Republic of the Philippines
PROVINCE OF LEYTE
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Palo, Leyte
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COMMITTEE ON RULES, LAWS and PRIVILEGES
COMMITTEE REPORT
No. 29 S. 2026

Date: November 6, 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,

II. 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.

III. FINDINGS:

The Committee finds that the declared objective of the ordinance to promote environmental protection, responsible mining practices, community participation, and sustainable resource management is a legitimate exercise of local government powers and is consistent with the State policy embodied in Republic Act No. 7942 and the Local Government Code.

However, a review of Article III of the ordinance reveals provisions that may be susceptible to an interpretation inconsistent with existing national laws governing mining operations. Particularly, Article III requires applicants for mining activities to obtain consultations, endorsements, clearances, and resolutions from various local government offices and bodies as prerequisites to the conduct of mining operations. Further, the

ordinance enumerates documentary requirements which include a Municipal Clearance, Mayor's Endorsement, Barangay Resolution, and a Resolution of No Objection from the Sangguniang Bayan.

While local government units possess authority to protect the environment and promote the general welfare, **the Committee notes that the power to process, evaluate, approve, issue, suspend, or revoke mining permits, quarry permits, exploration permits, mineral agreements, industrial sand and gravel permits, and similar authorizations remains vested in the Department of Environment and Natural Resources (DENR), the Mines and Geosciences Bureau (MGB), the Provincial Government , where applicable and other competent agencies and authorities, within their respective jurisdictions as prescribed by Republic Act No. 7942 and Republic Act No. 7160 their implementing rules and regulations and other applicable laws.**

The Committee further finds that the ordinance does not clearly state that the local consultations, clearances, endorsements, and resolutions required therein are intended solely as an exercise of the Municipality's powers under Sections 16, 26, and 27 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

Absent such clarification, Article III may be misconstrued as establishing an independent local permitting regime or as conditioning the issuance of permits by national agencies upon prior approval by the Municipality, which may exceed the powers delegated to local government units under existing law.

The Committee likewise finds merit in refining the language of the ordinance to ensure that the legitimate participatory and consultative functions of the Municipality are preserved while fully respecting the statutory jurisdiction of the Department of Environment and Natural Resources, the Mines and Geosciences Bureau, the Provincial Mining Regulatory Board, the Provincial Government where applicable, and other competent authorities.

IV. RECOMMENDATION

In view of the foregoing, the Committee recommends that Municipal Ordinance No. 10, Series of 2025 be **returned to the Sangguniang Bayan of MacArthur, Leyte for appropriate amendment and clarification**, particularly Article III thereof, to expressly provide that:

1. The consultations, endorsements, clearances, and reviews required by the ordinance are undertaken pursuant to Sections 16, 26, and 27 of the Local Government Code and other applicable laws concerning public consultation, environmental protection, and local participation;

2. Nothing in the ordinance shall be construed as transferring, limiting, modifying, or supplanting the permitting, regulatory, and technical review functions vested by law in the DENR, MGB, PMRB, Provincial Government, or other competent national agencies;

3. The authority to issue mining, exploration, quarry, sand and gravel, industrial sand and gravel, mineral processing, and similar permits shall remain with the agencies and officials designated by national law;
4. The ordinance shall clearly distinguish between local consultative and monitoring functions on one hand, and national permitting and regulatory functions on the other.

Accordingly, the Committee recommends that the Sangguniang Panlalawigan **return the ordinance for revision prior to favorable review** to ensure conformity with Republic Act No. 7160, Republic Act No. 7942, and other applicable laws and regulations.
Respectfully submitted.

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

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

EXCERPTS FROM THE MINUTES OF THE 57TH REGULAR SESSION OF THE 12TH SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO LEYTE ON SEPTEMBER 22, 2026

RESOLUTION NO. 2026-1069

A RESOLUTION DEFERRING ACTION OF COMMITTEE REPORT NO. 23 OF SANGGUNIANG PANLALAWIGAN COMMITTEE ON RULES, LAWS AND PRIVILEGES ON MUNICIPAL ORDINANCE NO. 10, SERIES OF 2025 OF MACARTHUR, LEYTE ENTITLED: "AN ORDINANCE REGULATING MINING, QUARRYING, AND MINERAL EXTRACTION ACTIVITIES WITHIN THE MUNICIPALITY OF MACARTHUR, LEYTE."

WHEREAS, submitted to the Sangguniang Panlalawigan is Committee Report No. 23 of the SP Committee on Rules, Laws and Privileges on Municipal Ordinance No. 10 SERIES OF 2025 of MacArthur, Leyte.

WHEREAS, the Ordinance was referred to the SP Committee on Rules, Laws and Privileges last June 9, 2026 per SP Resolution No. 2026-893;

WHEREAS, the August Body, deemed it proper to defer action of the said committee report;

NOW, THEREFORE, on motion presented by Atty. Ronnan Christian M. Reposar, duly seconded Atty. Carlo P. Loreto, and Honorable MJ Luinly D. Lumen, be it

RESOLVED, as it is hereby resolved, **TO DEFER ACTION ON COMMITTEE REPORT NO. 23 OF THE SANGGUNIANG PANLALAWIGAN ON MUNICIPAL ORDINANCE NO. 10, SERIES OF 2025 OF MACARTHUR, LEYTE.**

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILLS. UYVICO
Secretary to the Sanggunian

ATTESTED:

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

/FJSU:ASS
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Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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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 S. 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

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