



NOTICE OF VIOLATION

MAR 02 2022

THE GIFT RESORT PROJECT

Brgy. Cagamutan del Norte, Gamay, Northern Samar

Thru: **ROSALINDA CAPOQUIAN**
Proponent

ENVIRONMENTAL MANAGEMENT BUREAU 8
RELIEVED
DATE: 3/03/2022
TIME: 1:54pm

Sir/Madame:

This notice is being served upon you for alleged violation of **P.D 1586**, otherwise known as the Philippine Environmental Impact Statement System, based upon the EIA survey monitoring conducted by the technical personnel of the Provincial Environmental Monitoring Unit – Northern Samar (PEMU-Northern Samar) last **20 January 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a beach resort project located in Brgy. Brgy. Cagamutan del Norte, Gamay, Northern Samar, without first securing an Environmental Compliance Certificate (ECC) .	In violation of Section 4, P.D 1586 , which provides that: “xxx. No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate. xxx ”, in relation to Section 9 of the same Decree.

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 acts 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. Further, you or your authorized representative is hereby summoned to attend, in person, a technical conference/hearing before this Office on March 21, 2022 at 11:00 am.

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 opt for the latter mode, please submit an e-mail to embr8_legal@emb.gov.ph 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/physical 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, Tacloban City

EIA SURVEY MONITORING CHECKLIST
(Legal Reference PD. 1586 / DAO 2003-30)

1. Name of Project: THE GIFT RESORT
2. Project Location: BRGY. CAGAMUTAN DEL NORTE, GAMAY, NORTHERN SAMAR
3. Name of Identified Proponent: ROSALINDA CAPOQUIAN
4. Proponent Address: BRGY. CAGAMUTAN DEL NORTE, GAMAY, NORTHERN SAMAR
5. Date Surveyed: JANUARY 20, 2022
6. Project Type or Undertaking: BEACH RESORT
7. Project Status: EXISTING

8. Project Group
- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | New |
| <input type="checkbox"/> | Existing for Modification (with or without expansion) |
| <input checked="" type="checkbox"/> | Operating without ECC |
| <input type="checkbox"/> | Not previously covered |
| <input type="checkbox"/> | Not covered (Category D-Online & Category C-Environmental Enhancement Project Group I - ECP |
| <input checked="" type="checkbox"/> | Group II – Non-ECP in ECA |

9. Percentage of Project Completion

- | | |
|-------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | Project is 25% complete |
| <input type="checkbox"/> | Project is > 25% but < 50% complete |
| <input type="checkbox"/> | Project is > 50% complete |

10. Estimated Project Cost

- | | |
|-------------------------------------|---------------------------|
| <input checked="" type="checkbox"/> | Project is \leq P 5.0 M |
| <input type="checkbox"/> | Project is > P 5.0 M |

11. Project Applied ECC before Survey

- | | |
|-------------------------------------|-----|
| <input checked="" type="checkbox"/> | Yes |
| <input type="checkbox"/> | No |

12. Project Impact on the Environment

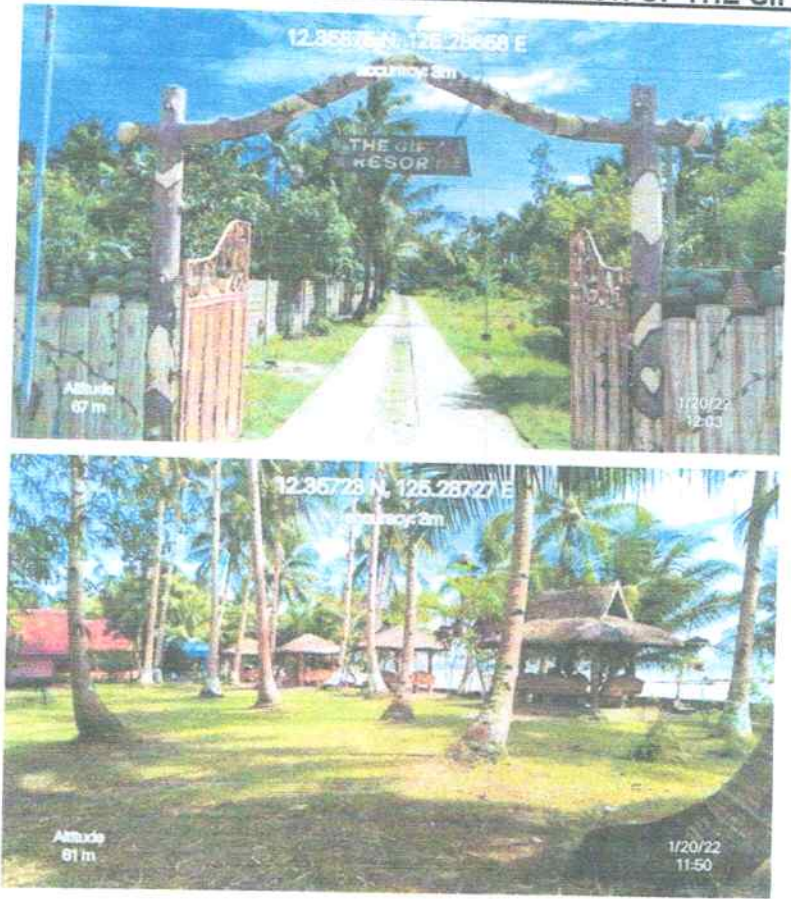
10-01-17

	Yes
X	No

13. Recommendations / Remarks:

- The approximate total area of the resort is 14,169 square meters and referring to Annex A of EMB Memorandum Circular 2014-005, resort project occupying a total area of more than one (1) Thousand square meters are required to secure an ECC;
- For issuance of Notice of Violation for operating the resort project without an Environmental Compliance Certificate (ECC) in violation of Section 4, Presidential Decree No. 1586 and in relation to Section 9 of PD 1586, and in relation further to Table 2-2, Item 33, Chapter 2.5 of EMB Memorandum Circular No. 002 – series of 2007 (Revised Procedural Manual for DAO 2003-30)

GEOTAGGED PHOTOS OF THE PROJECT COMPLETION OF THE GIFT RESORT





Prepared by:

ROWENA B. PABIA
SEMS/OIC PEMO NS

Recommending Approval:

ENGR. ARMANDO S. DUPIO, JR.
Chief, EIA Section

Approved by:

ENGR. HENNENCY G. HAYAG
OIC Chief, CPD

Noted by:

ENGR. REYNALDO B. BARRA
OIC Regional Director