



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. 08-000099-21-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: *[Signature]*  
DATE: 01/21/2022  
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 **02 November 2021** Order rendered by the Board, thru the EMB Regional Office No. VIII, upon the Notice of Violation dated **25 August 2021** issued against herein Respondent for the following violation:

- (a) Non-submission of Self-Monitoring Report (SMR) for the period **January 2021 to March 2021** (1<sup>st</sup> quarter of 2021), in violation of **Paragraph (m), Section 27 of R.A 9275**, in relation to **Section 28** thereof and in relation further to **Pollution Adjudication Board Resolution No. 01 Series of 2019**

## **ANTECEDENT FACTS**

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

On **02 November 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 **NINETEEN THOUSAND FIVE HUNDRED PESOS (Php 19, 500.00)**.

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

**PIÑA DEL SOL PHILIPPINES, INCORPORATED**  
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DENR-PAB Case No. 08-000099-20-W

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**

**Rule 14.16, Section 14 of DENR Administrative Order No. 2005-10<sup>1</sup>** provides that the Regional Office shall require the permittee to submit a quarterly self-monitoring report on a prescribed form under oath signed by the Managing Head and the Pollution Control Officer or any registered chemical or sanitary engineer as designated/assigned by the Managing Head or the PCO. The rule further provides that the Self-Monitoring Report shall be submitted to the Regional Offices within fifteen calendar (15) days after the end of each quarter.

Meanwhile, **Paragraph (m), Section 27 of R.A 9275** prohibits the act of:

“xxx

(m) Refusal or failure to submit reports whenever required by the Department in accordance with this Act

xxx”

Here, office records of the EMB Regional Office will reveal that no SMR submission has been made by the respondent for the first quarter of 2021.

Notwithstanding, however, the alleged violation must be dismissed for **Section 2, PAB Resolution No. 2021-03**, issued on 01 September 2021, provides that Fines and other Monetary Penalties for non-filing or late filing of Self-Monitoring Report (SMR) as required by the Clean Air Act (R.A 8749) and the Clean Water Act (R.A 9275) during the existence of the community quarantine shall be waived. However, the establishment is still required to submit their Self-Monitoring Reports, either Manual or Online, during the effectivity of this Resolution.

**WHEREFORE**, the foregoing premises considered, the Motion for Reconsideration is **GRANTED**, not based on grounds relied to by the respondent, but based on **Section 2, PAB Resolution No. 2019-**

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<sup>1</sup> Implementing Rules and Regulations of R.A 9275

03. Accordingly, the alleged violation is hereby **DISMISSED**, and the respondent is relieved from any liability.

Notwithstanding, the respondent is hereby directed to submit all Self-Monitoring Report for calendar year 2021, assuming submissions are yet to be made.

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

PIÑA DEL SOL PHILIPPINES, INCORPORATED  
Brgy. Luna, Ormoc City, Leyte  
DENR-PAB Case No. 08-000068-20-W