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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 AIR POLLUTION  
 CONTROL AND  
 ABATEMENT CASE**

**DENR-PAB Case No.  
08-000046-21-A**

-versus-

FOR: Violation of  
**Section 12,  
 Rule XIX, DAO  
 No. 2004-26,  
 IRR OF R.A  
 8749**

**CSJ GASOLINE STATION**

Brgy. Manhattan, Maasin City, Southern Leyte  
*Respondent.*

X- - - - -X

**ORDER**

For consideration before the Board is the water pollution case of respondent docketed as DENR-PAB Case No. **08-000046-21-A** for non-submission of Self-Monitoring Report (SMR) for 4<sup>th</sup> Quarter Self-Monitoring Report (SMR) for calendar year **2020**.

Records of the case reveal that on **02 February 2021**, technical personnel from the Provincial Environmental Management Unit-Southern Leyte of the EMB Regional Office No. VIII conducted a compliance monitoring inspection upon herein respondent. The findings revealed the non-submission by the respondent of the Self-Monitoring Report 4<sup>th</sup> Quarter Self-Monitoring Report (SMR) for calendar year **2020**. Consequently, the EMB Regional Office issued a Notice of Violation dated **19 August 2021** 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.

CSJ GAS STATION  
 Brgy. Mantahan, Maasin City, Southern Leyte  
 DENR-PAB Case No. **08-000046-21-W**

On **20 September 2021**, the respondent submitted a position paper under which it contended that the failure or non-submission of the Self-Monitoring report was due to the erroneous website furnished by the Provincial Environment Monitoring Unit (PEMU) personnel to which they were supposed to submit the said 4th Quarter Report. Efforts to contact and ask for the correct website were exerted but were proved futile. They were only able to obtain the valid and existing website after the issuance of the Notice of Violation citing the failure or non-submission of SMR. Respondent then asks that they be allowed to submit the same.

Upon a thorough review of the inspection report and such all other available evidence on record, the Hearing Officer submitted the case for the Order of the Board, thru this Office, and is of the opinion that the alleged violation must be dismissed, and the Respondent be relieved from any liability, there being a lawful ground to do the same.

### **RULING**

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

**Section 12, Rule XIX of DENR Administrative Order No. 2004-26, Implementing Rules and Regulations of R.A 8749 or the Philippine Clean Air Act of 1999** requires that the owner or the pollution control officer in charge shall keep a record of its operational data and control test indicating its operational efficiency and shall furnish a copy of the same to the EMB quarterly.

**Section 47 of R.A 8749**, meanwhile, provides that "For violations of all other provisions provided in this Act and of the rules and regulations thereof, a fine of not less than Ten thousand pesos (P10,000) but not more than One Hundred Thousand Pesos (P100,000) or six (6) months to six (6) years imprisonment or both shall be imposed. xxx", subject to the provisions of **PAB Resolution No. 01-2019**.

Here, office records of the EMB Regional Office will reveal that no SMR submission has been made by the respondent for the calendar year 2020. There is likewise no showing to the contrary by the respondent.

Notwithstanding, however, the alleged violation must be dismissed for **Section 2, PAB Resolution No. 2021-03** provides that



Fines and other Monetary Penalties for non-filing or late filing of Self-Monitoring Report (SMR) as required by the Clean Air Act (R.A 8749) and the Clean Water Act (R.A 9275) during the existence of the community quarantine shall be waived. However, the establishment is still required to submit their Self-Monitoring Reports, either Manual or Online, during the effectivity of this Resolution.

**WHEREFORE**, after due deliberation, the Board hereby resolves to **DISMISS** the alleged violation and the respondent be relieved from any liability.

In addition, the respondent is hereby directed to submit a Self-Monitoring Report for the fourth (4<sup>th</sup>) quarter of 2020, assuming a submission is yet to be made. The respondent is likewise directed to ensure the subsequent submission of the SMRs. Otherwise, any future similar infractions shall be dealt with severely by law.

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. FEB 17 2022.

By authority of the Secretary:

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