



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. 08-000068-21-W**

-versus-

FOR: Violation of R.A 9275 and its  
Implementing Rules and  
Regulations

**PIÑA DEL SOL PHILIPPINES, INCORPORATED**

Brgy. Luna, Ormoc City, Leyte  
*Respondent*

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY:   
DATE: 01/25/2022  
TIME: 8:43am

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**RESOLUTION**

Under consideration is the Motion for Reconsideration filed before this Office on **24 November 2021** by **PIÑA DEL SOL PHILIPPINES, INCORPORATED**, hereinafter referred to as "Respondent" for brevity, requesting for the reconsideration of the **29 October 2021** Order rendered by the Board, thru the EMB Regional Office No. VIII, upon the Notice of Violation dated **05 August 2021** issued against herein Respondent for the following violation:

- (a) Operating without a valid Wastewater Discharge Permit since **20 April 2020**, in violation of **Paragraph (c), Section 27 of R.A 9275**, otherwise known as the **Philippine Clean Water Act of 2004**

**ANTECEDENT FACTS**

The Motion for Reconsideration is anchored on the following factual antecedents:

On **29 October 2021**, the Pollution Adjudication Board, thru this Office issued an Order on the above-mentioned violation against herein Respondent. In the said Order, the Board affirmed the violation and has ordered the Respondent to pay a fine amounting to **THIRTY-NINE THOUSAND PESOS (Php 39, 000.00)** for a two (2) year violation. In addition, the Board ordered the Respondent to temporarily cease and desist from discharging wastewater absent or pending issuance of the wastewater discharge permit.

Aggrieved, the Respondent filed the instant Motion for Reconsideration. In substance, the Respondent laments that the

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lapses incurred was not in any manner intentional but based on circumstances which happened through the pandemic occurrence that has greatly affected its operations, including processing of all documentary requirements.

## **RULING**

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Operating facilities that discharge regulated water pollutants without the valid required permits or after the permit was revoked for any violation of any condition therein;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

As cited in the issued Order, only two (2) elements must concur in order to establish the liability of the violator to the above-quoted prohibition. The following are the elements:

- (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, both elements are sufficiently established and there is no evidence showing the contrary.

The Board assures movant-respondent that it has taken all the aforesaid matters into consideration and is not insensitive thereto, including its *argumentum ad misericordiam*<sup>1</sup>. It feels, however, that there is more than ample substantiation for the findings of the Inspector and the Hearing Officer, and compelling legal warrant to impose an administrative penalty.

It must be stressed that the law does not provide for any exemption whatsoever. Where it is clear from the records and the inspection report that respondent has no valid wastewater discharge permit at the time of the inspection or renewal application, to relieve respondent from the liability accompanying the violation is tantamount to a grant of an exemption to respondent on the grounds of business/financial standing and the personal circumstances of its

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<sup>1</sup> "Argument to pity." An argument that derives its force from an appeal to a sense of pity or sympathy. <https://www.oxfordreference.com/view/10.1093/acref/9780195369380.001.0001/acref-9780195369380-e-259>



agents, and thus, would be contrary to law and policies, which has serious legal consequences.

In addition, the amount imposed is already the minimum amount of the fines provided for by law and any reduction of the same would be illegal. It shall also be within the best interest of the Respondent to immediately settle the fine or risk being found operating without the permit subject of this case by a subsequent inspection that may be conducted by this Office at any given time.

**WHEREFORE**, the foregoing premises considered, the Motion for Reconsideration is **DENIED**. Accordingly, the Respondent is hereby ordered to pay the amount of **THIRTY-NINE THOUSAND PESOS (Php 39, 000.00)** within **ten (10) days from receipt hereof**.

Respondent is directed to pay at the Environmental Management Bureau located at DENR Compound, EMB Building, Jones St. Brgy. 02, Tacloban City, Philippines. In addition, the Respondent is hereby directed to secure a Temporary Wastewater Discharge Permit and to cease and desist from discharging wastewater pending issuance of the same.

The Legal Officer and/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 21 2022.

By authority of the Secretary:

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