



Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
Regional Office No. VIII  
Tacloban City, Philippines

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY: *[Signature]*  
DATE: 01/24/2022  
TIME: 4:21pm

**IN RE: VIOLATION OF THE PROVISIONS  
OF R.A 6969 OR THE TOXIC SUBSTANCES  
AND HAZARDOUS AND NUCLEAR WASTE  
ACT OF 1990 AND ITS IRR**

-versus-

**LEYTE ELECTRIC COOPERATIVE V, INCORPORATED**

Brgy. San Pablo, Ormoc City, Leyte

*Respondent.*

X- -----X

**DECISION**

This resolves the **Notice of Violation** dated **21 October 2021** issued by this Office against the Leyte Electric Cooperative V, Incorporated (LEYECO V) herein referred to as the "Respondent", for brevity, located in Brgy. San Pablo, Ormoc City, Leyte for the following violation:

- a. Failure to provide a Hazardous Waste Storage Area, as required under **Chapter 6** (Storage and Labelling), in relation to Paragraph (i) of **Table 11.1, DENR Administrative Order No. 2013-22**, Implementing Rules and Regulations of **RA 6969**.

**Statement of Facts**

On **26 August 2021**, technical personnel from the Chemical & Hazardous Waste Management Section of this Office conducted a compliance monitoring upon herein respondent. The inspection report alleges the above stated violation.

On **21 October 2021**, this Office issued a Notice of Violation upon the respondent, and the latter was called to attend a Technical Conference/Hearing on **22 November 2021**. The respondent did not submit a position paper nor attended the technical conference.

The records of this Office will show that the Respondent, thru one **Elorsa Marjun**, was properly served with the NOV last **28 October 2021**. Thus, the Respondent's failure to submit a position paper, despite receipt of the NOV, constitutes a waiver of its right to contest the findings.

Thereafter, the Hearing Officer submitted the case for the Decision of this Office and recommends affirming the violation and the imposition of the corresponding fine thereto.

### **Issue**

Whether or not a Hazardous Waste Storage Area is provided

### **Ruling**

This Office finds no cogent reason or legal justification to deviate from the recommendations of the Hearing Officer. The said recommendations are hereby adopted

A violation was committed. Under **Chapter 6.1** of **DENR Administrative Order No. 2013-22**, waste generators, transporters and TSD Facilities storing hazardous wastes shall comply with the requirements detailed in the succeeding sections, such as those under **6.1.1** which outlines the minimum requirements for storage facilities. In relation thereto, **Paragraph (i) of Table 11.1** provides for a fine of Ten Thousand Pesos (Php 10,000.00) against those found to have violated any of the provisions of the governing rules and regulations, such as the requirement on storage facilities.

In this case, the respondent's failure to submit a position paper constitutes a waiver of its right to contest the findings and the case is now being decided based on available evidence on record. It is then established that the respondent failed to provide a storage facility for hazardous waste. There is no showing to the contrary.

**WHEREFORE**, premises considered, this Office finds the respondent liable to both violations. Consequently, the respondent is hereby ordered to pay the amount of **TEN THOUSAND PESOS (PHP 10,000.00)** is imposed against the respondent for failure to provide a Hazardous Waste Storage Area, pursuant to **Paragraph (i) under Table 11.1 of DAO No. 2013-22**.

The Respondent is hereby given **THIRTY (30) DAYS** from **receipt** of this decision within which to settle the said amount before

the EMB Regional Office No. VIII, located at the EMB Building, DENR Compound, Jones St. Tacloban City, Philippines.

**SO ORDERED.** JAN 21 2022.

Tacloban City, Philippines.

  
**ENGR. REYNALDO B. BARRA**  
OIC- Regional Director