



NOTICE OF VIOLATION

FEB 14 2022

LIBHU HILL RESORT AND SPORTS COMPLEX
Brgy. Libhu, Maasin City, Southern Leyte

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY:
DATE: 02/14/2022
TIME: 4:23 pm

Thru: **ERLINDA S. LARSSON**
Proponent

Sir/Madame:

This notice is being served upon you for alleged violation of **P.D 1586**, otherwise known as the Philippine Environmental Impact Statement System, based on the EIA survey monitoring conducted by the technical personnel of the Clearance and Permitting Division – Environmental Impact Assessment Section (CPD-EIAS) of this Office last **06 December 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Undertaking the construction of a <i>resort project</i> located in Brgy. Libhu, Maasin City, Southern Leyte without first securing an Environmental Compliance Certificate (ECC) .	In violation of Section 4, P.D 1586 , which provides that: “xxx. No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate. xxx ”, in relation to Section 9 thereof.

The foregoing considered, and in accordance with the relevant provisions of **EMB Memorandum Circular No. 2020-21¹**, 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/s which is punishable by a fine of **not less than Ten Thousand Pesos (P10, 000.00) nor more than Fifty Thousand Pesos (P50,000.00)** for the above cited prohibited acts 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 embr8_legal@emb.gov.ph, to expedite the submission. Further, you or your authorized representative is hereby summoned to attend, in person, a technical conference/hearing before this Office on _____ at _____.

However, in light of **Proclamation No. 922, “Declaring a State of Public Health Emergency throughout the Philippines”**, and the implementation of Community Quarantine in Region VIII as a measure to combat the COVID-19 Disease, **you are also given an option to attend in the scheduled technical conference via internet video conference**. In case you opt for the latter mode, please submit an e-mail to embr8_legal@emb.gov.ph immediately upon receipt hereof, to signify such intention and an electronic internet address link shall then be provided to you.

Please be informed that pursuant to **Section 5, Item VII of EMB Memorandum Circular No. 2020-21**, your failure to appear during the scheduled technical video/physical conference shall be construed as waiver of your right to contest the findings and the case shall be decided based on the available evidence on record.

Please be guided accordingly.

Very truly yours,

ENGR. REYNALDO B. BARRA
OIC - Regional Director

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



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
ENVIRONMENTAL MANAGEMENT BUREAU REGION 8
DENR Compound, Brgy. 2, Tacloban City

EIA SURVEY MONITORING CHECKLIST
(Legal Reference PD. 1586 / DAO 2003-30)

1. Name of Project: Libhu Hill Resort & Sports Complex
2. Project Location: Brgy. Libhu, Maasin City, Southern Leyte
3. Name of Identified Proponent: Erlinda S. Larsson
4. Proponent Address: Purok Candiis, Brgy. Libhu, Maasin City, Southern Leyte
5. Date Surveyed: December 6, 2021
6. Project Type or Undertaking: RESORT
7. Project Status: UNDER CONSTRUCTION

<input checked="" type="checkbox"/>	New
<input type="checkbox"/>	Existing for Modification (with or without expansion)
<input type="checkbox"/>	Operating without ECC
<input type="checkbox"/>	Not previously covered
<input type="checkbox"/>	Not covered (Category D-Online & Category C-Environmental Enhancement Project)

8. Project Group

<input type="checkbox"/>	Group I - ECP
<input checked="" type="checkbox"/>	Group II – Non-ECP in ECA

9. Percentage of Project Completion

<input checked="" type="checkbox"/>	Project is 25% complete
<input type="checkbox"/>	Project is > 25% but < 50% complete
<input type="checkbox"/>	Project is > 50% complete

10. Estimated Project Cost

<input checked="" type="checkbox"/>	Project is ≤ P 5.0 M
<input type="checkbox"/>	Project is > P 5.0 M

11. Project Applied ECC before Survey

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

12. Project Impact on the Environment

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

13. Findings / Remarks:

- The resort covers an area of more than 1,000 sq. m. It has a green lawn where you can open your tent or do camping out or comfortably stay in their native cottages for minimal fee. It also offer good food cooked in traditional Filipino way. Children and adults alike will enjoy two swimming pools. Big family occasion can also choose function areas according to the number of their visitors. A good and conducive venue for business meetings. Wifi signal is available to all its guest. It is located 15 kilometers away from the city proper with good paved road.
- Per MC 2014-005, Revised Guidelines for Coverage Screening and Standardized Requirements under the Philippine EIS System, the said project is covered by the Philippine EIS System and is required to secure an Environmental Compliance Certificate (ECC). The proposed project is under Golf Course and other Tourism Projects – 4.2 Resort and other Tourism/Leisure Projects with more than 1,000 sq. m. but less than 5 hectares (Project/Gross floor area shall be the sum/total of total/gross floor area (of structures) plus open areas and other facilities (e.g. landscape, parking, pools).
- In accordance with **Presidential Proclamation No. 2146, series of 1981, Table 1, Section 3-b of EMB Memorandum Circular No. 2014-005** enumerates Twelve (12) Main categories of **Environmentally Critical Areas**. Based on these categories, an area is environmentally critical if it exhibits any of the characteristics described therein and/or falls within the ECA as mapped by the EMB. One of the ECA Categories described are areas that are frequently visited and or hard-hit by natural calamities such as typhoons, among other conditions. For purposes of coverage, depressions, storms and typhoons will be covered in such a category. This shall also refer to all provinces in the country affected by a tropical cyclone in the past.
- Section 4 of P.D. 1586 states that **“No person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area without first securing an Environmental Compliance Certificate (ECC).”**

14. Recommendation/s:

- To issue a **Notice of Violation** to **Mr. ERLINDA S. LARSSON** for violation of Sec. (4) of PD 1586 for operating the project without first securing an Environmental Compliance Certificate (ECC).

Prepared by:


DAVE EDEN C. NIELO
Inspector

Recommending Approval:


ARMANDO S. DUPIO, JR.
Chief, EIA Section

Approved by:


ENGR. HENNENCY G. HAYAG
OIC-Chief, Clearance & Permitting Division

Noted by:


ENGR. REYNALDO B. BARRA
OIC-Regional Director

Baktul



Google

Southern Leyte, Eastern Visayas,
Philippines

5QHW+RXV, Maasin City, Southern Leyte,
Philippines

Lat: 10.17 Long: 124.7

2021/12/05 10:29 AM

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