



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
DENR Compound, Jones St. Tacloban City, Philippines

NOTICE OF VIOLATION

DEC 04 2020

TIERRA VERDE HOMES
Brgy. Arado, Burauen, Leyte

Thru: **Mr. BENITO PIL ESCANO**
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 12/04/2020
TIME: 1:49pm

NOTICE OF VIOLATION

Dear Sir/Madame:

This notice is being served upon you for alleged violation of **P.D 1586** based on the compliance inspection/monitoring conducted by the technical personnel of the Environmental Monitoring and Enforcement Division (EMED) of this Office last **08 October 2020**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Failure to submit to this Office Compliance Monitoring Report (CMR) to for the 1 st semester of 2020.	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 act 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 **JANUARY 11, 2021** at **10:00 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.

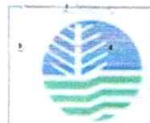
Please be informed that pursuant to **Section 5, Item VII of EMB Memorandum Circular No. 2020-21**, your failure to appear during the scheduled technical video/physical conference shall be construed as waiver of your right to contest the findings and the case shall be decided based on the available evidence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

Date of Inspection: October 08, 2020Mission Order No.: 2020-005432**1. GENERAL INFORMATION**

Name of Establishment: TIERRA VERDE HOMES BURAUEN		
Address: Brgy. Arado, Burauen, Leyte		Geo Coordinates:
Nature of Business: Subdivision		10.98042, 124.49200
PSIC Code: N/A	Product: N/A	Year Established: 2017
Operating hours/day: N/A	Operating days/week: N/A	Operating days/year: N/A

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
	N.A.	
Name of Managing Head:	Mr. Benito Pil Escano/ (transferred to Rotaflex Construction Dev.Corp)	
Name of PCO:	None	
PCO Accreditation No.:	None	Date of Effectivity:
Phone/Fax:	09177088181	Email:

2. PURPOSE OF INSPECTION

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

<input type="checkbox"/> New Renewal	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 environmental regulations, permit conditions compliance status with the, and other requirements

- ☐ Investigate community complaints
- ☐ Check status of voluntary commitment
- ☐ Industrial Ecowatch
- ☐ Philippine Environmental Partnership Program (PEPP)
- ☐ Pollution Adjudication Board (PAB)
- ☐ Others _____
- ☐ Others _____

Name of Contact Person	Mr. Kenneth R. Corillo
Position / Designation	Project In-charge- Rotaflex Construction & Dev. Corp.

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits	Date of Issue	Expiry Date
PD 1586	ECC1	ECC-OL-R08-2017-0126	11-20-2017
	ECC2		
	ECC3		
RA 6969	DENR Registry ID		
	PCL Compliance Certificate		
	CCO Registry		
	Permit to Transport		
RA 8749	POA No.		
RA 9003	ECC for Sanitary Landfill		
RA 9275	DP No.		

Legal Reference (Revised DAO 2003-30)	Compliance Requirements	Compliant?			Remarks
		Y	N	N/A	
Chapter 2-3 19) a) (i)	Does the establishment submit Compliance Monitoring Report (CMR) semi-annually to EMB?		√		No submission of CMR
	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?			✓	

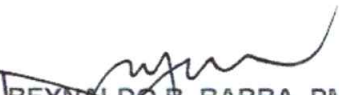
Compliance to ECC Conditions and EMP Commitments (Revised DAO 2003-30)						
ECC/EMP Condition/ Requirement Categorization	Relevant ECC Condition/s (if any)		Compliant			Proof of Compliance
	No.	Description	Y	N	N/A	
1) Project coverage/limits		38,000 square meters	✓			
2) Components			✓			
3) Other sectoral requirements mandated by other agencies to be complied with			✓			Permits were secured from other concerned government agencies: LGU-Burauen ; NHA and etc.
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				✓		
8) Institutional arrangements necessary for implementation of environmental management measures			✓			
9) Standard DENR requirement on transfer of ownership				✓		No application has been filed to this Office for change of ownership from First Le Marke Resources Inc. to Rotaflex Construction & Development Corp.
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:						
<ul style="list-style-type: none"> - Environmental Compliance Certificate with reference code ECC-OL-R08-2017-0126 was issued on November 20, 2017 to First Le Marke Resources Inc. through its President- Mr. Benito Pil Escano for the proposed Tierra Verde Homes Burauen to be located in Brgy. Arado, Burauen, Leyte - Development of the project was observed on-going during the time of monitoring. Currently, Rotaflex Construction & Development Corp. is the new owner and the project developer. - Per information from Mr. Kenneth R. Corillo-Project In Charge, the subdivision is a permanent resettlement housing project by the National Government through the National Housing Authority. - However, it was noted that no application has been filed to this Office for change of ownership from to First Le Marke Resources Inc. to Rotaflex Construction & Development Corp. - No submission of Compliance Monitoring Report. 						
Remarks and Recommendations:						
<ul style="list-style-type: none"> - To apply for change of ownership from to First Le Marke Resources Inc. to Rotaflex Construction & Development Corp. - To submit a CMR for the 1st semester of CY 2020 and onwards through the EMB online system which ca be accessed through the EMB website or through https://online.emb.gov.ph/cmr/. - To designate a Pollution Control Officer, to attend the 40-hr basic PCO training and apply for an accreditation. - For issuance of Notice of Violation for non-compliance to ECC condition no. I-2, no submission of CMR. 						
List of Documents Reviewed:						
Copy of ECC						

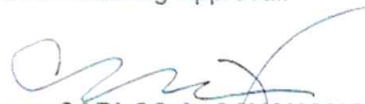
Submitted by:


JANET T. POLEA
 Engr. IV

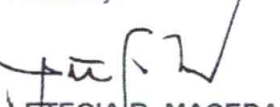
Approved by:


REYNALDO B. BARRA, PME
 Chief, EMED

Recommending Approval:


Engr. CARLOS A. CAYANONG
 Chief, WAQMS

Noted by:


LETECIA R. MACEDA
 Regional Director