



## NOTICE OF VIOLATION

MAR 21 2022

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY: [Signature]  
DATE: 3/21/2022  
TIME: 2:17pm

### GEOFFREY MARGALLO COMMERCIAL SAND AND GRAVEL EXTRACTION PROJECT

Brgy. Cangumbang, Palo, Leyte

Thru: **GEOFFREY MARGALLO**  
Managing Head

**ELIZABETH MARGALLO**  
Designated Pollution Control Officer

Sir/Madame:

This notice is being served upon you for alleged violation of the provision of **P.D 1586** otherwise known as the Philippine Environmental Impact Statement System, based upon the compliance inspection conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQS) of this Office last **03 February 2022**.

### ACTS CONSTITUTING THE VIOLATION

Findings	Prohibited Acts
Failure to submit the required <b>Self-Monitoring Report (SMR)</b> , which must be complied with during the first week of every succeeding quarters.	Violation of ECC General Condition No. 4, DENR Administrative Order (DAO) 2003-30, Implementing Rules and Regulations of <b>P.D 1586</b> .

The foregoing considered, and in accordance with the relevant provisions of **EMB Memorandum Circular No. 2020-21<sup>1</sup>**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **within Fifteen (15) days from receipt hereof**, your defense/position to the alleged violation/s which is punishable by a fine of **not less than Ten Thousand Pesos (P10,000.00) nor more than Fifty Thousand Pesos (P50,000.00)** for the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to [embr8\\_records@emb.gov.ph](mailto:embr8_records@emb.gov.ph), copy furnished [embr8\\_legal@emb.gov.ph](mailto:embr8_legal@emb.gov.ph), to expedite the submission. Further, you or your authorized representative is hereby summoned to attend, in person, a technical conference/hearing before this Office on April 11, 2022 at 10 am.

However, in light of **Proclamation No. 922**, “**Declaring a State of Public Health Emergency throughout the Philippines**”, and the implementation of Community Quarantine in Region VIII as a measure to combat the COVID-19 Disease, **you are also given an option to attend in the scheduled technical conference via internet video conference**. In case you choose for the latter mode, please submit an e-mail to [embr8\\_legal@emb.gov.ph](mailto:embr8_legal@emb.gov.ph) immediately upon receipt hereof, to signify such intention and an electronic internet address link shall then be provided to you.

Please be informed that pursuant to **Section 5, Item VII** of **EMB Memorandum Circular No. 2020-21**, your failure to appear during the scheduled technical video conference shall be construed as waiver of your right to contest the findings and the case shall be decided based on the available evidence on record.

Please be guided accordingly.

Very truly yours,

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

<sup>1</sup> Supplemental Rules of the EMB Manual of Uniform Procedures for COVID-19 Pandemic

	<b>ENVIRONMENTAL MANAGEMENT BUREAU REGION 8</b> <b>COMPLIANCE INSPECTION FOR EIA</b>	
--	---	--

Department: ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: \_\_\_\_\_

Date of Inspection: February 3, 2022

Mission Order No.: EMBR8-2022-005272

<b>1. GENERAL INFORMATION</b>		
Name of Establishment: <b>COMMERCIAL SAND &amp; GRAVEL EXTRACTION</b> <i>(Proponent: Geoffrey Margallo)</i>		
Address: <b>Brgy. Cangumbang, Palo, Leyte</b>		Geo Coordinates:
Nature of Business: <b>Resource Extractive</b>		
PSIC Code:	Product:	Year Established:
Operating hours/day: <b>N/A</b>	Operating days/week: <b>N/A</b>	Operating days/year: <b>N/A</b>

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Name of Managing Head:	<b>GEOFFREY A. MARGALLO</b>	
Name of PCO:	<b>ELIZABETH MARGALLO</b> <i>(Designated PCO)</i>	
PCO Accreditation No.:	-	Date of Effectivity:-
Phone/Fax:	<b>(0910) 660-3174</b>	Email: -

<b>2. PURPOSE OF INSPECTION</b>		
<input type="checkbox"/> Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification		
<input type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> PMPIN Application <input type="checkbox"/> Hazardous Waste ID Registration <input type="checkbox"/> Hazardous Waste Transporter Registration <input type="checkbox"/> Hazardous waste TSD Registration <input type="checkbox"/> Permit to Operate Air Pollution Control Installation <input type="checkbox"/> Discharge Permit <input type="checkbox"/> Others _____	<b>New</b>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<b>Renewal</b>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>

<input type="checkbox"/> Determine compliance status with the environmental regulations, permit conditions, and other requirements <input type="checkbox"/> Investigate community complaints <input type="checkbox"/> Check status of voluntary commitment <input type="checkbox"/> Industrial Ecowatch <input type="checkbox"/> Philippine Environmental Partnership Program (PEPP) <input type="checkbox"/> Pollution Adjudication Board (PAB) <input type="checkbox"/> Others _____ <input type="checkbox"/> Others _____	
Name of Contact Person	<b>ELIZABETH MARGALLO</b>
Position / Designation	Designated PCO



3. COMPLIANCE STATUS  
3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1010-0142	11-02-2010	
	ECC2			
	ECC3			
RA 6969	DENR Registry ID			
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.			
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.			

Legal Reference (Revised DAO 2003-30)	Compliance Requirements	Compliant?			Remarks
		Y	N	N/A	
Chapter 2-3 19) a) (i)	Does the establishment submit Compliance Monitoring Report (CMR) semi-annually to EMB?		✓		
	Does the CMR include an assessment of the following:				
	a) Performance against the ECC conditions?		✓		
	b) Performance against the Environmental Management Plan (EMP)		✓		
	c) Performance against the monitoring of actual impacts (including residual impacts) as against predicted impacts in the Environmental Impact Assessment (EIA) Report and as related to current project operations?		✓		
DAO 2003-30 Chapter 2-3 19) a) (ii) and DAO No. 2003-27	Does the establishment submit to the concerned EMB Regional Office detailed report on compliance to environmental standards specific to environmental laws through the quarterly Self-Monitoring Report (SMR)?		✓		
Chapter 2-3 19) a) (iii)	Does the establishment submit semi-annual CMRs as part of Module 5 of the second and fourth quarter SMRs?		✓		
	Does the second CMR include simple trend analysis of the environmental standards and a summary of the cumulative annual and historical performance/compliance analysis on key environmental and social parameters?		✓		
Chapter 2-3 19) a) (iv)	Was the first CMR submitted mid-year after the start of project implementation (except for ECC commitments/conditions, which need to be submitted prior to project start-up)?		✓		
	Did the establishment notify EMB on the start-up date of project implementation?		✓		
	Is the establishment required a Multi-Partite Monitoring Team (MMT) (ECC condition)?		✓		
	Has the MMT been established through a signed Memorandum of Agreement (MOA)?			✓	

	Is the MMT MOA in accordance with the prescriptions?			✓	
	Has the establishment facilitated the operationalization of an MMT Manual of Operations (MOO) based on prescribed Guidelines including the use of Compliance Monitoring and Validation Report (CMVR)			✓	
	Has an Environmental Monitoring Fund (EMF) been established and operationalized based on prescribed guidelines?			✓	
	Is the establishment required an Environmental Guarantee Fund (EGF) (ECC condition)?			✓	
	Has an EGF been established?			✓	
<b>Chapter 2-3 19) b) (iii)</b>	Does the establishment address complaints, exceedance of standards, and/or suspicious data?			✓	

Compliance to ECC Conditions and EMP Commitments (Revised DAO 2003-30)						
ECC/EMP Condition/ Requirement Categorization	Relevant ECC Condition/s (if any)		Compliant			Proof of Compliance
	No.	Description	Y	N	N/A	
1) Project coverage/limits					✓	
2) Components					✓	
3) Other sectoral requirements mandated by other agencies to be complied with					✓	
4) EMP and updates as deemed required					✓	
5) Conduct of baseline, compliance and impact self-monitoring					✓	
6) Multi-sectoral Monitoring (as may be required)					✓	
7) Regular reporting				✓		
8) Institutional arrangements necessary for implementation of environmental management measures					✓	
9) Standard DENR requirement on transfer of ownership					✓	
10) Standard DENR requirement on abandonment					✓	
11) Impact Mitigation Plan or Construction/Contractor's Environmental Program					✓	
12)Social Development Plan (SDP)					✓	
13) Information, Education and Communication (IEC) Plan					✓	
14)Contingency/Emergency Response Plan or equivalent Risk Management Plan					✓	
15) Abandonment Plan (when applicable)					✓	
16) Environmental Monitoring Plan (EMoP)					✓	


<p><b>Other Observations:</b></p> <ol style="list-style-type: none"> <li>1. This office had issued an Environmental Compliance Certificate (ECC) with reference number: <b>ECC-R08-1010-0142</b> issued on <b>November 2, 2010</b> to <b>GEOFFREY MARGALLO</b> for the Sand and Gravel Extraction located at <b>Brgy. Cangumbang, Palo, Leyte</b>.</li> <li>2. The ECC was amended on which increased the proponent's annual extraction rate from <b>1000 cubic meters</b> to <b>2,000 cubic meters</b> last <b>July 31, 2018</b>.</li> <li>3. Based on office records, no submission of CMR.</li> </ol>
<p><b>Remarks and Recommendations:</b></p> <p>To issue a Notice of Violation to <b>GEOFFREY MARGALLO COMMERCIAL SAND AND GRAVEL</b> for Non-submission of the Self Monitoring Report (SMR) in violation of <b>ECC General/EmMop Condition/Restriction B.4 of ECC-R08-1010-0142</b>, in relation to <b>Section 9, P.D 1586</b>, and in relation further to <b>Table 2-3, Item 33, Chapter 2.5 of EMB Memorandum Circular No. 002-Series of 2007 (Procedural Manual for DAO 2003-30)</b>.</p>
<p><b>List of Documents Reviewed:</b></p> <p>Copy of ECC</p>

Prepared by:




**JEROME C. SALVADOR/ Engr. CARLOS A. CAYANONG**  
Source Emission Monitoring Specialist/ Chief, WAQMS

Approved by:



**FOR: MANUEL J. SACEDA, JR.**  
OIC-Chief, EMED

Noted by:



**REYNALDO B. BARRA, PME**  
OIC-Regional Director