
	<p>Republic of the Philippines Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU DENR Compound, Jones St. Tacloban City, Philippines</p>	
<p align="center">NOTICE OF VIOLATION</p>		


JAN 04 2022

DENR-PAB Case No. 08-000178-21-W

MTZION FUNERAL SERVICE & MARKETING PLAN

Brgy. Caraycaray, Naval, Biliran

Thru: **ARNEL A. JUABLAR**
 Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
 RELEASED BY: 
 DATE: 01/06/2022
 TIME: 8:35am

Sir/Madame:

This notice is being served upon you for alleged violation of **R.A 9275** otherwise known as the **Philippine Clean Water Act of 2004**, based upon the *investigation* conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **23 November 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without the valid required wastewater Discharge Permit since 23 November 2021 .	Violation of Section 27 (c) of R.A 9275 in relation to Section 28 of the same Act, and in relation further to Pollution Adjudication Board Resolution No. 01, Series of 2019 .

Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **within fifteen (15) days from receipt hereof**, your defense/position to the alleged violation which is punishable by a fine of **Nineteen Thousand Five Hundred Pesos (P19,500.00) for every year of violation** of the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation

Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to **embr8_records@emb.gov.ph**, copy furnished **legalunitembr8@gmail.com**, to expedite the submission.

Please be informed that failure to submit the position paper on or before the period prescribed above shall mean a waiver of your right to contest the findings of the report and present evidence on your defense and the case may be decided based on evidence on record.

Please be guided accordingly.

Very truly yours,


ENGR. REYNALDO B. BARRA
 OIC-Regional Director



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT BUREAU REGION 8
DENR Compound, Brgy. 2, Jones Street, Tacloban City
emb8_emb8@gmail.com
(053) 832-2319

INVESTIGATION REPORT

NAME OF RESPONDENT/S	: MTZION FUNERAL SERVICE & MARKETING PLAN
ADDRESS OF RESPONDENT	: Brgy. Caraycaray Naval, Biliran
GEOGRAPHIC COORDINATES	: 11.55691°N, 124.41881°E
NAME OF OWNER/PROPONENT	: Arnel A. Juablar
CONTACT NUMBER	: -
NATURE OF COMPLAINT	: Operation of a Non-compliant Funeral Service
COMPLAINANT/S	: Atty, Lloyd P. Surigao
DATE OF INVESTIGATION	: November 23, 2021

I. AUTHORITY

As per instruction through IIS No. R8-2021-017876;

II. MATTERS INVESTIGATED

Verification of an alleged improper dumping of infectious wastes of a funeral shop.

III. PROCEEDINGS

1. The Undersigned Staff conducted an investigation at MTZION FUNERAL SERVICE & MARKETING PLAN in Brgy. Caracaray Naval, Biliran to verify alleged dumping of infectious wastes just at the back of the funeral shop.
2. The team was able to talk with **Mr. Arnel A. Juablar**, owner of the funeral shop and services. According to him, the allegations of the complainant were based on personal dispute.
3. The team then conducted inspection at the back of the funeral shop.

IV. FINDINGS/OBSERVATIONS

A. Presidential Decree No. 1586

1. A Certificate of Non-Coverage (CNC-OL-R08-2019-07-00683) was issued to MTZION FUNERAL SERVICE & MARKETING PLAN on January 25, 2019 for its 0.1964-hectare (gross area) funeral parlor in Brgy. Caraycaray Naval, Biliran.
2. The establishment has been in operation from 2019 up to the present.

B. Philippine Clean Water Act of 2004

1. The establishment has provided a three (3) chambered septic tank as treatment facility for the wastewater generated from embalming operations. Likewise, a separate septic tank was provided for the domestic wastewater generated from the comfort rooms.
2. These treatment facilities, however, have no valid Discharge Permit.

C. Philippine Clean Air Act of 1999

1. No air pollution source equipment provided or installed in the establishment. Hence, not covered under this act.

B. Other Findings/Observations

1. No wastes from embalming operations were evident at the back of the funeral shop. In fact, a residential house is adjacent to this establishment.
2. The Proponent has posted inside its Office various permits from LGU and other concerned agencies such as the Business Permit, BIR, DTI including DOH Certification for its licensed embalmer, **Roschelle Sabordino**, issued last March 20, 2015 and valid until July 30, 2023.
3. As per Mr. Juablar, various agencies have already conducted inspections in his funeral shop in relation with this complaint.

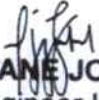
V. REMARKS

1. One of the **Prohibited Acts** under paragraph c, Section 27 of DENR Administrative Order 2005-10, Implementing Rules and Regulations of the Phil. Clean Water Act of 2004 (R.A. 9275) states, **"Operating facilities that discharged regulated water pollutants without the valid required permits..."**. In the absence of a valid Discharge Permit, the establishment is non-compliant with this prohibited act.

VI. RECOMMENDATIONS

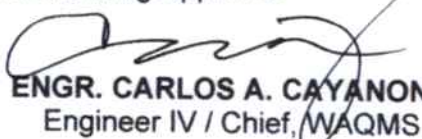
1. A **Notice of Violation** is to be issued to MTZION FUNERAL SERVICE & MARKETING PLAN for operating facilities without the valid Discharge Permit from the start of its operation up to the present in violation of **Paragraph c, section 27 of RA 9275**, in relation to **Section 28** of the same **Act** and in relation further to **Pollution Adjudication Board Resolution No. 01 Series of 2019**.

Investigation Team:


ENGR. LEDANE JOY Y. LAURENTE
 Engineer II


FLORAMAE A. SUYOM
 EMS I

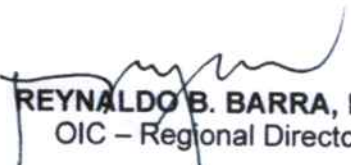
Recommending Approval:


ENGR. CARLOS A. CAYANONG
 Engineer IV / Chief, WAQMS

Approved by:


FOR. MANUEL J. SACEDA, JR.
 OIC Chief, Environmental Monitoring and Enforcement Division

Noted by:


REYNALDO B. BARRA, PME
 OIC – Regional Director