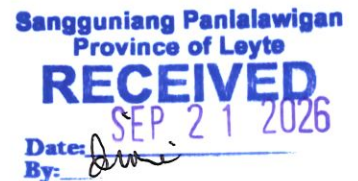




Republic of the Philippines
PROVINCE OF LEYTE
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Palo, Leyte
-oOo-



COMMITTEE ON RULES, LAWS and PRIVILEGES
COMMITTEE REPORT
No. 23 S. 2026



Date: September 14, 2026

I. SUBJECT MATTER

Review of Municipal Ordinance No. 10, Series of 2025, entitled:

“An Ordinance Regulating Mining, Quarrying, and Mineral Extraction Activities within the Municipality of MacArthur, Leyte.”

Endorsed for further review, pursuant to Section 56 of RA 7160 by the Provincial Legal Office through its 2nd Endorsement dated May 8, 2026.

Prepared by: Committee on Rules, Laws and Privileges
Chairperson: Atty. Ronnan Christian “Bolingling” Reposar
Vice-Chairperson: Atty. Carlo P. Loreto
Members: Hon. Wilson Uy, Hon. Michael L. Cari, Hon. Ma. Martina L. Gimenez,

I. BACKGROUND

The ordinance regulates mining and quarrying activities within MacArthur, Leyte, establishes a Municipal Mining Monitoring Team (MMMT), prescribes documentary requirements, and imposes buffer zones and penalties.

Upon review, the Provincial Legal Office (PLO) identified several provisions, particularly in Article III (Requisites) that appear inconsistent with RA 7942 (Philippine Mining Act of 1995) and relevant jurisprudence.

In line with the SP’s mandate under Section 56 of RA 7160, the Committee conducted a legal evaluation and now recommends specific amendments to ensure the ordinance’s compliance with national law while preserving LGU powers under Sections 16, 26, and 27 of the Local Government Code.

III. LEGAL FRAMEWORK

A. Sections 26 and 27, RA 7160 (Local Government Code)

Section 27 requires prior consultation and prior approval of the sanggunian concerned before any project or program is implemented within the LGU. This approval pertains to project implementation, not the issuance of mining permits, which remain under the exclusive authority of the DENR–MGB.

B. RA 7942 (Philippine Mining Act)

RA 7942 vests exclusive permitting authority in:

- DENR/MGB (exploration, MPSA, FTAA, industrial sand & gravel);
- Provincial Governor (certain quarry permits).

LGUs participate through:

- Consultations;
- Environmental and social acceptability processes;
- Monitoring and enforcement of local environmental laws.

C. Supreme Court Doctrine¹

The Supreme Court has consistently held that:

- LGUs cannot veto, block, or impose additional mandatory prerequisites on national mining permits;
- Section 27 approval cannot be interpreted as permit approval power;
- LGUs may regulate land use, conduct consultations, and impose environmental safeguards, but may not alter national permitting processes.

II. FINDINGS

The Committee finds that several provisions of the ordinance, particularly in Articles III, V, VI, and VII, require amendment to ensure consistency with RA 7942, RA 7160, and jurisprudence.

The Committee therefore recommends specific amendments, detailed below, together with their legal explanations.

V. RECOMMENDED AMENDMENTS WITH CORRECTED LEGAL FRAMING

A. ARTICLE III – REQUISITES FOR LOCAL CONCURRENCE

I. Condition Precedent for Project Implementation

Recommended Amendment: Replace the original permitting prerequisite with:

“No mining, quarrying, or extraction project shall be implemented within the Municipality of MacArthur unless the Sangguniang Bayan issues a Resolution Interposing No Objection or a Resolution Confirming Compliance with Section 27 of the Local Government Code, attesting that consultations were conducted and that the project may be implemented within the municipality, without prejudice to the permitting authority of the DENR–MGB and such other concerned government agency.”

Legal Explanation:

- Section 27 gives LGUs approval power over project implementation, not over permit issuance.
- The original RINO requirement unlawfully functioned as a permit prerequisite, violating RA 7942.
- The corrected framing preserves LGU authority while respecting national permitting processes.

¹ *Province of Occidental Mindoro v. Agusan Petroleum and Mineral Corporation* (G.R. No. 248932)

II. Mandatory Grounds for Withholding Concurrence

Recommended Amendment: Retain the environmental, food security, and social acceptability criteria, with clarified legal grounding:

“The Sangguniang Bayan may withhold concurrence if the project poses unmitigable environmental risks, threatens food security or irrigation systems, or lacks genuine social acceptability, pursuant to Sections 16 and 26 of RA 7160.”

Legal Explanation:

- These criteria fall squarely under the General Welfare Clause and Section 26.
- This amendment is fully valid and strengthens LGU evaluation powers.

III. Nature of the Resolution (Corrected Framing)

Recommended Amendment:

“The Resolution Interposing No Objection or the Resolution Confirming Compliance with Section 27 of the Local Government Code pertains solely to local concurrence for project implementation and shall not be construed as a prerequisite for the issuance of mining permits under RA 7942.”

Legal Explanation:

- Prevents misinterpretation that LGU concurrence affects national permit validity.
- Aligns with Supreme Court doctrine on LGU limits.

B. ARTICLE V – BUFFER ZONES AND PROHIBITED AREAS

I. Mandatory Buffer Zones

Recommended Amendment:

Retain the 500m, 300m, and 50m buffer zones, but relocate their legal effect:

“The buffer zones established herein shall be incorporated into the Municipal Comprehensive Land Use Plan (CLUP) and Zoning Ordinance, and shall be enforced through this mining ordinance for monitoring and compliance purposes.”

Legal Explanation:

- Buffer zones are zoning restrictions, not mining permit conditions.
- They must be placed in the CLUP to be legally enforceable.
- This corrected framing avoids invalidation under RA 7942 and HLURB/DHSUD rules.

II. Field Verification

Recommended Amendment: Retain as-is, with minor clarification:

“MENRO and the host barangay shall conduct joint field verification of buffer zones, applying the stricter ecological parameters defined in the CLUP and this ordinance.”

Legal Explanation:

- LGUs may conduct field verification.
- This strengthens enforcement without conflicting with national law.

C. ARTICLE IV – MONITORING, COMPLIANCE, AND ENFORCEMENT

I. MMMT Autonomy

Recommended Amendment: Retain as-is, with clarification:

“The MMMT shall monitor compliance with local ordinances, land-use restrictions, buffer zones, and municipal environmental standards, complementary to the national MMT under RA 7942.”

Legal Explanation:

- LGUs may create local monitoring teams.
- This is valid under Section 447 and the General Welfare Clause.

II. Conflict Resolution (Corrected Framing)

Recommended Amendment: Replace “MMMT findings shall prevail” with:

“MMMT findings shall prevail only with respect to violations of municipal laws, buffer zones established under the CLUP, local land-use restrictions, and municipal road safety standards. National violations shall remain under the jurisdiction of MGB and EMB.”

Legal Explanation:

- LGUs cannot override national technical findings.
- LGUs can enforce local violations independently.
- This corrected framing is legally defensible.

D. ARTICLE VI – PENALTIES

I. Tiered Penalty Structure

Recommended Amendment:

- Retain as-is.
- It respects the ₱2,500 cap under RA 7160.

II. National Escalation Clause

Recommended Amendment:

“For violations constituting environmental crimes under RA 7942, the LGU shall endorse the matter to DENR–MGB, EMB, and the DOJ for prosecution.”

Legal Explanation:

- LGUs may refer violations to national agencies.

- This strengthens enforcement without exceeding LGU authority.

VI. COMMITTEE RECOMMENDATION

After due deliberation, the Committee recommends that the Sangguniang Panlalawigan of Leyte:

RETURN Municipal Ordinance No. 10, Series of 2025, FOR INCORPORATION OF THE ABOVE SUGGESTED AMENDMENTS.

These amendments:

- Preserve LGU authority under Sections 16, 26, and 27 of RA 7160;
- Protect prime irrigated and irrigable agricultural lands in MacArthur;
- Ensure compliance with RA 7942 and Supreme Court doctrine;
- Prevent LGU overreach into national permitting processes;
- Strengthen environmental and social safeguards;
- Provide clear legal consequences for non-compliance;
- Maintain the integrity of the CLUP and zoning powers.

Prepared by: **Committee on Rules, Laws and Privileges**


HON. ATTY. RONNAN CHRISTIAN M. REPOSAR
Chairperson,

HON. ATTY. CARLO P. LORETO
Vice Chairperson

HON. WILSON S. UY
Member

HON. MICHAEL L. CARI
Member

HON. MA. MARTINA L. GIMENEZ
Member

Attested by:

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

Copy furnished:

HON. ATTY. CARLO P. LORETO *per record 9/21/26*
Vice Chairperson

HON. WILSON S. UY *att 9/21/26*
Member

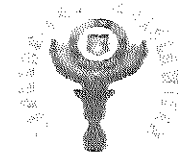
HON. MICHAEL L. CARI
Member

HON. MICHAEL L. CARI - *NSM 7/21/26*
Member

HON. MA. MARTINA L. GIMENEZ *att 9/21/26*
Member



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-oOo-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 44TH REGULAR SESSION OF THE 12TH SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON JUNE 09, 2026.

RESOLUTION NO. 2026-893

A RESOLUTION REFERRING JOINTLY TO THE SANGGUNIANG PANLALAWIGAN COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES AND COMMITTEE ON RULES, LAWS AND PRIVILEGES MUNICIPAL ORDINANCE NO. 10 SERIES OF 2025 OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE.

WHEREAS, submitted to the Sangguniang Panlalawigan is MUNICIPAL ORDINANCE NO. 10, SERIES OF 2025 of the Municipality of MacArthur, Leyte, entitled: "AN ORDINANCE REGULATING MINING ACTIVITIES IN THE MUNICIPALITY OF MACARTHUR, LEYTE, IN COMPLIANCE WITH REPUBLIC ACT NO. 7942 THE PHILIPPINE MINING ACT, ENSURING SUSTAINABLE AND RESPONSIBLE RESOURCE MANAGEMENT, AND CREATING A MUNICIPAL MINING MONITORING TEAM";

WHEREAS, the August Body, deemed it proper to REFER the said Ordinance to the SP Committee on Environment and Natural Resources and Committee on Rules, Laws and Privileges for further study;

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

RESOLVED, as it is hereby resolved, to REFER JOINTLY TO THE SANGGUNIANG PANLALAWIGAN COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES AND COMMITTEE ON RULES, LAWS AND PRIVILEGES MUNICIPAL ORDINANCE NO. 10 SERIES OF 2025 OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE.

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILL L. UYVICO
Secretary to the Sanggunian

ATTESTED:

HON. MICHAEL L. CARI
5th District Board Member
Temporary Presiding Officer

Copy furnished:

Hon. Leonardo M. Javier, Jr.
Chairperson – SP Committee on
Environment & Natural Resources

LCE and the Sangguniang Bayan
MacArthur, Leyte

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

FJSU:ASS
naomi08April2026