



ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: _____
DATE: 1-29-22
TIME: 12:50y
Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR Compound, Jones St. Tacloban City, Philippines



24 January 2021

THE COMPLAINANT/S

Re: TBK Manufacturing Corporation
Brgy. 74, Nula-Tula, Tacloban City, Philippines
E-mail: affectedresidentsoftbk@gmail.com

Dear **Sir/Madame**,

Environmental Greetings!

This has reference to an electronic mail which you have submitted to this Office on **07 January 2022**, seeking for clarifications or comments on several matters pertaining to a letter dated **15 December 2021** from this Office on the air pollution case involving **TBK Manufacturing Corporation** located in Nula-Tula, Tacloban City, Philippines.

The first question seeks to identify the location of the Pollution Adjudication Board (PAB). Thus, please be informed that the PAB is a quasi-judicial body exercising quasi-judicial functions, created under the Office of the Secretary of the Department of Environment and Natural Resources, stationed at the DENR Central Office located at the DENR Compound, Visayas Avenue, Diliman, Quezon City. It is composed of the DENR Secretary as Chairman, two (2) Undersecretaries designated by the Secretary, the Director of the Environmental Management, and three (3) others designated by the Secretary as members.

The Board is the independent central authority for pollution cases and a body corporate with administrative autonomy, mandated to exercise the powers and functions of the Commission/Commissioners of the National Pollution Control Commission with respect to the adjudication of pollution cases under **Republic Act 3931** and **Presidential Decree 984**, particularly with respect to Section 6 letters e,f,g,j,k and p of P.D. 984. It also has the power, among others, to issue subpoena, to cite in contempt those guilty of disrespect toward the Board or Officer, refusal to be sworn or to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, to impose fines and other sanctions and to issue cease and desist order.

The second and third questions, meanwhile, seek that you be apprised of the matters which took place prior to the present status of the case, such as but not limited to the case number, orders issued to the respondent and the compliance thereof; and for a copy of the decision once issued, respectively. Considering the pendency of the case, however, this Office respectfully suggests that you obtain the said information that you seek from the Pollution Adjudication Board itself.

At any rate, a copy of the case records, such as the case Decision, may be furnished to you once available and the case has attained finality, provided that

the relevant requirements under the **DENR Freedom of Information Manual, DENR Administrative Order No. 2016-29** are complied with.

With the fourth question, it is correct that **Section 2.B, PAB Resolution No. 1, Series of 2010**, provides for the expanded powers of the Board which includes the power to issue an ex-parte order for closure, suspension of development or construction, or cessation of operations for violation of the Clean Air Act. But whether or not there are grounds or merit to issue the *ex parte orders* mentioned, in accordance with the requirements of the law, is a matter which remains to be determined by the Board and by the Board alone, and this Office, does not in any way, intend to interfere on that function of the Board. The Board shall ultimately speak through its decision.


It is incorrect, however, to conclude that there is a finding of an exceedance of the emission standards set by the Department as stated in the Decision dated September 4, 2020, to which the respondent admitted saying that it failed to effect sufficient precautionary measures which led to the emission of fugitive particles. The case before the Board involves the emission of fugitive particles, and not an exceedance of the emission standards. Both are entirely different concepts with entirely different elements. An elaboration may be necessary but considering that the case is now pending before the Board, it must be permitted to proceed with the disposition of its business in an orderly manner free from comments and disclosures pertaining to the proceedings in order to avoid prejudging the issue, influencing the Board, or obstructing the administration of justice.

Thus, on that note, it is highly encouraged that you veer on the side of caution and refrain from attempting to substitute personal opinion over technical matters whose determination requires the expertise, specialized training and knowledge of an administrative body, the Pollution Adjudication Board.

Lastly, this Office is likewise in receipt of another electronic mail which you have submitted on **13 January 2022**. Considering, however, that it is submitted as a comment to the letter of the Board dated 10 January 2022, this Office deems it proper to endorse the same to the Board for its information and appropriate action.

For your information and reference. Thank you for your cooperation.

Respectfully,

for: 
ENGR. REYNALDO B. BARRA
OIC- Regional Director

Copy furnished:

ATTY. MARILYN E. TALDO
Director IV
Civil Service Commission, Region VIII
Government Center, Candahug, Palo, Leyte

FOR. TIRSO P. PARIAN, JR.
Regional Executive Director
DENR Region VIII
Sto. Extension, Tacloban City, Philippines
ored@yahoo.com

ATTY. JANICE REGOSO-PAMMIT
Board Secretary
Pollution Adjudication Board