



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. 08-000083-20-W**

-versus-

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

**GTG PETRON MFS**

National Highway, Brgy. 3, Maydolong, Eastern Samar  
*Respondent*

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY *[Signature]*  
DATE: 01/29/2022  
TIME: 3:18 PM

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**RESOLUTION**

Under consideration is the Motion for Reconsideration filed before this Office on **22 October 2021** by **GTG Petron MFS**, hereinafter referred to as "Respondent" for brevity, requesting for the reconsideration of the **08 July 2021** Order rendered by the Board, thru the EMB Regional Office No. VIII, upon the Notice of Violation dated **27 November 2020** issued against herein Respondent for the following violation:

- (a) Operating without a valid Wastewater Discharge Permit since **24 July 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 **08 July 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)** for a one (1) 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.

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Aggrieved, the Respondent filed the instant Motion for Reconsideration. In substance, the Respondent anchored its Motion in claiming that it applied for the renewal of the subject permit last **22 July 2020** or a day prior to the subject permit's expiration last **23 July 2020**. Despite having filed a renewal application, the respondent asserts that the Order of Payment for the required fees were only made available by this Office last **15 October 2020**. According to the respondent, had the said Order of Payment been made available earlier, the respondent could have readily made the payment thereto on time and the permit could have been approved at an earlier date than 14 December 2020.

The Respondent further emphasized that it acted in good faith when it submitted her renewal application online and there was no intent to violate any law for that matter. This is evident with her timely submission of her application and its immediate payment of fees. At the time of the inspection, it could not be totally said that there was no valid discharge permit, it was already on process and just waiting for its approval by the DENR, which act is beyond the control of herein Respondent already.

### **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 fact that the respondent file the renewal application last **22 July 2020** is of no moment, for under one of the permit conditions provided for under a Wastewater Discharge Permit requires the permittee to renew the permit **at least thirty (30)**

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**days prior to the date of expiration of the same permit.** This is particularly intended to afford sufficient time for both the applicant to satisfy the requirements and for this Office to act on the application. In this case the movant-respondent applied for the renewal of the Discharge Permit one day before the expiration of its previous permit.

The movant-respondent is likewise mistaken in asserting that at the time of the inspection, it could not be totally said that there was no valid discharge permit, as it was already on process and just waiting for its approval by this Office. Let it be emphasized that the filing/pendency of an application does not automatically amount to an issuance/approval of the permit. It is not a ministerial duty on the part of this Office to grant an approval once an application is filed. The application goes through a series of processes which may later lead to either an approval or disapproval of the application.

Hence, it is wrong for the movant-respondent to imply that there was a valid discharge permit at the time of the inspection because it already filed an application.

**WHEREFORE**, the foregoing premises considered, the Motion for Reconsideration is **DENIED**. Accordingly, the Respondent is hereby ordered to pay the amount of **NINETEEN THOUSAND FIVE HUNDRED PESOS (Php 19, 500.00)** 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 24 2022

By authority of the Secretary:

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