



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

**EMB-MIMAROPA CASE NO.
PAL-031-22**

-VS-

**BCT TRADING AND CONSTRUCTION
INC.**

Respondent

X-----X

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

O R D E R

For consideration is the recommendation of the legal unit to impose a Cease and Desist Order on the operations of your Mountain Quarry Project located at Sitio Pamatpatan, Inside the Busuanga Pasture Reserve, Brgy. Decalachao, Coron, Palawan.

The facts of the case are as follows:

On 22 January 2021, The Provincial Environmental Management Unit (PEMU) – Palawan conducted a site inspection for new projects operating with/without ECC Applications.

During the inspection, it was discovered that the project is a mountain quarry operation within the Busuanga Pasture Reserve (BPR) located at Brgy. Decalachao, Coron, Palawan without a valid Environmental Compliance Certificate (ECC) issued by this Office. The quarry project is operated by the BCT Construction Inc. (President is Engr. Tederico Tiotangco) for the embankment of the proposed Busuanga Airport Expansion Project which is part of the 'Build build build" project of the National Government.

On 02 December 2020, the office conducted a technical conference attended by the proponent on the quarry operation and other concerned offices such as CAAP, PMRB, Barangay, BAI (Bureau of Animal Industry), DENR FMB-BPR and EMB.

Based on the inspection report, Respondent failed to present any legal document showing that necessary permits and authorizations were issued in favor of the project. Upon checking our records, up to now Respondent has not submitted an application to secure the required ECC.

The inspection report also noted that DENR FMB-BPR had conducted survey on the quarry operation to determine the actual size of the quarry project in the area, and it shows that the project have a total area of 4.8 hectares and

falls inside the Busuanga Pasture Reserved, please be advised that Busuanga Pasture Reserve is strictly prohibit to any form of disposition, exploration, or exploitation pursuant to proclamation no. 2013-663.

On 25 January 2021, the Mines and Geosciences Bureau MIMAROPA issued a Cease and Desist Order on the said project.

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.

Moreover, Proclamation No. 1387, Series of 1975 withdrew from any form of disposition, exploration or exploitation, and reserved as a pasture reserve a parcel of land of the public domain in Busuanga, Palawan.

Section 12 of Republic Act 7586 as amended by Republic Act 11038 or the Expanded National Integrated Protected System Areas of 2018 provides,

"Sec. 12. Environmental Impact Assessment (EIA). Considering that protected areas are environmentally critical areas, the proponent of development projects and activities with potentially significant adverse impacts as determined by the Environmental Management Bureaus (EMB), whether or not these projects or activities are included in the management plan, shall secure an Environmental Compliance Certificate (ECC) in accordance with the Philippine Environment Impact Statement (EIS) System x x x x

"No actual implementation of such activities shall be allowed without the required ECC under the Philippine EIA System. Violations of environmental laws, rules and regulations, including those under the EIA System, shall be penalized accordingly."

The essence of due process is simply an opportunity to be heard.¹ Due process is satisfied when the parties are afforded a fair and reasonable opportunity to explain their respective sides of the controversy.² Where a party, such as petitioner, was afforded this opportunity to participate but failed to do so, he cannot complain of deprivation of due process. If said opportunity is not availed of, it is deemed waived or forfeited without violating the constitutional guarantee.³

As of date, nothing in our records show that Respondent has filed the necessary application for an ECC relative to the project nor has it submitted any

¹ *Neeco II v. National Labor Relations Commission*, G.R. No. 157603, June 23, 2005.

² *Estrada v. People*, G.R. No. 162371, August 25, 2005.

³ *Estrada v. People*, G.R. No. 162371, August 25, 2005.

clearances from other government agencies showing that they have been given authority to operate within the Busuanga Pasture Reserve.

Section 9 of P.D. 1586 states that, *“any person, corporation, or partnership found violating Section 4 of this Decree, xxxxxx 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, xxxxxxxx”*

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.

Finally, to prevent grave and irreparable damage to the environment, Respondent is hereby directed to **CEASE AND DESIST** from conducting all activities **EFFECTIVE IMMEDIATELY** 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. Mitigating activities should likewise be implemented and reported to this Office in a form of a status report every fifteen (15) days.

Pursuant to Section VI, EMB Memorandum Circular No. 2021-10, Respondent may avail of staggered payment scheme provided that an application letter manifesting such intent must be filed within fifteen (15) days from receipt of Order subject to 20% initial payment upon the filing of an application for the required permit and the balance may be paid on a twelve months (12) installment basis payable in either cash or by issuing post-dated checks for the corresponding months.

Failure to pay at least one (1) month installment or if the issued post-dated check is dishonored by the bank due to insufficient funds, the full amount shall immediately be due and demandable without prejudice to the filing of a criminal case pursuant to applicable penal laws.

The **Chief, PEMU - Palawan** or her duly authorized representative is directed to serve 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, 22 March 2022.


JOE AMIL M. SALINO
Regional Director



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NOTICE OF ISSUANCE OF CEASE AND DESIST 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, 22 March 2022.

Very truly yours,

MARIA RIZZA CARMELA T. RANJO
OIC, Legal Unit

Copy furnished:

**PROVINCIAL ENVIRONMENTAL MANAGEMENT UNIT
PALAWAN**

DENR Compound, Brgy. Sta. Monica.
Puerto Princesa City, Palawan

**THE REGIONAL EXECUTIVE DIRECTOR
DENR MIMAROPA**

TEDERICO G. TIOTANGCO

Managing Head
BCT TRADING AND CONSTRUCTION INC.
So. Deguiboy, Brgy. Guadalupe,
Coron, Palawan



R4B-2021-000793