



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
Tacloban City, Philippines

-o0o-

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: *[Signature]*
DATE: 01/25/2022
TIME: 8:43am

**IN RE: VIOLATION OF ENVIRONMENTAL
COMPLIANCE CERTIFICATE CONDITIONS
& RESTRICTIONS, DENR ADMINISTRATIVE
ORDER NO. 2003-30, PRESIDENTIAL
DECREE NO. 1586**

-versus-

MADISON PARK HOTEL, INCORPORATED

Brgy. 78, Manlurip, San Jose, Tacloban City, Philippines

Respondent.

X-----X

DECISION

This resolves the **Notice of Violation** dated **14 September 2021** issued by this Office against Madison Park Hotel, Incorporated herein referred to as the "Respondent", for brevity, located in Brgy. 78, Manlurip, San Jose, Tacloban City, Philippines for the following violations:

- a. **Failure to comply with the applicable provisions of R.A 9275 and R.A 8749 for failing to secure a Wastewater Discharge Permit and Permit to Operate Air Pollution Source and Control Installation, as required by ECC General Condition No. 8**
- b. **Failure to designate a Pollution Control Officer, as required by ECC General Condition No. 6**
- c. **Non-submission of Compliance Monitoring Report, as required by ECC General Condition No. 2**

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 must 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 **30 July 2021**, technical personnel from this Office conducted a compliance inspection upon herein Respondent. The inspection 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 **14 September 2021**, this Office issued a Notice of Violation upon the Respondent, and the latter was called to attend a Technical Conference/Hearing on **18 October 2021** and to submit an explanation to the alleged violations.

On **14 October 2021**, the respondent submitted a written explanation, through which it posits that the hotel was at its maiden operations as it opened only last **08 June 2021** under the present pandemic condition. The respondent likewise posits that it is now working double time to accomplish all that what was required of them by this Office.

On **18 October 2021**, the technical conference was conducted during which the respondent explained that the main reason for the abovementioned non-compliance to ECC conditions was due to restrictions on mobility brought about by the pandemic and the difficulty encountered in accessing the internet for online transactions. Moreover, the respondent alleged that the delay was caused by the resignation of its former Pollution Control Officer without proper turnover of the documents and other information regarding its applications.

Thereafter, the Hearing Officer submitted the case for the Decision of this Office and recommends affirming all three (3) violations and the imposition of the corresponding fines thereto.

Issues

Whether a Wastewater Discharge Permit and Permit to Operate Air Pollution Source and Control Installation exists on the part of the respondent at

the time of the inspection, as required by ECC General Condition No. 8

Whether a Pollution Control Office has been designated, as required by ECC General Condition No. 6

Whether Compliance Monitoring Reports were submitted, as required by ECC General Condition No. 2

Ruling

General Condition No. 8, 6 and 2 of the Environmental Compliance Certificate issued to the respondent, bearing Reference No. ECC-OL-R08-2019-0194 mandates the compliance with each of the said conditions

Here, a perusal of the records of this Office will clearly disclose the failure of the Respondent to comply with any of the conditions cited at the time the inspection was conducted. The obligation to comply with these conditions started to bind the respondent from the moment the ECC was issued to the respondent in 2019, long before the pandemic. Hence, there being no showing to the contrary of the allegations, the respondent should be held liable to the violations.

WHEREFORE, premises considered, this Office finds the Respondent liable to all three (3) violations. Consequently, the Respondent is hereby ordered to pay the fine of **TEN THOUSAND PESOS (Php10, 000.00) each of the three (3) violations cited above**, all administrative conditions in the Environmental Compliance Certificate (ECC) which are 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 **THIRTY THOUSAND PESOS (Php 30,000.00)**. The 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.**

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