



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

**NOTICE OF VIOLATION**

NOV 03 2020

DENR-PAB Case No. 08-000069-20-W

**JUVIE'S RESORT HOTEL AND RESTAURANT**  
Brgy. San Roque, Catbalogan City

ENVIRONMENTAL MANAGEMENT BUREAU  
**RELEASED BY:** [Signature]  
**DATE:** 11/04/2020  
**TIME:** 11:19am

Thru:

**MR. JULIO N. LATIGAR**  
Owner

Attention: **MR. BARTOLOME B. LATIGAR**  
Pollution Control Officer

**NOTICE OF VIOLATION**

**Sir/Madame:**

This notice is being served upon you for alleged violation of **R.A 9275** based on the desk review/evaluation conducted by the technical personnel of the Clearance and Permitting Division of this Office last **27 October 2020**.

**ACTS CONSTITUTING THE VIOLATION**

<b>Finding/s</b>	<b>Prohibited Act/s</b>
Operating a facility that discharges regulated water pollutants without a valid wastewater <b>discharge permit</b> since <b>20 July 2017</b> .	In violation of <b>Paragraph (c), Section 27 of R.A 9275</b> , in relation to <b>Section 28</b> thereof and in relation further to <b>Pollution Adjudication Board (PAB) Resolution No. 1, 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.

To expedite the submission, you may send an electronic copy of your duly signed position paper thru **[embr8\\_records@emb.gov.ph](mailto:embr8_records@emb.gov.ph)**, copy furnished **[legalunitembr8@gmail.com](mailto:legalunitembr8@gmail.com)**.

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.

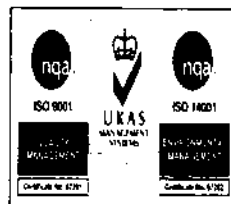
Please be guided accordingly.

Very truly yours,

[Signature]  
**LETECIA R. MACEDA**  
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  
JUVIES RESORT HOTEL AND RESTAURANT  
LOCATED AT BRGY. SAN ROQUE, CATBALOGAN  
CITY**

DATE : **27 OCTOBER 2020**

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#### **BACKGROUND/ PROCEEDINGS**

On **25 July 2019**, JUVIES RESORT HOTEL AND RESTAURANT filed an online application (Application No. 14324) and paid the filing fee, DST, and PD 1856 on 07 November 2018 for the renewal of its Wastewater Discharge Permit;

#### **FINDINGS/OBSERVATIONS**

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

1. JUVIES RESORT HOTEL AND RESTAURANT has been issued a Discharge Permit on 20 July 2016, with Permit No. 16-DP-G-0860-0287 which was only valid until 20 July 2017. *Copy of the said discharge permit is attached;*
2. JUVIES RESORT HOTEL AND RESTAURANT is represented by Julio N. Latigar (09952600681) as the owner and Bartolome B. Latigar (09067187614) as the Pollution Control Officer;
3. On 31 July 2019, the online Discharge Permit application was returned to JUVIES RESORT HOTEL AND RESTAURANT to provide the payment information. However, the applicant submitted the said application only on 23 October 2020 with the following payment details, to wit:
  - a. On 31 July 2019, JUVIES RESORT HOTEL AND RESTAURANT paid the surcharge fee the amount of ₱6,800.00 (OR No. 5608542) equivalent to twenty-four (24) months operating

without a valid Discharge permit from 21 July 2017 until 20 July 2019.

- b. On 31 July 2019, JUVIES RESORT HOTEL AND RESTAURANT paid the permit fee the amount of ₱2,000.00 (OR No. 5605246).
4. Apparently, JUVIES RESORT HOTEL AND RESTAURANT has been in operation without a valid Discharge Permit since **21 July 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 JUVIES RESORT HOTEL AND RESTAURANT 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 **JUVIES RESORT HOTEL AND RESTAURANT** 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:

  
**HENNY G. HAYAG, PME**  
Engineer III, AWPS

Concurred by:

  
**ENGR. ABRAHAM P. MENDOZA**  
Chief, AWPS

Approved by:

  
**MARIBEL B. MUNSAYAC**  
Chief, CPD

Noted by:

  
**LETECIA R. MACEDA**  
Regional Director

ENVIRONMENTAL MANAGEMENT BUREAU  
 RELEASED BY  
 DATE: 8-15-16  
 TIME: 10:20am



Republic of the Philippines  
 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
 Region VIII

Palo Cathedral Compound, Brgy Luntad  
 Palo Leyte, Tel. #053-832-1088

**DISCHARGE PERMIT**  
 (Renewal)

**16-DP-G-0860-0287**  
 Permit No.

**July 20, 2016**  
 Date

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

**JUVIE'S RESORT HOTEL & RESTAURANT**  
 Name of Firm

**Brgy. San Roque, Catbalogan City, Samar**  
 Address

**PERMIT CONDITIONS**

- The permit holder shall discharge at Septic Tank, for the period One (1) year effluent wastewater not exceeding: Wastewater Flow 2.0 cubic meters per day and in conformity with DENR Department Administrative Order No. 35, s. 1990 (Revised Effluent Regulations of 1990).
- The permit holder shall submit self-monitoring reports on or before the following dates:
 

3 <sup>rd</sup> Quarter	<u>15/10/16</u>	(day/month/year)
4 <sup>th</sup> Quarter	<u>15/01/17</u>	(day/month/year)
1 <sup>st</sup> Quarter	<u>15/04/17</u>	(day/month/year)
2 <sup>nd</sup> Quarter	<u>15/07/17</u>	(day/month/year)
- The permit holder shall allow entry, inspection of subject establishment or facility and compliance monitoring by this office.
- This Permit shall be renewed at least one month before expiry date.
- This Permit is valid up to July 20, 2017, unless sooner revoked or suspended for cause by this office.
- This Permit should be framed, posted in a conspicuous location near the structure and protected from damage.
- To submit third party laboratory result of analyses for BOD<sub>5</sub>, Oil and Grease, Fecal Coliform, Ammonia, Nitrate, Surfactants, two (2) months before 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 S. BARRA**  
 Chief, Clearance & Permitting Division

**LETECIA R. MACEDA**  
 Regional Director

WD Permit Fee O.R. No.: 9777844 Amount: PhP 2,000.00

Date: 8-15-16

Filing Fee & RA 1856 OR No.: 9778429 Amount: PhP 65.00

Date: 7-13-16

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