



**POLLUTION ADJUDICATION BOARD (PAB) Resolution No. 03
Series of 2021**

**GUIDELINES FOR PAYMENT OF FINES AND PENALTIES FOR PERMITTING
AND ADMINISTRATIVE VIOLATIONS OF R.A. 8749 AND
R.A. 9275 IMPOSED DURING THE IMPLEMENTATION OF THE
COMMUNITY QUARANTINE (CQ)**

WHEREAS, due to the outbreak of the Coronavirus Disease 2019 (COVID-19) and the declaration of public health emergency as well as state of calamity throughout the Philippines, the “Bayanihan to Recover as One Act” (RA 11494) was enacted to support business continuity and encourage resumption of all economic activities in view of the current pandemic and by virtue of Proclamation No. 1021, the President extended the period of state of calamity until 12 September 2022;

WHEREAS, the Pollution Adjudication Board (PAB) has the authority to impose fines for permitting violations pursuant to Section 27 (c) of R.A. 9275 otherwise known as the Clean Water Act, and DAO 2004-26 which amended DAO 2000-81, the IRR of R.A. 8749 otherwise known as the Clean Air Act;

WHEREAS, pursuant to PAB Resolution No. 01 series of 2019, the Board delegated to the EMB Regional Offices the determination of administrative violations and 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 valid permit; 3) Refusal or failure to designate Pollution Control Officers as required by the Department; and 4) Failure to submit reports within the prescribed period.

WHEREAS, Sec. 4 (www) of R.A. 11494 directs regulatory agencies such as the DENR to desist from imposing fines and other monetary penalties for non-filing, late filing, failure to comply with compulsory notification and other reportorial requirements relating to business activities and transactions that promote continuity and capacity building in all sectors of the economy during the Community Quarantine (CQ).

WHEREFORE, the Pollution Adjudication Board, by virtue of the authority granted under EO 192, **RESOLVED, AS IT IS HEREBY RESOLVED THAT**, the following Guidelines should be followed and implemented within the duration of the Community Quarantine for payment of the imposed fines pursuant to PAB Resolution 1, series of 2019:

SECTION 1. SCOPE AND COVERAGE

These Guidelines shall allow for the staggered payment of the imposed fines for administrative and permitting violations of Clean Air Act (RA 8749) and/or Clean Water Act (RA 9275) in relation to PAB Resolution No. 2019-01 for

operating without a valid Discharge Permit and/or Permit to Operate and/or violation of the terms and conditions provided therein prior or during the implementation of community quarantine. *Provided*, the order, decision, or resolution imposing fines and penalties is issued within the duration of the community quarantine.

SECTION 2. NON-IMPOSITION OF FINES AND PENALTIES FOR REPORTORIAL REQUIREMENTS

Fines and other monetary penalties for non-filing or late filing of Self-Monitoring Report (SMR) as required by Clean Air Act (RA 8749) or Clean Water Act (RA 9275) during the existence of the community quarantine shall be waived. However, the establishment is still required to submit their Self-Monitoring Reports, either manual or online, during the effectivity of this Resolution.

SECTION 3. OPTION TO AVAIL STAGGERED PAYMENT

The Order of the Regional Office imposing the fines and penalties for operating without a valid permit and/or violation of the conditions thereof shall include in its dispositive portion that the establishment may manifest through a letter to apply for staggered payment scheme within fifteen (15) days from receipt pursuant to these Guidelines in the manner provided under the next Section. Failure to manifest to avail this payment scheme within the prescribed period shall be understood that the fines shall be paid in full.

SECTION 4. PROCEDURE FOR STAGGERED PAYMENT

Establishments being imposed with fines and penalties for permitting and administrative violations may opt to pay on a staggered basis, the availment of such be made either in cash payment or by issuing post-dated checks in the following manner:

- a. For the minimum amount of fines up to Php50,000.00, the same may be paid in two (2) staggered payments within a period of three (3) months.
- b. For fines amounting to more than Php50,000.00 but not more than Php100,000.00, the same may be paid in four (4) staggered payments within a period of six (6) months.
- c. For fines more than Php100,000.00, in twelve (12) monthly staggered payments within one year.
- d. In case the establishment projects opted to pay the fines in accordance with this Section but fail to pay the same for at least one (1) installment or the issued post-dated check is dishonored by the bank due to insufficient funds, the full amount shall immediately be due and demandable without prejudice to the filing of a criminal case pursuant to applicable penal laws.

Provided, the establishments shall comply with all the provisions and requirements of Clean Air Act (RA 8749) and/or Clean Water Act (RA 9275), and violation of the same within the duration of approved installments shall be a

ground to demand from the respondent the full payment of the balance of imposed fines and penalties and non-compliance thereto may result to revocation/cancellation/suspension of issued permits.

SECTION 5. APPROVAL OF NEW AND PENDING APPLICATIONS

Upon initial payment for the imposed fines and penalties by the respondent under the staggered payment scheme and the payment of the permit fee for either new or renewal application, the permit/s being applied for shall immediately be processed and released without the necessity for the Regional Offices to secure clearance from the Board before the same could be issued. However, the processing of the application for Discharge Permit and/or Permit to Operate of establishments which have pending cases before the PAB for violation of Clean Air Act and Clean Water Act other than those enumerated in PAB Resolution No. 2019-01 is put on hold notwithstanding the provisions of this Resolution.

SECTION 6. DISCOVERY OF THE VIOLATION COMMITTED

Establishments which operated during the community quarantine without valid permits, but such violation was discovered by the EMB after the lifting of these Guidelines, shall not be entitled to avail this payment scheme. Instead, the fines and penalties shall be paid in full upon finality of the decision ordering payment for said violations.

SECTION 7. REPORTORIAL REQUIREMENTS FOR THE REGIONAL OFFICES

The Regional Offices shall submit a monthly report to the Secretariat the status of payments of the establishments which availed the staggered mode of payment and endorse the Official Receipt issued of those which have fully paid for purposes of issuance by the Board of a Formal Lifting Order (FLO).

SECTION 8. LIFTING OF THE DECLARATION OF COMMUNITY QUARANTINE

These guidelines shall cease to have force and effect in regions that formally lifted the declaration of community quarantine. However, establishments which availed the payment of fines and penalties in accordance with these provisions shall continue to pay the said penalties within the period as herein provided even after the lifting of this Resolution.

SECTION 9. SEPARABILITY CLAUSE

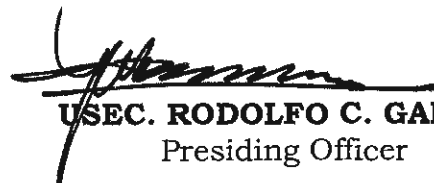
If any provision of this Resolution is declared unconstitutional or invalid by a competent court, other sections or provisions hereof which are not affected thereby shall continue to be in full force and in effect as if the provisions/sections so canceled had never been incorporated herein.


SECTION 10. EFFECTIVITY CLAUSE

This Resolution shall take effect immediately after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy thereof by the Office of the National Administration Registrar (ONAR), UP Law Center.

Approved in Quezon City this SEP 23 2021.

By authority of the Secretary:


USEC. RODOLFO C. GARCIA
Presiding Officer


USEC. JONAS R. LEONES
Member


USEC. JUAN MIGUEL T. CUNA
Member


USEC. ERNESTO D. ADOBO, JR.
Member


DIR. WILLIAM F. CUÑADO
Member


MR. DEMETRIO L. IGNACIO, JR.
Member


ENGR. JOSE REYNATO MORENTE
Member

Attested by:


ATTY. JANICE C. REGOSO-PAMMIT
Board Secretary and Legal Counsel


ENGR. TERESITA A. PERALTA
Deputy Board Secretary

PROPOSED PROCESS FLOW RE: INTERIM GUIDELINES FOR PAYMENT OF FINES AND PENALTIES FOR VIOLATION OF LAWS, RULES AND REGULATIONS GOVERNING ENVIRONMENT DURING THE IMPLEMENTATION OF COMMUNITY QUARANTINE

