



**IN THE MATTER OF ENVIRONMENTAL
IMPACT ASSESSMENT LAW**

**EMB-MIMAROPA CASE NO.
ROM-238-21**

-vs-

RANCE'S HAVEN

Respondent

X-----X


**FOR: VIOLATION OF P.D. 1586 AND
ITS IMPLEMENTING RULES AND
REGULATIONS**

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, 27 JUN 2022.

Very truly yours,


MARIA RIZZA. CARMELA T. RANJO
OIC, Legal Unit

Copy furnished:

**ENVIRONMENTAL MANAGEMENT SERVICES
ROMBLON**
PENRO Compound, Brgy. Taging Dagat,
Odiongan, Romblon

SHEILAH SOFIA P. RANCE
Managing Head
RANCE'S HAVEN
Sitio Binaliwan, Brgy. Tampayan,
Magdiwang, Sibuyan, Romblon

THE REGIONAL EXECUTIVE DIRECTOR
DENR – MIMAROPA Region

THE MUNICIPAL MAYOR
Municipality of Sibuyan
Province of Romblon





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O R D E R

For consideration is the Position Paper filed by the Respondent dated 03 November 2021 relative to the Order issued against the project dated 01 September 2021

The facts of the case are as follows:

On 19 February 2020, The Environmental Management Services (EMS) – Romblon conducted a site inspection for new projects operating with/without ECC Applications.

During the inspection, it was discovered that Respondent was engaged in the construction/operation of a resort/tourism establishment project located at Sitio Binaliwan, Brgy. Tampawan, Magdiwang, Sibuyan, Romblon, without a valid Environmental Compliance Certificate (ECC). Accordingly, a Notice of Violation (NOV) dated 08 October 2020 was issued against Respondent for violating Section 4 of P.D. 1586.

On 23 October 2020, Respondent filed a Motion for Extension of Time to file Position Paper.

In the said Motion, Respondent requested for extension of time or until 03 November 2020 to submit a Position Paper citing that it would require them more time to gather pieces of evidence that will support her defense and enable her to secure the services of a private counsel.

However, this Office received no further Position Paper from the Respondent. It is clearly stated in the NOV that failure on the part of the Respondent to submit the required position paper within the reglementary period shall be considered by this Office as a waiver of its right to be heard and present evidence on their behalf.

Thus, an Order was issued dated 01 September 2021 finding Respondent **LIABLE** for operating a resort/tourism establishment project without a valid ECC, which is in violation of Section 4 of PD 1586.

In addition, Respondent was also directed to pay a fine amounting to Php 50,000.00 and to **SUSPEND** all activities and operations **EFFECTIVE IMMEDIATELY** upon receipt of the Order, until and unless a valid ECC was issued in favor of the project.

In response to the Order, Respondent filed a Supplemental Position Paper dated 03 November 2021 assailing the findings of this Office contending that a Position Paper was filed on 03 November 2020 and was received by this Office on 15 December 2020.

Respondent also claims that the pandemic has affected their business financially and that the Stoppage Order will further add to the hardship of recovering from the effects of the pandemic.

Furthermore, Respondent requests for this Office to grant them ample time to comply with the requirements needed in securing ECC while also acknowledging that while there is a pending application for an ECC, the requirements remain incomplete.

In their Position Paper dated 03 November 2020, Respondent averred that prior to the commencement of operations, the project was able to secure permits from the Department of Trade and Industry and the Office of the Mayor.

However, Respondent also admitted that it failed to submit the required documents, citing weather, sea conditions, and the pandemic as reasons for its failure to comply and submit the lacking requirements in its ECC application.

Moreover, Respondent argues that the project does not fall under the category of Environmentally Critical Areas as enumerated under Proclamation No. 2146.

This Office now resolves whether Respondent should be held liable for violating Section 4 of P.D. 1586. Upon review and evaluation, this Office finds Respondent **LIABLE** for violating Section 4 of P.D. 1586, for operating a resort/tourism establishment project without a valid ECC issued by this Office.

Section 4 of P.D. 1586, otherwise known as "Philippine Environmental Impact Statement System" provides that government and private entities are required to secure an Environmental Compliance Certificate (ECC) before starting a project falling under the system.

Furthermore, Item 4.2, Annex A of EMB Memorandum Circular No. 2014-005 provides that resorts and other tourism/leisure project with a total/gross floor area exceeding one (1) hectare are required to secure an ECC prior to project implementation.

During the inspection conducted by EMS – Romblon on 19 February 2020, it was discovered that the project started its operations in March 2016. Furthermore, the project was also found to have the following infrastructures within its facility, which include: three (3) pools, one (1) building, and one (1) conference hall.

Moreover, a review of the Respondent's application shows that its application has been pending since 2019 for submission of basic requirements and no further action has been made by the Respondent to address the lacking requirements in their application.

In addition, based on the latest monitoring inspection conducted on 10 November 2021, the project continues its operations despite the Order issued by this Office dated 01 September 2021 directing Respondent to **SUSPEND** its operations **EFFECTIVE IMMEDIATELY**, until and unless a valid ECC has been issued in favor of the project.

PENRO Compound, Brgy. Suqui, Calapan City, Oriental Mindoro
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Section 9 of P.D. 1586 states that *“any person, corporation, or partnership found violating Section 4 of this Decree, xxxx shall be punished the suspension or cancellation of his/its certificate and/or a fine in an amount not to exceed FIFTY THOUSAND PESOS (Php 50,000.00) for every violation thereof, xxxx”*.

Likewise, Section 4, Item VIII of EMB Memorandum Circular No. 2020-21 states that,

“In case of non-compliance with the order, decision, or the resolution by the Respondent, or non-compliance to the environmental commitments submitted by the Respondent, remedies such as but not limited to the following shall be undertaken:

x x x x

c. Issuance of a Cease and Desist Order;

x x x x ”

WHEREFORE, in view of the foregoing, Respondent is hereby directed to pay the fine amounting to **FIFTY THOUSAND PESOS (PHP 50,000.00)** for operating without a valid ECC issued by this Office, to be settled within fifteen **(15) days** from receipt hereof.

Furthermore, the project is hereby directed to **CEASE AND DESIST** from further operating and conducting any activity **EFFECTIVE IMMEDIATELY** upon receipt of this Order, until and unless an ECC has been secured from this Office and all other environmental clearances and permits relative to its operations have been secured.

The **Chief, EMS - Romblon** is hereby directed to serve and strictly 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.

SO ORDERED.

Manila, 27 JUN 2022.


JOE AMIL M. SALINO
Regional Director

