



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
Tacloban City, Philippines
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ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: *[Signature]*
DATE: 01/06/2022
TIME: 8:33am

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

-versus-

FAMILIA HOMES, INCORPORATED

Brgy. Sherwood, Albueria, Leyte
Respondent.

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DECISION

This resolves the **Notice of Violation** dated **19 August 2021** issued by this Office against Familia Homes, Incorporated, herein referred to as the "Respondent", for brevity, located in Brgy. Sherwood, Albueria, Leyte for the following violation:

**a. Non-submission of Compliance Monitoring
Report, as required by ECC Condition No. 6**

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 must 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.

On **05 May 2021**, technical personnel from this Office conducted a compliance inspection upon herein Respondent. 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.

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On **19 August 2021**, this Office issued a Notice of Violation upon Respondent, and the latter was called to attend a Technical Conference/Hearing on **14 September 2021**.

On **14 September 2021**, the technical conference was conducted during which the respondent moved instead that it be given an addition period of time to submit a position paper. The Hearing Office granted the request and afforded the respondent a period of ten (10) days from the date of the technical conference within which to submit the position paper.

On **05 October 2021**, the respondent submitted a letter-request to this Office requesting once again for an extension of time to submit the position paper. This Office granted the same request.

On **11 October 2021**, the respondent submitted the position paper under which it admitted that the company failed to submit a CMR/SMR due to temporary stoppage of its full business operation and a change of management due to the death of a major stockholder.

Hence, the Hearing Officer submitted the case for the Decision of this Office and recommends affirming the alleged violation and the imposition of the corresponding fines thereto.

Issue

Whether Compliance Monitoring Reports were submitted, as required by ECC Condition No. 6

Ruling

Condition No. 6 of ECC-08-031217-0171 mandates the compliance with the said condition.

In this case, a perusal of the records of this Office will then disclose the failure of the Respondent to comply with the condition. The respondent likewise admitted the violation. Respondent's contention that the violation was brought about by the temporary cessation of business operation along with change of management and of the occurrence of COVID 19 pandemic is of no moment because the records are clear that even at the time prior to the occurrence of the unfortunate events mentioned by respondent, no submission has been made at all.

Hence, there being no showing to the contrary, the Respondent should be held liable to the violation.

WHEREFORE, premises considered, this Office finds the Respondent liable to the violation. Consequently, the Respondent is hereby ordered to pay the fine of **TEN THOUSAND PESOS (Php10,000.00)** as penalty for violating an administrative condition in the

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Environmental Compliance Certificate (ECC) which is classified as a Minor Offense that will not have a direct significant impact on the environment but can impede or delay compliance against other ECC conditions and/or EMP Commitments which the Proponent is required to comply or can prevent/deter EMB from performing monitoring or audit functions on the Proponent's environmental performance.

This is in accordance with the definition provided for under **Section 2.5, Item no. 32, Paragraph (d) (i) (1) of the Revised Procedural Manual for DAO 2003-30, Implementing Rules and Regulations of P.D 1586 or the Philippine Environmental Impact Statement System**

The Respondent is hereby given **THIRTY (30) DAYS FROM RECEIPT** of this decision within which to settle amount imposed. The Respondent is also enjoined of its compliance, not only with the condition herein involved, but to all other conditions and restrictions of its ECC.

Otherwise, any similar future infractions shall be dealt with severely in accordance with law or may warrant the **suspension/cancellation of Respondent's ECC.**

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 03 2022

Tacloban City, Philippines.


ENGR. REYNALDO B. BARRA
OIC- Regional Director