

	<p>Republic of the Philippines Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU Regional Office No. VIII DENR Compound, EMB Building, Jones St., Tacloban City, Philippines</p>	
<p>NOTICE OF VIOLATION</p>		

~~MAR 25 2022~~

GILDA HAMORAWON RICE MILL
Brgy. San Pelayo, Gandara, Samar

Thru: **GILDA HAMORAWON**
Managing Head

DENR-PAB Case No. 08-000027-22-A
ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 3/28/2022
TIME: 4:35pm

Sir/Madame:

This notice is being served upon you for alleged violation of **R.A 8749** otherwise known as the Philippine Clean Air Act of 1999, based upon the *investigation* conducted by the technical and legal personnel of this Office last **18-19 January 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a diesel- powered single pass rice mill, without the required Permit to Operate for Air Pollution Source Equipment since 18-19 January 2022 .	Violation of Section 1, Rule XIX of DENR Administrative Order No. 2004-26 , amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81 , 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 five (5) years 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 **embr8_legal@emb.gov.ph** , 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



INVESTIGATION REPORT

NAME OF FIRM/ESTABLISHMENT : GILDA HAMORAWON RICE MILL
ADDRESS OF THE FIRM/ESTABLISHMENT: Brgy. San Pelayo, Gandara Samar
GEOGRAPHIC COORDINATES : 11.99124°N, 124.782°E
NAME OF PERSON/S CONTACTED : John Rey Tarayo
NATURE OF COMPLAINT : Improper management of rice mill waste and direct disposal of the same into the nearby Gandara River
COMPLAINANT'S CONTACTED : N/A
DATE OF INSPECTION : 18-19 January 2022

I. PROCEEDINGS

1. On **15 December 2021**, the DENR Action Center referred to this Office an e-mail follow-up complaint from one Isabelle Sy against the improper management of rice mill waste owned by certain barangay officials and direct disposal of the same into the Gandara River.
2. Upon review, this office had previously received a similar complaint, and the same was acted upon last 14-16 September 2021.
3. The undersigned investigating personnel conducted an on-site follow-up verification inspection of the areas in question for validation purposes.

II. MATTERS INVESTIGATED

4. **Republic Act No. 9003**, otherwise known as the Ecological Solid Waste Management Act of 2000.
5. **Republic Act No. 8749** otherwise known as the Philippine Clean Air Act of 1999.

III. FINDINGS AND OBSERVATIONS:

1. In its follow-up complaint, the complainant alleged the region-in-charge's failure to resolve the complaint, claiming that the situation in their area is worsening by the day and that even children refused to swim in the Gandara River because the water was too dirty.
2. In a courtesy meeting with the Officials of the Local Government Unit of Gandara, they contend that action had been taken to address the issue. Letters were also sent to the concerned Barangay Officials for proper disposition, as the areas fall under their territorial jurisdiction. The said communications from the LGU contains instruction to address the same complaint in whatever action the barangay officials can do in their capacity.
3. In addition, actual inspection to the said complained areas was conducted by the Local Government Officials in determining the validity of the complaint accompanied by the officials from the local Philippine National Police.
4. After the meeting with the LGU of Gandara, the undersigned investigating personnel surveyed the barangay involved. It should be noted that according to the previous investigation, there were two (2) barangays to which the investigating team proceeded for the conduct of the inspection, however, this time, one barangay was excluded, for

the absence of a rice mill operating and situated alongside the Gandara River as contended by the LGU officials.

5. Upon the arrival of the investigating team in Brgy. San Pelayo of Gandara Samar, a pile of rice husks was observed, indicating an operation. In reference to the previous investigation, the proponent, Ms. Hamorawon, previously stated that they were no longer in business operation due to a lack of maintaining personnel and operators.
6. In an interview with a member of the Barangay Council, Hon. John Rey Tarayo confirmed that the said rice mill has been in operation since October 2021, or since the beginning of the harvest season, and has been in operation for commercial purposes.
7. Ms. Hamorawon, on the other hand, claimed that the said rice mill is only utilized for personal purposes, which depended on the availability of their operator.
8. During an ocular inspection of the subject rice mill's premises, rice husk powder was noticed in addition to the rice husk seen on the husk outlet.

V. REMARKS

1. **Section 10 of R.A 9003, otherwise known as the Ecological Solid Waste Management Act** provides for the Role of LGUs in Solid Waste Management, which specifically states that:

“xxx. Pursuant to the relevant provisions of R.A. No. 7160, otherwise known as the Local government code, the LGUs shall be primarily responsible for the implementation and enforcement of the provisions of this Act within their respective jurisdictions.”

Segregation and collection of solid waste shall be conducted at the barangay level specifically for biodegradable, compostable and reusable wastes: Provided, That the collection of non-recyclable materials and special wastes shall be the responsibility of the municipality or city.” *Emphasis and underlining supplied*

2. **Section 1, Rule XIX of DENR Administrative Order No. 2004-26**, Implementing Rules and Regulations of **R.A 8749**, or the Philippine Clean Air Act of 1999 requires that air pollution sources shall be required to secure Permit Operate Air Pollution Sources and Controlled Installation. The proponent is operating a diesel-powered single-pass rice mill, an air pollution source equipment, and thus well within the provisions of this Act.

VI. RECOMMENDATIONS

1. To write and formally endorse the subject matter of the complaint to the enforcement powers of the Local and Barangay Government Unit concerned for appropriate action.
2. For this Office to issue a **Notice of Violation** against **Ms. Gilda Hamorawon** for operating a diesel-powered single pass rice mill, an air pollution source equipment, without the required Permit to Operate in violation of Section 1, Rule XIX of DAO No. 2004-26 amending DAO 2000-81 IRR of RA 8749, in relation to PAB Reso. 2019-01.
3. For continuous monitoring and further appropriate actions as may be deemed necessary by the Solid Waste Management Section considering the foregoing findings.

Respectfully submitted.

Investigation Personnel:


ENGR. NOEL C. CABIAO
Engineer III, EMED-SWMS


FLORAMAE A. SUYOM
EMS I, ORD-Legal Unit

Reviewed by:


REGGIE A. URMENETA
Chief, EMED-SWMS

Approved by:


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

Noted by:


ENGR. REYNALDO B. BARRA
OIC-Regional Director

Photo Documentation

