




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

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 01/25/2022
TIME: 9:03am

**IN RE: VIOLATION OF THE PROVISIONS
OF R.A 6969 OR THE TOXIC SUBSTANCES
AND HAZARDOUS AND NUCLEAR WASTE
ACT OF 1990 AND ITS IRR**

-versus-

MADISON PARK HOTEL, INCORPORATED

Brgy. 78, Manlurip, San Jose, Tacloban City, Philippines

Respondent.

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DECISION

This resolves the **Notice of Violation** dated **14 September 2021** issued by this Office against Madison Park Hotel, Incorporated, herein referred to as the "Respondent", for brevity, located in Brgy. 78, Manlurip, San Jose, Tacloban City, Philippines for the following violations:

- a. Failure to secure DENR I.D Registration as Hazardous Waste Generator, as required by **Paragraph (b), Section 3.3**, in relation to **Paragraph (i), Table 11.1, DENR Administrative Order No. 2013-22, R.A 6969**
- b. Failure to comply with Hazardous Waste Storage/Transport/Treatment and Disposal requirements, as required under **Chapter 6** (Storage and Labelling), in relation to Paragraph (i) of **Table 11.1, DENR Administrative Order No. 2013-22, Implementing Rules and Regulations of RA 6969.**

Statement of Facts

On **30 July 2021**, technical personnel from the Chemical & Hazardous Waste Management Section of this Office conducted a compliance monitoring upon herein respondent. The inspection report

alleges the above stated violations, among others. The report also notes that a Notice to Comply was previously issued to the respondent for the latter to be able to comply with the requirements. No Action Plan was submitted, however, nor compliance was made to the requirements despite the Notice to Comply. Consequently, the inspecting personnel recommended the issuance by this Office of a Notice of Violation.

On **14 September 2021**, this Office issued a Notice of Violation upon the respondent, and the latter was called to attend a Technical Conference/Hearing on **18 October 2021**. The respondent did not submit a position paper.

On **14 October 2021**, the respondent submitted a position paper under which the respondent explained that the hotel was at its maiden operations as it opened only last 08 June 2021 under the present pandemic condition. That respondent is now working double time to accomplish all that what was required of them by this Office.

On **18 October 2021**, a technical conference/hearing was conducted during which the respondent likewise explained that the main reason for the abovementioned violations was due to restrictions on mobility brought about by this pandemic and the difficulty in accessing the internet for online transactions. Moreover, the respondent alleged that the delay was caused by the resignation of its former Pollution Control Officer without a proper turnover of the documents and other information regarding their applications.

On the other hand, the inspecting personnel contended that a Notice to Comply was first afforded to the respondent, despite such, however, it still failed to comply. Hence, the present Notice of Violation.

Thereafter, the Hearing Officer submitted the case for the Decision of this Office and recommends affirming both violations and the imposition of the corresponding fine thereto, in view of the admission and failure of the respondent to contradict the findings.

Issues

Whether or not a DENR I.D Registration as Hazardous Waste Generator is secured/existing at the time of the inspection

Whether or not the Hazardous Waste Storage/Transport/Treatment and Disposal Requirements are complied with

Ruling

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

Here, the office records are clear that both requirements are yet to be complied with by the respondent at the time of the inspection. In fact, the same records will disclose that the respondent was only able to secure the DENR I.D as Hazardous Waste Generator last 11 November 2021. For failure, therefore, by the respondent to contradict the findings, both violations should be affirmed.

WHEREFORE, premises considered, this Office finds the respondent liable to both violations. Consequently, the respondent is hereby ordered to pay the amount of **TEN THOUSAND PESOS (PHP 10,000.00)** for failure to secure a DENR I.D Registration as Hazardous Waste Generator, pursuant to **Paragraph (i), Table 11.1, DAO No. 2013-22, R.A 6969.**

In addition, the amount of **TEN THOUSAND PESOS (PHP 10,000.00)** is likewise imposed against the respondent for failure comply with the storage/transport/treatment and disposal requirements, pursuant to **Paragraph (i) under Table 11.1 of DAO No. 2013-22.**

The respondent is hereby given **THIRTY (30) DAYS from receipt** of this decision within which to settle the total amount of **Twenty Thousand Pesos (Php 20,000.00)** before the EMB Regional Office No. VIII, located at the EMB Building, DENR Compound, Jones St. Tacloban City, Philippines.

SO ORDERED. JAN 21 2022.

Tacloban City, Philippines.


ENGR. REYNALDO B. BARRA
OIG- Regional Director