



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

**DISBURSEMENT OF FUND FROM THE ENVIRONMENTAL REVOLVING
FUND (ERF) FOR THE ESTABLISHMENT OF AN INTERIM STORAGE
FACILITY**

WHEREAS, by virtue of Executive Order No. 192, the Department of Environment and Natural Resources (DENR) was reorganized, whereby the Pollution Adjudication Board (PAB) was created under the Department Proper to “assume the powers and functions of the Commission/Commissioners of the National Pollution Control Commission with respect to the adjudication of pollution cases under Republic Act 3931 and Presidential Decree 984, particularly with respect to Section 6 letters e, f, g, j, k, and p of P.D. 984;

WHEREAS, as specifically provided under Section 10 of Presidential Decree No. 1586, “Proceeds from the penalties in the preceding Section 9 and other penalties imposed by the National Pollution Control Commission as authorized in P.D. 984 shall be automatically appropriated into an Environmental Revolving Fund (ERF) xxx. *The fund shall be used exclusively for the operations of the National Environmental Protection Council and the National Pollution Control Commission*”;

WHEREAS, the PAB, in the performance of its functions, generated funds through the imposition of fines against establishments found to have violated provisions of P.D. 984 and its IRR, which accrued to the ERF;

WHEREAS, R.A. 9498 or the General Appropriations Act for the Fiscal Year 2008 specifically recognized the existence and purpose of the Revolving Fund when it said in Section 6 that “Revolving fund shall be established and maintained only in cases where said fund are expressly created and authorized by law or this Section Revolving funds already in existence shall continue their operations”;

WHEREAS, the ERF created under AO No. 99-37 shall be used only by the Environmental Management Bureau (EMB) Central Office and its Regional Offices and shall cover only fines and penalties generated from the collection of P.D. 984;

WHEREAS, the PAB, as a quasi-judicial body with the Secretary of the DENR as the Chairman, has jurisdiction over cases of illegal transport or dumping or discharge of prohibited chemicals, substances or pollutants listed under R.A. 6969 otherwise known as the Toxic Substances and Hazardous Wastes Act, pursuant to PAB Resolution No. 2010-01;

WHEREAS, the EMB is mandated to implement environmental laws, one of which is RA 6969 otherwise known as Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990, to keep an inventory of chemicals that are presently being imported, manufactured, or used, indicating, among others, their existing and possible uses, test data, names of firms manufacturing or

using them, and such other information as may be considered relevant to the protection of health and the environment;

WHEREAS, pursuant to EMB Memorandum Circular No. 2020-012, otherwise known as the Rules on the Confiscation of Illegal Chemical Substances and Apprehension of Hazardous Wastes under RA 6969, the EMB may cause the temporary detention of the apprehended articles in its own facility, or a facility of another person or entity which the EMB Office may acquire capable of safely handling such articles.

WHEREAS, in case the apprehended articles shall be made for the purpose of confiscation, the EMB Office shall ensure that the apprehended articles be safely and properly detained in *custodia legis* in a facility supervised by the EMB Office;

WHEREAS, the EMB, during the 28 January 2021 PAB meeting, has requested for the funding for the establishment of an interim storage facility of confiscated chemicals prior to its destruction for the purpose of preventing leakages/emissions of hazardous chemicals which are considered as Ozone Depleting Substances (ODS) as defined under Article II, Section 5(r) of the Philippine Clean Air Act of 1999 (RA 8749), or substances that significantly deplete or otherwise modify the ozone layer in a manner that is likely to result in adverse effects of human health and the environment such as, but not limited to, chloroflourocarbons, halons and the like;

WHEREAS, the Board saw the necessity of procuring the abovementioned interim storage facility in support of its mandate;

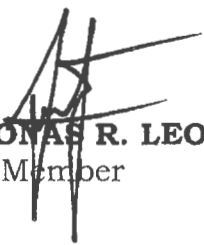
WHEREAS, disbursement from ERF shall only be made upon the approval of the EMB Director. An annual Work and Financial Plan for the ERF shall be submitted to the EMB Director. All disbursements under this Fund shall be subject to DBM and Commission on Audit (COA) Rules and Regulations;

WHEREAS, the Pollution Adjudication Board pursuant to its powers and functions as provided by Section 19 of E.O. No. 192, Series of 1987, **RESOLVED, AS IT IS HEREBY RESOLVED**, that the utilization and disbursement from the funds collected from the implementation of P.D. 984 for *the procurement of an interim storage facility is hereby authorized.*

Done in Quezon City this 16 April 2021.

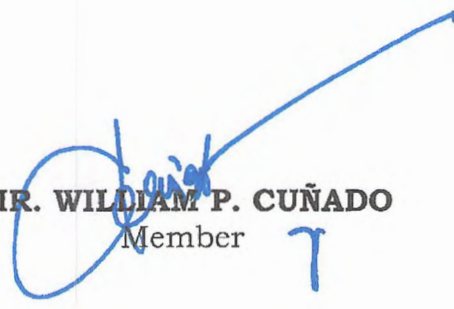
By authority of the Secretary:


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 P. CUÑADO
Member


MR. DEMETRIO L. IGNACIO, JR.
Member


ENGR. JOSE REYNATO MORENTE
Member

Attested by:


ATTY. JANICE C. REGOSO
Board Secretary and Legal Counsel


ENGR. TERESITA A. PERALTA
Deputy Board Secretary