




Republic of the Philippines  
Department of Environment and Natural Resources  
**POLLUTION ADJUDICATION BOARD**  
DENR Compound, EMB Building, Visayas Avenue  
Diliman, Quezon City

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY:   
DATE: 01/25/2022  
TIME: 10:12am

**IN THE MATTER OF  
THE AIR POLLUTION  
CONTROL AND  
ABATEMENT CASE**

**DENR-PAB Case No.  
08-000068-21-A**

-versus-

**FOR: Violation of  
Section 1, Rule XIX,  
DAO No. 2004-26,  
R.A No. 8749**

**BUMBLE V GAS STATION (OILWELL 88, INCORPORATED)**

Brgy. Sta. Cruz, San Juan, Southern Leyte

*Respondent.*

X- ----- X

**ORDER**

For consideration before the Board is the air pollution case of Respondent docketed as DENR-PAB Case No. **08-000068-21-A**.

Records of the case reveal that on **12 May 2021**, technical personnel from the Provincial Environmental Management Unit-Southern Leyte conducted a compliance inspection for Air Quality Management upon herein respondent. The inspection revealed the existence of underground fuel tanks, but allegedly without a Permit to Operate Air Pollution Source and Control Installation. Consequently, a Notice of Violation was issued on **02 September 2021** stating the violation.

Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020** or the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, in lieu of a technical conference/hearing, the Respondent was directed to submit a position paper fifteen (15) days from receipt of the NOV.

Respondent, however, failed to submit a position paper. The records of the EMB Regional Office will show that the Respondent, thru one **Rose Anne Joy Lerum**, was properly served with the NOV last **07 September 2021**. Hence, such failure to submit a position paper, despite receipt of the NOV, constitutes a waiver of its right to contest the findings.

BUMBLE V GAS STATION (OILWELL 88, INCORPORATED)  
Brgy. Sta. Cruz, San Juan, Southern Leyte  
DENR-PAB Case No. **08-000068-21-A**

Upon a thorough review of the desk review report and such all other available evidence on record, the Hearing Officer submitted the case for the Order of the Board, thru this Office, and is of the opinion that the alleged violation must be affirmed, and the Respondent should be held liable, there being a lawful ground to do the same.

## **RULING**

The Board, in turn, thru this Office, finds no cogent reason or legal justification to deviate from the opinion and recommendations of the Hearing Officer. The said opinion and recommendations are hereby adopted in the ruling of this case.

**Section 1, Rule XIX of DAO No. 2004-26 (IRR of R.A 8749)** requires that all sources of air pollution must have a valid permit to operate issued by the EMB Regional Director. **Section 47 of R.A 8749**, meanwhile, provides that "For violations of all other provisions provided in this Act and of the rules and regulations thereof, a fine of not less than Ten thousand pesos (P10,000) but not more than One Hundred Thousand Pesos (P100,000) or six (6) months to six (6) years imprisonment or both shall be imposed. xxx", subject to the provisions of **PAB Resolution No. 01-2019**.

Here, the existence of the underground fuel tanks, an Air Pollution Sources and Control Installation is apparent. However, the records are also clear that no valid Permit to Operate exists for the latter on the part of the Respondent. Hence, the Respondent should be held liable.

On **01 July 2019**, the DENR- Pollution Adjudication Board issued **Pollution Adjudication Board Resolution No. 01, Series of 2019**, which delegates to the EMB Regional Offices the determination of permitting and other administrative violations, such as for Operating without a valid Permit to Operate confronting herein Respondent, and the imposition of fines thereto.

Under **PAB Resolution No. 01, Series of 2019**, for permitting violations of the Clean Air Act (R.A 8749), and considering that a permit to operate has a validity of five (5) years, a fine of **Nineteen Thousand Five Hundred Pesos (Php 19, 500.00)** shall be imposed **for a five-year violation by the establishment**.

**WHEREFORE**, after due deliberation and consultation, the Board hereby resolves to impose upon respondent a fine amounting to **NINETEEN THOUSAND FIVE HUNDRED PESOS (P19, 500.00)** under R.A 8749 and its existing rules and regulations.




Respondent is directed to pay at the Environmental Management Bureau located at DENR Compound, EMB Building, Jones St. Brgy 02, Tacloban City, Philippines, within a period of **THIRTY (30) DAYS** from receipt hereof.

The Legal Officer 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