



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: 2-3-22
TIME: 4:55

**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-

EASTERN SAMAR ELECTRIC COOPERATIVE

Brgy. Cabong, Borongan City, Eastern Samar

Respondent.

X-----X

DECISION

This resolves the **Notice of Violation** dated **14 September 2021** issued by this Office against the Eastern Samar Electric Cooperative, herein referred to as the "Respondent", for brevity, located in Brgy. Cabong, Borongan City, Eastern Samar 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 **11 June 2021**, technical personnel from the Chemical & Hazardous Waste Management Section of this Office conducted a compliance monitoring upon herein respondent ESAMELCO. The inspection report alleges the above stated violations, among others.

The report also notes that similar infractions were previously committed by the same respondent, a Notice of Violation was likewise previously issued for it, and a fine amounting to Fifty Thousand Pesos (Php 50,000.00) was imposed by this Office and paid for by the respondent. Despite these, however, the respondent still failed to comply with the subject requirements. 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 **18 October 2021**, a technical conference/hearing was conducted via a virtual platform, during which the respondent admitted and recognized the findings constituting the violations.

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. The admission likewise by no less than the respondent strengthens its liability under these violations. For failure, therefore, by the respondent to contradict the findings, both violations should be affirmed.

WHEREFORE, premises considered, this Office finds the respondent liable for both cited 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.

Lastly, the respondent is hereby forewarned that any similar infractions in the future brought by the respondent's deliberate refusal to comply with the lawful requirements and orders of this Office shall warrant the filing of the appropriate legal action in court. Thus, the respondent is directed to comply with the requirements involved and such all other requirements under the mandate of this Office.

SO ORDERED. JAN 28 2022.

Tacloban City, Philippines.


ENGR. REYNALDO B. BARRA
OIC-Regional Director