



**IN THE CASE OF WATER POLLUTION
AND ABATEMENT CASE**

**EMB-MIMAROPA CASE NO.
ORM-452-21**

-VS-

ANACLETO MENDOZA PIGGERY FARM

Respondent

x-----x

**For: VIOLATION OF R.A. 9275 AND
ITS IMPLEMENTING RULES AND
REGULATIONS**

O R D E R

For consideration is a report of inspection conducted by this Office on 02 August 2021 showing among others the results of laboratory analysis exceeding the standards set forth by DENR Administrative Orders No. 08, Series of 2016 and DENR Administrative Order No. 2021-19.

Records reveal that herein Respondent is the owner of a piggery located at Canubing I, Calapan City, Oriental Mindoro and has a wastewater volume of three (3) cubic meters of water a day.

Recently, an inspection was conducted on 02 August 2021 wherein the findings and observations of the inspecting team revealed the following:

1. The project has a total of fifty (50) hogs comprising of fifteen (15) sows and thirty-five (35) fatteners.
2. Respondent has three chambered tank with no filter with a design capacity of 5m x 3m x 1.5m (depth).
3. During the inspection, it was discovered that Respondent's piggery farm is discharging its wastewater at a tributary of Caluangan Lake which flows its water going towards Calapan Bay.
4. Respondent has been operating without a Discharge Permit;
5. No accredited Pollution Control Officer;
6. Respondent was also found to have committed the prohibited acts under Section 27 (a), (c) and (i) of R.A. 9275;
7. Results of laboratory analysis of samples collected last 03 August 2021 exceeded the standards in terms of Total Suspended Solids (TSS), Biochemical Oxygen (BOD), Ammonia, Phosphate, Total Coliform in violation of DENR Administrative Order No. 08 Series of 2016 and DENR Administrative Order No. 2021-19, to wit:

Parameters	Concentration	DENR Effluent Standards (Class SB)	Remarks
Total Suspended Solids (TSS)	880 mg/L	70 mg/L	Failed
Biochemical Oxygen Demand (BOD)	939 mg/L	30 mg/L	Failed
Ammonia (NH3-N), mg/L	2,961 mg/L	3 mg/L	Failed
Phosphate	67.25 mg/L	2 mg/L	Failed
Total Coliform	160,000,000 MPN/100 mL	3,000 MPN/100 mL	Failed

After a careful perusal of the facts in relation to the evidence obtained, it cannot be denied that herein Respondent is still operating and discharging wastewater without any consideration of its impact and effect to the receiving body of water which is an established Water Quality Management Area.

Respondent’s continuous discharge of wastewater absent a valid permit from this Office, is considered illegal under existing regulations. Rule 14.12 of the Implementing Rules and Regulation of R.A. 9275 clearly provides that “Xxx *Disapproved applications or suspended or revoked wastewater discharge permits shall not grant any right or privilege to the applicant or former permit holder to discharge its wastewater into any water body(ies) and/or land. Any discharge shall be a ground for the immediate issuance of a cease and desist order xxx*”.

Respondent’s discharge of wastewater without any discharge permit is by itself illegal and merits the issuance of a Cease and Desist Order has been exacerbated by the fact that the daily discharge has been exceeding the permissible standards.

As such, illegal discharge of inadequately treated wastewater must be immediately stopped. The Supreme Court held in the Case of Pollution Adjudication Board vs. Court of Appeals, G.R. No. 93891 dated 11 March 1991 which stated that “*Ex parte cease and desist orders are permitted by law and regulations in situations like that here presented precisely because stopping the continuous discharge of pollutive and untreated effluents into the rivers and other inland waters of the Philippines cannot be made to wait until protracted litigation over the ultimate correctness or propriety of such orders has run its full course, including multiple and sequential appeals such as those which Solar has taken, which of course may take several years. The relevant pollution control statute and implementing regulations were enacted and promulgated in the exercise of that pervasive, sovereign power to protect the safety, health, and general welfare and*

comfort of the public, as well as the protection of plant and animal life, commonly designated as the police power. It is a constitutional commonplace that the ordinary requirements of procedural due process yield to the necessities of protecting vital public interests like those here involved, through the exercise of police power. Xxx”

WHEREFORE, in view of the foregoing, Respondent is hereby directed to **CEASE AND DESIST** from undertaking any activity and/or operating its machines/equipment generating pollution during the pendency of the proceedings before and/or until further Orders from this Office or the Pollution Adjudication Board.

Likewise, Respondent will be liable for fines ranging from Ten Thousand Pesos (Php 10,000.00) to Two Hundred Thousand Pesos (Php 200,000.00) per day of violation in accordance with R.A. 9275 and its Implementing Rules and Regulations.

The **Chief, PEMU-Oriental Mindoro** in coordination with the Local Government Unit concerned and the DENR-PENRO is hereby directed to implement this Order within seventy-two (72) hours from receipt hereof. A report shall likewise be submitted to the undersigned within forty-eight (48) hours upon execution thereof stating the proceedings taken therein.

Manila, 25 October 2021.


JOE AMIL M. SALINO
Regional Director



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NOTICE OF ISSUANCE OF ORDER

Please take notice that an Order was issued upon herein Respondent for
the above-entitled case, a copy of which is hereto attached.

Metro Manila, Philippines, 25 October 2021.

Very truly yours,

MARIA RIZZA CARMELA T. RANJO
OIC, Legal Unit

Copy furnished:

THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA

THE CITY MAYOR
Calapan City, Oriental Mindoro

RESPONDENT
Canubing I, Calapan City, Oriental Mindoro



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