



NOTICE OF VIOLATION

AUG 19 2021

DENR-PAB Case No. 08-000109-21-W

FREMONT FOODS CORP./JOLLIBEE CATBALOGAN
Allen Ave., Catbalogan, City, Samar

Thru: **LIEZEL M. MANALO**
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 8/20/2021
TIME: 2:56 pm

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 desk review conducted by the Clearance and Permitting Division – Air and Water Permitting Section (CPD-AWPS) of this Office last **23 July 2021**, on your online application for wastewater Discharge Permit renewal filed last **19 July 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without a valid Discharge Permit since 26 August 2018 .	Violation of Paragraph (c), Section 27 of R.A 9275 , in relation to Section 28 thereof 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 **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 : **THE REGIONAL DIRECTOR**
DENR-EMB Regional Office No. VIII

Attention : **THE LEGAL OFFICER**
Legal Unit
Office of the Regional Director

FROM : **THE DIVISION CHIEF**
Clearance and Permitting Division

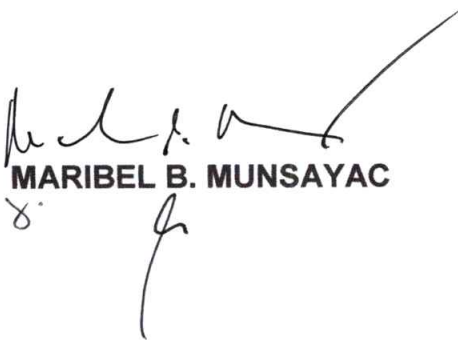
SUBJECT : **RECOMMENDATION FOR ISSUANCE OF A
NOTICE OF VIOLATION**

DATE : **23 July 2021**

Respectfully submitting herewith the report of the desk review conducted by personnel of the Air & Wastewater Permitting Section of the Clearance and Permitting Division upon the online renewal application for Discharge Permit by **FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN** located at **ALLEN AVE.CATBALOGAN CITY, SAMAR**

The report has recommended the issuance of a Notice of Violation against the above-mentioned establishment for operating without a valid Discharge Permit, in violation of Paragraph (c), Section 27 of R.A 9275, in relation to Section 28 thereof and in relation further to PAB Resolution No. 01-2019.

For your appropriate action.


MARIBEL B. MUNSAYAC





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 : **THE DIVISION CHIEF**
Clearance and Permitting Division

FROM : **THE UNDERSIGNED STAFF**
Air & Wastewater Permitting Section

SUBJECT : **DESK REVIEW REPORT INVOLVING THE
FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN
LOCATED AT ALLEN AVE.CATBALOGAN CITY,
SAMAR**

DATE : **23 JULY 2021**

BACKGROUND/ PROCEEDINGS

On **19 JULY 2021**, **FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN** filed an online application (Application No.139332) for the renewal of its Wastewater Discharge Permit. This desk review report was prepared on 23 July 2021 for the purpose of issuance of Notice of Violation for the said firm.

FINDINGS/OBSERVATIONS

Based on the aforementioned application, the following findings were observed:

1. **FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN** has been issued a Discharge Permit on **15 AUGUST 2017**, with Permit No. **17-DP-H-0860-0349** which was only valid until **25 AUGUST 2018**. *Copy of the said discharge permit is attached;*
2. **FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN** is represented by **LIEZEL M. MANALO** (0905-8731603) as the Pollution Control Officer;
3. Apparently, **FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN** has been in operation without a valid Discharge Permit since **26 AUGUST 2018**;

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. One of the Permit Conditions provided for under the expired Discharge Permit issued to **FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN** requires the permit holder to **renew the discharge permit at least one (1) month before expiry date**;
5. **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;
6. 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**.

RECOMMENDATIONS

1. To issue a Notice of Violation against **FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN** for operating without a valid Discharge Permit, in violation of **Paragraph (c), Section 27 of R.A 9275** which, IF found guilty, shall be liable under **Section 28 of R.A 9275**, in relation to **Pollution Adjudication Board Resolution No. 01, Series of 2019**;
2. Pursuant to **PAB Resolution No. 01-2019**, to defer from the issuance of a Discharge Permit until resolution of the case or payment of the corresponding fine, if warranted;
3. For further appropriate actions as may be determined after due process.

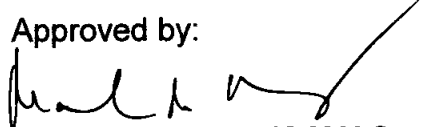
Reviewed by:


MARIA MAXILE G. AMESCUA
EMS II

Concurred by:


HENNENCY G. HAYAG,
OIC-Chief, AWPS

Approved by:


MARIBEL B. MUNSAYAC
Chief, CPD

Noted by:


REYNALDO B. BARRA, PME
OIC-Regional Director





Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Region VIII
DENR Compound, Jones St., Brgy. 2, Tacloban City
Tel. # 053-832-1088

DISCHARGE PERMIT
(Renewal)

17-DP-H-0860-0349

Permit No.

August 15, 2017

Date

Pursuant to Sec. 14, Art. 2 of the IRR of RA 9275 otherwise known as the Philippine Clean Water Act of 2004, authority is hereby granted to:

FREEMONT FOODS CORP./JOLLIBEE CATBALOGAN
Name of Firm

Allen Ave., Catbalogan City
Address

PERMIT CONDITIONS

1. The permit holder shall discharge effluent wastewater not exceeding: **12.07** cubic meters per day at the **City Sewer** as the discharge point after the **Mixing Tank (Grease Trap and Septic Tank)** as the Wastewater Treatment Facility and the nearest receiving water body is the **Catbalogan River**, for the period of **One (1) year**, respectively and in conformity with **DENR Department Administrative Order No. 2016-08 (Water Quality Guidelines & General Effluent Standards)**.
2. The permit holder shall submit self-monitoring reports on or before the following dates:
3rd Quarter **15/10/17** (day/month/year)
4th Quarter **15/01/18** (day/month/year)
1st Quarter **15/04/18** (day/month/year)
2nd Quarter **15/07/18** (day/month/year)
3. The permit holder shall allow entry, inspection of subject establishment or facility and compliance monitoring by this office.
4. This Permit shall be renewed at least **one month** before expiry date.
5. This Permit is valid up to **August 25, 2018**, unless sooner revoked or suspended for cause by this office.
6. This Permit should be framed, posted in a conspicuous location near the structure and protected from damage.
7. To submit third party laboratory result on **BOD, TSS, Oil & Grease**, and **Surfactants** analyses at least **two months** prior renewal of this permit.

Refusal or failure by permit holder to comply with the permit conditions and relevant laws, rules and regulations implemented by this office may be sufficient cause for the revocation or suspension of this permit.

Recommending Approval:

Approved by:

REYNALDO B. BARRA
Chief, Clearance & Permitting Division

LETECIA R. MACEDA
Regional Director

WD Permit Fee O.R. No. :	5246042	Amount: PhP2,200.00	Date : 8-8-17
PD 1856 OR #	-do-	Amount: PhP 10.00	Date : -do-
DST	7150345	Amount: PhP 15.00	Date : -do-

This Permit should be posted in a conspicuous location near the structure.