




Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
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22 March 2022

THE MANAGING HEAD
VR Poultry Farm
Brgy. Zaragosa, Matalom, Leyte

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 4/6/2022
TIME: 1:28 PM

Dear **Sir/Madame**:

This Office is writing upon the instance of a case Decision issued by this Office on **08 February 2019**, a copy of which is hereto attached as Annex "**A**", finding VR Poultry Farm liable to a violation of two (2) conditions of its Environmental Compliance Certificate (ECC) thereby imposing therein a fine amounting to **Twenty Thousand Pesos (Php20, 000.00)** for both violations.

In addition, a separate case Decision has likewise been issued by this Office last **26 June 2019**, a copy of which is likewise attached as Annex "**B**", finding VR Poultry Farm liable to a violation of another ECC Condition and imposing therein a fine of **Ten Thousand Pesos (Php10,000.00)**, among others.

The records of this Office will reveal that you are yet to settle the fines above-mentioned before this Office. Henceforth, **DEMAND** is hereby made upon you and your establishment to settle the fine amounting to **THIRTY THOUSAND PESOS (Php30,000.00)** before this Office **within ten (10) days from receipt hereof**. Otherwise, this Office shall be constrained to explore all legal rights, including but not limited to, the filing of the appropriate civil, administrative, and criminal charges before the regular courts.

FAIL NOT UNDER THE PENALTY OF LAW.

Respectfully,


ENGR. REYNALDO B. BARRA
OIC- Regional Director



Republic of the Philippines
Department of Environment and Natural Resources
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DENR Compound, Jones St. Tacloban City
Tel. No. (053) 832-1088

ANNEX "A"
EMB R08 LEGAL

In re violation of the provisions of P.D 1586

-versus-

VR POULTRY FARM

Sitio Cogon, Brgy. Zaragosa, Matalom, Leyte

X-----X

DECISION

This Decision is being issued in view of the **Notice of Violation** dated **24 August 2018** issued against **VR POULTRY FARM**, herein referred to as "**Respondent**" for brevity, located at Sitio Cogon, Brgy. Zaragosa, Matalom, Leyte for the following violations:

- a) Operating without Permit to Operate Air Pollution Source and Control Installation for the two (2) units of Standby Diesel Generator Set, in violation of **ECC EMMoP Condition No. 4**, DAO 2003-30, P.D 1586;
- b) Operating without a wastewater Discharge Permit, in violation of **ECC General Condition No. 1**, DAO 2003-30, P.D 1586;
- c) Failure to install an ECC billboard, in violation of **ECC General Condition No. 8**, DAO 2003-30, P.D 1586.

FACTS

An **Environmental Compliance Certificate (ECC)** is a decision document issued to the Proponent after thorough review of the Environmental Impact Assessment (EIA) Report. The ECC 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 which are conditions, which the Proponent has to comply with to implement mitigating measures for potentially

Received by: *[Signature]*

negative impacts, and/or enhancement measures for potentially positive impacts as identified in the Environmental Impact Assessment Report.

On **13 June 2018**, this Office received a forwarded complaint against the operation of poultry farms located at Brgy. Zaragosa, Matalom, Leyte. The complaint stemmed from the residents of the same barangay in a letter dated **11 June 2018** addressed to the Barangay Council of Barangay. Zaragosa, Matalom, Leyte. It alleges the large swarm of flies coming from the nearby poultry farms.

On **19 June 2018**, an investigation was conducted which was initiated thru a courtesy meeting with the officials of Barangay Zaragosa. Accordingly, there were three (3) poultry farms that have been identified to be operating within Barangay Zaragosa, Matalom, Leyte with herein Respondent being one of the three. It was found during the investigation that Respondent's tunnel ventilated poultry farm has an actual capacity of sixty five thousand (65, 000.00) heads but representatives of the poultry failed to present a copy of the Environmental Compliance Certificate during the inspection.

On **11 July 2018**, a Notice of Violation dated **10 July 2018** was issued against Respondent for operating the poultry farm without an ECC and the latter was called to attend a Technical Conference scheduled on 06 August 2018.

On **06 August 2018**, the technical conference was conducted and Respondent presented a valid copy of its ECC. Accordingly, a Decision dated **20 September 2018** was issued by this Office absolving Respondent from the violation. However, the inspectors noted several findings of the investigation that allegedly violated certain conditions of the same ECC presented by Respondent. Hence, the inspector has recommended the issuance of a separate Notice of Violation for violations of ECC Conditions.

On **24 August 2018**, this Office issued another Notice of Violation dated **24 August 2018** alleging the above stated violations of ECC Conditions. Respondent was again called to attend a technical conference on **17 September 2018**. Respondent failed to appear before this Office on the latter date. A second notice to the technical conference was issued and Respondent was directed to attend the technical conference on **30 October 2018**.

On **17 October 2018**, Respondent appeared before this Office for the conduct of the technical conference. In the said technical conference, Respondent openly admitted violations (a) and (b). However, with violation (c), Respondent claimed that there used to be an ECC Billboard installed within the premises of the project. The same billboard, however, needed to be removed so as to pave the

way for a rehabilitation of the area where it was installed. Hence, there were no ECC Billboard found installed at the time of the inspection.

The Hearing Officer recommends the imposition of the corresponding amount of the fine/penalty for violations (a) and (b). For violation (c), Respondent was directed to submit a Position Paper on the matter.

On **30 October 2018**, Respondent submitted a Position Paper where an ECC billboard was shown installed in the premises of the project site before and after the alleged rehabilitation. Accordingly, the Hearing Officer recommends to absolve Respondent from violation (c).

RULING

After a careful evaluation of the investigation report, office records, Respondent's Position Paper, result of the technical conference and all the evidence on record, this Office finds Respondent liable for violations (a) and (b). This Office finds no cogent reason or legal justification to deviate from the recommendations of the Hearing Officer, in view of the apparent admission by Respondent for violations (a) and (b). This Office, likewise, accords sufficient merit on Respondent's defense on violation (c).

WHEREFORE, premises considered, this Office hereby affirms violations (a) and (b) and imposes upon Respondent the following:

(1) To pay the fine/penalty of **TEN THOUSAND PESOS** (P10, 000.00) for **EACH** of the two violations of ECC Conditions, as penalty for violating administrative conditions in the Environmental Compliance Certificate (ECC). These are all 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 to 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.

Respondent is given **THIRTY (30) DAYS FROM RECEIPT** of this Decision within which to settle the total amount of **TWENTY THOUSAND PESOS**

(P 20, 000.00). Respondent is also enjoined of its compliance to the commitments it executed in a Commitment Sheet¹.

Similarly, Respondent is hereby absolved from all liabilities arising from violation (c).

SO ORDERED, FEB 08 2019, Tacloban City, Philippines.


LETECIA R. MACEDA
Regional Director

¹ Annex A



Republic of the Philippines
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DENR Compound, Jones St. Tacloban City
Tel.No. (053) 832-1088

In re violation of the provisions of R.A 9275 and P.D 1586

-versus-

VR POULTRY FARM

Sitio Cogon, Brgy. Zaragosa, Matalom Leyte

X-----X

DECISION

This Decision is being issued in view of the **Notice of Violation** dated **10 April 2019** against VR POULTRY FARM, herein referred to as "**Respondent**" for brevity, located at Sitio Cogon, Brgy. Zaragosa, Matalom Leyte for the following violations:

- (a) Operating without a valid Discharge permit, *in violation of Paragraph (c), Section 27, R.A 9275.*
- (b) Non-submission of Compliance Monitoring Report for the 2nd Quarter of 2018, *in violation of ECC General Condition No. 4, DENR Administrative Order No. 2003-30, P.D 1586;*

FACTS

R.A. No. 9275 was enacted pursuant to the State's policy of pursuing economic growth in a manner consistent with the protection, preservation and revival of the quality of fresh, brackish and marine waters.¹ Towards this end, the Department of Environment and Natural Resources (DENR), through this Office-the Environmental Management Bureau (EMB) requires owners and operators of facilities that discharge regulated effluents² to secure a permit to discharge. This permit is the legal authorization granted by the DENR to discharge wastewater into a particular body of water.³

On **15 February 2019**, a complaint was received by the Office of the DENR Regional Executive Director against the alleged swarm of flies and fould odor

¹ R.A. No. 9275, Chapter 1, Article 1, Section 2.

² R.A. No. 9275, Chapter 1, Article 2, Section 4(m). Effluent -means discharges from known source which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial and recreational facilities.

³ R.A. No. 9275, Chapter 2, Article 2, Section 14.

emanating from the poultry operations along Brgy. Zaragosa, Matalom, Leyte. The complaint was immediately brought to the attention of this Office and an investigation was conducted on **21 February 2019**. The investigation report revealed that Respondent was found not in possession of a Wastewater Discharge Permit and has failed to submit the 2nd Quarter Compliance Monitoring Report for 2018.

Hence, a Notice of Violation dated **10 April 2019** was issued against Respondent and the latter was summoned to a technical conference on 06 May 2019.

On **06 May 2019**, Respondent, thru Jan Harvey Pael, appeared before this Office to attend to the technical conference. Mr. Pael admitted both of the violations and reasoned that he is not aware of the requirement to submit the CMR.

Hence, the Hearing Officer has found a prima facie case against Respondent and recommends the elevation of the discharge permit violation to the Pollution Adjudication Board (PAB) having jurisdiction over cases involving violations of the Clean Water Act, pursuant to the relevant provisions of R.A. 9275. Respondent's failure to submit the CMR was also recommended by the hearing officer to be affirmed and the corresponding fine/penalty be imposed.

RULING

After a careful evaluation of the investigation report, Mr. Pael's implied admission vis-à-vis his explanation during the technical conference, and all evidence on record, this Office finds Respondent liable for the subject violations on the ground that Respondent apparently failed to present a valid Wastewater Discharge Permit during the technical conference and that records reveal that no CMR has been submitted by Respondent for the 2nd quarter of 2018.

It bears stressing that **Paragraph (c) of Section 27, R.A. 9275 or the Philippine Clean Water Act of 2004** prohibits the operation of facilities which discharges regulated water pollutants **without the valid required permits**, as in this case, the Wastewater Discharge Permit. It is therefore highly mandatory for Respondent to possess, at all times, a valid Wastewater Discharge Permit while in operation.


WHEREFORE, premises considered, this Office hereby affirms the violations against Respondent **VR POULTRY FARM** and resolves to elevate violation (a), upon compliance with the commitments executed in a Commitment

Sheet⁴, to the **Pollution Adjudication Board (PAB)** vested with the sole authority to decide and determine the amount of fine/penalty of the particular violations, which shall be imposed by the DENR Secretary pursuant to **Section 28 of R.A. 9275 or the Philippine Clean Water Act of 2004**.

In addition, this Office hereby imposes upon Respondent the payment of the amount of **TEN THOUSAND PESOS⁵ (P10, 000.00)** for **violation (b)**, as fine/penalty for violating an administrative condition in the Environmental Compliance Certificate (ECC), classified as a Minor Offense 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 to 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**.

Respondent is given **THIRTY (30) DAYS FROM RECEIPT** of this Decision within which to settle the foregoing amount.

SO ORDERED. JUN 26 2019. Tacloban City, Philippines.


LETECIA R. MACEDA
Regional Director

⁴ Annex "A"

⁵ Table 2-3. *1st and Minor Offense*. Schedule of Penalty Reduction in cases of violations of ECC Conditions. Revised Procedural Manual of DAO 2003-30, IRR of P.D 1586.