



ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY: \_\_\_\_\_  
DATE: 2-3-22  
TIME: 9:56

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

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

**DENR-PAB Case No.  
08-000145-21-W**

-versus-

FOR: Violation of  
**Paragraph (c),  
Section 27,  
R.A No. 9275**

**RAQ PIGGERY FARM**

Brgy. Barugohay Central, Carigara, Leyte  
*Respondent*

X- - - - -X

**ORDER**

For consideration before the Board is the water pollution case of respondent docketed as DENR-PAB Case No. **08-000145-21-W**.

**Facts**

Records of the case reveal that on **07 October 2021**, technical personnel from the Clearance and Permitting Division of the EMB Regional Office No. VIII conducted a desk review upon herein respondent's application for the renewal of its Wastewater Discharge Permit filed last **03 October 2021**. In the said inspection, it was alleged that the respondent is operating a facility that discharges regulated water pollutants without the required discharge permit since **12 September 2021**, for its previous permit expired a day prior. Hence, a Notice of Violation dated **09 November 2021** was issued stating the violation.

Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020 or the Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, in lieu of a technical conference/hearing, the respondent was directed to submit a position paper fifteen (15) days from receipt of the NOV.

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On **26 November 2021**, the respondent submitted a position paper under which it essentially asserts that it has not been in operation since **31 August 2021** because of the African Swine Fever. In support thereof, the respondent presented a Barangay Certification stating that the respondent stopped operations since **31 August 2021** due to the ASF.

Upon a careful review of the inspection report, the respondent's explanation, and such all other records and evidence of this case, the Hearing Officer submitted the case for the Order of the Board and is of the opinion that the respondent is not liable, based on ground which will be discussed hereunder.

### **RULING**

The Board, in turn, thru this Office, finds no cogent reason or legal justification to deviate from the opinion and recommendations of the Hearing Officer. The said opinion and recommendations are hereby adopted in the ruling of this case.

**Section 14 of DENR Administrative Order No. 2005-10<sup>1</sup>** provides, in part, for the following:

“Discharge Permits. - The Department shall require owners or operators of facilities that discharge regulated effluents pursuant to this Act to secure a permit to discharge. The discharge permit shall be the legal authorization granted by the Department to discharge wastewater: Provided, that the discharge permit shall specify among others, the quantity and quality of effluent that said facilities are allowed to discharge into a particular water body, compliance schedule and monitoring requirement.”

In addition, **Paragraph (c), Section 27 of R.A 9275** prohibits the act of:

“xxx

(c) Operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein;

xxx”

Based on the above-quoted prohibition, there are two (2) elements or acts which must concur in order to establish the liability of the violator. The following are the elements/acts:

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<sup>1</sup> Implementing Rules and Regulations of the Philippine Clean Water Act of 2004, R.A 9275



- (1) Operating a facility that discharges regulated water pollutants.
- (2) Without a valid wastewater discharge permit or after the permit was revoked for any violation of any condition therein.

Here, only one element is present. The Barangay Certification submitted by the respondent stating that it has stopped operations since **31 August 2021** is substantial evidence to contradict the allegation that it is operating a facility that discharges regulated water pollutants. Absent any of the two (2) elements, the respondent cannot be said to have violated the prohibition.

On the other hand, other than bare assertion, the findings of the desk review conducted failed to substantiate its claim that the respondent is operating in between the date of the expiration of the permit until the desk review was conducted.

**WHEREFORE**, after due deliberation, the Board hereby finds the respondent not liable to the violation. Accordingly, the alleged violation is hereby **DISMISSED** and the respondent is relieved from any liability arising therefrom. Notwithstanding, the respondent is hereby reminded to secure a Wastewater Discharge Permit prior to resumption of its operations.

The Legal Officer 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 31 2022.

By authority of the Secretary:

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