



## POLLUTION ADJUDICATION BOARD (PAB) RESOLUTION NO. 1

Series of 2019

### DELEGATION OF THE POLLUTION ADJUDICATION BOARD TO THE EMB REGIONAL OFFICES THE DETERMINATION OF PERMITTING VIOLATIONS AND IMPOSITION OF FINES THERETO

**WHEREAS**, under Section 14 of the Implementing Rules and Regulations of Republic Act 9275 otherwise known as the "Philippine Clean Water Act of 2004" and under section 1, Rule 19 of the Implementing Rules and Regulations of Republic Act 8749 otherwise known as the "Philippine Clean Air Act of 1999", the Regional Offices are empowered to issue a Discharge Permit and/or Permit to Operate, *respectively*.

**WHEREAS**, in relation to the aforementioned function, the Regional Office (RO), conducts surveys and/or monitoring inspections on all establishments to check their compliance with permitting requirements provided by the above-mentioned laws.

**WHEREAS**, pursuant to the survey and/or monitoring inspection conducted, the Regional Director issues a Notice of Violation and invites Respondent to a Technical Conference. Thereafter, the Regional Office elevates the case to the Board for imposition of fines.

**WHEREAS**, under Section 28 of the R.A. 9275 and Section 45 in relation to Section 47 of the R.A. 8749, the Pollution Adjudication Board (hereinafter referred to "PAB") has the power to impose the fines to violators.

**WHEREAS**, also under Section 28 of R.A. 9275, the fines prescribed shall be increased by ten percent (10%) every two (2) years to compensate for inflation and to maintain the deterrent function of such fines;

**WHEREAS**, under Executive Order No.192<sup>1</sup>, the powers and functions of the Board may be delegated to the regional officers of the Department in accordance with the rules and regulations promulgated by the Board.

**WHEREAS**, pursuant to DAO 2016-07, or the DENR Manual of Authorities for Technical Matters, the approving authority for the imposition of administrative fines shall be the PAB Chairperson or the EMB Regional Director.

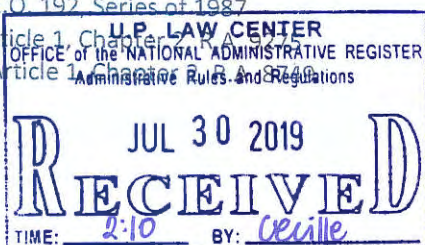
**WHEREAS**, whether imposed by PAB or Regional Office, the fines would go to the National Treasury, for which special accounts were established, such as the National Water Quality Management Fund<sup>2</sup> and the Air Quality Management Fund<sup>3</sup>;

**WHEREAS**, regional offices must secure a clearance from the Board before they issue the necessary permits applied by these erring establishments under existing environmental laws, rules and regulations.

<sup>1</sup> Section 19, E.O. 192, Series of 1987

<sup>2</sup> Section 9, Article 1, Chapter 1, U.P. LAW CENTER  
OFFICE of the NATIONAL ADMINISTRATIVE REGISTER

<sup>3</sup> Section 14, Article 1, Chapter 1, U.P. LAW CENTER  
Administrative Rules and Regulations



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By: *Joyce De Pedro*  
Date: July 30, 2019

**RESOLVED, AS IT IS HEREBY RESOLVED THAT**, the PAB hereby delegates to the Regional Office, thru its Regional Director, the determination of administrative violations and the imposition of fines for the following:

1. Operating facilities/ air pollution source installations without valid Discharge Permit and/ or Permit to Operate;
2. Discharging regulated water pollutants without the valid permit; and
3. Refusal or failure to designate Pollution Control Officers as required by the Department; and
4. Failure to submit reports within the prescribed period.

All of the aforementioned cases delegated to the Regional Office shall be numbered and docketed consecutively and entered into an appropriate logbook in accordance with a system of numbering and docketing of cases adopted by the PAB thru its Secretariat.

Thereafter, a Notice of Violation shall be issued with invitation to attend Technical Conference not later than fifteen (15) days from the issuance of said Notice. Only one (1) Technical Conference shall be allowed. The failure of such respondent to attend the technical conference or submit his position paper on the said date, shall mean a waiver of his right to contest the findings of the report or present evidence in his defense and the case may be decided based on evidence on record.

The PAB Secretariat, motu proprio or upon invitation, may attend the Technical Conference scheduled by the Regional Offices. As such, the Regional Offices shall furnish the PAB Secretariat the copies of Notice of Violation with invitation for Technical Conference prior to the conduct of said Technical Conference.

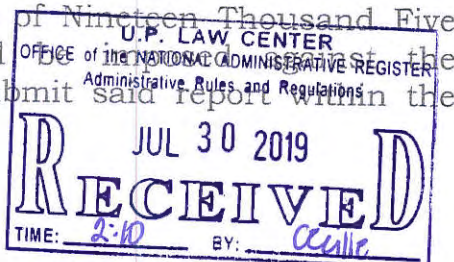
The fines to be imposed against erring establishments shall be as follows:

- a. For permitting violations of Clean Water Act (R.A. 9275), and considering that an establishment is required to pay a discharge permit fee<sup>3</sup> annually, a fine of Nineteen Thousand Five Hundred Pesos (Php 19,500) shall be imposed for every year of violation
- b. For permitting violations of Clean Air Act (R.A. 8749), and considering that a Permit to Operate has a validity of five (5) years<sup>4</sup>, a fine of Nineteen Thousand Five Hundred Pesos (Php 19,500) shall be imposed for a five-year violation by the establishment.
- c. For failure to designate a Pollution Control Officer, a one- time fine of Nineteen Thousand Five Hundred Pesos (Php 19,500) shall be imposed against the establishment.
- d. For failure to submit reports, a fine of Nineteen Thousand Five Hundred Pesos (PhP 19,500) shall be imposed against the establishment for every failure to submit said report within the prescribed period.

<sup>3</sup> DAO 2005-10, Section 14.5

<sup>4</sup> DAO 2004-26, Section 6 of Rule XIX

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**RESOLVED FURTHER THAT**, the Regional Office shall immediately endorse to the PAB for its adjudication the case of erring establishments should there be violations committed under R.A. 9275 and R.A. 8749 aside from the permitting violations abovementioned, such as but not limited to, emission or discharge of pollutants, oil spill, by-pass, refusal of entry, etc.

**RESOLVED FURTHER THAT**, the Respondent may file for a Motion for Reconsideration to the Regional Office as regards the adverse Order it received. Respondent also has the remedy of appeal within fifteen (15) days from the receipt of the Order of Regional Office to the Pollution Adjudication Board.

**RESOLVED FURTHER THAT**, the Regional Office is hereby authorized to issue a one-time temporary permit with a validity of not more than three (3) months, provided that the establishment which was issued a temporary permit **must be inspected and the Regional Office must conduct sampling during such inspection** to ensure compliance with environmental laws, rules and regulations.

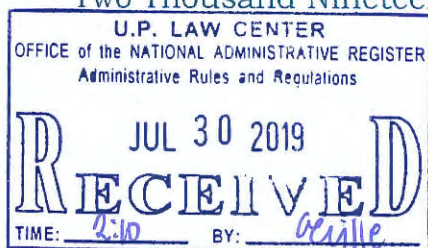
**RESOLVED FURTHER THAT**, all records relative to PAB cases from the Regional Office shall be addressed and immediately received by the Pollution Adjudication Board Secretariat.

**RESOLVED FINALLY THAT**, the Regional Office shall submit a monthly report to the Pollution Adjudication Board the names of establishments with their corresponding dockets and imposed fines in order for the PAB to issue the necessary clearance for the issuance of the regular permits of these establishments.

All related pending cases not yet adjudicated by the PAB shall be remanded to the Regional Office accordingly.

This Resolution shall take effect fifteen (15) calendar days after its completion of publication in a newspaper of general circulation and upon submission of a copy thereof to the Office of the National Administrative Register at the University of the Philippines Law Center.

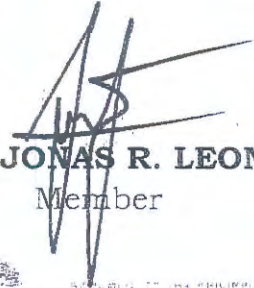
Done in Quezon City this \_\_\_<sup>th</sup> day of JUL 01 in the year of our Lord, Two Thousand Nineteen.



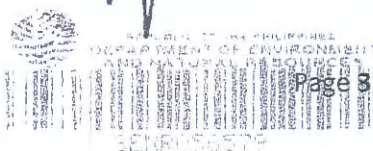
  
**SEC. ROY A. CIMATU**  
Chairman



  
**USEC. RODOLFO C. GARCIA**  
Presiding Officer

  
**USEC. JONAS R. LEONES**  
Member

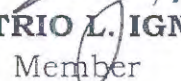
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**USEC. JUAN MIGUEL T. CUNA**  
Member

  
**USEC. ERNESTO D. ADOBO, JR.**  
Member

  
**DIR. METODICO U. TURBELLA**  
Member

  
**MR. DEMETRIO L. IGNACIO, JR.**  
Member

Attested by:

  
**ATTY. JANICE C. REGOSO**  
Board Secretary and Legal Counsel

  
**ENGR. TERESITA A. PERALTA**  
Deputy Board Secretary

