

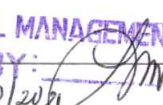
	Republic of the Philippines Department of Environment and Natural Resources <b>ENVIRONMENTAL MANAGEMENT BUREAU</b> DENR Compound, Jones St. Tacloban City, Philippines	 ISO 9001 QUALITY MANAGEMENT Certificate No. 8722	 UKAS ENVIRONMENTAL MANAGEMENT Certificate No. 1222
	<b>NOTICE OF VIOLATION</b>		

AUG 19 2021

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY:   
DATE: 8/20/2021  
TIME: 2:51pm

DENR-PAB Case No. 08-000088 -21-W

**ANASTACIO/SHIRLEY CAMPOS POULTRY LAYER FARM**  
Brgy. Libertad, Abuyog, Leyte

Thru: **THE MANAGIING HEAD**

Sir/Madame:

This notice is being served upon you for alleged violation of **R.A 9275** otherwise known as the Philippine Clean Water Act of 2004, based upon the validation inspection conducted by the technical personnel of the Clearance and Permitting Division – Air and Water Permitting Section (CPD-AWPS) of this Office last **05-06 May 2021**.

**ACTS CONSTITUTING THE VIOLATION**

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants <b>without</b> a valid required wastewater <b>Discharge Permit</b> since first found to have failed to secure the same last <b>19 June 2018</b> .	Violation of <b>Paragraph (c), Section 27 of R.A 9275</b> , in relation to <b>Section 28</b> thereof and in relation further to <b>Pollution Adjudication Board Resolution No. 01 Series of 2019</b> .

Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, 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 which is punishable by a fine of **Nineteen Thousand Five Hundred Pesos (P19,500.00) for every year of violation** of the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation

Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to **embr8\_records@emb.gov.ph**, copy furnished **legalunitembr8@gmail.com**, to expedite the submission.

Please be informed that failure to submit the position paper on or before the period prescribed above shall mean a waiver of your right to contest the findings of the report and present evidence on your defense and the case may be decided based on evidence on record.

Please be guided accordingly.

Very truly yours,

  
**ENGR. REYNALDO B. BARRA**  
OIC- Regional Director



Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
Regional Office No. VIII  
DENR Compound, Jones St., Tacloban City, Philippines



**FOR : LETECIA R. MACEDA**  
Regional Director  
DENR- Environmental Management Bureau  
Regional Office No. VIII

**ATTN : THE LEGAL OFFICER**  
ORD-Legal

**FROM : THE UNDERSIGNED STAFF**  
Air Water Permitting Section/ORD- Legal Unit

**SUBJECT : VALIDATION REPORT INVOLVING ANASTACIO/SHIRLEY D. CAMPOS POULTRY LAYER FARM, BRGY. LIBERTAD, ABUYOG LEYTE FOR ALLEGEDLY FAILING TO SECURE WASTEWATER DISCHARGE PERMIT DESPITE PREVIOUS ISSUANCE OF AN NOV**

**DATE : 28 JUNE 2021**

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#### **I. BACKGROUND/ PROCEEDINGS**

1. On **09 November 2018**, this Office issued a Notice of Violation against **SHIRLEY/ANASTACIO D. CAMPOS POULTRY LAYER FARM**, located in **BRGY. LIBERTAD, ABUYOG, LEYTE** for (a) operating without a discharge permit;
2. After the technical conference/hearing last **04 December 2018**, the Respondent establishment executed a commitment, undertaking to secure a wastewater discharge permit on or before **04 January 2019** and to submit a position paper on or before **27 December 2018**. A copy of the said commitment sheet is hereto attached as Annex "**A**";
3. On **27 December 2018**, Respondent submitted a position paper, in compliance to one of its commitments;
4. On **20 February 2019**, this Office issued a Decision affirming the violation and ordered the endorsement of the case to the Pollution Adjudication Board, upon compliance by the Respondent to the commitments, for the computation of fines pursuant to **Section 28, R.A 9275**;
5. Since **2018**, Respondent failed to secure the permit required. The endorsement of the case to the PAB was deferred until such time the subject permit is secured by the Respondent. Come **01 July 2019**, the PAB issued **Resolution No. 01, Series**

of 2019, delegating to the EMB Regional Offices the determination of permitting and other administrative violations, such as the failure to secure the discharge permit, and the imposition of fines thereto.

6. In view of **PAB Resolution No. 01-2019**, this Office is now authorized to impose the fines. Essential, however, to the computation is for the Respondent to be able to secure the subject permit. But Respondent failed to do so, necessitating a validation inspection to determine whether Respondent continued operating despite the absence of the permit.
7. On **05-06 May 2021**, the undersigned staff conducted the validation inspection and the following are the findings:

## **II. FINDINGS/OBSERVATIONS**

1. There was operation at the time of the validation inspection. Per interview with Ms Shirley Campos, there exists a pending application for wastewater discharge permit before this Office.
2. Per records of this Office, however, no wastewater discharge permit exists on the part of the Respondent nor was an application for the same has been filed by the Respondent since **2018**.
3. As a result, the undersigned inspecting personnel are constrained to make the appropriate recommendations, including the issuance of an NOV by this Office.

## **III. REMARKS**

1. **Section 14 of Republic Act No. 9275 or the Philippine Clean Water Act of 2004** provides that the Department shall require owners or operators of facilities that discharge regulated effluents pursuant to the same Act to secure a permit to discharge;
2. In relation thereto, **Rule 14.1 of DENR Administrative Order No. 2005-10** explicitly provides that **any person** that shall discharge in any manner into Philippine Waters and/or Land shall secure a Discharge Permit;
3. This is further reiterated in a Memorandum dated **20 June 2018** issued by the EMB Director which clarifies that in the implementation and issuance of Discharge Permits, **all establishments** must secure a Discharge Permit **regardless of volume of wastewater**.
4. **Paragraph (c) of Section 27, R.A 9275** or the Philippine Clean Water Act of 2004 prohibits the operation of facilities which discharges regulated water pollutants **without the valid required permits**, as in this case, the Wastewater Discharge Permit;





5. Any establishment found to have violated the foregoing provisions shall be liable under **Section 28 of Republic Act 9275**, in relation to **Pollution Adjudication Board Resolution No. 01, Series of 2019**.

**IV. RECOMMENDATIONS**

1. For this Office to issue a **Notice of Violation** against **Anastacio Campos Poultry Farm** located in **Brgy. Libertad, Abuyog, Leyte** for operating without a valid wastewater discharge permit **since 2018**, in violation of **Paragraph (c), Section 27 of R.A 9275**.
2. For further appropriate actions as may be deemed necessary.

Inspecting Personnel:

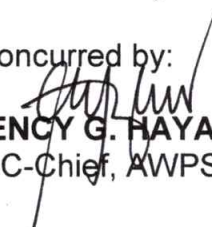
  
**ENGR. AIKEE C. SILLEZA**  
EMS II

  
**SHERWIN GIL E. AVESTRUZ**  
Staff, ORD-Legal

Approved by:

  
**MARIBEL B. MUNSAYAC**  
Chief, CPD

Concurred by:

  
**HENNENCY G. HAYAG, PME**  
OIC-Chief, AWPS

Noted by:

  
**LETECIA R. MACEDA**  
Regional Director

**PHOTOGRAPH DOCUMENTATION**

