


Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
Tacloban City, Philippines
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IN RE: CANCELLATION OF
ENVIRONMENTAL
COMPLIANCE CERTIFICATE
(ECC-08-040514-0081) OF
ENGR. DAVID T. ESTARON'S
COMMERCIAL SAND AND GRAVEL EXTRACTION
PROJECT
AT BARANGAY SAN MATEO, BORONGAN CITY, EASTERN
SAMAR

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 01/24/2022
TIME: 1:24pm

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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-08-040514-0081**, issued to **Engr. David T. Estaron** last **May 17, 2004**, for a proposed **Commercial Sand and Gravel Extraction Project** to be located at **Barangay San Mateo, Borongan City, 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 **November 5, 2021**, technical personnel from the PEMU Eastern Samar of this Office conducted an on-site project validation upon the proposed **Commercial Sand and Gravel Extraction Project** to be located at **Barangay San Mateo, Borongan City, Eastern Samar**.

The findings revealed that the proposed project has failed to commence project construction/implementation since the issuance of the ECC by this Office in **2004**. As per information of Mr. Henry C. Caballa Jr., the Barangay Chairman of Brgy. San Mateo, Borongan City, Eastern Samar, the project was not implemented. Accordingly, the concessionaire Mr. David T. Estaron was already deceased. The inspector was not able to meet the immediate family members of the

concessioner since they are residing at the other barangay. Based on the foregoing grounds, the validating personnel has recommended for this Office to cancel the Environmental Compliance Certificate (ECC) issued for the said project

Ruling

This Office finds that the ECC should be cancelled because the Project Proponent failed to implement the project within five (5) years from its ECC issuance.

Under **Section 5.4.3 of DENR Administrative Order No. 2003-30**, or the Implementing Rules and Regulations (IRR) of the Philippine Environmental Impact Statement (EIS) System, it states that:

...The ECC of a project not implemented within five (5) years from its date of issuance is deemed expired. The proponent shall have to apply for a new ECC if it intends to pursue the project. The reckoning date of project implementation is the date of ground breaking, based on the proponent's work plan as submitted to the EMB.

Item 1.0 (10) (d) of the Revised Procedural Manual for DAO No. 2003-30, meanwhile, provides for the following, to wit:

(d) ECC Validity and Expiry. Once a project is implemented, the ECC remains valid and active for the lifetime of the project. ECC Conditions and commitments are permanently relieved from compliance by the proponent only upon validation by the EMB of the successful implementation of the environmental aspects/component of the Proponent's Abandonment/ Rehabilitation/ Decommissioning Plan. This pre-condition for ECC validity applies to all projects including those wherein ECC expiry dates have been specified in the ECC. However, the ECC automatically expires if a project has not been implemented within **five (5) years from ECC issuance**, or if the ECC was not requested for extension **within three (3) months from the expiration** of its validity. If the **baseline characteristics have significantly changed** to the extent that the impact assessment as embodied in the Environmental Management Plan (EMP) is no longer appropriate, the EMB Office concerned shall require the proponent to **submit a new application**. The EIA Report on the new application shall focus only on the assessment of the

ORDER

In re Cancellation of ECC-08-040514-0081

environmental component, which significantly changed.
(emphasis and underlining supplied)

Here, the findings reveal that the project proponent did not commence its operation/construction since the issuance of the ECC. Under the existing rules and regulations, the ECC issued to the project is deemed cancelled, unless otherwise the project proponent is able to show substantial evidence to the contrary.

WHEREFORE, premises considered, this Office finds that Environmental Compliance Certificate, with Reference **ECC-08-040514-0081**, issued to **Engr. David T. Estaron** for the proposed **Commercial Sand and Gravel Extraction Project** to be located at **Barangay San Mateo, Borongan City, Eastern Samar** is hereby **CANCELLED**.

The Project Proponent, **Engr. David T. Estaron**, 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 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. JAN 21 2022

Tacloban City, Philippines.

ENGR. REYNALDO B. BARRA
OIC-Regional Director

Copy furnished:

Engr. David T. Estaron
Barangay Balud, Borongan, Eastern Samar