



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

July 13, 2026

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Resolution No. 2026-783 forwarded for Legal Opinion.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 2026-783 entitled: "A Resolution Referring to the SP Committee on Rules, Laws and Privileges Resolution No. 2026-045 of the Sangguniang Bayan of Macarthur, Leyte and Endorsing the same to the Provincial Legal Office."

REVIEW/RECOMMENDATION/LEGAL OPINION:

Perusal of the attached Resolution, this Office is of the opinion that the Barangay Ordinance No. 001 Series of 2026 of Brgy. Liwayway, Macarthur, Leyte entitled "Declaring a Forty (40) years of Moratorium and No Entry On All Forms of Mining Activities, Whether Small-Scale or Large Scale, within the Territorial Jurisdiction of Barangay Liwayway, Municipality of Macarthur, Province of Leyte, is highly invalid for being "*ultra vires*" for imposing blanket prohibition inconsistent with the national policy.

The Supreme Court has treated long-term, categorical moratoria or bans as overly broad and invalid where they suppress a legally permissible activity that national law allows and regulates.¹ LGUs may regulate but may not **categorically ban** mining as a class.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities.

ATTY. JOSE RAYMUND A. ACOL

Provincial Legal Officer

¹ References:

- G.R. No. 248932 Province of Occidental Mindoro v. Agusan Petroleum and Mineral Corporation, January 14, 2025;



Item No.: 62
Date: 21 2026 JUL

Republic of the Philippines
PROVINCE OF LEYTE

Sangguniang Panlalawigan
Province of Leyte
RECEIVED

Date: JUL 14 2026
By: [Signature]



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 35TH REGULAR SESSION OF THE 12TH SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON APRIL 07, 2026.

RESOLUTION NO. 2026-783

A RESOLUTION REFERRING TO THE SANGGUNIANG PANLALAWIGAN COMMITTEE ON RULES, LAWS AND PRIVILEGES RESOLUTION NO. 2026-045 OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE AND ENDORSING THE SAME TO THE PROVINCIAL LEGAL OFFICE.

WHEREAS, submitted to the Sangguniang Panlalawigan is **Resolution No. 2026-045 of the Sangguniang Bayan of MacArthur, Leyte**, requesting the Sangguniang Panlalawigan Committee on Rules, Laws and Privileges to render legal opinion on **Barangay Ordinance No. 001 Series of 2026 of Brgy. Liwayway, MacArthur, Leyte**, entitled; **"AN ORDINANCE DECLARING A FORTY (40) YEARS OF MORATORIUM AND NO ENTRY ON ALL FORMS OF MINING ACTIVITIES, WHETHER SMALL-SCALE OR LARGE SCALE, WITHIN THE TERRITORIAL JURISDICTION OF BARANGAY LIWAYWAY, MUNICIPALITY OF MACARTHUR, PROVINCE OF LEYTE;**

WHEREAS, the August Body, deemed it proper to **REFER** the said Resolution to the SP Committee on Rules, Laws and Privileges and endorse the same to the Provincial Legal Office;

NOW, THEREFORE, on motion presented by Atty. Ronnan Christian M. Reposar, duly seconded by Honorable Flaviano C. Centino, Jr. and Honorable Raissa J. Villasin, be it

RESOLVED, as it is hereby resolved, to **REFER TO THE SANGGUNIANG PANLALAWIGAN COMMITTEE ON RULES, LAWS AND PRIVILEGES RESOLUTION NO. 2026-045 OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE**

RESOLVED FURTHER, TO **ENDORSE THE SAID RESOLUTION TO THE PROVINCIAL LEGAL OFFICE.**

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILL S. VYVICO
Secretary to the Sanggunian
x

ATTESTED:


HON. LEONARDO M. JAVIER, JR.
Vice Governor/Presiding Officer

Copy furnished:

Atty. Ronnan Christian M. Reposar
Chairperson - SP Committee on
Rules, Laws and Privileges

LCE and the Sangguniang Bayan
MacArthur, Leyte

Atty. Jose Raymund A. Acol
Provincial Legal Office
Province of Leyte

FJSU:ASS
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6/18/26
no record on file