



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

**EMB-MIMAROPA CASE NO.  
OCCMIN-108-22**

**-vs-**

**RUIZOL'S PIGGERY FARM PROJECT**

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 15 September 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 2018 and located at Sitio Cusol, Brgy. Mapaya, San Jose, Occidental Mindoro with a daily water consumption volume of fifteen (15) cubic meters a day.

During the inspection conducted on 15 September 2021, the following findings and observations of the inspecting team revealed the following:

1. The project has an Environmental Compliance Certificate with Reference No. ECC-OL-R4B-2018-0047 issued on 10 May 2018.
2. The piggery has an approximate area of 5,383 square meters and has been since 2018 operating without a valid Discharge Permit, Permit to Operate and Hazardous Waste Generator ID.
3. Respondent has no accredited Pollution Control Officer.
4. The piggery project has a total of four hundred twenty (420) pigs comprising of fifty (50) sows, one hundred eighty (180) fatteners, and one hundred ninety (190) piglets.
5. The piggery project consumes a volume of more or less fifteen (15) cubic meters of water daily and subsequently discharges its wastewater going towards the piggery project's septic tanks.
6. The inspection report also noted that the piggery has one (1) existing open tank with three chambers, all of which are observed as not properly maintained.

7. Also, the septic tanks were found to be left open with no concrete lid or cover placed on top of each tank and has a tendency to overflow during heavy rainfall. Moreover, foul scent was also found to be emanating from the project.
8. Results of laboratory analysis of samples collected last 10 November 2021 exceeded the standards in terms of Ammonia, Total Coliform and Total Suspended Solids (TSS) 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
Ammonia	31.09 mg/L	3 mg/L	Failed
Total Coliform	2,200,000 MPN/100 mL	3,000 MPN/100 mL	Failed
Total Suspended Solids (TSS)	290 mg/L	70 mg/L	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 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- Occidental 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, 21 June 2022.

  
**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, 21 June 2022.

Very truly yours,

  
**ATTY. ALESSA MAY V. ISMAEL**  
Chief, Legal Unit

Copy furnished:

**THE REGIONAL EXECUTIVE DIRECTOR**  
DENR-MIMAROPA

**THE MUNICIPAL MAYOR**  
San Jose, Occidental Mindoro

**RESPONDENT**  
Sitio Cusol, Brgy. Mapaya,  
San Jose, Occidental Mindoro



R4B-2021-015987

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