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

DEC 10 2021


DENR-PAB Case No. 08-000167-21-W

REMEDIOS TRINIDAD ROMUALDEZ HOSPITAL (RTR)

Brgy. 96 (Calanipawan), Tacloban City Leyte

Thru: **NESTOR C. JACA**
Applicant

MELANI Z. CARDINAS
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
 RELEASED BY: 
 DATE: 12-13-21
 TIME: 10:55 am

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/evaluation conducted by the Clearance and Permitting Division – Air Water Permitting Section (CPD-AWPS) last **10 November 2021**, on your online renewal application for wastewater Discharge Permit filed last **13 October 2018**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without the valid required wastewater Discharge Permit , since 12 February 2017 .	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 .

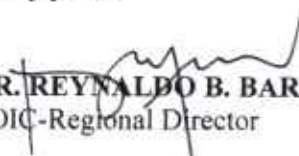
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **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 **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 DIVISION CHIEF**
Clearance and Permitting Division

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

SUBJECT : **DESK REVIEW REPORT INVOLVING THE
REMEDIOS TRINIDAD ROMUALDEZ HOSPITAL
LOCATED AT BRGY. 96 (CALANIPAWAN),
TACLOBAN CITY, LEYTE**

DATE : **10 NOVEMBER 2021**

BACKGROUND/ PROCEEDINGS

On **13 October 2018**, REMEDIOS TRINIDAD ROMUALDEZ HOSPITAL filed an online application (Application No. 25083) for the renewal of its Wastewater Discharge Permit. This Desk Report is prepared on 10 November 2021 for the purpose of recommending for the issuance of Notice of Violation for the said firm.

FINDINGS/OBSERVATIONS

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

1. REMEDIOS TRINIDAD ROMUALDEZ HOSPITAL has been issued a Discharge Permit on 30 September 2016, with Permit No. 16-DP-B-0837-0097 which was only valid until 11 February 2017. The application has been returned multiple times due to the following circumstances:

Time Stamp	Person Involved	Remarks / Recommendation
10/13/2018	N. Jaca - Applicant	Start Application.
10/18/2018	HGH – Case Handler	Update application.
1/04/2019	N. Jaca - Applicant	Submit requested information.
1/07/2019	HGH – Case Handler	Additional information needed.
4/03/2019	N. Jaca - Applicant	Submit requested information.
4/03/2019	HGH – Case Handler	To visit the EMB8 Office for clarification & assistance.
4/29/2019	N. Jaca - Applicant	Additional attachment submitted
4/30/2019	HGH – Case Handler	Update application.
8/10/2019	N. Jaca - Applicant	Attached notification letter.
8/13/2019	HGH – Case Handler	To submit laboratory result.
8/14/2019	N. Jaca - Applicant	Submitted lab result for November 2018.
8/14/2019	HGH – Case Handler	To submit latest (2019) lab result.
8/15/2019	N. Jaca - Applicant	Submitted 2019 lab result.
8/15/2019	HGH – Case Handler	Update Application.
9/11/2019	N. Jaca - Applicant	Submit requested information.
9/11/2019	HGH – Case Handler	Returned for non-compliance of the effluent parameter standards.

11/22/2019	N. Jaca - Applicant	Sent a request letter for extension of time for the improvement of WTF.
11/22/2019	HGH – Case Handler	Requested the applicant to attach the said letter in the OPMS.
11/22/2019	N. Jaca - Applicant	Submit requested information.
11/23/2019	HGH – Case Handler	Requested the applicant to attach the said letter in the OPMS.
11/07/2020	N. Jaca - Applicant	Applicant informed that no response yet from EMED regarding their request.
11/08/2020	HGH – Case Handler	Informed the applicant to attach the approval letter issued by the EMB8.
7/03/2021	N. Jaca - Applicant	Attached the reply letter of EMB8 regarding their request.
7/03/2021	HGH – Case Handler	Forwarded to new case handler for evaluation.
7/09/2021	LGD – Case Handler	Update Application.
7/12/2021	N. Jaca - Applicant	Forwarded updated application.
7/16/2021	LGD – Case Handler	Required to attach an updated effluent laboratory result.
11/04/2021	N. Jaca - Applicant	Submitted Commitment and CAP Approved.
11/09/2021	LGD – Case Handler	Recommended for the issuance of NOV for operating without a valid DP since February 12, 2017.
11/09/2021	N. Jaca - Applicant	Application is pending at the applicant

Copy of the said discharge permit and the tracking is attached;

2. REMEDIOS TRINIDAD ROMUALDEZ HOSPITAL is represented by NESTOR C. JACA (09060811291 / nikthordorado@gmail.com) as the Applicant and MELANI Z. CARDINAS (09972051332) as the Pollution Control Office.
3. Apparently, REMEDIOS TRINIDAD ROMUALDEZ HOSPITAL has been in operation without a valid Discharge Permit since **12 February 2017**;

REMARKS

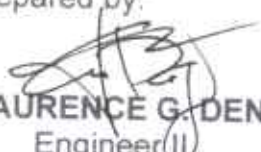
1. **Section 14 of Republic Act No. 9275 or the Philippine Clean Water Act of 2004** provides that the Department shall require owners or operators of facilities that discharge regulated effluents pursuant to the same Act to secure a permit to discharge;
2. In relation thereto, **Rule 14.1 of DENR Administrative 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 REMEDIOS TRINIDAD ROMUALDEZ HOSPITAL 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**.

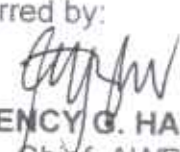
RECOMMENDATIONS

1. To issue a Notice of Violation against **REMEDIOS TRINIDAD ROMUALDEZ HOSPITAL** 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.

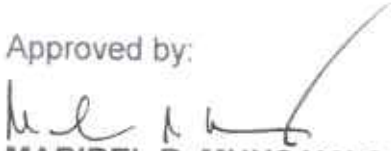
Prepared by:


LAURENCE G. DENZON
Engineer II

Concurred by:


HENNENCY G. HAYAG, PME
Chief, AWPS

Approved by:


MARIBEL B. MUNSAYAC
Chief, CPD

Noted by:


REYNALDO B. BARRA, PME
OIC, Regional Director

