	Republic of the Philippines Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU Regional Office No. VIII DENR Compound, EMB Building, Jones Street, Tacloban City, Philippines
	NOTICE OF VIOLATION
	15 June 2021

15 June 2021

VERLIN KONSTRUKT, INC. (Housing Project)
 Brgy. Malaguinabot, San Miguel, Leyte

Thru: **ENGR. SONNY BOBADILLA**
 Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU'S
 RELEASED BY: *[Signature]*
 DATE: *June 16, 2021*
 TIME: *1:30pm*

Sir/Madame:

This notice is being served upon you for alleged violation of **P.D 1586** otherwise known as the Philippine Environmental Impact Statement System, based upon the investigation conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Leyte last **14 January 2021**.

ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Non-submission of Compliance Monitoring Report (CMR) to this Office semi-annually.	Violation of ECC Environmental Management Condition No. 2, DENR Administrative Order 2003-30, Implementing Rules and Regulations of P.D 1586.

The foregoing considered, and in accordance with the relevant provisions of **EMB Memorandum Circular No. 2020-21¹**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **within Fifteen (15) days from receipt hereof**, your defense/position to the alleged violation/s which is punishable by a fine of **not less than Ten Thousand Pesos (P10, 000.00) nor more than Fifty Thousand Pesos (P50,000.00)** for the above cited prohibited acts and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

To expedite the submission, you may send an electronic copy of your position paper thru e-mail address **embr8_records@emb.gov.ph**. Further, you or your authorized representative is hereby summoned to physically attend in a technical conference before this Office on 05 JULY 2021 at 11:00 AM.

However, in light of **Proclamation No. 922, “Declaring a State of Public Health Emergency throughout the Philippines”**, and the implementation of Community Quarantine in Region VIII as a measure to combat the COVID-19 Disease, **you are also given an option to attend in the scheduled technical conference via internet video conference**. In case you choose for the latter mode, please submit an e-mail to legalunitembr8@gmail.com immediately upon receipt hereof, to signify such intention and an electronic internet address link shall then be provided to you.

Please be informed that pursuant to **Section 5, Item VII of EMB Memorandum Circular No. 2020-21**, your failure to appear during the scheduled technical video conference shall be construed as waiver of your right to contest the findings and the case shall be decided based on the available evidence on record.

Please be guided accordingly.

Very truly yours,

[Signature]
LETECIA R. MACEDA
 Regional Director

¹ Supplemental Rules of the EMB Manual of Uniform Procedures for COVID-19 Pandemic



COMPLIANCE INSPECTION FOR EIA



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: **21A-01-13**Date of Inspection: **01/14/2021**Mission Order No.: **EMBR8-2021-000429**

1. GENERAL INFORMATION

Name of Establishment: **VERLIN KONSTRUKT INC.**Address: **Brgy. Malaguinabot, San Miguel, Leyte**

Geo Coordinates:

11.268801°N 124.84358°ENature of Business: **Housing Project**PSIC Code: **55**

Product:

Year Established: **2019**

Operating hours/day:

Operating days/week:

Operating days/year:

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
n/a	n/a	n/a
Name of Managing Head:	ENGR. SONNY BOBADILLA	
Name of PCO:	None	
PCO Accreditation No.:	None	Date of Effectivity: None
Phone/Fax:	09178202576	Email add: verlinkonstruktacloban63@gmail.com

2. PURPOSE OF INSPECTION

- ☐ Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification

	New	Renewal
<input type="checkbox"/> New Renewal		
<input type="checkbox"/> PMPIN Application	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste ID Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste Transporter Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous waste TSD Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Permit to Operate Air Pollution Control Installation	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discharge Permit	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Others _____	<input type="checkbox"/>	<input type="checkbox"/>

- ☒ Determine compliance status with the environmental regulations, permit conditions, and other Requirements

- ☐ Investigate community complaints

- ☐ Check status of voluntary commitment

_____ Industrial Ecowatch

_____ Philippine Environmental Partnership Program (PEPP)

_____ Pollution Adjudication Board (PAB)

_____ Others _____

/ Others **EIA COMPLIANCE MONITORING**

Name of Contact Person

ENGR. JUDY M. VERGARA

Position / Designation

Site Engineer

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance


Environmental Law	Permits	Date of Issue	Expiry Date
PD 1586	ECC1	ECC-OL-RO8-2019-0062	4/08/2019
	ECC2		
	ECC3		
RA 6969	DENR Registry ID	N/A	
	PCL Compliance Certificate		
	CCO Registry		
	Permit to Transport		
RA 8749	POA No.	N,A	
RA 9003	ECC for Sanitary Landfill		
RA 9275	DP No.	N/A	


Legal Reference (Revised DAO 2003-30)	Compliance Requirements	Compliant?			Remarks
		Y	N	N/A	
	Does the establishment submit Compliance Monitoring Report (CMR) semi-annually to EMB?		/		As per office record, the housing project has no CMR submissions.
	Does the CMR include an assessment of the following:				
	a) Performance against the ECC conditions?			/	
	b) Performance against the Environmental Management Plan (EMP)			/	
	c) Performance against the monitoring of actual impacts (including residual impacts) as against predicted impacts in the Environmental Impact Assessment (EIA) Report and as related to current project operations?			/	
DAO 2003-30 Chapter 2-3 19) a) (ii) and DAO No. 2003-27	Does the establishment submit to the concerned EMB Regional Office detailed report on compliance to environmental standards specific to environmental laws through the quarterly Self-Monitoring Report (SMR)?			/	
Chapter 2-3 19) a) (iii)	Does the establishment submit semi-annual CMRs as part of Module 5 of the second and fourth quarter SMRs?			/	
	Does the second CMR include simple trend analysis of the environmental standards and a summary of the cumulative annual and historical performance/compliance analysis on key environmental and social parameters?			/	
Chapter 2-3 19) a) (iv)	Was the first CMR submitted mid-year after the start of project implementation (except for ECC commitments/conditions, which need to be submitted prior to project start-up)?			/	
	Did the establishment notify EMB on the start-up date of project implementation?			/	
	Is the establishment required a Multi-Partite Monitoring Team (MMT) (ECC condition)?			/	
	Has the MMT been established through a signed Memorandum of Agreement (MOA)?			/	

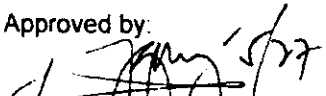
	Is the MMT MOA in accordance with the prescriptions?			/	
	Has the establishment facilitated the operationalization of an MMT Manual of Operations (MOO) based on prescribed Guidelines including the use of Compliance Monitoring and Validation Report (CMVR)			/	
	Has an Environmental Monitoring Fund (EMF) been established and operationalized based on prescribed guidelines?			/	
	Is the establishment required an Environmental Guarantee Fund (EGF) (ECC condition)?			/	
	Has an EGF been established?			/	
Chapter 2-3 19) b) (iii)	Does the establishment address complaints, exceedance of standards, and/or suspicious data?			/	

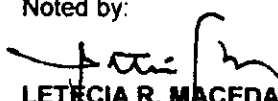
Compliance to ECC Conditions and EMP Commitments (Revised DAO 2003-30)						
ECC/EMP Condition/ Requirement Categorization	Relevant ECC Condition/s (if any)		Compliant			Proof of Compliance
	No.	Description	Y	N	N/A	
1) Project coverage/limits			/			Project is within the prescribed limit.
2) Components			/			
3) Other sectoral requirements mandated by other agencies to be complied with			/			
4) EMP and updates as deemed required					/	
5) Conduct of baseline, compliance and impact self-monitoring					/	
6) Multi-sectoral Monitoring (as may be required)					/	
7) Regular reporting				/		No CMR submissions
8) Institutional arrangements necessary for implementation of environmental management measures					/	
9) Standard DENR requirement on transfer of ownership					/	
10) Standard DENR requirement on abandonment					/	
11) Impact Mitigation Plan or Construction/Contractor's Environmental Program					/	
12)Social Development Plan (SDP)					/	
13) Information, Education and Communication (IEC) Plan					/	
14)Contingency/Emergency Response Plan or equivalent Risk Management Plan					/	
15) Abandonment Plan (when applicable)					/	
16) Environmental Monitoring Plan (EMoP)					/	

Other Observations:
<p>1. The housing project has been issued with ECC with Reference No. ECC-OL-RO8-2019-0062 issued on April 08, 2019. The project is a NHA's Yolanda Permanent Housing Program (NHA-YPHP) of LGU with an area of 31584.58 square meters . It is part of the NHA's Yolanda Permanent Housing Program (NHA-YPHP) Design and Build, whose funds were downloaded to the LGU. The developer is Verlin Konstruk Inc and its authorized managing officer is Joselito B. Lacap.</p> <p>2. As per information from Engr. Judy M. Vergara, Site Engineer, the proposed project is 430 units but only 365 units (85%) is accomplished. All units were provided with an individual septic tank, however, some units still need minor repairs for doors and windows.</p> <p>3. As per office record, no CMR submissions to date.</p>
Remarks and Recommendations:
<p>For issuance of Notice of Violation for non-submission of the Compliance Monitoring Report(CMR) which is in violation of Condition no. 2 of Environmental Management.</p>
List of Documents Reviewed:
<p>Copy of ECC</p>

Monitored by:

JOSEPHINE L. FUENTES
Senior EMS/OIC, PEMU Leyte

Recommending Approval

ENGR. CARLOS A. CAYANONG
Engineer IV/Chief, WAQMS

Approved by:

REYNALDO B. BARRA, PME
Chief, EMED

Noted by:

LETECIA R. MACEDA
Regional Director

