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


OCT 21 2021

**SMILE ESSENCE DENTAL CLINIC**  
Brgy. Taboc, Borongan City, Eastern Samar

Thru: **ANNA KATRINA A. SADAC**  
Managing Head

**JARISSA ODICTA**  
Pollution Control Officer (Designate)

**DENR-PAB Case No. 08-000135 -21-W**

ENVIRONMENTAL MANAGEMENT BUREAU :  
RELEASED BY:   
DATE: 10/22/2021  
TIME: 10:01am

**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 technical personnel Clearance and Permitting Division – Air Water Permitting Section (CPD-AWPS) of this Office last **14 September 2021**, on your online application for wastewater Discharge Permit *renewal* filed last **11 September 2021**.

**ACTS CONSTITUTING THE VIOLATION**

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants <b>without</b> the valid wastewater <b>Discharge Permit</b> since <b>15 November 2020</b> .	Violation of <b>Paragraph (c), Section 27</b> of <b>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 : **THE DIVISION CHIEF**  
Clearance and Permitting Division

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

SUBJECT : **DESK REVIEW REPORT INVOLVING THE  
SMILE ESSENCE DENTAL CLINIC LOCATED AT REAL  
ST. NATIONAL RD., BRGY. TABOC, BORONGAN  
CITY, EASTERN SAMAR.**

DATE : **14 SEPTEMBER 2021**

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#### BACKGROUND/ PROCEEDINGS

On **11 September 2021**, **SMILE ESSENCE DENTAL CLINIC** filed an online application (Application No.149188) for the renewal of its Wastewater Discharge Permit. This desk review report was prepared on 14 September 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. **SMILE ESSENCE DENTAL CLINIC** has been issued a Discharge Permit on **14 November 2019**, with Permit No. **DP-R08-19-03771** which was only valid until **14 November 2020**. *Copy of the said discharge permit is attached;*
2. **SMILE ESSENCE DENTAL CLINIC** is represented by **Anna Katrina A. Sadac** as the Managing Head and **Jarissa D. Odicta** (09567046295 / 09651748159) as the designated Pollution Control Officer;
3. Apparently, **SMILE ESSENCE DENTAL CLINIC** has been in operation without a valid Discharge Permit since **15 November 2020**.

#### 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;

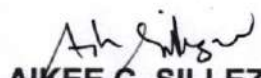


3. This is further reiterated in a Memorandum dated 20 June 2018 issued by the EMB Director which clarifies that in the implementation and issuance of Discharge Permits, **all establishments** must secure a Discharge Permit **regardless of volume of wastewater**.
4. One of the Permit Conditions provided for under the expired Discharge Permit issued to **SMILE ESSENCE DENTAL CLINIC** 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**.

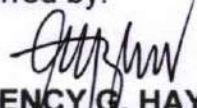
#### RECOMMENDATIONS

1. To issue a Notice of Violation against **SMILE ESSENCE DENTAL CLINIC** 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.

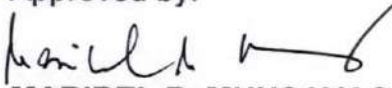
Reviewed by:

  
**AIKEE C. SILLEZA**  
 EMS II

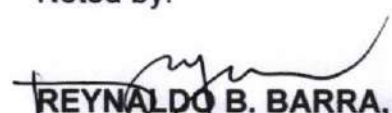
Concurred by:

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

Approved by:

  
**MARIBEL B. MUNSAYAC**  
 Chief, CPD

Noted by:

  
**REYNALDO B. BARRA, PME.**  
 OIC, Regional Director





Republic of the Philippines  
 Department of Environmental and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
 Region VIII  
 DENR Compound, Jones Street, Barangay 2, Tacloban City  
 Tel No: (053) 832-10-88

Date: Nov 14, 2019

Permit No.: DP-R08-19-03771

**New****WASTEWATER DISCHARGE PERMIT**

Pursuant to Section 14, Article 2, of the RA 9275 otherwise known as the "Philippine Clean Water Act of 2004", this permit is hereby granted to **Smile Essence Dental Clinic** with office address at Real St. National Road, Taboc, City Of Borongan (Capital), Eastern Samar for its establishment:

<b>Smile Essence Dental Clinic</b>	Real St. National Road Taboc CITY OF BORONGAN (Capital)
TIN No. 261-714-721-000	

To discharge **Commercial Wastewater** subject to the following conditions:

1. The discharge volume of the wastewater generated shall not exceed **0.14 m3/day**.
2. The maximum wastewater generation of **0.1** m3/day shall be from the washing/cleaning activities.
3. The maximum wastewater generation of **0.04** m3/day shall be from the domestic wastes.
4. Submit Self-Monitoring (SMR) based on the following schedule:

Quarter	Coverage	Submission	Quarter	Coverage	Submission
First	Jan-Mar	1-15 Apr.	Third	Jul-Sep.	1-15 Oct.
Second	Apr-Jun.	1-15 Jul.	Fourth	Oct-Dec.	1-15 Jan.

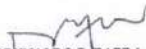
5. Channel all your generated wastewater into your **Wastewater Treatment Facility - Septic Tank**.
6. Submit Certificate of desludging/siphoning of the **Septic Tank** and treatment of the same by an accredited service provider.
7. Submit Certificate of PCO Accreditation within **six (6) months** from the date of issuance of this permit. Make sure that the managing head had already attended the required eight (8) hours training on environmental management covering the basic environmental laws, rules and regulations and the duties and responsibilities of the PCO.
8. Allow the entry of our duly authorized representative(s) to conduct inspection within your premises.
9. This permit, together with the corresponding Official Receipts of Payment, shall be adequately framed and posted in a conspicuous place at the plant/establishment.
10. This permit shall be renewed at least **thirty (30) days** prior to its expiration.

**This permit is valid up to Nov 14, 2020, unless revoked or suspended by this Office in writing.**

*Non-compliance with the above conditions and/or any pertinent provisions of RA 9275 otherwise known as "Philippine Clean Water Act of 2004", a corresponding penalty in the amount of P10,000-P200,000 per violation shall be imposed.*

Recommended by:

Approved by:

  
 REYNALDO B. BARRA, PME  
 Chief, Clearance and Permitting Division

  
 Letecia R. Maceda  
 Regional Director

Filing Fee : Php 55.00  
 PD1856 : Php 10.00

O.R. No. : 5608527/5607777/560604  
 O.R. No. : 5608527/5607777/560604

Date : July 22, 2019  
 Date : July 22, 2019



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*Protect the environment ... Protect life...*