



Republic of the Philippines
Department of Environment and Natural Resources
POLLUTION ADJUDICATION BOARD
DENR Compound, EMB Building, Visayas Avenue
Diliman, Quezon City

ENVIRONMENTAL MANAGEMENT BUREAU 3
RELEASED
DATE: 01/05/2022
TIME: 9:36 am

**IN THE MATTER OF THE
WATER POLLUTION CONTROL
AND ABATEMENT CASE**

FOR: Violation of R.A 9275 and its
Implementing Rules and
Regulations

-versus-

ANASTACIO/SHIRLEY CAMPOS POULTRY LAYER FARM

Brgy. New Taligue, Abuyog, Leyte
Respondent

X- -----X

RESOLUTION

Under consideration is the Motion for Reconsideration filed before this Office on **15 September 2021** by Anastacio/Shirley Campos Poultry Farm, hereinafter referred to as "Respondent" for brevity, requesting for the reconsideration of the **25 August 2021** Order rendered by the Board, thru the EMB Regional Office No. VIII, upon the Notice of Violation dated **09 November 2018** issued against herein respondent for the following violation:

- (a) Operating a facility that discharges regulated water pollutants without a valid Wastewater Discharge Permit, in violation of **Paragraph (c), Section 27 of R.A 9275**, otherwise known as the **Philippine Clean Water Act of 2004**, in relation to **Pollution Adjudication Board Resolution No. 01-2019**
- (b) Failure to secure a Permit to Operate Air Pollution Source and Control Facilities, in violation of **Section 1, Rule XIX, DENR Administrative Order No. 2004-26**, amending **Section 1, Rule XIX of DAO No. 2000-81**, in relation to **Section 47 of DAO No. 2000-81**, and in relation further to **Pollution Adjudication Board Resolution No. 01-2019**.

ANTECEDENT FACTS

The Motion for Reconsideration is anchored on the following factual antecedents:

On **25 August 2021**, the Pollution Adjudication Board, thru the EMB Regional Office VIII issued an Order on the above-mentioned

ANASTACIO/SHIRLEY CAMPOS POULTRY LAYER FARM
Brgy. New Taligue, Abuyog Leyte

violations against herein respondent. In the said Order, the Board affirmed both violations and has ordered the respondent to pay a fine amounting to **Ten Thousand Pesos (Php 10,000.00) for each** of the violations.

Aggrieved, the respondent filed a motion for reconsideration and asserts the following assignment of errors, to wit: (1) that the Board committed an error when it declared that the respondent is required to secure a Permit to Operate Air Pollution Source and Control Facilities; (2) That the questioned resolution erred in stating that the respondent is operating a piggery project.

The respondent asserts that it is operating without any machinery emitting regulated air pollutants and hence, is not required to secure a Permit to Operate Air Pollution Source and Control Installation. The respondent also argued that it is not operating a piggery project, but rather, a layer project. It admitted that it is operating without a Wastewater Discharge Permit, mainly because it experienced business losses which was aggravated by the COVID-19 Pandemic.

Based on all the foregoing assertions, the respondent prays for the Order finding the respondent liable be reconsidered and that a new one be issued in favor of the respondent.

RULING

The Motion for Reconsideration is **PARTLY GRANTED**.

It can be recalled that in a case Decision issued by the EMB Regional Office No. VIII last **20 February 2019**, the latter has found herein respondent liable for operating without a valid wastewater discharge permit only but dismissed the allegation that it is operating without a Permit to Operate (PTO) Air Pollution Source and Control Installation in view of the failure of the inspection to establish that a generator set existed at the time of the inspection warranting a PTO.

Apparently, when the Board issued the Order on **25 August 2021**, it failed to recognize such dismissal and inadvertently imposed a fine for Operating without a Permit to Operate Air Pollution Source and Control Installation until the respondent brought this up and reaffirmed the non-existence of a machinery emitting regulated air pollutants that will necessitate a Permit to Operate. Henceforth, the Motion for Reconsideration is partly granted.

For operating without a wastewater discharge permit, however, there is no denying that the respondent is required to secure a wastewater discharge permit even as a typographical error labelled the respondent as a piggery project. There is no denying that it is a poultry layer project. Notwithstanding the error, however, it is required to

secure the subject permit and its admission has strengthened its liability.

WHEREFORE, premises considered, the Motion for Reconsideration is **PARTLY GRANTED**. Accordingly, the imposition of the fine for operating without a permit to operate air pollution source and control installation is hereby nullified based on the ground discussed above.

The Board, however, thru the EMB Regional Office, maintains that the Respondent is liable for operating without a valid wastewater discharge permit. Thus, the Respondent is hereby ordered to pay the amount of **TEN THOUSAND PESOS (Php 10, 000.00)** within **fifteen (15) days from receipt hereof**.

Respondent is directed to pay at the Environmental Management Bureau located at DENR Compound, EMB Building, Jones St. Brgy. 02, Tacloban City, Philippines. In addition, the Respondent is hereby directed to secure a Temporary Wastewater Discharge Permit and to cease and desist from discharging wastewater pending issuance of the same.

The Legal Officer and/or his duly authorized representative is directed to serve this Order within seventy-two (72) hours from receipt hereof.

SO ORDERED.

Tacloban City, Philippines. JAN 03 2022.

By authority of the Secretary:


ENGR. REYNALDO B. BARRA
OIC- Regional Director