



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: 01/25/2022
TIME: 8:41am

**IN RE: VIOLATION OF ENVIRONMENTAL
COMPLIANCE CERTIFICATE ENVIRONMENTAL
MANAGEMENT CONDITION NO. 2 AND GENERAL
CONDITION NO. 4, DENR ADMINISTRATIVE
ORDER NO. 2003-30, PRESIDENTIAL
DECREE NO. 1586**

**JOSEPHINE S. ECHEVARRE SAND AND GRAVEL PROCESSING
PLANT PROJECT**

Brgy. Katipunan, Hindang, Leyte

Respondent.

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DECISION

This resolves the **Notice of Violation** dated **02 September 2021** issued by this Office against Josephine S. Echevarre Sand and Gravel Processing Plant Project, herein referred to as the "Respondent", for brevity, located in Brgy. Katipunan, Hindang, Leyte for the following violation:

- a. Non-submission of Compliance Monitoring Report to this Office for the second semester of CY 2020, as required under ECC Environmental Management Condition No. 2**
- b. Failure to secure DENR Registration a Hazardous Waste Generator, as require under ECC Genera 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.

On **23-25 June 2021**, technical and legal personnel from this Office conducted investigation upon herein Respondent, pursuant to a complaint submitting an opposition to the sand and gravel operations of herein respondent. The report of the investigation revealed the Respondent's non-compliance with the above-stated ECC Conditions. Consequently, the inspecting personnel recommended the issuance by this Office of a Notice of Violation.

On **02 September 2021**, this Office issued a Notice of Violation upon Respondent, and the latter was called to attend a Technical Conference/Hearing on **27 September 2021**. Respondent, however, failed to appear before this Office on the schedule of the technical conference nor to submit a position paper, despite actual receipt of a copy of the NOV last **09 September 2021** thru one **Rogelio Abastilla**.

Under **EMB Memorandum Circular No. 21, Series of 2020¹**, the failure of the Respondent to appear before this Office on the scheduled technical conference shall be deemed a waiver of its right to contest the findings of the investigation and the case shall then be decided based on the available evidence on record.

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 or not Respondent submitted a Compliance Monitoring Report, as required by ECC Environmental Management Condition No. 2.

Whether or not the Respondent secured a DENR Registration as Hazardous Waste Generator

Ruling

¹ Supplemental Rules of the EMB Manual of Uniform Procedures for the COVID-19 Pandemic

Environmental Management Condition No. 2 and General Condition No. 4 of ECC-OL-R08-2018-0136 requires the submission of a Compliance Monitoring Report to this Office semi-annually and to secure a DENR Registration as Hazardous Waste Generator, respectively.

In this case, the failure of the Respondent to appear before this Office and/or to submit a position paper, despite receipt of the NOV, constitutes a waiver of the Respondent's right to contest the findings of the inspection and the case is to be decided based on available evidence on record. A perusal of the records of this Office will then disclose that no such Compliance Monitoring Reports for the second semester of CY 2020 were submitted by the Respondent. No DENR Registration as well exists on the part of the respondent from the records of this Office.

Hence, the Respondent should be held liable to the violations.

WHEREFORE, premises considered, this Office finds the Respondent liable to both violations. Consequently, Respondent is hereby ordered to pay the fine of **TEN THOUSAND PESOS (Php10,000.00)** for **each** of the **two (2) violations**, both administrative conditions in the Environmental Compliance Certificate (ECC) and classified as Minor Offenses 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 the total amount of **TWENTY THOUSAND PESOS (Php20,000.00)**. Respondent is also enjoined of its compliance, not only with the conditions 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.**

DECISION

In re violation of the provisions of P.D 1586

vs Josephine S. Echevarre SAG Processing Plant, Katipunan, Hindang, Leyte

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 21 2022.

Tacloban City, Philippines.


ENGR. REYNALDO B. BARRA
OIC- Regional Director