make it productive in accordance with its intended agricultural use and the rights accorded to him as a small farmer.

Despite his clear refusal to sell or consent to any mining activity, MIPC's operations proceeded and subsequently caused severe damage to his land. As a result of the mining operations, the following were observed:

- **Soil Collapse and Ground Subsidence** - As documented in Mr. Manaog's case, the syphoning of sand and minerals from adjoining parcels caused portions of his agricultural land to collapse. The subsidence was so severe that areas that had previously been knee-deep rice paddies became dangerously deep, nearly causing the plaintiff to almost drown when he slipped and fell while inspecting the damage. This sudden collapse rendered portions of the land unsafe and unusable.
- **Irreversible Loss of Land Viability** - Continuous dredging and suctioning led to soil liquefaction and structural collapse, resulting in the destruction of the land's physical integrity. As a result, the affected farmland can no longer sustain crops, effectively depriving Mr. Manaog of his livelihood and permanently impairing the property's agricultural use.
- **Irrigation Blockage** - Stockpiles of mined materials and byproducts obstructed existing irrigation channels servicing Mr. Manaog's rice fields, restricting water flow and compounding the damage already caused by subsidence. This obstruction further aggravated crop loss and contributed to the overall degradation of otherwise productive agricultural land.

Under the **Philippine Mining Act of 1995 (R.A. 7942)** and its Implementing Rules and Regulations, the MGB is required to conduct an **Area Status and Clearance** verification, which includes:

- **Verification of Land Status:** Coordination with the Department of Agrarian Reform (DAR) and the Department of Agriculture (DA) to ensure that mining applications do not overlap with protected or "no-go" agricultural zones; and

- **Surface Owner Consent:** Securing written consent from surface landowners when agricultural lands with standing crops, such as rice fields and coconut farms in MacArthur, are affected.

The occurrence of mining operations on CARP-covered, actively cultivated agricultural lands, without landowner consent and with resulting environmental damage, clearly indicates that these mandatory requirements were not complied with in this case.

III. Jeopardizing Food Security and Violations of the Agriculture and Fisheries Modernization Act (R.A. 8435)

The utilization of prime agricultural lands for mining also violates the Agriculture and Fisheries Modernization Act (R.A. 8435), which mandates the protection of strategic agricultural and fisheries development zones to ensure food security.

The continued conversion and degradation of irrigated and irrigable lands in MacArthur not only threaten the livelihoods of small farmers but also pose a broader risk to provincial food security. The reduction of arable land undermines local food production and, if replicated in other areas, could have severe long-term consequences for the province's ability to sustain its population.

IV. Prayer

In light of these conditions and the possible violations of agrarian laws, impacts to the environment, safety, and food security, we respectfully request the Sangguniang Panlalawigan of Leyte to:

- **Conduct an inquiry** on the black sand mining operations of the Macarthur Iron Project Corporation and how they overlap with existing agricultural lands in the barangays of Maya, San Pedro, and Liwayway, Macarthur, Leyte, and
- **Recommend the Immediate Issuance of a Cease and Desist Order** to DAR and the DENR to prevent further illegal conversion and irreversible damage to the province's resources.

We look forward to your most favorable response to this humble request, and should you need any further details, we are willing to provide assistance in any way we can.

To assist you, we are attaching relevant photos and documents that may help with your investigation. Should you require further details or wish to discuss this matter further, please do not hesitate to contact us at morcillabreny@gmail.com. Thank you for your time and cooperation.

Sincerely,


BERNARDITA C. MORCILLA
 Secretary General, UNLAD
 Convenor, Sama Kamo


RUBEN Y. MANAOG
 Member
 UNLAD


PATROCENIA T. RAEL
 Member
 UNLAD