



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



**MEMORANDUM**

FOR : **THE POLLUTION ADJUDICATION BOARD**

FROM : **THE OIC- REGIONAL DIRECTOR**  
DENR- EMB Regional Office No. **VIII**

SUBJECT : **CASE ENDORSEMENT FOR VIOLATION OF PARAGRAPH 3, SECTION 11.0 OF DENR ADMINISTRATIVE ORDER NO. 2016-08 AND PARAGRAPH (C), SECTION 27 OF R.A 9275, IN RELATION TO SECTION 28 THEREOF, AND IN RELATION FURTHER TO PAB RESOLUTION NO. 01-2019 COMMITTED BY SAN MIGUEL FOODS, INCORPORATED/GREENVIEW FEEDS VENTURES, INCORPORATED LOCATED IN BRGY. MACABUG, ORMOC CITY, LEYTE**

DATE : **01 JUNE 2022**

Pursuant to the **REVISED RULES OF THE POLLUTION ADJUDICATION BOARD ON PLEADING, PRACTICE AND PROCEDURE IN POLLUTION CASES (PAB Resolution No. 01 Series of 2010)**, the record of the stated subject is respectfully submitted for your disposition.

**ANTECEDENTS**

1. On **18 October 2019**, technical personnel of this Office conducted an investigation upon a report from the Ormoc City Environment and Natural Resources Office during the third quarter Ormoc Bay Water Quality Management Area Governing Board Meeting, that **Greenview Feeds Ventures, Incorporated**, located in **Brgy. Macabug, Ormoc City** has allegedly buried chicken carcasses inside its premises.
2. The following are the relevant findings of the investigation conducted:
  - (a) The allegation of burying chicken carcasses was confirmed by the Manager, San Miguel Food Corporation, who took over the operation of the feed mill project from respondent Greenview Feeds Ventures, Incorporated.
  - (b) Wastewater discharge was observed from the three-series filter tanks of the water scrubber of the boiler facility.
  - (c) Spill was observed on the floor of the molasses liquid tank. According to the Pollution Control Officer, the spill was produced during loading of molasses to the liquid tank;

(d) Siphoning of wastewater was observed from the septic tank of the liquid tanks. Dark brown partially treated wastewater then flows to the drainage line towards the back of the feed mill facility;

(e) Report also shows photograph evidence describing how wastewater is pumped out from the septic tank which then flows towards the back of the feed mill building and discharged to land.

Please see attached **Investigation Report**<sup>1</sup>.

3. Consequently, this Office issued two (2) separate Notice of Violation against the respondent, the first NOV alleges the following:

a. Burying of chicken carcasses, an activity undertaken beyond the project description stated on the Proponent's ECC, violating **ECC Restriction No. 1** which provides that no other activities should be undertaken other than what is stipulated in the IEEC Document.

4. In a Case Decision issued last **05 June 2020**, this Office found the respondent liable to the above-stated violation and ordered the respondent to settle a fine amounting to **Twenty-Five Thousand Five Hundred Pesos (Php 25, 000.00)**. Respondent paid the fine on **27 July 2020**.

5. The second **NOV**<sup>2</sup>, meanwhile, which is the subject of this endorsement, alleges the following violations:

a. Discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land, in violation of **Paragraph 3, Section 11.0 of DENR Administrative Order No. 2016-08**, otherwise known as the Water Quality Guidelines and General Effluent Standards of 2016, in relation to **Section 28 of R.A 9275 or the Philippine Clean Water Act of 2004**.

b. Discharging regulated water pollutants without the required Discharge Permit, in violation of **Paragraph (i), Section 27**, in relation to **Section 28 of R.A 9275**.

6. The act of pumping out wastewater from the septic tank, which then flows towards the back of the feed mill building and discharged to land, constitutes a violation of **Paragraph 3, Section 11.0 of DENR Administrative Order No. 2016-08** which prohibits the act of Discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land.

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<sup>1</sup> Annex "A"

<sup>2</sup> Annex "B"



7. On **24 February 2020**, a technical conference was conducted where respondent, represented by several personnel from the San Miguel Group of Companies, moved to be given an additional period to submit a position paper in order to harmonize its answer. The request was granted by the hearing officer. *Attached is the **Attendance Sheet**<sup>3</sup>.*
8. On **06 March 2020**, respondent submitted a **Position Paper**<sup>4</sup>. In summary, Respondent contends that the alleged discharge of untreated or inadequately treated effluent cannot be imposed as there is no proof that the discharge exceeded the effluent standard set forth in the DENR Guidelines for there was an absence of a water sampling.
9. With the second violation, Respondent alleges that an application for Discharge Permit is already pending and all necessary documents for the issuance of the said permit have been submitted.
10. Thereafter, the hearing officer submitted his **Hearing Report**<sup>5</sup> under which the latter opined that a *prima facie* case exists against respondent for both violations, which warrants the endorsement of the case to the **Pollution Adjudication Board (PAB)**.
11. According to the Hearing Officer, a water sampling is not a condition precedent to constitute an act in violation of Paragraph No. 3, Section 11.0, DAO 2016-08. The findings need not show that the discharge exceeded the DENR Effluent Standards. It is sufficient that a discharge, through bypass canals or unauthorized means, was observed at the time of the inspection. In this case, it is clear from the investigation report that wastewater is pumped out from the septic tank which then flows towards the back of the feed mill building and discharged to land. The act of pumping out wastewater from the septic tank is an unauthorized means to discharge such wastewater, which constitutes the prohibited act contemplated under Paragraph No.3, Section 11.0 DAO 2016-08.
12. With the second violation, an application for a discharge permit remains to be an application for a discharge permit. An application is different from issuance. No discharge permit has yet been issued by this Office at the time of the investigation. Absent such permit, Respondent is prohibited from discharging wastewater. Thus, a violation exists in this case.
13. On **05 June 2020**, a **Decision**<sup>6</sup> was issued by this Office adopting the opinion and recommendations of the hearing officer which finds basis in the inspection report, the certificate of analysis, and result of the technical conference conducted. A *prima facie*

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<sup>3</sup> Annex "C"

<sup>4</sup> Annex "D"

<sup>5</sup> Annex "E"

<sup>6</sup> Annex "F"

case against respondent was found and this Office ordered to elevate the case to the Pollution Adjudication Board, pursuant to **Section 28, R.A 9275**. *Please see case Decision for reference.*

14. The case Decision also ordered the respondent to stop the discharge of siphoned wastewater directly onto land. In an **Update Report**<sup>7</sup> dated **26 June 2020** submitted by the respondent to this Office, **the respondent reported that the directive to stop the discharge of siphoned wastewater directly onto land has been conformed to right after the investigation was conducted**. According to the respondent, direct instruction has been made on stopping the discharge through bypass canals to land. As an alternative, containment of the wastewater in blue drums is being implemented while waiting for the completion of the Oil Water Separator and Collection Sump.

15. Considering the foregoing statement, there was no longer an opportunity to conduct a wastewater sampling upon the direct discharge involved for the respondent immediately contained the same right after the investigation. No effluent sampling was also conducted at the time of the investigation.

16. On **08 April 2021**, a compliance monitoring was again conducted by technical personnel of this Office. The findings disclosed that the respondent still failed to secure a Wastewater Discharge Permit, among others. The inspecting personnel also recommended for the issuance of a Notice of Violation against the respondent for operating without a wastewater discharge permit once again. *Attached is the Inspection Report*<sup>8</sup>.

17. On **25 August 2021**, this Office issued a **Notice of Violation**<sup>9</sup> again against the respondent for operating a facility that discharges regulated water pollutants without the valid required wastewater Discharge Permit.

18. On **07 September 2021**, the respondent submitted a **Position Paper**<sup>10</sup>.

19. This Office deferred with the resolution of this particular NOV, considering the pendency of the previous case for violations of **Paragraph 3, Section 11.0 of DENR Administrative Order No. 2016-08 and Paragraph (i), Section 27**, in relation to **Section 28 of R.A 9275** and in accordance as well to **PAB Resolution No. 01-2019**. The same NOV is hereby submitted for the consideration of the Board.

20. On **06 July 2021**, the respondent was issued with a **Wastewater Discharge Permit**<sup>11</sup> from this Office valid until 06 July 2022.

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<sup>7</sup> Annex "G"

<sup>8</sup> Annex "H"

<sup>9</sup> Annex "I"

<sup>10</sup> Annex "J"

<sup>11</sup> Annex "K"



21. There being no Motion for Reconsideration filed by respondent after the lapse of the fifteen (15) day reglementary period provided for under the EMB Manual of Uniform Procedure or the Supplemental Rules of the EMB Manual of Uniform Procedure during the COVID-19 Pandemic, the judgment has become final and executory and the case is now submitted to the Board for the computation of the fines, without prejudice to any further action it may deem necessary.

22. Based on all the foregoing, there is a *prima facie* case against Respondent **SAN MIGUEL FOODS, INCORPORATED/ GREENVIEW FEEDS VENTURES, INCORPORATED**, for violating **PARAGRAPH 3, SECTION 11.0 OF DENR ADMINISTRATIVE ORDER NO. 2016-08 AND PARAGRAPH (I), SECTION 27, IN RELATION TO SECTION 28 OF R.A 9275**, as well as for violating **PARAGRAPH (C), SECTION 27**, in relation to **SECTION 28 OF R.A 9275**.

23. The computation of the fines for the subject violations is best left to the sound discretion of the Board based on the above circumstances. It may be noted that the investigation, where respondent was found to be directly discharging wastewater onto land and without a wastewater discharge permit, was conducted on **18 October 2019**, while the respondent claimed to have contained the discharge immediately after the conduct of the investigation. The discharge permit, meanwhile, was secured last **06 July 2021**.

24. The records are hereto transmitted for the computation of fines by the Pollution Adjudication Board (PAB) and the imposition of the same, if any, by the DENR Secretary as mandated by **SECTION 28 of R.A 9275**, in relation to **PAB Resolution No. 01-2019**.

Respectfully submitted. For the Board's disposition.

  
**ENGR. REYNALDO B. BARRA, PME**

Copy furnished:

**THE MANAGING HEAD**  
San Miguel Foods, Incorporated/ Greenview Feeds Ventures, Incorporated  
Brgy. Macabug, Ormoc City, Leyte



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
 ENVIRONMENTAL MANAGEMENT BUREAU REGION 8  
 DENR Compound, Brgy. 2, Jones Street, Tacloban City  
[emb8\\_emb8@gmail.com](mailto:emb8_emb8@gmail.com)  
 (053) 832-2319

## INVESTIGATION REPORT

NAME OF RESPONDENT/S	:	<b>GREENVIEW FEEDS VENTURES, INC.</b>
ADDRESS OF RESPONDENT	:	Brgy. Macabug Ormoc City
GEOGRAPHIC COORDINATES	:	51 P 680878 1212953
NAME OF OWNER/PROPONENT	:	Jose Ernesto Avila
CONTACT NUMBER	:	
NATURE OF COMPLAINT	:	Alleged burial of chicken carcasses inside the feed mill premises
COMPLAINANT/S	:	Ormoc City ENRD
DATE OF INVESTIGATION	:	18 October 2019

### I. AUTHORITY

EMB 8 Memorandum dated October 8, 2019;

### II. PROCEEDINGS

1. Engr. Joy Fiel from the Ormoc City Environment and Natural Resources Office reported during the third quarter Ormoc Bay WQMA Governing Board Meeting that Greenview Feeds Ventures, Inc. located in Brgy. Macabug Ormoc City buried chicken carcasses/products inside their premises.
2. Per Memorandum dated October 8, 2019, the Undersigned conducted inspection and investigation on the said concern on October 18, 2019.

### III. MATTERS INVESTIGATED

- a.) Verification of the subject matter complained of.

### IV. FINDINGS/OBSERVATIONS

1. Greenview Feeds Ventures, Inc. was issued with Environmental Compliance Certificate (ECC-RO8-1303-0029) on April 4, 2013 for its feed mill project with an annual production rate of less than 50,000 MT. The project has the following facilities/components: feedmill facility; flat warehouse; canteen; employee locker; office; boiler; liquid tanks; generator set; guard house and septic tank.
2. A preliminary meeting was conducted with the top management of Greenview and San Miguel Foods Corporation to verify the allegation. The Manager of San Miguel Foods Corporation (SMFC) confirmed the burial of chicken carcasses at the front portion of their premises. Accordingly, the chicken carcasses were from DBSN Farms Agriventures Corporation, a poultry dressing plant in Brgy. Tinag-an Albuera, Leyte.
3. The burial pit was already covered with earth materials and growth of local grass species was observed.





Burial pit covered with earth materials and growth of local grass species

4. Per information from the SMFC manager, the feed mill project was turned over to San Miguel Foods Corporation on August 21, 2019; however, per Office records, ECC and permits are still under the name of Greenview Feeds Ventures, Inc.
5. Plant walkthrough was also conducted by the Undersigned to check compliance of the project with environmental laws. The feed mill project was operational during the time of inspection
6. Hammer mill, pallet mill and 125 Hp boiler were issued with Permit to Operate Air (15-POA-B-1303-0020) on February 11, 2015 valid until February 11, 2020.
7. Emission testing of the boiler was conducted on January 11, 2018. Results were within the DENR Standards. No emission test was yet conducted for CY 2019.
8. Dust collection system is installed to reduce dust generated during milling operations. Likewise, boiler is equipped with water scrubber as pollution control facility.
9. Wastewater discharge was observed from the three-series filter tanks of the water scrubber of the boiler facility.
10. Spill was observed on the floor of the molasses liquid tank. According to the PCO, the spill was produced during loading of molasses to the liquid tank. Spill is removed with the addition of water to be contained in septic tank.



Spill on the floor of the molasses liquid tank

11. Siphoning of wastewater was observed from the septic tank of the liquid tanks. Dark brown partially treated wastewater then flows to the drainage line towards the back of the feed mill facility.



Wastewater is pumped out from the septic tank (left photo) which then flows towards the back of the feed mill building and discharged to land.

## V. REMARKS AND RECOMMENDATIONS

### 1. Restriction II.1 of the issued ECC states that

*"No other activities should be undertaken other than what is stipulated in the IEEC document. Should there be an expansion of the project beyond the project description, construction of other structures beyond those stated in the IEEC documents; or any change in the activity, shall be made subject to a new Environmental Impact Assessment".*

### 2. Restriction II.2 of the issued ECC states that

*"In case of transfer of ownership of this project, these same conditions and restriction shall apply and the transferee shall be required to notify the EMB Regional Office concerned within fifteen (15) days as regards to the transfer of ownership".*

### 3. Apply for amendment of ECC for transfer of ownership.

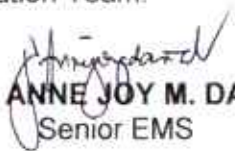
### 4. Secure Discharge Permit for wastewater at boiler and overflow from septic tank.


### 5. For this Office to issue **Notice of Violation to Greenview Feeds Ventures, Inc. or San Miguel Foods Corporation**

- for undertaking activity beyond the project description stipulated in the issued ECC;
- for discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land or through bypass canals and/or pumps and other unauthorized means pursuant to Section 11.3 of DENR Administrative Order No. 08, Series of 2016.
- for operating facilities that discharge regulated pollutants without a valid discharge permit pursuant to Section 27 (c) of DENR Administrative Order No. 10, Series of 2005

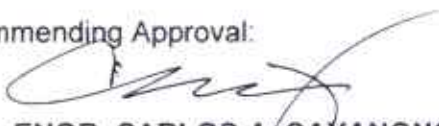


Investigation Team:

  
**JO ANNE JOY M. DAÑAL**  
Senior EMS

  
**ENGR. LEDANE JOY Y. LAURENTE**  
Engineer III


Recommending Approval:

  
**ENGR. CARLOS A. CAYANONG**  
Engineer IV/Chief, Water-Air Quality Monitoring Section

Approved by:

  
**ENGR. MA. CORAZON G. DACUYAN**  
Chief, Environmental Monitoring and Enforcement Division

Noted by:

  
**LETECIA R. MACEDA**  
Regional Director



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
ENVIRONMENTAL MANAGEMENT BUREAU REGION 8  
DENR Compound, Brgy. 2, Jones Street, Tacloban City  
[emb8\\_emb8@gmail.com](mailto:emb8_emb8@gmail.com)  
(053) 832-2319

ANNEX "B"

## NOTICE OF VIOLATION

FEB 03 2020

EMB RO8 LEGAL

GREENVIEW FEEDS VENTURES, INC.  
Brgy. Macabug, Ormoc City, Leyte

### NOTICE OF VIOLATION

Dear Sir:

This notice is being served upon you for violation of **R.A 9275** based on the investigation conducted by our technical staff last **18 October 2019**.

### ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land;	Violation of Paragraph No. 3, Section 11.0 of DAO 2016-08 otherwise known as <i>Water Quality Guidelines and General Effluent Standards of 2016</i> in relation to Section 28 of RA 9275 or the Phil. Clean Water Act of 2004.
Discharging regulated water pollutants without the required valid Discharge Permit.	Violation of Paragraph (c) Section 27, DENR Administrative Order No. 2005-10 in relation to Section 28 of R.A 9275 (Phil. Clean Water Act of 2004).

The foregoing considered, you are hereby required in writing, duly subscribed before a Notary Public, within ten (10) days from receipt hereof why you should not be penalized in the amount of not less than Ten Thousand Pesos (P10, 000.00) nor more than Two Hundred Thousand Pesos (P200, 000.00) for every day violation for **each** cited violation and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

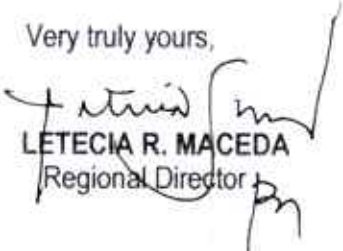
In connection to the above findings, you are hereby invited to a Technical Conference for the following purposes:

1. Simplification of the issues and stipulation of facts;
2. Execution of a commitment to abate or mitigate the pollution, including the implementation of the remedial measures, within a period that shall not exceed ninety (90) days.

The Technical Conference will be held on February 29, 2020 11:00 AM at this Office. Failure to appear and submit your explanation shall be construed as waiver of your right to be heard and this Office shall institute appropriate legal action against you based on the evidence on record.

Please be guided accordingly.

Very truly yours,

  
LETECIA R. MACEDA  
Regional Director





## ATTENDANCE

### TECHNICAL CONFERENCE

GREENVIEW FEEDS VENTURES, INC.

BRGY. MACABUG, ORMOG CITY

FEBRUARY 29, 2020 at 10:00 A.M.

EMB Regional Office 8, DENR Compound, Brgy. 02, Jones St., Tacloban City

### ATTENDANCESHEET

Name	Office/Designation	Contact #/E-mail Add.	Signature
GUILLERMO MARTINES	SMFI CEBU / LOGISTICS HEAD	09177792025 / <a href="mailto:gmartines@sanmiguel.com.ph">gmartines@sanmiguel.com.ph</a>	
NOEL TOLENTINO	SMFI CEBU / AREA <sup>OPIN</sup> MGR	09175048711 / <a href="mailto:ntolentino@sanmiguel.com.ph">ntolentino@sanmiguel.com.ph</a>	
Randy R. Dominguez	SMFI / CAG	09177933302	
Jo Anne Joy M. Danao	Senior EMS	09174850176	
Ledane Joy Y Laurente	Engineer II	09173101376	
Paulino G. Pacaldo	SMC RM1 HEAD	09064257264	
KENEO O. ZALAVARRIA	SMFI / SMS	09178891300	
JONATHAN G. ALLEGRE	SMC / RM1	09272861520	
Randy S. Cadilla	SMC / RM1	09062457925	
Trisha Ann Cabiling	SMFI / PMSE	09470438487 / <a href="mailto:trishacabiling@gmail.com">trishacabiling@gmail.com</a>	
JACOB E. PACIFICO	SMFI	09562548116 <a href="mailto:enr.pacificojacob@gmail.com">enr.pacificojacob@gmail.com</a>	



**SAN MIGUEL FOODS, INC.**  
Visayas Feeds Operations

ANNEX "D"

**SAN MIGUEL  
FOODS**

March 4, 2020

REGIONAL OFFICE NO. 8  
ENVIRONMENTAL MANAGEMENT BUREAU (EMB)  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DENR Compound, Brgy. 2, Jones Street, Tacloban City

ENVIRONMENTAL MANAGEMENT BUREAU  
RECEIVED  
DATE: 3/06/2020  
TIME: 1:23 pm

Attention: **LETICIA R. MACEDA**  
Regional Director

Re: Alleged violation of RA 9275 and PD 1586

Gentlemen:

San Miguel Foods, Inc. (the "Company") respectfully submits the following explanation on the aforementioned alleged violations, in compliance with the Notices of Violation dated 3 February 2020 and as agreed during the Technical Conference held on 24 February 2020:

**Violation of PD 1586**

The Company was cited for the violation of ECC Restriction No. 1 which provides that: "No other activities should be undertaken other than what is stipulated in the IEEC document. Should there be an expansion of the project beyond the project description, construction of other structures beyond those stated in the IEEC document, or any change in the activity, shall be made subject to a new Environmental Impact Assessment".

The foregoing alleged violation sprung from the disposal of condemned chicken products at the Company owned B-Meg Plant located at Sitio Kahayag, Brgy. Macabug, Ormoc City, Leyte (the "Plant")

Following the determination by the National Meat Inspection Service (NMIS) that 2,916 pieces of chicken products ("Chicken") should be condemned, the Company coordinated with the Municipality of Albura to allow the former to dispose the Chicken at the Municipality's landfill but it was informed that the request cannot be accommodated. Because of this, and in order to avoid the further spoilage of the Chicken and the possible spread of foul odor, it decided to bury the Chicken at the afore-mentioned plant. The disposal of the Chicken was done in the presence of NMIS representative, Mr. Paulino Vertulfo, in a pit with the following dimensions: 6m length x 6m width x 10m deep. The packaging materials of the Chicken were separately disposed and diesel and actellic (50PH) were added to the pit upon approval of NMIS representative. The pit was also fully covered with soil.

All required documents in relation to the incident have been submitted for the consideration of the Environment and Natural Resources Office of Ormoc City and upon advice of the DENR-EMB, the Company cemented the burial site and place a roof to prevent water seepage.



It is respectfully requested that in determining the penalty to be imposed against the Company, due consideration should be given to the fact that the disposal of Chicken was a one-time emergency incident and should not be considered as an activity undertaken in the Plant, which would require the filing of an application for the amendment of the issued Environmental Compliance Certificate. More so, prior to disposal, the Company coordinated with the Municipality of Albura to allow it to use the landfill. However, since it was not allowed to do so, and in order to prevent further spoilage and spread of foul odor, the Company was left with no option but to bury the Chicken at the Plant.

Moving forward, the Company undertakes to be in close coordination with the appropriate government agencies in the event a similar incident requiring disposal of Chicken or other similar products arise.

#### **RA 9275**

The Company was cited for the following violations:

1. Par. 3, Section 11 of Department Administrative Order 2016-08 or the Water Quality Guidelines and General Effluent Standards of 2016 in relation to Section 28 of RA 9275 or the Philippine Clean Water Act of 2004; and
2. Par. (c), Section 27, DENR Administrative Order No. 2005-10 in relation to Section 28 of RA 9275

The alleged violations were noted during the inspection of the EMB on 18 October 2019. The EMB noted the absence of a Discharge Permit and discharge of waste water from the boiler water scrubber and septic tank.

It is worth pointing out that the request for transfer of the ECC in the name of the Company has been granted by the EMB on 4 November 2019. An application for Discharge Permit is already pending and all necessary documents for the issuance of said permit have been submitted.

With all due respect, the cited penalty against the Company for the alleged discharge of untreated or inadequately treated effluent cannot be imposed as there is no proof that the discharge exceeded the effluent standard set forth in the aforementioned DAOs. This is so because there is an absence of water sampling.

However, the Company wish to advise this good office that it has in place plans for the construction of a waste water treatment facility at the Plant. The construction thereof shall commence on December 2020 and it is expected to be operational by February 2021.

The Company assures this good office of its continued commitment to strictly comply with environmental laws and regulations.

Please do let us know if there are other documents or evidence which the Company may submit in support of its position.

Very truly yours,

SAN MIGUEL FOODS, INC.

By:

Noel Joerge A. Tolentino / George A. Go  
AOM - CEVis ROM - Visayas

MAR 04 2020

SUBSCRIBED AND SWORN to before me on this \_\_\_\_\_ in \_\_\_\_\_, affiant  
exhibiting to me their competent evidence of identity;

<u>Name</u>	<u>Government Issued ID</u>	<u>Place and Date of Issue</u>
Noel Joerge A. Tolentino	<u>DAI-08-008208</u>	<u>Pasig City</u>
George A. Go	<u>UMID 0006-1295959-4</u>	<u>Cebu City</u>

Doc. No. 201  
Page No. 42  
Book No. 12  
Series of 2020.

**Atty. Bonifacio T. Degamo Jr.**  
Notary Public  
Until December 31, 2020  
IBP No. 054936 - 1/2/20  
PTR No. 1505786 - 1/2/20  
Roll of Attorneys No. 31311  
Notarial Commission No. 68-19  
MCLE Compliance No. VI-001073  
9-D- Jakosalem St. Cebu City



**REPUBLIC OF THE PHILIPPINES**  
Unified Multi-Purpose ID

CRN-0006-1295459-4

STATUS: **GO**

DATE OF BIRTH: **1967/08/21**

SEX: **M**

DATE OF BIRTH: **1967/08/21**

ADDRESS: **BLK 7 LOT 20 ST. BENILDE HOMES MANSILINGAN BACOLOD CITY NEGROS OCCIDENTAL PHL 6100**

**ALCANTARA**

**GEORGE**

**UNID**

**REPUBLIC OF THE PHILIPPINES**  
DEPARTMENT OF TRANSPORTATION  
LAND TRANSPORTATION OFFICE

**NON-PROFESSIONAL DRIVER'S LICENSE**

Last Name, First Name, Middle Name: **TOLENTINO, NOEL JOERGE ARCIAGA**

Nationality: **PHL** Sex: **M** Date of Birth: **1988/12/04** Weight (kg): **68** Height (m): **1.67**

Address: **L3 PH 10 LAPU-LAPU ST. PRAGMATIC 85H BINAN LAGUNA**

License No.: **004-08-008208** Expiration Date: **2021/12/04** Agency Code: **N34**

Blood Type: **B+** Eyes Color: **BLACK**

Restrictions: **1,2** Conditions: **NONE**

Signature of Licensee: *[Signature]*

EDGAR C. GALVANTE  
Assistant Secretary



**RESTRICTIONS:**

1. MOTORCYCLES/MOTORISED TRICYCLES
2. VEHICLE UP TO 4500 KGS G.V.W.
3. VEHICLE ABOVE 4500 KGS G.V.W.
4. AUTOMATIC CLUTCH UP TO 4500 G.V.W.
5. AUTOMATIC CLUTCH ABOVE 4500 G.V.W.
6. ARTICULATED VEHICLE 1600 KGS G.V.W. AND BELOW
7. ARTICULATED VEHICLE 1601 G.V.W. TO 4500 G.V.W.
8. ARTICULATED VEHICLE 4501 & ABOVE G.V.W.

**CONDITIONS:**

- A. WEAR EYEGLASSES
- B. DRIVE ONLY W/SPECIAL EDPF FOR UPPER LIMBS
- C. DRIVE ONLY W/SPECIAL EDPF FOR LOWER LIMBS
- D. DAYLIGHT DRIVING ONLY
- E. ACCOMPANIED BY A PERSON W/NORMAL HEARING

Serial Number: **088514062**

**IN ORGAN DONATION:**  
I WILL NOT DONATE ANY ORGAN  
IN CASE OF EMERGENCY NOTIFY:  
NAME: **NOEL JOERGE TOLENTINO**  
ADDRESS: **SAME ADDRESS**  
TEL. NO.: **09171544736**

**CONFIDENTIALITY OF INFORMATION**



Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
Regional Office No. 8  
DENR Compound, Jones St., Tacloban City, Philippines

**ANNEX " 6 "**

FOR : **THE REGIONAL DIRECTOR**  
EMB Regional Office VIII

FROM : **THE LEGAL OFFICER**  
Legal Unit

SUBJECT : **HEARING REPORT**  
In re violations of **R.A 9275 vs. GREENVIEW FEEDS VENTURES, INC.**  
24 February 2020

DATE : MAR 10 2020

#### **I. BACKGROUND**

This refers to the Technical Conference conducted last **24 February 2020** at **11:00 AM** which was attended by the undersigned as the Hearing Officer relative to the **NOTICE OF VIOLATION (NOV)** dated **03 February 2020** issued against Greenview Feeds Ventures, Inc. located at Brgy. Macabug, Ormoc City, Leyte based on the investigation conducted by the technical personnel of this Office on 18 October 2019.

#### **II. ATTENDEES**

- |                             |                                     |
|-----------------------------|-------------------------------------|
| 1. Guillermo Morales        | - For Respondent                    |
| 2. Noel Tolentino           | - For Respondent                    |
| 3. Randy R. Dominguez       | - For Respondent                    |
| 4. Jo Ann Joy M. Danal      | - Inspector                         |
| 5. Ledane Joy Y. Laurente   | - Inspector                         |
| 6. Paulino G. Pacaldo       | - For Respondent                    |
| 7. Ireneo O. Zalavarria     | - For Respondent                    |
| 8. Jonathan G. Alegre       | - For Respondent                    |
| 9. Randy S. Codilla         | - For Respondent                    |
| 10. Trisha Ann Cabiling     | - For Respondent                    |
| 11. Jacob E. Pacifico       | - For Respondent                    |
| 12. Rodolfo A. Yodico II    | - Chief, Legal Unit/Hearing Officer |
| 13. Cristine May S. Cajigas | - Legal Assistant                   |

#### **III. VIOLATIONS**

- Discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land, violation of Paragraph No.3, Section 11,0 DAO 2016-08 otherwise known as Water Quality Guidelines and General Effluent Standards of 2016 in relation to Section 28 of R.A 9275 or the Philippine Clean Water Act of 2004.
- Discharging regulated water pollutants without the required Discharge Permit, violation of Paragraph (i) (Section 27, in relation to Section 28 of R.A 9275 (Philippine Clean Water Act of 2004).

#### **IV. ACTIONS TAKEN**



In the said Technical Conference, the NOV and the Inspection/Investigation Report were presented and Respondent was given an opportunity to be heard and contradict the findings. Afterwards, discussions ensued and factual findings were established. Subsequently, the Hearing Officer made the necessary recommendations including the elevation of the violations to the DENR-Pollution Adjudication Board (PAB).

## V. SUMMARY OF DISCUSSION

During the technical conference, several representatives from the San Miguel Foods Inc. appeared before this Office representing Respondent Greenview Feeds Ventures, Inc. It appears that San Miguel Foods Inc. has assumed the operations of Respondent. There being a mix of companies involved, the representatives requested that, in lieu of the technical conference, a written explanation should instead be submitted by Respondent to this Office in order to observe consistency in its explanations.

On 06 March 2020, Respondent, thru San Miguel Foods Inc. submitted a written explanation on the alleged violations cited against Respondent Greenview Feeds Ventures Inc.

In answer to the first violation, Respondent contends that the alleged discharge of untreated or inadequately treated effluent cannot be imposed as there is no proof that the discharge exceeded the effluent standard set forth in the DENR Guidelines for there was an absence of a water sampling. With the second violation, Respondent alleges that an application for Discharge Permit is already pending and all necessary documents for the issuance of the said permit have been submitted.

Based on the foregoing explanations by Respondent, the undersigned Hearing Officer is not convinced that there is an adequate ground/s to relieve Respondent from liability on each of the two violations. Paragraph No.3, Section 11.0 DAO 2016-08 provides that:

"No person shall discharge, wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land or through bypass canals and/or pumps, and other unauthorized means.

First and foremost, a water sampling is not a condition precedent to constitute an act in violation of Paragraph No.3, Section 11.0 DAO 2016-08. The findings need not show that the discharge exceeded the DENR Effluent Standards. It is sufficient that a discharge, through bypass canals or unauthorized means, was observed at the time of the inspection. In this case, it is clear from the investigation report that wastewater is pumped out from the septic tank which then flows towards the back of the feed mill building and discharged to land. The act of pumping out wastewater from the septic tank is an unauthorized means to discharge such wastewater, which constitutes the prohibited act contemplated under Paragraph No.3, Section 11.0 DAO 2016-08.

With the second violation, an application for a discharge permit remains to be an application for a discharge permit. An application is different from issuance. No discharge permit has yet been issued by this Office at the time of the investigation. Absent such permit, Respondent is prohibited from discharging wastewater. Thus, a violation exists in this case.

## VI. COMMITMENTS

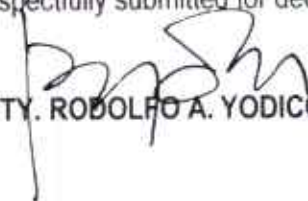
Execution of commitments was deemed unnecessary.

## VII. RECOMMENDATIONS

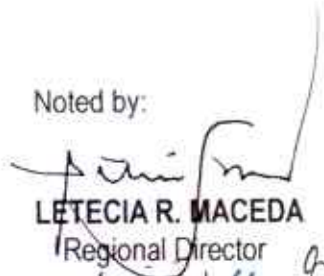
To issue a decision finding a prima facie case against Respondent and ordering the endorsement of both violations to the DENR Pollution Adjudication Board (PAB) for their proper action and/or determination of the appropriate fine/penalty, in accordance to Section 28 of R.A 9275 and PAB Resolution No. 01-2019.

All the original records of the case are hereto attached for your review and ready reference.

Respectfully submitted for decision.

  
ATTY. RODOLFO A. YODICO II

Noted by:

  
LETECIA R. MACEDA  
Regional Director





Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
DENR Compound, Jones St. Tacloban City, Philippines  
Tel. No. (053) 832-1088

ANNEX " F "

*In re* violation of the provisions of R.A 9275

-versus-

**GREENVIEW FEEDS VENTURES, INC.**  
Brgy. Macabug, Ormoc City, Leyte

X-----X

RECEIVED  
FILED  
DATE 6/8/2020  
TIME 3:11 PM  
[Signature]

## DECISION

This Decision is being issued in view of the **Notice of Violation** dated **03 February 2020** against **GREENVIEW FEEDS VENTURES, INC.**, herein referred to as "**Respondent**" for brevity, located at Brgy. Macabug, Ormoc City, Leyte for the following violations:

- (a) Discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land, in violation of **Paragraph 3, Section 11.0 of DENR Administrative Order No. 2016-08**, otherwise known as the Water Quality Guidelines and General Effluent Standards of 2016, in relation to **Section 28 of R.A 9275 or the Philippine Clean Water Act of 2004**.
- (b) Discharging regulated water pollutants without the required Discharge Permit, in violation of **Paragraph (i), Section 27**, in relation to **Section 28 of R.A 9275**.

## FACTS

**R.A. No. 9275** was enacted pursuant to the State's policy of pursuing economic growth in a manner consistent with the protection, preservation and revival of the quality of fresh, brackish and marine waters.<sup>1</sup>

Pursuant to a report from the Ormoc City Environment and Natural Resources Office during the third quarter Ormoc Bay Water Quality Management Area Governing Board Meeting that Greenview Feeds Ventures, Inc., located in Brgy. Macabug, Ormoc City has allegedly buried chicken carcasses inside their premises, an investigation was conducted by personnel of this Office last **18 October 2019** to verify the allegation and to determine further compliance by the

<sup>1</sup> R.A. No. 9275, Chapter 1, Article 1, Section 2.

party complained of to the environmental laws implemented by this Office. Consequently, the following were the relevant findings of the investigation:

(1) The allegation of burying chicken carcasses was confirmed by the Manager, San Miguel Food Corporation, who took over the operation of the feed mill project from respondent;

(2) Wastewater discharge was observed from the three-series filter tanks of the water scrubber of the boiler facility;

(3) Spill was observed on the floor of the molasses liquid tank. According to the PCO, the spill was produced during loading of molasses to the liquid tank;

(4) Siphoning of wastewater was observed from the septic tank of the liquid tanks. Dark brown partially treated wastewater then flows to the drainage line towards the back of the feed mill facility;

(5) The Report also shows photograph evidence describing how wastewater is pumped out from the septic tank which then flows towards the back of the feed mill building and discharged to land.

On the basis of the above findings, a Notice of Violation was issued by this Office alleging the above-stated violations. Respondent was summoned to a technical conference on 24 February 2020.

On **24 February 2020**, during the technical conference, respondent, represented by several personnel from the San Miguel Group of Companies, moved to be given an additional period to submit a position paper in order to harmonize its answer. The request was granted by the hearing officer.

On **06 March 2020**, respondent submitted a position paper. In summary, Respondent contends that the alleged discharge of untreated or inadequately treated effluent cannot be imposed as there is no proof that the discharge exceeded the effluent standard set forth in the DENR Guidelines for there was an absence of a water sampling.

With the second violation, Respondent alleges that an application for Discharge Permit is already pending and all necessary documents for the issuance of the said permit have been submitted.

Based on the foregoing contentions by respondent, the hearing officer finds the same unmeritorious. According to the Hearing Officer, a water sampling is not a condition precedent to constitute an act in violation of Paragraph No. 3, Section 11.0, DAO 2016-08. The findings need not show that the discharge exceeded the



DENR Effluent Standards. It is sufficient that a discharge, through bypass canals or unauthorized means, was observed at the time of the inspection. In this case, it is clear from the investigation report that wastewater is pumped out from the septic tank which then flows towards the back of the feed mill building and discharged to land. The act of pumping out wastewater from the septic tank is an unauthorized means to discharge such wastewater, which constitutes the prohibited act contemplated under Paragraph No.3, Section 11.0 DAO 2016-08.

With the second violation, an application for a discharge permit remains to be an application for a discharge permit. An application is different from issuance. No discharge permit has yet been issued by this Office at the time of the investigation. Absent such permit, Respondent is prohibited from discharging wastewater. Thus, a violation exists in this case.

According to the the Hearing Officer, a prima facie case exists against Respondent and recommends to elevate both of the violations to the Pollution Adjudication Board, pursuant to Section 28 of R.A 9275 and in relation to PAB Resolution No. 01-2019.

### **RULING**

This Office finds no reason or legal justification to deviate from the dispositions and recommendations of the Hearing Officer. Accordingly, the same are adopted in this ruling.

### **Discharging, wholly or partially, untreated effluent directly into a receiving water body**

**Paragraph 3, Section 11 of DENR Administrative Order No. 2016-08<sup>2</sup>** provides that "No person shall discharge, wholly or partially, untreated or inadequately treated effluent directly into a water body or land or through bypass canals and/or pumps, and other unauthorized means."

To reiterate, a water sampling is not a condition precedent to constitute an act in violation of **Paragraph No. 3, Section 11.0, DAO 2016-08**. The findings need not show that the discharge exceeded the DENR Effluent Standards. To consummate the offense, it is sufficient that a discharge of an untreated or inadequately treated wastewater has been made directly onto land or water body, or through bypass canals and/or pumps. In this case, the waste water discharges observed during the investigation is characterized as untreated or inadequately treated as it evaded the entire treatment process supposed to be effected by the

<sup>2</sup> Water Quality Guidelines and General Effluent Standards

septic tank by siphoning the waste water and directly discharging it to land. The act of pumping out wastewater from the septic tank is an unauthorized means to discharge such wastewater, which constitutes the prohibited act contemplated under Paragraph No.3, Section 11.0 DAO 2016-08.

**Discharging regulated water pollutants without the required discharge permit**

It bears emphasis that **Paragraph (i) of Section 27, R.A 9275** or the Philippine Clean Water Act of 2004 prohibits the discharges of regulated water pollutants **without the valid required permits**, as in this case, the Wastewater Discharge Permit.

Further, **Section 14 of Republic Act No. 9275 or the Philippine Clean Water Act of 2004** provides that the Department shall require owners or operators of facilities that discharge regulated effluents pursuant to the same Act to secure a permit to discharge. In relation thereto, **Rule 14.1 of DENR Administrative Order No. 2005-10** explicitly provides that **any person** that shall discharge in any manner into Philippine Waters and/or Land shall secure a wastewater discharge permit. This is further reiterated in a Memorandum dated 20 June 2018 issued by the EMB Director which clarifies that in the implementation and issuance of Discharge Permits, **all establishments** must secure a Discharge Permit **regardless of volume of wastewater**.

Based on the above-cited provisions of law, it is clear that respondent is under obligation to secure the discharge permit, such that its failure to secure the same shall make respondent liable to a fine ranging from **not less than Ten Thousand Pesos (P10,000.00) nor more than Two Hundred Thousand Pesos (P200, 000.00) for every day of violation**, which shall be determined by the DENR- **Pollution Adjudication Board (PAB)** and imposed by the DENR Secretary, pursuant to **Section 28 of R.A 9275** or the **Philippine Clean Water Act of 2004**.

Corollary thereto, the DENR- Pollution Adjudication Board issued **Pollution Adjudication Board Resolution No. 01, Series of 2019** on **01 July 2019**, which delegates to the EMB Regional Offices the determination of permitting and other administrative violations, such as the failure to secure the discharge permit confronting herein respondent, and the imposition of fines thereto.

Under PAB Resolution No. 01, Series of 2019, for permitting violations of the Clean Water Act (R.A 9275), and considering that an establishment is required



to pay a discharge permit fee annually, a fine of **Nineteen Thousand Five Hundred Pesos (Php 19, 500.00)** shall be imposed for every year of violation.

However, PAB Resolution No. 01, Series of 2019 also provides that the Regional Office shall immediately endorse to the PAB for its adjudication the case of erring establishments should there be violations committed under R.A 9275 and R.A 8749 **aside from the permitting violations abovementioned, such as but not limited to, emission or discharge of pollutants, oil spill, by-pass, refusal of entry, etc.**

**WHEREFORE**, premises considered, this Office hereby affirms all the violations against respondent **GREENVIEW FEEDS VENTURES, INC.** Accordingly, this Office resolves to elevate both of the violations, upon compliance to orders set forth hereunder, to the DENR- **Pollution Adjudication Board (PAB)**, vested with the authority to decide and determine the amount of fine/penalty of the particular violations pursuant to **Section 28 of R.A 9275 or the Philippine Clean Water Act of 2004**, in relation to **PAB Resolution No. 01, Series of 2019**. All records of this case shall be submitted to the PAB for its appreciation.

Respondent is hereby directed of the following:

- a. To stop the discharge of siphoned wastewater directly onto land;
- b. To secure before this Office a Waste Water Discharge Permit for all Waste Water Treatment Facilities.
- c. To submit a report to this Office on your compliance to the above-stated orders, **within sixty (60) days from receipt hereof**, without prejudice to the earlier submission thereof as soon as both orders are complied with.

SO ORDERED. JUN 05 2020

Tacloban City, Philippines.

  
**LETECIA R. MACEDA**  
Regional Director



SAN MIGUEL FOODS, INC.  
Visayas Feeds Manufacturing



---

To: GA GO 26 June 2020  
Thru: NJA TOLENTINO  
From: TA CABILING/ J PACIFICO  
Subject: **SAN MIGUEL FOODS INC. BMEG ORMOC FEED MILL PLANT DISCHARGE VIOLATION  
UPDATE REPORT**

---

It has been brought to our attention the decision issued in view of the Notice of Violation Last February 3, 2020 for the following violations mentioned below.

- (a) Discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land, in violation of Paragraph 3, Section 11.0 of DENR Administrative Order No. 2016-08, otherwise know as the Water Quality Guidelines and General Effluent Standards of 2016, in relation to Section 28 of R. A 9275 or the Philippine Clean Water Act of 2004.
- (b) Discharging regulated water pollutants without the required Discharge Permit, in Violation of Paragraph (i), Section 27, in relation to Section 28 of R. A 9275.

And as compliance, San Miguel Foods Inc. has to submit a report to the directed orders as stated in the decision issued last June 5, 2020.

- a. To stop the discharge of siphoned wastewater directly onto land.

**Action Taken:**

This has been conformed right after the inspection has been conducted. Direct instruction has been made on stopping the discharge through bypass canals and to land. As an alternative, containment of the wastewater in blue drums is being implemented while waiting for the completion of the Oil Water Separator and Collection Sump.

- b. To secure before this Office a Waste Water Discharge Permit for all Waste Water Treatment Facilities.

**Action Taken:**





**SAN MIGUEL FOODS, INC.**  
Visayas Feeds Manufacturing



To secure the Waste Water Discharge Permit, pre-requisite such as the Oil Water Separator and Collection Sump is currently an on-going construction.

This is also to seek consideration for the extension of the sixty (60) days compliance report of these conditions. Due to the pandemic, there had been delays in the completion of the OWS and Collection Sump, thus the application for the discharge permit has been put on hold. Also attached, is the documentation of the construction development of the said project.

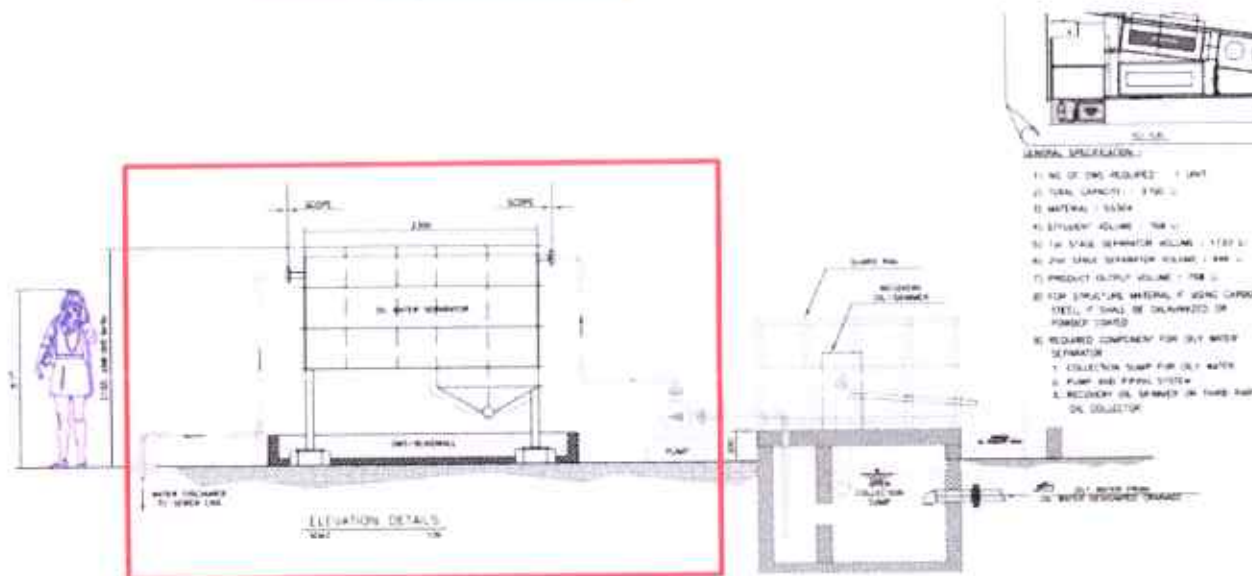
Hoping to hear a favorable and positive response on this matter.

Thank you.

  
JA Cabiling / JE PACIFICO  
PMS / Senior Manufacturing Specialist  
Orman Feed Plant

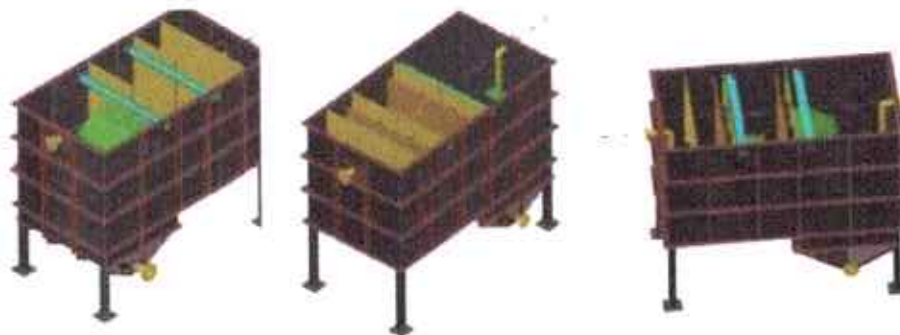
# Oil Water Separator

## Proposed Design



## Objective:

- Separate oil and other contaminants that could be harmful.
- Designed to avoid discharging bilge water into the environment.



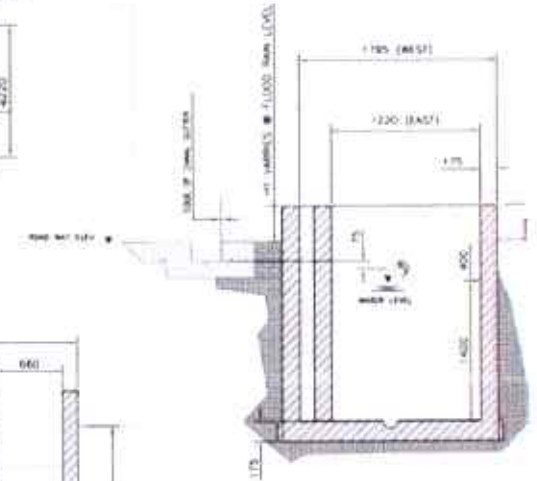
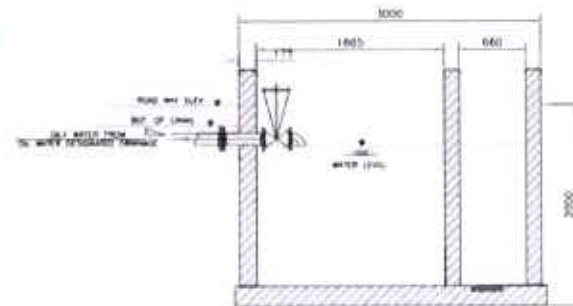
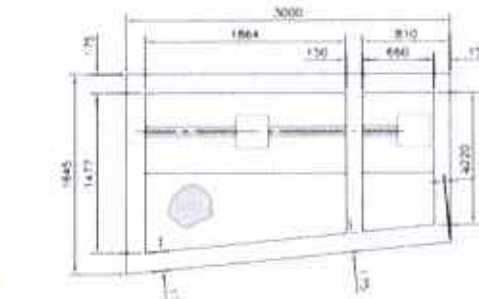
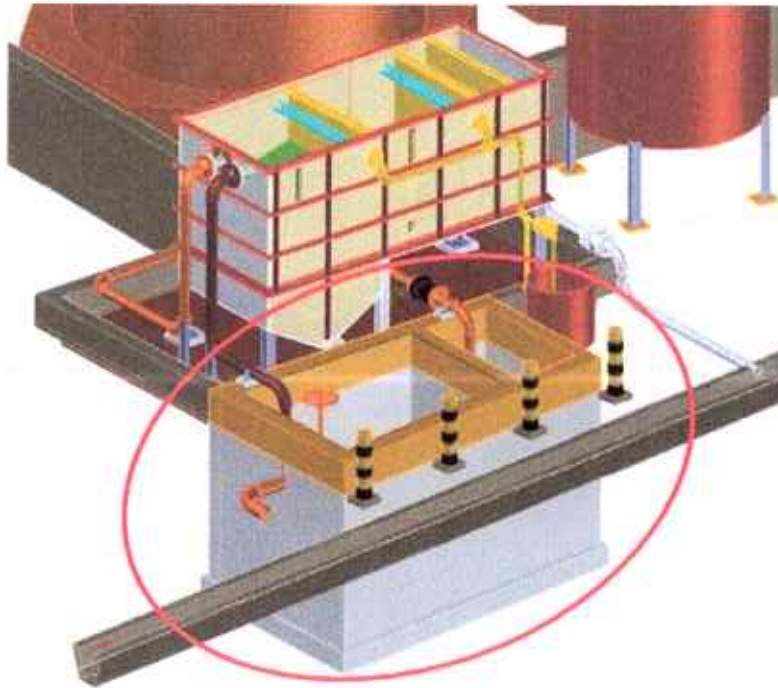
FEEDS MANUFACTURING – CENTRAL & EASTERN VISAYAS





# Collection Sump

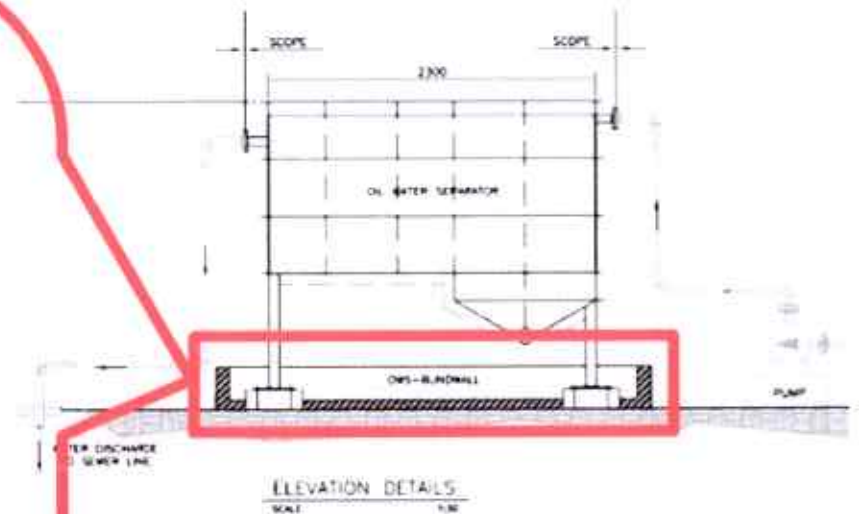
## Proposed Design



### Objective:

- Temporary pit to trap and filter water before pumping to Oil water Separator.
- Remove excess water that has accumulated without overflowing.

# Oil Water Separator Update

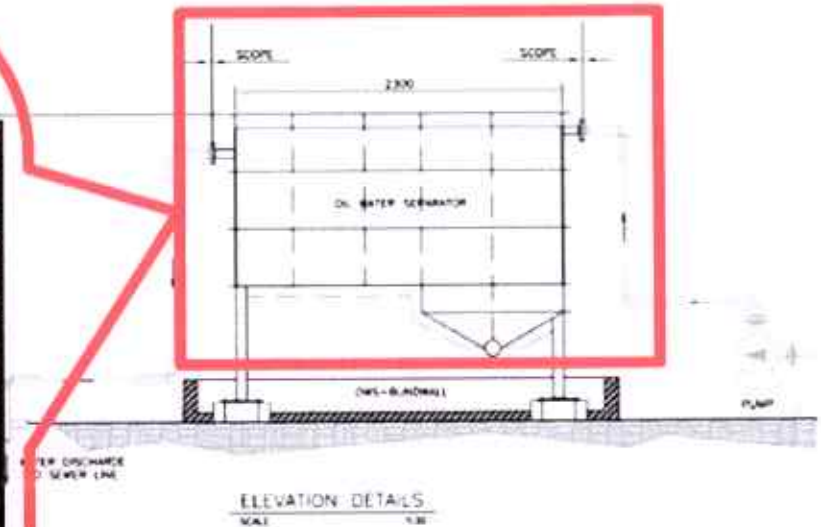


## Status:

- Floor mounting and Bond wall completed.
- Oil water separator waiting for delivery.



# Oil Water Separator Update



## Status:

- Oil water separator done fabrication
- For delivery and installation.

FEEDS MANUFACTURING – CENTRAL & EASTERN VISAYAS





Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
Regional Office No. VIII  
DENR 8 Compound, Brgy. 2, Jones Extension, Tacloban City  
Telefax: (053) 832-1088  
Email: [r8support@emb.gov.ph](mailto:r8support@emb.gov.ph) [emb8@yahoo.com](mailto:emb8@yahoo.com)  
Website: [r8.emb.gov.ph](http://r8.emb.gov.ph)



**ANNEX "H"**

## MEMORANDUM

**FOR :** THE REGIONAL DIRECTOR  
Environmental Management Bureau Region VIII

**ATTENTION :** LEGAL UNIT

**FROM :** THE UNDERSIGNED

**SUBJECT :** RECOMMENDATION FOR THE ISSUANCE OF NOTICE  
OF VIOLATION (NOV) TO GREENVIEW FEEDS VENTURES,  
INC./ SAN MIGUEL FOODS INC.

**DATE :** 26 MAY 2021

Pursuant to Mission Order No. 2021-005097, the undersigned conducted compliance monitoring at **GREENVIEW FEEDS VENTURES, INC./ SAN MIGUEL FOODS INC.** located at Sitio Kahayag, Brgy. Macabug Ormoc City on **April 08, 2021** to determine compliance status of firm with the environmental regulations, permit conditions, and other requirements. The following are the findings and recommendations formulated, to wit:

### Findings and Observations:

#### RA 9275

- At the time of monitoring, two (2) units, 2-chambered septic tank were provided for wastewater generated from comfort rooms and laboratory;
- Construction of Oil-Water Separator is on- going located near the storage tank facilities of molasses(1.5MT), palm oil (1.550MT), and crude oil (1.550MT);
- Notice of Violation was issued dated on February 03,2020 against Greenview Feeds Ventures for the following violations under R.A. 9275: Discharging wholly or partially, untreated or inadequately treated effluent directly into a receiving water body or land; and discharging regulated water pollutants without the required Discharge Permit.
- This Office resolves to elevate the case to the DENR-Pollution Adjudication Board (PAB) which has the authority to decide and determine the amount of fine/penalty pursuant to Section 28 of RA 9275 upon compliance of the firm to order, (i.e., *To stop the discharge of siphoned wastewater directly into land; and to secure a Waste Water Discharge Permit for all Wastewater Treatment Facilities*); and
- At the time of monitoring, the firm has not yet secured a Wastewater Discharge Permit. The application for the issuance of Wastewater Discharge Permit was lodged through the EMB Online Permitting and Monitoring System on December 12, 2020. The said application is still in process due to lacking requirements. Thus, the firm is operating without a valid Wastewater Discharge Permit.

#### RA 6969

- The establishment has no Hazardous Waste Registration Certificate issued by this Office as hazardous waste generator (i.e., used engine oil, busted fluorescent lamp, used lead acid batteries, Oil filters and oil contaminated containers and etc.);
- Hazardous Waste Storage Facility was named as Material Recovery Facility; and
- Empty drums of molasses were noted at the back of the mill building.





Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
Regional Office No. VIII  
DENR 8 Compound, Brgy. 2, Jones Extension, Tacloban City  
Telefax: (053) 832-1088  
Email: [r8support@emb.gov.ph](mailto:r8support@emb.gov.ph) [emb8\\_emb8@yahoo.com](mailto:emb8_emb8@yahoo.com)  
Website: [r8.emb.gov.ph](http://r8.emb.gov.ph)



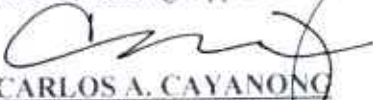
**Remarks and Recommendations:**

- I. For this Office to issue a Notice of Violation against **GREENVIEW FEEDS VENTURES, INC./ SAN MIGUEL FOODS INC** located at Sitio Kahayag, Brgy. Macabug, Ormoc City, for the following acts:
  - a. Failure to secure DENR Registration as Hazardous Waste Generator, as required by Section 3.3 of DAO 2013-22, IRR of R.A. 6969; and
  - b. Failure to secure a Wastewater Discharge Permit, in violation of Paragraph (c), Section 27 of R.A. 9275.

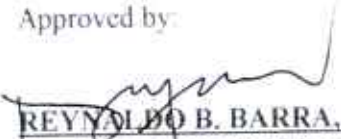
Prepared by:

  
**JANET Y. POLEA**  
Inspector-Engr. IV

Recommending Approval:

  
**CARLOS A. CAYANONG**  
Chief, Water Air Quality Monitoring Section

Approved by:

  
**REYNALDO B. BARRA, PME.**  
Chief, Environmental Monitoring and Enforcement Division



Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
DENR Compound, Jones St. Tacloban City, Philippines



## NOTICE OF VIOLATION

AUG 25 2021

DENR-PAB Case No. 08-000079-21-W

**GREENVIEW FEEDS VENTURES, INC./**  
**SAN MIGUEL FOODS CORPORATION, INC**  
Sitio Kahayag, Brgy. Macabug, Ormoc City

25/2021  
4:49pm

Thru: **NOEL GEORGE A. TOLENTINO**  
Area Operations Manager – CEVis  
San Miguel Foods, Inc. Visayas Feeds Manufacturing

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 9275** otherwise known as the Philippine Clean Water Act of 2004, based upon the compliance inspection conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **08 April 2021**.

### ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without the valid required wastewater <b>Discharge Permit</b> , since <b>08 April 2021</b> .	Violation of Section Paragraph (c), <b>Section 27 of RA 9275</b> in relation to <b>Section 28</b> thereof and in relation further to <b>Pollution Adjudication Board Resolution No. 01 Series of 2019</b> .

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 year 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](mailto:embr8_records@emb.gov.ph), copy furnished [legalunitembr8@gmail.com](mailto:legalunitembr8@gmail.com), 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





SAN MIGUEL FOODS, INC.  
Visayas Feeds Manufacturing



6 September 2021

**ENGR. REYNALDO B. BARRA**

OIC- Regional Director

OFFICE OF THE REGIONAL DIRECTOR

DENR-EMB 8

Cathedral Compound

Brgy. Luntad, Palo, Leyte

ENVIRONMENTAL MONITORING & ENFORCEMENT DIVISION  
RECEIVED  
SEP 10 2021  
9/10/2021

Dear Sir:

This letter is a response to the Notice of Violation received by our office on September 1, 2021, Wednesday. The letter entails the following acts constituting the violations as follows: Operating a facility without a valid required Discharge Permit and failure to secure DENR Registration as Hazardous Waste Generator.

We would like to inform your good office that actions have been made to process the following applications, whereas we have eventually secured the Discharge Permit just last July 6, 2021. Please see attachment as supporting details on our claim. As for the DENR Registration as Hazardous Waste Generator, we also have an on-going online application for this, with our application number App # 13835 as reference. We have submitted the additional requirements needed by the inspector and is currently being evaluated, while waiting on the response for our next step on the application. We are hoping for your much consideration and would like to ask for an extension to fully comply the lacking permits needed on the matters involving the violations, as we would like to entirely accomplish and close this matter as soon as possible and be in line with the DENR Environmental Monitoring & Enforcement Division - Water Air Quality Monitoring Section.

As for the upcoming Technical Conference this September 20, 2021, we on our end are much willing to participate on such important matter and be physically present, but due to the current situation with this pandemic, we would like to request instead for a Conference Via Internet Video. We have to abide to the strict Covid-19 protocol from our management which restricts face -to- face meetings, conferences or any mass gathering as of the moment.

Hoping for your favorable response on this matter.

Very truly yours,

**B-MEG FEED PLANT – ORMOC CITY**

**JASHUAH M. REYES**

POLLUTION CONTROL OFFICER

REPUBLIC OF THE PHILIPPINES )  
City of ORMOC CITY ) S.S.

TO THE TRUTH OF THE FOREGOING, I have signed this affidavit on this day of 06 SEP 2021 at ORMOC CITY

  
**JASHUAH M. REYES**  
Affiant.

SUBSCRIBED AND SWORN to before me this 06 SEP 2021 at ORMOC CITY, Philippines, affiant exhibiting to me her (Professional Identification Card 0095045), issued at Cebu City on March 30, 2017.

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Book No. 1011

Series of 2021

ROLL NO.  
**65406**  
NOTARY  
PUBLIC

**ATTY. GILIANNE KATHY L. GANTU**

Notary Public

Ormoc City, Kananga, Marikina, Marikina, and Isabel, Leyte

Commission No. ORM-19-12-015 issued December 31, 2011

NICL Compliance No. V-002500 valid until 01-14-2025

PIS No. 0621147 issued on 01-14-2021 in Ormoc City

IBP Lifetime Member No. 015008

Attorney's Roll No. 65406

TIN 266-471-604

Notary/ oath only. No advice sought or given.





Republic of the Philippines  
Department of Environmental and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
Region VIII  
DENR Compound, Jones Street, Barangay 7, Tacloban City  
Tel No. (053) 832-10-88

**ANNEX "K"**

Permit No.: DP-R08-21-04015

Date: Jul 06, 2021

**New**

### WASTEWATER DISCHARGE PERMIT

Pursuant to Section 14, Article 2, of the RA 9275 otherwise known as the "Philippine Clean Water Act of 2004", this permit is hereby granted to **San Miguel Foods Inc.**, with office address at Sitio Kahayag, Macabug, Ormoc City, Leyte for its establishment:

**B-meg Leyte-ormoc Feedmill**

Sitio Kahayag Macabug ORMOC CITY

TIN No. 000-275-554-115

- The discharge rate of the effluent shall not exceed **Zero m3/day**.
- Institute measures on the operation of your **Wastewater Treatment Facility (WTF)** so as to have **Zero Discharge**.
- The maximum wastewater generation of **9.44** m3/day shall be from the process wastewater.
- The maximum wastewater generation of **6.5** m3/day shall be from the domestic wastes.
- The maximum wastewater generation of **1.06** m3/day shall be from the washing/cleaning activities.
- Submit **Self-Monitoring Report (SMR)** based on the following schedule. (Online submission at <https://client.emb.gov.ph/smr/>)

Quarter	Coverage	Submission	Quarter	Coverage	Submission
First	Jan-Mar	1-15 Apr	Third	Jul-Sep	1-15 Oct
Second	Apr-Jun	1-15 Jul	Fourth	Oct-Dec	1-15 Jan

- Channel your wastewater generation (process and washing/cleaning) into your **WTF - Open Sump and Oil-Water Separator** and your domestic wastewater generation into your **WTF - Septic Tank**.
- Submit **Certificate of Desludging/Siphoning** of the **septic tank** and treatment of the same by an accredited service provider.
- Renew the **Certificate of PCO Accreditation** not later than **December 06, 2022**.
- Allow the entry of our duly authorized representative(s) to conduct inspection within your premises.
- This permit, together with the corresponding Official Receipts of Payment, shall be adequately framed and posted in a conspicuous place at the plant/establishment.
- This permit shall be renewed not less than **thirty (30) days** prior to its expiration.

**This permit is valid up to Jul 06, 2022, unless revoked or suspended by this Office in writing.**

Non-compliance with the above conditions and/or any pertinent provisions of RA 9275 otherwise known as "Philippine Clean Water Act of 2004", a corresponding penalty in the amount of P10,000-P200,000 per violation shall be imposed.

Recommended by:

Approved by

**Marieth B. Munsayac**  
Chief, Clearance and Permitting Division

**Letecia R. Maceda**  
Regional Director



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Permit Fee	Php 2200.00	O.R. No. 4738477	Date June 28, 2021
Filing Fee	Php 55.00	O.R. No. 4738977/4738374	Date June 28, 2021
PD1858	Php 10.00	O.R. No. 4738977/4738374	Date June 28, 2021
Documentary Stamp Tax	Php 30.00	O.R. No. 4738977/4738374	Date June 28, 2021



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