



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

**EMB-MIMAROPA CASE NO.
ORM-494-21**

-VS-

MARLON ESTRELLA 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 17 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 farm established in Calendar Year 2015 located at San Mariano, Roxas, Oriental Mindoro and has a wastewater volume of five (5) 5 cubic meters a day.

Respondent has been a subject of a Notice of Violation dated 02 June 2021 for operating without a Discharge Permit. Thereafter, an Order was issued on 04 August 2021 finding Respondent liable for violating Section 14 of R.A. 9275.

During the inspection conducted on 17 August 2021, the following findings and observations of the inspecting team revealed the following:

1. The project has a total of two hundred fifty-three (253) hogs comprising of fifty (50) sows, three (3) boars, and two hundred (200) fatteners including piglets.
2. The generated wastewater of the piggery directly flows to the earthen lagoon made by the owner.
3. The project approximately consumes five (5) cubic meters of water a day for piggery maintenance.
4. Respondent has been operating without a Discharge Permit;
5. No accredited Pollution Control Officer;
6. Notices of Violation were also issued against Respondent for operating without a Hazardous Waste Generator ID and for constructing/operating a piggery project with a total swine population

of two hundred fifty-three (253) hogs without securing an Environmental Compliance Certificate (ECC).

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 C)	Remarks
Biochemical Oxygen Demand (BOD)	984 mg/L	50 mg/L	Failed
Phosphate	76.7 mg/L	4 mg/L	Failed
Total Coliform, MPN/100mL	22,000,000 MPN/100 mL	10,000 MPN/100 mL	Failed
Total Suspended Solids, mg/L	280 mg/L	100 mg/L	Failed
Ammonia, mg/L	785.23 mg/L	4 mg/L	Failed

After careful perusal of the facts in relation to the evidence obtained, it cannot be denied that herein Respondent despite several notices, 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 continuously since 2015 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 discharges 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.

Moreover, 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 MUNICIPAL MAYOR
Roxas, Oriental Mindoro

RESPONDENT
San Mariano, Roxas, Oriental Mindoro



R4B-2021-010634