



ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY: \_\_\_\_\_  
DATE: 1-28-22  
TIME: 2:41  
Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**  
Regional Office No. VIII  
Tacloban City, Philippines  
-o0o-

**IN RE: VIOLATION OF ENVIRONMENTAL  
COMPLIANCE CERTIFICATE GENERAL  
CONDITION NO. 4, DENR ADMINISTRATIVE  
ORDER NO. 2003-30, PRESIDENTIAL  
DECREE NO. 1586**

**CHARLES JENSEN WHITE COMMERCIAL SAND AND GRAVEL  
EXTRACTION PROJECT**

Brgy. Gayam, Taft, Eastern Samar

*Respondent.*

X- -----X

**DECISION**

This resolves the **Notice of Violation** dated **21 October 2021** issued by this Office against Charles Jensen White Commercial Sand and Gravel Project, herein referred to as the "Respondent", for brevity, located in Brgy. Gayam, Taft, Eastern Samar for the following violation:

- a. Non-submission of Compliance Monitoring  
Report to this Office, as required under ECC  
General Condition No. 4**

**Statement of Facts**

An **Environmental Compliance Certificate (ECC)** is a decision document issued to the Proponent after thorough review of the EIA Report. It outlines the commitments of the proponent which are necessary for the project to comply with existing environmental regulations or to operate within best environmental practice that are not currently covered by existing laws. It contains specific measures and conditions that the project Proponent has to undertake before and during the operation of a project, and in some cases, during abandonment phase, to mitigate adverse environmental impacts.

One of the salient features of an ECC are conditions and restrictions, which the Proponent has conformed to implement mitigating measures for potentially negative impacts and/or enhancement measures for potentially positive impacts as identified in the Environmental Impact Assessment Report.

## DECISION

In re violation of the provisions of P.D 1586  
vs Shella Tobes Commercial SAG, Bobon, Northern Samar

On **20 April 2021**, personnel from the Provincial Environmental Management Unit- Eastern Samar conducted a compliance inspection for Environmental Impact Assessment upon herein Respondent. The report of the inspection revealed the Respondent's non-compliance with the above-stated ECC Condition. Consequently, the inspecting personnel recommended the issuance by this Office of a Notice of Violation.

On **21 October 2021**, this Office issued a Notice of Violation to Respondent, and the latter was called to attend a Technical Conference/Hearing on **15 November 2021**. Respondent, however, failed to appear before this Office on the schedule of the technical conference.

On **01 December 2021**, the respondent submitted a position paper under which it explains that it was not able to push through with the said undertaking from the issuance of the ECC due to several reasons. The respondent further revealed that it even applied for the cancellation or cessation of registration of a sand and gravel business registered under its name which was granted accordingly.

Hence, the Hearing Officer submitted the case for the Decision of this Office and recommends dismissing the alleged violation and relieving the respondent from liability thereto.

### Issue

Whether or not Respondent submitted a Compliance Monitoring Report, as required by ECC General Condition No. 4.

### Ruling

**General Condition No. 4** of **ECC-R08-2403-0022** requires the submission of a Compliance Monitoring Report to this Office semi-annually to this Office.

Under **Item no. 19** on the **Roles and Responsibilities** of the Project Proponents, **Section 2.3**, of **EMB Memorandum Circular No. 002, Series of 2007**<sup>1</sup>, the **First CMR shall be submitted mid-year after the start of the project implementation**.

Here, the respondent was not yet under obligation to submit the CMR considering that it was not able to push through with the

---

<sup>1</sup> Revised Procedural Manual for DENR Administrative Order No. 30, Series of 2003.



DECISION

In re violation of the provisions of P.D 1586  
vs Shella Tobes Commercial SAG, Bobon, Northern Samar

implementation of the project. Hence, the alleged violation must be dismissed.

**WHEREFORE**, premises considered, this Office finds the respondent not liable to the violation. The alleged violation is hereby **DISMISSED**, and the respondent is relieved from any liability.

Notwithstanding the dismissal, however, the respondent is enjoined of its compliance with all other conditions and restrictions of the ECC, as compliance therewith continues to bind the respondent from the time the ECC was issued and for the lifetime of the ECC.

Be it known to the respondent that under **Section 5.4.3 of DENR Administrative Order No. 2003-30**, or the Implementing Rules and Regulations (IRR) of the Philippine Environmental Impact Statement (EIS) System, the ECC of a project not implemented within five (5) years from its date of issuance is deemed expired. The proponent shall have to apply for a new ECC if it intends to pursue the project. The reckoning date of project implementation is the date of groundbreaking, based on the proponent's work plan as submitted to the EMB.

An official declaration must first be made by this Office that the ECC is cancelled before a proponent of an ECC may be relieved from compliance with the conditions and restrictions contained therein, such declaration must either emanate from an inspection conducted by personnel of this Office or by a positive act from the respondent seeking to be relieved from compliance with the same conditions and restrictions.

Considering the circumstances mentioned by the respondent, where it appeared to have permanently abandoned the project, there may be a need for the respondent to file for an ECC Relief before this Office so that a cancellation of the ECC may be initiated and thereafter the respondent may be relieved from compliance therewith. Hence, the respondent is hereby notified.

The Legal Officer or any of his authorized representative/s is hereby directed to serve this Order within seventy-two hours from receipt hereof.

**SO ORDERED.** JAN 27 2022

Tacloban City, Philippines.

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