



NOTICE OF VIOLATION

DEC 01 2021

DENR-PAB Case No. 08-000166-21-W

CORTES PIGGERY FARM

Sabang Bao, Ormoc City, Leyte

Thru: **VICTOR CASIMERO CORTES**
Owner

MIGUEL ENRIQUE S. CORTES
Pollution Control Officer

12/01/2021
5:30pm

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 **03 November 2021**, on your alleged failure to renew the subject permit prior to its expiration last **23 July 2021**.

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 24 July 2021 . | 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
CORTES PIGGERY FARM LOCATED SABANG BAO,
ORMOC CITY, LEYTE**

DATE : **3 November 2021**

BACKGROUND/ PROCEEDINGS

On **17 January 2020**, CORTES PIGGERY FARM filed an online application (Application No. 68410) for the new application of its Wastewater Discharge Permit. This Desk Report is prepared on 3 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. CORTES PIGGERY FARM has been issued a Discharge Permit on 23 July 2020, with Permit No. DP-R08-20-03017 which was only valid until 23 July 2021. No application for renewal has been made for this Permit. *Copy of the said discharge permit is attached;*
2. CORTES PIGGERY FARM is represented by VICTOR CASIMERO CORTES (0906-4632723 / victorcasimerocortes@gmail.com) as the Owner and MIGUEL ENRIQUE S. CORTES (0977-2385764) as the Pollution Control Office.
3. Apparently, CORTES PIGGERY FARM has been in operation without a valid Discharge Permit since **24 July 2021**;

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 CORTES PIGGERY FARM 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**.

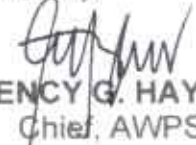
RECOMMENDATIONS

1. To issue a Notice of Violation against **CORTES PIGGERY FARM** 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.

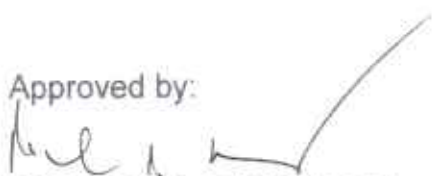
Prepared by:


LAURENCE G. DENZON
 Engineer I

Concurred by:


HENNENCY G. HAYAG, PME
 Chief, AWPS

Approved by:


MARIBEL B. MUNSAYAC
 Chief, CPD

Noted by:


REYNALDO B. BARRA, PME
 OIC, Regional Director

