



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



NOTICE OF VIOLATION

21 May 2021

DENR-PAB Case No. 08-000055-21-W

BURAUEN DISTRICT HOSPITAL
San Joaquin Extension, District I, Burauen
6516 Leyte

Thru: **DR. EUGENIE NICOLAS ORTEGA, M.D., MPA**
Managing Head

CATALINA MINA F. RAGA
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY [Signature]
DATE: 06/10/2021
TIME: 9:12am

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 9275** otherwise known as the **Philippine Clean Water Act of 2004**, based upon the desk review conducted by the Clearance and Permitting –Air and Water Permitting Section (CPD-AWPS) last **12 May 2021**, on your online application for wastewater Discharge Permit renewal last **16 April 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without valid required wastewater Discharge Permit , since 22 March 2017 .	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,


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
BURAUEEN DISTRICT HOSPITAL LOCATED AT SITIO
LUPA, CAMANSI, POB. DISTRICT I, BURAUEEN,
LEYTE.**

DATE : **12 MAY 2021**

I. BACKGROUND/ PROCEEDINGS

On **16 April 2021**, **BURAUEEN DISTRICT HOSPITAL** filed an online application (Application No. 101616) for the renewal of its Wastewater Discharge Permit.

On **12 May 2021**, the undersigned staff, Air Water Permitting Section, conducted a desk review upon the same application and the records of permittee **Burauen District Hospital** with this Office. The following are the findings:

II. FINDINGS/OBSERVATIONS

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

1. A Notice of Violation was issued by this Office against Burauen District Hospital last **20 September 2017** for operating without a valid wastewater discharge permit, pursuant to an inspection conducted last **17 August 2017**;
2. The said inspection revealed that the wastewater discharge permit was only valid until **21 March 2017**;
3. On **28 February 2018**, this Office issued a Decision, a copy of which is attached as **Annex "A"**, finding a *prima facie* case against Burauen District Hospital and ordered the endorsement of the case to the Pollution Adjudication Board for the computation of the fines, the jurisdiction being with the PAB at that time.
4. On **03 April 2018**, a wastewater discharge permit was issued in favor of Burauen District Hospital which was valid until **03 April 2019**;
5. On **01 July 2019**, the DENR- Pollution Adjudication Board issued **Pollution Adjudication Board Resolution No. 01, Series of 2019**, delegating to the EMB Regional Offices the determination of permitting and other administrative violations, such as the failure to secure the discharge permit, and the imposition of fines thereto.

6. BURAUEN DISTRICT HOSPITAL has been issued a Discharge Permit on **06 February 2020**, with Permit No. DP-R08-20-00692 which was only valid until **06 February 2021**. *Copy of the said discharge permit is attached;*
7. BURAUEN DISTRICT HOSPITAL is represented Eugenie Nicolas Ortega, M.D., MPA. as the Managing Head and Catalina Mina F. Raga (0949 990 7399) as the Pollution Control Officer;
8. Apparently, BURAUEN DISTRICT HOSPITAL has been in operation without a valid Discharge Permit since **07 February 2021**;
9. Additionally, the case against Burauen District Hospital for operating without valid Discharge Permit from **22 March 2017** until **02 April 2018** is still for disposition.

III. REMARKS

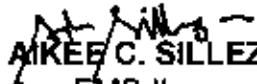
1. **Section 14 of Republic Act No. 9275 or the Philippine Clean Water Act of 2004** provides that the Department shall require owners or operators of facilities that discharge regulated effluents pursuant to the same Act to secure a permit to discharge;
2. In relation thereto, **Rule 14.1 of DENR Administrative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

IV. RECOMMENDATIONS

1. To issue a Notice of Violation against BURAUEN DISTRICT 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. For this Office to issue an Order imposing the corresponding fines against Burauen District Hospital for the 20 September 2017 Notice of Violation for operating without a valid wastewater discharge permit.

3. Pursuant to **PAB Resolution No. 01-2019**, to defer from the issuance of a Discharge Permit until either the resolution of the two separate cases or payment of the corresponding fines, if warranted;
4. For further appropriate actions as may be determined after due process.


Reviewed by:


MIKEE C. SILLEZA
EMS II

Concurred by:


HENNENCY G. HAYAG, PME
OIC-Chief, AWPS

Approved by:


MARIBEL B. MUNSAYAC
Chief, CPD

Noted by:


LETECIA R. MACEDA
Regional Director *rv May*



ENVIRONMENTAL
DATE: 3/2/16
TIME: 1:23pm



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-C-0837-0148
Permit No.

March 21, 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:

BURAUEN DISTRICT HOSPITAL
Name of Firm

San Joaquin Ext., Burauen Leyte
Address

PERMIT CONDITIONS

1. The permit holder shall discharge at Septic Tanks, for the period One (1) year, effluent wastewater not exceeding: Wastewater Flow 33.33 cubic meters per day and in conformity with DENR Department Administrative Order No. 35, s. 1990 (Revised Effluent Regulations of 1990).
2. The permit holder shall submit self-monitoring reports on or before the following dates:

1 st Quarter	<u>15/04/16</u>	(day/month/year)
2 nd Quarter	<u>15/07/16</u>	(day/month/year)
3 rd Quarter	<u>15/10/16</u>	(day/month/year)
4 th Quarter	<u>15/01/17</u>	(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 March 21, 2017 less 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 result of BOD5 analysis two (2) months upon receipt 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.: 9778488 Amount: PhP 2,500.00 Date: 8-2-16
Filing Fee & PD 1856 No.: 9778167 Amount: PhP 65.00 Date: 3-2-16

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



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: Apr 03, 2018

Permit No.: DP-R08-18-00024

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 **Dr. Eugenio N. Ortega, MPA** with office address at Sitio Lupa, District 1 Poblacion District I Burauen Leyte for its establishment:

Burauen District Hospital

Sitio Lupa, District 1 Poblacion District I BURAUEN

TIN No. 000-981-141-000

To discharge Domestic Sewage into subject to the following:

1. The discharge rate of the effluent shall not exceed **Zero m3/day**.
2. The maximum wastewater generation of **12.3 m3/day** shall be from washing/cleaning activities.
3. The maximum wastewater generation of **10 m3/day** shall be from domestic wastes.
4. The maximum wastewater generation of **11 m3/day** shall be from others (e.g. gardening, etc.).
5. 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.

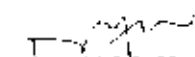
6. Submit Certificate of desludging/siphoning of the **Septic Tank** and treatment of the same by an accredited service provider.
7. Allow the entry of our duly authorized representative(s) to conduct inspection within your premises.
8. This permit, together with the corresponding Official Receipts of Payment, shall be adequately framed and posted in a conspicuous place at the plant/establishment
9. This permit shall be renewed at least **thirty (30) days** prior to its expiration.

This permit is valid up to Apr 03, 2019, 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 "Clean Water Act", 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


Jetecla R. Maceda
Regional Director

Filing Fee : Php 55.00
PD1856 : Php 10.00
Documentary Stamp Tax : Php 15.00
Permit Fee : Php 2500.00

O.R. No. : 7152942/7150564
O.R. No. : 7152942/7150564
O.R. No. : 7152942/7150564
O.R. No. : 7153437

Date : Oct. 5, 2017
Date : Oct. 5, 2017
Date : Oct. 5, 2017
Date : Feb. 15, 2015



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

Date: Feb 06, 2020

Permit No.: DP-R08-20-00692

Renewal**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 **Eugenie Nicolas Ortega, M.d., Mpa.** with office address at Sitio Lupa, Camansi, Poblacion District I, Burauen, Leyte for its establishment:

Burauen District Hospital

Sitio Lupa, Camansi Poblacion District I BURAUEN

TIN No. 000-981-141-000

- The discharge rate of the effluent shall not exceed the 46.0 m³/day design capacity of the Wastewater Treatment Facility (WTF), Septic Tank.
- 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.
- Channel your domestic wastewater generation of 10 m³/day coming from the comfort rooms and shall be discharge to the wastewater treatment facility, Septic Tank.
- Wastewater generation of 12.3 cu.m/day coming from washing/cleaning shall be discharge to the wastewater treatment facility.
- Submit Certificate of desludging of the WTF and treatment of the same by an accredited DOH service provider.
- Renewal Certificate of PCO Accreditation shall be submitted before the expiration 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.
- Allow the entry of our duly authorized representative(s) to conduct inspection within your premises.
- This permit, together with the corresponding Official Receipts of Payment, shall be adequately framed and posted in a conspicuous place at the plant/establishment
- This permit should be renewed thirty (30) days prior to its expiration.

This permit is valid up to Feb 06, 2021, 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:

Maribel B. Munayac
Chief, Clearance and Permitting Division

Leticia R. Maceda
Regional Director



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
DENR Compound, Jones St. Tacloban City
Tel.No. (053) 832-1088

EMB PDR LEGAL

In re violation of the provisions of R.A 9275

-versus-

BURAUEN DISTRICT HOSPITAL

X-----X

DECISION

This Decision is being issued in view of the **Notice of Violation¹** dated **20 September 2017** issued on **25 September 2017** against Burauen District Hospital located at District I, Burauen, Leyte for the following violation:

- (a) Operating facilities that discharge regulated water pollutants without the valid required permit, *in violation of Paragraph (c), Section 27 of R.A 9275 otherwise known as the Philippine Clean Water Act of 2004.*

FACTS

In the inspection report, it was noted that the Discharge Permit issued to Respondent Burauen District Hospital on **March 21, 2016** has expired last **March 21, 2017**.

On **25 September 2017**, the Notice of Violation was issued against Respondent and the technical conference was conducted **16 October 2017** to afford the Respondent the opportunity to be heard and contest the findings of the investigation.

In the said technical conference, Respondent, thru the acting pollution control officer **Ms. Evelyn Cabanero**, averred that she immediately applied for a renewal of the subject permit upon expiration of the same from March of last year (2017). According to Ms. Cabanero, she had been visiting this Office for the renewal ever since the expiration of the subject permit. However, due to the fact that

certain documentary requirements were needed to be accomplished first, it took her time to process the renewal application. Further, Ms. Cabanero expressed that she persisted in trying to complete the requirements. She recalled her consultations with a certain personnel from the CPD. When asked to identify said personnel, Ms. Cabanero identified the same as Engr. Roy Taboada. Engr. Taboada then was immediately summoned so that he may attest on matters relating to Respondent's application for renewal of its Discharge Permit. Upon questioning, Engr. Taboada testified that he could not recognize Ms. Cabanero. Engr. Taboada added that he only came to know Ms. Cabanero last January 2018 and not last year, contrary to the assertions of Respondent, because of the fact that the processing of its application for renewal of its discharge permit has only started last January.

RULING

After a careful evaluation of the inspection report and Respondent's contention, this Office finds Respondent liable for the said violation on the ground that Respondent apparently failed to present a valid discharge permit during the technical conference.

Assuming, for the sake of argument, that Respondent may have been visiting this Office since last year to apply for the renewal, it still does not bear weight over the fact of absence of a valid Discharge Permit at the time the technical conference was conducted last **30 January 2018**. Admittedly, the official application for renewal could not be effected immediately due to errors, corrections and lacking requirements. However, it is worthy to note that Respondent's Discharge Permit has expired last **21 March 2017** or ten (10) months ago from the date of the technical conference. Such an overwhelming period proves significant enough for Respondent to effect and process an application for renewal of the Discharge Permit. In fact, under the rules, Respondent is duty bound to apply for the renewal within thirty (30) days from the immediately preceding expiration date of the same. In order for Respondent to avoid operating without a valid discharge permit and consequently violate the law, Respondent must strictly comply with the latter requirement.

It bears stressing that *Paragraph (c) of Section 27, Republic Act 9275 or the Philippine Clean Water Act of 2004* prohibits the operation of facilities that discharge regulated water pollutants **without the valid required permits**, as in this case, the Discharge Permit.

It is therefore highly mandatory for Respondent to possess, at all times, a valid Discharge Permit while in operation.

WHEREFORE, premises considered, this Office hereby affirms the violation against Respondent **Burauen District Hospital** and resolves to elevate the subject violation, upon compliance with the commitments executed in a Commitment Sheet², to the **Pollution Adjudication Board (PAB)** vested with the sole authority to decide and determine the amount of penalty of the particular violation which shall be imposed by the DENR Secretary pursuant to **Section 28 of R.A 9275 or the Philippine Clean Water Act of 2004**.

SO ORDERED. JUL 28 2018 Tacloban City,
Philippines.


LETECIA R. MACEDA
Regional Director