

Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
Regional Office No. VIII  
Tacloban City, Philippines  
-o0o-

**IN RE: CANCELLATION OF  
ENVIRONMENTAL  
COMPLIANCE CERTIFICATE  
(ECC-08-070207-0013) OF  
NILDA V. CAPANGPANGAN'S COMMERCIAL SAND AND  
GRAVEL EXTRACTION PROJECT AT BARANGAY  
MAGSAYSAY, PALAPAG, NORTHERN SAMAR**

X-----X

**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-08-070207-0013**, issued to **Ms. Nilda V. Capangpangan** last **February 15, 2007** for its **Commercial Sand and Gravel Extraction Project** located at **Barangay Magsaysay, Palapag, Northern 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 March 10, 2021, technical personnel from the PEMU Northern Samar of this Office conducted an on-site project validation upon the **Commercial Sand and Gravel Extraction Project** of **Ms. Nilda V. Capangpangan** located at **Barangay Magsaysay, Palapag, Northern 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. Not operational for more than 5 years without submission of Compliance Monitoring Report and/or request for ECC relief. The project status was also confirmed by the Provincial Mining Regulatory Board that said proponent has not renewed the extraction permit for more than 5 years.
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-08-070207-0013**, issued to **Ms. Nilda V. Capangpangan** for its **Commercial Sand and Gravel Extraction Project at Barangay Magsaysay, Palapag, Northern Samar** is hereby **CANCELLED**.

The Project Proponent, **Ms. Nilda V. Capangpangan**, 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-08-070207-0013

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.** FEB 11 2022.

Tacloban City, Philippines.

  
**ENGR. REYNALDO B. BARRA**  
OIC-Regional Director

Copy furnished:

**Nilda V. Capangpangan**  
Barangay Poblacion, Palapag, Northern Samar