
	<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 02 2022

DENR-PAB Case No. 08-000018-22-A

PHILIPPINE LONG DISTANCE TELEPHONE, INC (PLDT) - CALBAYOG

Purok 1, Brgy. Carmen, Calbayog City, Samar

Thru: **NOLE JIM D. TUMIMBANG**
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 3/03/2022
TIME: 8:40am

Sir/Madame:

This notice is being served upon you for alleged violation of the provisions of **R.A 8749** otherwise known as the **Philippine Clean Air Act of 1999** based upon the desk review conducted by the technical personnel of the Clearance and Permitting Division – Air Water Permitting Section (CPD-AWPS) of this Office last **18 January 2022** on your online renewal application for **Permit to Operate** filed last **13 January 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating two (2) units 500 KW “Cummins” brand standby diesel generator set and two (2) units 80 KW “Perkins” brand standby diesel generator set, without a valid Permit to Operate for Air Pollution Source Installations since 28 April 2020 .	Violation of Section 1, Rule XIX of DENR Administrative Order (DAO) 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 .

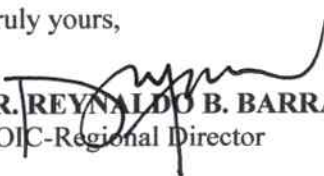
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **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



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
PLDT CALBAYOG LOCATED AT PUROK 1, BRGY.
CARMEN, CALBAYOG CITY, SAMAR**

DATE : **18 JANUARY 2022**

BACKGROUND/ PROCEEDINGS

On **13 January 2022**, PLDT Calbayog filed an online application (Application No. 165567) for the renewal of its Permit to Operate. This Desk Report is prepared on 18 January 2022 for the purpose of issuance of Notice of Violation for the said firm.

FINDINGS/OBSERVATIONS

Based on the aforementioned application, the following findings were observed:

1. PLDT CALBAYOG has been issued a Permit to Operate on 27 January 2020, with Permit No. POA-2020-A-0860-0025 which was only valid until 27 April 2020. *Copy of the said Permit to Operate is attached;*
2. PLDT CALBAYOG is represented by NOEL JIM D. TUMIMBANG (0998-8601262 / tomimbangc@gmail.com) as the Pollution Control Officer;
3. Apparently, PLDT CALBAYOG has been in operation without a valid Permit to Operate since **28 April 2020**;

REMARKS

1. **Section 1, Rule XIX, Part VI of DENR Administrative Order No. 2000-81 or the Implementing Rules and Regulations (IRR) of the Philippine Clean Air Act of 1999 (Republic Act 8749)** provides that all sources of air pollution subject to this IRR must have a valid Permit to Operate issued by the Director;
2. In relation thereto, **Section 1, Rule XIX of DENR Administrative Order No. 2004-26 or Amending Rule XIX of DAO 2000-81** explicitly provides that all sources of air pollution subject to this IRR must have a valid Permit to Operate issued by the Environmental Management Bureau (EMB) Regional Director;
3. This is further reiterated in the **Permitting Procedures No. 8 of Memorandum Circular 2007-003 or the Policy on Compliance and**


Permitting for Industrial Facilities Relating to Air Quality that an applicant shall not be allowed to operate a new or modified source (except for commissioning or testing) until a temporary or regular permit has been issued. **Operation without a permit is a violation of the Act**, as in this case, the Permit to Operate;

4. One of the Permit Conditions provided for under the expired Permit to Operate issued to PLDT CALBAYOG requires the permit holder **to renew the permit to operate at least thirty (30) days before the expiry date**;
5. Any establishment found to have violated the foregoing provisions shall be liable under **Section 47 of Republic Act 8749**, in relation to **Pollution Adjudication Board Resolution No. 01, Series of 2019**.

RECOMMENDATIONS

1. To issue a Notice of Violation against **PLDT CALBAYOG** for operating without a valid Permit to Operate, in violation of **Section 1, Rule XIX of DENR Administrative Order No. 2004-26** and **Permitting Procedures No. 8 of Memorandum Circular 2007-003** which, IF found guilty, shall be liable under **Section 47 of Republic Act 8749**, 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 Permit to Operate 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 II

Approved by:


HENNENCY G. HAYAG, PME
OIC/Chief, CPD

Noted by:


REYNALDO B. BARRA, PME
OIC, Regional Director

