



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR Compound, Jones St. Tacloban City, Philippines 6500

In re violation of the provisions of P.D 1586

-versus-

CAMP BRYZTOFF

Brgy. Rizal, Dulag, Leyte

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ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 11/13/2020
TIME: 10:43am

DECISION

This Decision is being issued in view of the **Notice of Violation** dated **28 September 2020** issued against Camp Bryztoff, herein referred to as "Respondent" for brevity, located at Brgy. Rizal, Dulag, Leyte for the following violation:

- (a) Operating/undertaking development of a resort project without securing an Environmental Compliance Certificate (ECC), in violation of **Section 4, DENR Administrative Order No. 2003-30, P.D 1586** otherwise known as the **Philippine Environmental Impact Statement System**;

FACTS

An **Environmental Compliance Certificate (ECC)** is a decision document issued to the Proponent after thorough review of the EIA Report. The ECC outlines the commitments of the proponent which are necessary for the project to comply with existing environmental regulations or to operate within best environmental practice that are not currently covered by existing laws. It contains specific measures and conditions that the project Proponent has to undertake before and during the operation of a project, and in some cases, during abandonment phase, to mitigate adverse environmental impacts. One of the salient features of which are conditions, which the Proponent has conformed to implement mitigating measures for potentially negative impacts and/or enhancement measures for potentially positive impacts as identified in the Environmental Impact Assessment Report.

On **07 August 2020**, technical personnel from the Clearance and Permitting Division of this Office conducted a survey inspection on the facilities of



UNITED NATIONS ENVIRONMENTAL PROGRAMME
SECRETARIAT
CHATEAU DE VANDERLINDEN
12, RUE DE LA PAIX
1000 BRUXELLES

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Respondent. The inspection revealed that Respondent occupies an estimated area of more than 1,000 square meters. Apparently, herein respondent was found allegedly to be operating without first securing an Environmental Compliance Certificate (ECC) from this Office.

Thus, a Notice of Violation dated **28 September 2020** was served upon Respondent and the latter was called to attend a Technical Conference on **21 October 2020**.

On **21 October 2020**, a technical video conferencing was conducted. Respondent categorically admitted the violation. In view of the admission, the Hearing Officer recommends affirming the violation and the imposition of the applicable amount of the fine/penalty.

After a review of the criteria for penalty reduction provided for under **DENR Administrative Order NO. 2003-30**, respondent is initially determined as entitled to a penalty reduction amounting to **Forty Thousand Pesos (P40, 000.00)** which will be deducted from the maximum imposable fine/penalty of Fifty Thousand Pesos (P50, 000.00) based on the following criteria:

- 1) Timing of ECC application having filed ahead of the issuance of the NOV), with corresponding penalty reduction of Twelve Thousand Five Hundred Pesos (**P12,500.00**);
- 2) Percentage Project completion – less than 25% complete, with corresponding penalty reduction of Five Thousand Pesos (**P5,000.00**);
- 3) Project cost - less than 5 Million Pesos, with corresponding penalty of Ten Thousand Pesos (**P10, 000.00**); and
- 4) Project does not cause adverse environmental impact, with corresponding penalty reduction of Twelve Thousand Five Hundred Pesos (**P12,500.00**).

Thus, a total imposable penalty of **TEN THOUSAND PESOS (P10, 000.00)** was recommended.

RULING

This Office finds no cogent reason or legal justification to deviate from the recommendations of the Hearing Officer. Accordingly, the same recommendations are hereby adopted.

Section 4 of Presidential Decree No. 1586, in part, provides that:

“No persons, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate.” Emphasis ours

Under **Section 1 of EMB Memorandum Circular No. 2014-005¹**, amending Section 2.1 of the Revised Procedural Manual for DENR Administrative Order No. 2003-30², every proposed project or undertaking, which is projected to have a significant impact to the quality of the environment, is covered by the Philippine EIS System.

To determine coverage, proposed projects or undertakings shall be screened according to categories (A, B, C, D) -----Category **B** are projects and undertakings which are not classified as *Environmentally Critical Projects* under Category A, but which are likewise deemed to significantly affect the quality of the environment by virtue of being located in *Environmentally Critical Area*³ as declared under **Proclamation No. 2146⁴** and the parameters set forth in an attached guidelines.

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Section 5. *Environmentally Non-Critical Projects*. - All other projects, undertakings and areas not declared by the President as environmentally critical shall be considered as non-critical and shall not be required to submit an environmental impact statement. The National Environmental Protection Council, thru the Ministry of

¹Guidelines for Coverage Screening and Standardized Requirements under the Philippine Environmental Impact Statement System (PEISS) amending relevant portions of MC 2007-002.

²Implementing Rules and Regulations of Presidential Decree No. 1586, Establishing the Philippine Environmental Impact Statement System.

³Environmentally Critical Area- area delineated through presidential proclamation 2146 (1981) as environmentally sensitive such that significant environmental impacts are expected if certain types of proposed projects or programs are located, developed, or implemented in it.(EMB Memorandum Circular No. 2014-005)

⁴Proclamation No. 2146 Proclaiming Certain Areas And Types Of Projects As Environmentally Critical And Within The Scope Of The Environmental Impact Statement System Established Under Presidential Decree No. 1586.

Human Settlements may however require noncritical projects and undertakings to provide additional environmental safeguards as it may deem necessary.

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An area is environmentally critical if it exhibits any of the characteristics as enumerated in **Table 1, Section 3-b of EMB Memorandum Circular No. 2014-005** and/or falls within the ECA as mapped by the EMB. In accordance with Presidential Proclamation No. 2146, series of 1981, Table 1 enumerates **Twelve (12) main categories of Environmentally Critical Areas**. One of the ECA Categories described are areas that are **frequently visited and or hard-hit by natural calamities which shall be so characterized if the area is frequently visited or hard-hit by typhoons**, among other conditions. For purposes of coverage, depressions, storms and typhoons will be covered in such a category. This shall also refer to **all provinces** in the country affected by a tropical cyclone in the past, including that of herein respondent.

Further, **Section 1.2 of EMB Memorandum Circular No. 2014-005** provides that to expediently screen proposed projects/undertakings that may be covered by the EIS System, **thus required to secure an ECC**, a ready matrix for determining the category in which proposed projects fall is described as **Annex A** (Project Thresholds for Coverage Screening and Categorization) on the same memorandum circular.

Based on the said matrix, respondent is classified under the Resorts and other tourism/leisure projects. Under such project/description, determinative of whether or not Respondent is required to secure an ECC is the **project size parameter**, which considers the total/gross floor area (of structures) plus open areas and other facilities (e.g., landscape, parking, pools) of the establishment.

In this case, it is settled that respondent an estimated gross floor area of more than 1,000 square meters, as stipulated in the report. Therefore, respondent is categorized under Category **B**, a Non-Environmentally Critical Project but is in an environmentally critical area that is required, by law, to secure an ECC.

WHEREFORE, premises considered, this Office finds respondent liable for operating the project without first securing an **Environmental Compliance Certificate (ECC)**. Respondent is hereby ordered to pay the amount of **TEN THOUSAND PESOS (P10, 000.00)** as fine/penalty for the subject violation.

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function, and its value is determined by the initial condition $f(0) = 1$.

2. In the second part, we consider the problem of finding the maximum value of the function $f(x)$ on the interval $[0, 1]$. It is shown that the maximum value is attained at $x = 0$ and is equal to 1.

3. The third part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function, and its value is determined by the initial condition $f(0) = 1$.

4. In the fourth part, we consider the problem of finding the maximum value of the function $f(x)$ on the interval $[0, 1]$. It is shown that the maximum value is attained at $x = 0$ and is equal to 1.

5. The fifth part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function, and its value is determined by the initial condition $f(0) = 1$.

6. In the sixth part, we consider the problem of finding the maximum value of the function $f(x)$ on the interval $[0, 1]$. It is shown that the maximum value is attained at $x = 0$ and is equal to 1.

7. The seventh part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function, and its value is determined by the initial condition $f(0) = 1$.

8. In the eighth part, we consider the problem of finding the maximum value of the function $f(x)$ on the interval $[0, 1]$. It is shown that the maximum value is attained at $x = 0$ and is equal to 1.

9. The ninth part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a constant function, and its value is determined by the initial condition $f(0) = 1$.

10. In the tenth part, we consider the problem of finding the maximum value of the function $f(x)$ on the interval $[0, 1]$. It is shown that the maximum value is attained at $x = 0$ and is equal to 1.

Respondent is given **THIRTY (30) DAYS** from receipt of this Decision within which to settle the said amount. In addition, respondent is hereby ordered to secure from this Office the subject ECC and to temporarily **cease and desist** from its operations pending the issuance of the said ECC.

SO ORDERED. _____.

Tacloban City, Philippines.


LETECIA R. MACEDA
Regional Director

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