
	<p>Republic of the Philippines Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU DENR Compound, Jones St. Tacloban City, Philippines</p>	
NOTICE OF VIOLATION		


FEB 17 2022

DENR-PAB Case No. 08-00012-22-W

DR. AVITO SALINAS POULTRY FARM PROJECT

Brgy. Gacao, Palo, Leyte

Thru: **DR. AVITO SALINAS**
Owner

RELEASED BY: 

DATE: 2-17-22

TIME: 3:43

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 site inspection/investigation conducted by the Investigation Team of the EMB Central Office last **10-14 August 2021**, in view of the complaint which was filed before the Presidential Action Center and was forwarded to the EMB Central Office's appropriate action.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without a valid wastewater Discharge Permit .	Violation of Section 27 (c) of R.A 9275 in relation to Section 28 of the same Act, and in relation further to Pollution Adjudication Board Resolution No. 01, Series of 2019 .

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 **embr8_legal@emb.gov.ph**, 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



INVESTIGATION/INSPECTION REPORT

I. NATURE OF THE CASE

Complaint from Mr. Rolando Cantillo against the operations of the poultry owned by Dr. Abito Salinas.

II. PARTIES

Complainant/s : Mr. Rolando Contillo
Person Complained of : Dr. Abito Salinas
EMB-Region VIII : RD Reynaldo Barra
Atty. Rodolfo A. Yodico II
Sherwin Avestruz

III. AUTHORITY TO INVESTIGATE

- Special Order No. 2021-181 dated June 24, 2021 as amended by Special Order No. 234, Series of 2021, issued on July 30, 2021
- Travel Order Nos. EMBCO-2021-028178, 2021-028171 and 2021-028175.

IV. DATE OF INVESTIGATION/INSPECTION

- August 10-14, 2021

V. ISSUE

- Whether the allegations in the complaints are true and valid; and
- Whether the owner of the poultry secured environmental permits from the EMB Regional Office – Region VIII

VI. OBJECTIVE/S

1. To verify the physical status of the project;
2. To verify if there are environmental permits secured or applied; and
3. To correct in case there is a defect in the procedure conducted.

VII. NARRATION OF FACTS

On February 25, 2020, the complainant, Mr. Rolando Cantillo, resident of Sitio Camaysihay, Brgy. Gacao, Palo Leyte, filed a complaint before the Presidential Action Center which was forwarded to the EMB Central Office against the bad odor caused by poultry owned by Dr. Abito Salinas.

Furthermore, the complainant alleges that there are flies along the road and near the area, which caused health and environmental hazards to the residents of the community.

INVESTIGATION REPORT RE: BAD ODOR CAUSED BY POULTRY FARM OWNED BY DR. SALINAS

VIII. APPLICABLE LAWS AND JURISPRUDENCE

1. Presidential Decree No. 1586

Presidential Proclamation of Environmentally Critical Areas and Projects. X x x x
No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate issued by the President or his duly authorized representative¹. (Emphasis and underscore ours)

The mentioned PD 1586 provisions do not specifically preclude DENR from including into the EIS System additional non-environmentally critical project (NECP) types which if located in ECAs may have significant impacts on the environment. DENR may also exclude from the System certain projects, regardless of location or threshold/project size, due to nil significant impacts arising from inherent benign or clean technology and due to the very nature of the projects' mitigation of environmental issues or enhancement of the quality of the environment.

2. DENR Department Administrative Order No. 30, Series of 2003 particularly Article II, Section 4, Scope of the EIS System

The mentioned PD 1586 provisions do not specifically preclude DENR from including into the EIS System additional non-environmentally critical project (NECP) types which if located in ECAs may have significant impacts on the environment. DENR may also exclude from the System certain projects, regardless of location or threshold/project size, due to nil significant impacts arising from inherent benign or clean technology and due to the very nature of the projects' mitigation of environmental issues or enhancement of the quality of the environment.

4.1 In general, only projects that pose potential significant impact to the environment shall be required to secure ECC's. In coordination with the Department of Trade and Industry (DTI) and other concerned government agencies, the EMB is authorized to update or make appropriate revisions to the technical guidelines for EIS System implementation.

4.2 The issuance of ECC or CNC for a project under the EIS System does not exempt the proponent from securing other government permits and clearances as required by other laws.

In determining the scope of the EIS System, two factors are considered: (i) the nature of the project and its potential to cause significant negative environmental impacts, and (ii) the sensitivity or vulnerability of environmental resources in the project area.

3. RA 9275, Philippine Clean Water Act

SECTION 14. *Discharge Permits.* - The Department shall require owners or operators of facilities that discharge regulated effluents pursuant to this Act to secure a permit to discharge. The discharge permit shall be the legal authorization granted by the Department to discharge wastewater: Provided, That the discharge permit shall specify among others, the quantity and quality of effluent that said facilities are allowed to

¹ Section 4

discharge into a particular water body, compliance schedule and monitoring requirement

IX. TABLE OF EVIDENCE/ANNEXES

DOCUMENT/S		PURPOSE
1.	Photos of the current status of the poultry (Annex “A” and “A-1”)	To show the appearance of the area during the site inspection.
2.	Photos of interview with Dr. Salinas (Annex “B”)	To show the actual inspection and interview with the person complained of.

X. FINDINGS AND OBSERVATIONS

Upon the conduct of site inspection, the Investigation Team observed that there were no operations nor appearance of chickens in the area. According to Dr. Salinas, it has been a month that there were no poultry operations in their area. He claimed that their poultry business depends on the delivery of chicks of their partners where they will be the one who will raise and sell it back to them.

It was evident that there were no activities in the area except for the cultivation of one part of the area for planting of ornamental plants and vegetables. Since there were no operations in the area, the alleged bad odor and flies were not observed.


Dr. Salinas manifested that they have discharge permit and other environmental permits/clearances. However, he never showed to the Team any copy of the said permits. Thus, the Team asked the EMB Regional Office – Region VIII if they have any record of environmental permits applied and/or issued to by Dr. Salinas. EMB Region VIII said that there were permits issued to Dr. Salinas’ poultry, however, said permits were not provided during the validation.

XI. RECOMMENDATION/S

Based on the foregoing findings, below are the recommendations of the Investigation Team for the EMB Region VIII to:

1. Issue a Notice of Violation with Cease and Desist Order, if warranted, for operating without the necessary environmental permits; and
2. Regularly monitor and inspect the activities of the poultry farm to prevent adverse effects to the community, if there is any.

Respectfully submitted. 10 September 2021


ATTY. AIME R. RODAJE
Attorney III


JULIE ANN T. TURQUEZA
Special Investigator II


RONALD N. BALITOS
Member

Noted by:


ATTY. JOHN EDWARD T. ANG
Section Chief, PLEHIS


ATTY. JANICE C. REGOSO-PAMMIT
Chief, Legal Division

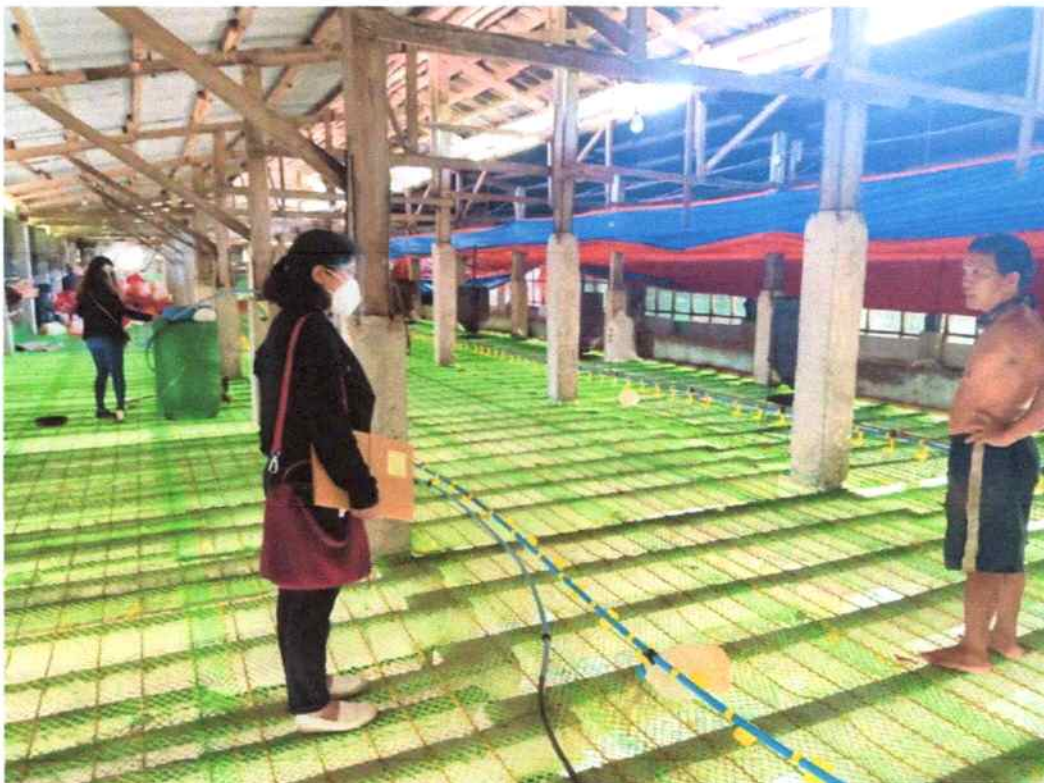
Approved by:


ENGR. WILLIAM P. CUÑADO
Director



INVESTIGATION REPORT RE: BAD ODOR CAUSED BY POULTRY OWNED BY DR. SALINAS

ANNEX "A"



INVESTIGATION REPORT RE: BAD ODOR CAUSED BY POULTRY OWNED BY DR. SALINAS





INVESTIGATION REPORT RE: BAD ODOR CAUSED BY POULTRY OWNED BY DR. SALINAS



Interview with Dr. Abito Salinas



INVESTIGATION REPORT RE: BAD ODOR CAUSED BY POULTRY OWNED BY DR. SALINAS