



NOTICE OF VIOLATION

~~JAN 18 2022~~

ELMER QUEBRAL QUARRY PROJECT
Brgy. 50-B, Youngfield, Tacloban City

ENVIRONMENTAL MANAGEMENT BUREAU

RELEASED BY: 

DATE: 01/19/2022

TIME: 8:32am

Thru: **ELMER QUEBRAL**
Project Proponent

Sir/Madame:

This notice is being served upon you for alleged violation of the provision of **P.D 1586** otherwise known as the Philippine Environmental Impact Statement System, based upon the investigation/validation conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **09-12 November 2021**.

ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Failure to submit to this office the required semi-annual Compliance Monitoring Report (CMR) .	Violation of ECC Environmental Management Condition No. 2, DENR Administrative Order 2003-30, Implementing Rules and Regulations of P.D 1586 .

The foregoing considered, and in accordance with the relevant provisions of **EMB Memorandum Circular No. 2020-21¹**, 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/s which is punishable by a fine of **not less than Ten Thousand Pesos (P10,000.00) nor more than Fifty Thousand Pesos (P50,000.00)** for the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

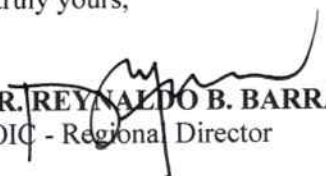
Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to embr8_records@emb.gov.ph, copy furnished legalunitembr8@gmail.com, to expedite the submission. Further, you or your authorized representative is hereby summoned to attend, in person, a technical conference/hearing before this Office on _____ at _____.

However, in light of **Proclamation No. 922, "Declaring a State of Public Health Emergency throughout the Philippines"**, and the implementation of Community Quarantine in Region VIII as a measure to combat the COVID-19 Disease, **you are also given an option to attend in the scheduled technical conference via internet video conference**. In case you choose for the latter mode, please submit an e-mail to legalunitembr8@gmail.com immediately upon receipt hereof, to signify such intention and an electronic internet address link shall then be provided to you.

Please be informed that pursuant to **Section 5, Item VII of EMB Memorandum Circular No. 2020-21**, your failure to appear during the scheduled technical video conference shall be construed as waiver of your right to contest the findings and the case shall be decided based on the available evidence on record.

Please be guided accordingly.

Very truly yours,


ENGR. REYNALDO B. BARRA
OIC - Regional Director

¹ Supplemental Rules of the EMB Manual of Uniform Procedures for COVID-19 Pandemic



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT BUREAU REGION 8
DENR Compound, Brgy. 2, Jones Street, Tacloban City
emb8_emb8@gmail.com
(053) 832-2319

INVESTIGATION REPORT

NAME OF RESPONDENT/S	:	ELMER QUEBRAL
ADDRESS OF RESPONDENT	:	Brgy. 50-B Youngfield Tacloban City
GEOGRAPHIC COORDINATES	:	11.23074°N, 124.99922°E
NAME OF OWNER/PROPONENT	:	Elmer Quebral
CONTACT NUMBER	:	-
NATURE OF COMPLAINT	:	Complaint on Quarrying Operation
COMPLAINANT/S	:	Mr. Genaro B. Colibao
DATE OF INVESTIGATION	:	November 9-12, 2021

I. AUTHORITY

As per instruction through IIS No. R8-2021-017147;

II. MATTERS INVESTIGATED

Verification of matter notified of.

III. PROCEEDINGS

1. In response to the complaint letter copy furnished to this Office by the Complainant on the quarry operation of the Respondent, the Undersigned Staff proceeded to Brgy. 50-B Youngfield Tacloban City to validate the project's operations and compliance to its approved Environmental Compliance Certificate.
2. The staff was able to interview Honorable Cielito Co, Chairman of Brgy. 50-B. According to Hon. Co, the Respondent had already ceased its quarry operations last October 2021 as per instruction from the Mines and Geosciences Bureau.
3. A site visit on the quarry area of Mr. Elmer Quebral was later conducted. As affirmed by the caretaker, the quarry operation had ceased sometime in October 2021. He added that there is no definite date yet as to when the operation resumes or whether the owner will still proceed with the quarrying activity.

IV. FINDINGS/OBSERVATIONS

A. Presidential Decree No. 1586 (Environmental Compliance Certificate)

1. An Environmental Compliance Certificate (ECC-OL-R08-2018-0134) was issued to Elmer Quebral on October 26, 2018 for its Quarry Project with an area of 2,034 m² located in Brgy. 50-B Youngfield Tacloban City. The project shall have an annual extraction of less than 20,000 MT.
2. No quarry activity on the project site during the time of inspection. Present therein are two (2) excavators on standby. One of which is for repair. Also, quarried materials are still evident on-site.
3. The project is solely quarry operation for the purpose of flattening the area for a proposed construction of a commercial building.
4. Based on Office records, the Proponent has no submission of the semi-annual Compliance Monitoring Report (CMR) online. Submission of the CMR was only done last January 28, 2020.

5. Environmental Compliance Certificate (ECC) billboard which serves as public notice was posted at the entrance of the project site.

V. REMARKS

1. The Proponent is non-compliant to ECC condition no. 2 which requires to "Undertake Information, Education and Communication (IEC) Program to explain to all stakeholders the final approved IMP/EMP and the significant changes of the IMP/EM, results of **Compliance Monitoring Report (CMR) to be submitted on a semi-annual basis** and overall performance against this Certificate". The Proponent had only submitted its CMR once since the project implementation.
2. Further, the Proponent may request relief from ECC commitments if the desired volume of quarry materials had already been reached or quarry operation has already been completed. Request for relief from ECC commitments is pursuant to scenario (c), Section 17 of the Revised Procedural Manual for DAO 2003-30, the Implementing Rules and Regulations of P.D. 1586.

VI. RECOMMENDATIONS

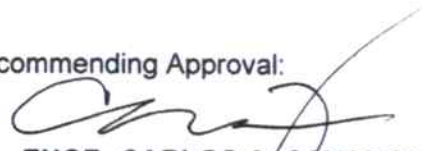
1. A **Notice of Violation** is to be issued to the Proponent for non-compliance to ECC condition no. 2, specifically on the non-submission of the semi-annual CMR in violation of DENR Administrative Order 2003-30, Implementing Rules and Regulations of P.D. 1586.

Investigation Team:


ENGR. LEDANE JOY Y. LAURENTE
Engineer II


FLORAMAE A. SUYOM
EMS-I

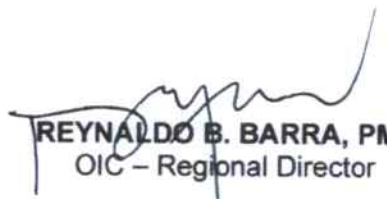
Recommending Approval:


ENGR. CARLOS A. CAYANONG
Engineer IV / Chief, WAQMS

Approved by:


FOR. MANUEL J. SACEDA, JR.
OIC Chief, Environmental Monitoring and Enforcement Division

Noted by:


REYNALDO B. BARRA, PME
OIC – Regional Director