


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

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ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 02/07/2022
TIME: 9:57 AM

IN RE: CANCELLATION OF
ENVIRONMENTAL
COMPLIANCE CERTIFICATE
(ECC-08-050111-0009) OF
FERNANDO L. DOCENA'S PROPOSED MOUNTAIN ROCK
QUARRY PROJECT AT BARANGAY BINALOAN, TAFT,
EASTERN SAMAR

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ORDER

This Order is being issued in view of the on-site project validation conducted by technical personnel of this Office upon the **Environmental Compliance Certificate (ECC)**, with **Reference No. ECC-08-050111-0009**, issued to **Mr. Fernando L. Docena** last **January 17, 2005** for its **Proposed Mountain Rock Quarry Project** located at **Barangay Binaloan, Taft, Eastern Samar**.

The validation conducted was aimed at ascertaining the validity of the subject ECC *vis-à-vis* the requirements of existing and new policies.

Facts

On August 17, 2021, technical personnel from the PEMU-Eastern Samar of this Office conducted an on-site project validation upon the **Proposed Mountain Rock Quarry Project** of **Mr. Fernando L. Docena** located at **Barangay Binaloan, Taft, Eastern Samar**.

The validation revealed the following findings:

1. That the project has commenced implementation/operation since the ECC was issued.
2. That the project, however, has stopped operation for more than five (5) years. The project site was already abandoned. According to the barangay officials at Brgy. Binaloan Taft, Eastern Samar, where the project is located, the project was no longer operational since 2011 or 2012.
3. No reports were submitted per office records.

Based on the foregoing grounds, the validating personnel has recommended for the cancellation of the Environmental Compliance Certificate (ECC) issued by this Office for the said project.

Ruling

This Office finds that the ECC should be cancelled because the Project has stopped operation/implementation for more than five (5) years.

Under **Paragraph (g), No. 4** of the **Revised Guidelines for Coverage Screening and Standardized Requirements** of the **Philippine Environmental Impact Statement System**, projects that have stopped operation for more than five years are not required to obtain a new ECC, provided ALL the following conditions are met:

1. CMR/CMVR had continuously been submitted or an official request for suspension of the CMR/CMVR had been approved by EMB.
2. No request for relief and/or cancellation of ECC had been approved.
3. The resumption of operation will not involve expansion of terms of production capacity (volume of output; number of product lines) or area.
4. The resumption of operation will not involve changes or medication in technology/ production method or manufacturing process/operation used.
5. There is no change in ownership or corporate dissolution.

Otherwise, an application for new ECC has to be filed and approved prior to resumption of operation.

Here, the findings reveal that the project has stopped operations for more than five (5) years. Although the proponent is yet to communicate an intention to resume operations, it is incumbent upon the proponent to show that all the above conditions are met if it intends to resume operations in the future. Accordingly, this Order presents an opportunity for the project proponent to prove that the said conditions were or will be met. Otherwise, the ECC Cancellation is in order.

WHEREFORE, premises considered, this Office finds that Environmental Compliance Certificate, with Reference **ECC-08-050111-0009**, issued to **Mr. Fernando L. Docena** for its **Proposed Mountain Rock Quarry Project at Barangay Binaloan, Taft, Eastern Samar** is hereby **CANCELLED**.

The Project Proponent, **Mr. Fernando L. Docena**, is hereby given an opportunity within a period of **Fifteen (15) days** from receipt of this Order to submit its position/explanation on the matter, the failure of

ORDER

In re Cancellation of ECC-08-050111-0009

which to do the same shall be deemed a waiver of its right to contest the cancellation and the cancellation shall be deemed final and executory.

SO ORDERED. 04 FEB 2022.

Tacloban City, Philippines.


ENGR. REYNALDO B. BARRA
OIC-Regional Director

Copy furnished:

Fernando L. Docena
Brgy. Binalo-an Taft, Eastern Samar/Guiuan, Eastern Samar