



MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTOR
DENR – MIMAROPA REGION

FROM : THE REGIONAL DIRECTOR
EMB MIMAROPA Region

SUBJECT : RESPONSE TO THE E-MAIL DATED 20 AUGUST 2022 FROM
NARZALINA LIM REGARDING THE CORON – CULION
BRIDGE PROJECT

DATE : 09 SEPTEMBER 2022

This is in response to the e-mail dated 20 August 2022 regarding the actions taken by our Office and status of implementation of the Coron – Culion Bridge Project located at Brgy. Bintuan, Coron, Palawan.

Please be informed that our technical personnel have already conducted site inspections on 31 March 2021 and 16 November 2021 relative to the complaint received by this Office on the alleged road widening activities in Barangay Bintuan as part of the proposed Coron – Culion Bridge Project.

During the inspection, it was noted that the Coron – Culion Bridge component was not implemented because of a Stoppage Order issued by DPWH against the contractors for failure to secure government permits and clearances. At that time, the road widening component of the project, with a distance of eight (8) kilometers starting from Coron- Busuanga Highway leading to the proposed Coron-Culion Bridge Project has already commenced.

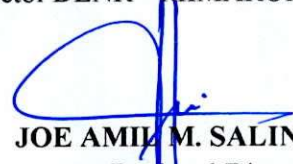
Thus, this Office issued a Notice of Violation (NOV) dated 17 May 2022 against DPWH MIMAROPA for implementing/engaging in the Coron – Culion Bridge and its project components without a valid Environmental Compliance Certificate (ECC) issued by this Office.

However, this Office did not receive any response from DPWH in connection with the abovementioned NOV.

Hence, an Order was issued against DPWH MIMAROPA on 14 July 2022 finding DPWH MIMAROPA liable for violating Section 4 of Presidential Decree 1586 and was ordered to pay the fine amounting to FIFTY THOUSAND PESOS (Php 50,000.00).

Furthermore, DPWH MIMAROPA was also ordered to **SUSPEND** all activities **EFFECTIVE IMMEDIATELY** until and unless a valid ECC for the Coron – Culion Bridge Project, including all the components of the project were secured from this Office.

This is for the information and guidance of the Regional Executive Director DENR – MIMAROPA Region.


JOE AMIL M. SALINO
Regional Director





CERTIFICATE OF NON-COVERAGE
(CNC-OL-R4B-2022-04-00713)

DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS R4B

April 22, 2022

CONSTRUCTION/IMPROVEMENT OF CORON-CULION BRIDGE STA. STA. 4+800 - 6+527.46
Brgy. Bintuan Coron, Palawan, R4B

ITEM 3.4.2 INFRASTRUCTURE PROJECTS/ROADS AND BRIDGES/ROADS, WIDENING, REHABILITATION
AND/OR IMPROVEMENT WITH NO CRITICAL SLOPE - WITH $\leq 50\%$ INCREASE IN CAPACITY (OR IN
TERMS OF LENGTH/WIDTH)
(Declared Project Size: 1.72746 Kilo meter Increase in length)

THE ISSUANCE OF THIS CERTIFICATE SHALL NOT EXEMPT THE GRANTEE FROM COMPLIANCE WITH APPLICABLE ENVIRONMENTAL LAWS, RULES AND REGULATIONS INCLUDING THE PERMITTING REQUIREMENTS OF OTHER GOVERNMENT AGENCIES NEITHER CREATE ANY RIGHT NOR BE USED AS AN AUTHORIZATION TO IMPLEMENT THE PROJECT, YOU MAY PROCEED WITH THE IMPLEMENTATION ONLY AFTER SECURING ALL THE NECESSARY AND RELEVANT PERMITS FROM OTHER PERTINENT GOVERNMENT AGENCIES.

MOREOVER, ANY EXPANSION AND/OR MODIFICATION OTHER THAN SPECIFIED ABOVE SHALL BE CONSIDERED AS A VIOLATION OF P.D. 1586 (EIA SYSTEM) AND SHALL BE SUBJECTED TO IMPOSITION OF FINES/PENALTIES AMOUNTING TO PHP 50,000.00.



Receipt No.2214392/ Php 1240.00/ April 21, 2022
ARN. 991cdf48-0033-4fa6-a057-dd0b8f04f10e

IN ACCORDANCE WITH THE REVISED PROCEDURAL MANUAL FOR
DENR ADMINISTRATIVE ORDER NO. 30, SERIES OF 2003 OF PRESIDENTIAL
DECREE NO. 1586, THIS

CERTIFICATE OF NON-COVERAGE
(CNC-OL-R4B-2022-04-00712)

Issued to

DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS R4B

On

April 22, 2022

For its

CONSTRUCTION/IMPROVEMENT OF CORON-CULION BRIDGE STA. 2+931.50 - STA. 4+800
Brgy. Bintuan Coron, Palawan, R4B

Classified as

ITEM 3.4.2 INFRASTRUCTURE PROJECTS/ROADS AND BRIDGES/ROADS, WIDENING, REHABILITATION AND/OR IMPROVEMENT WITH NO CRITICAL SLOPE - WITH $\leq 50\%$ INCREASE IN CAPACITY (OR IN TERMS OF LENGTH/WIDTH)
(Declared Project Size: 1.8685 Kilo meter Increase in length)

THE ISSUANCE OF THIS CERTIFICATE SHALL NOT EXEMPT THE GRANTEE FROM COMPLIANCE WITH APPLICABLE ENVIRONMENTAL LAWS, RULES AND REGULATIONS INCLUDING THE PERMITTING REQUIREMENTS OF OTHER GOVERNMENT AGENCIES NEITHER CREATE ANY RIGHT NOR BE USED AS AN AUTHORIZATION TO IMPLEMENT THE PROJECT, YOU MAY PROCEED WITH THE IMPLEMENTATION ONLY AFTER SECURING ALL THE NECESSARY AND RELEVANT PERMITS FROM OTHER PERTINENT GOVERNMENT AGENCIES.

MOREOVER, ANY EXPANSION AND/OR MODIFICATION OTHER THAN SPECIFIED ABOVE SHALL BE CONSIDERED AS A VIOLATION OF P.D. 1586 (EIA SYSTEM) AND SHALL BE SUBJECTED TO IMPOSITION OF FINES/PENALTIES AMOUNTING TO PHP 50,000.00.


ENGR. WILLIAM P. CUÑADO
Director



Receipt No.2214314/ Php 1240.00/ April 21, 2022
ARN. 593ae8e8-9642-416c-b46e-96ac7de90a2b



Department of Environment and Natural Resources
Environmental Management Bureau
MIMAROPA Region



RD GERALD A. PACANAN

Regional Director

DPWH MIMAROPA

DPWH RIV-B, EDSA, Quezon City



NOTICE OF VIOLATION

Notice is hereby served upon you for undertaking the construction of Road Widening Activities as part of the **Coron-Culion Bridge** Project located at Brgy. Bintuan, Coron, Palawan in violation of Section 4 of Presidential Decree No. 1586, otherwise known as the "Philippine Environmental Impact Statement System" based on report of inspection by this Office on 16 November 2021.

ACT CONSTITUTING VIOLATION

Findings	Governing Law, Rules and Regulations
Implementing/engaging in the Coron-Culion Bridge and its project components without an Environmental Compliance Certificate (ECC).	Section 4 of PD 1586 states that "no person partnership or corporation shall undertake or operate any environmentally critical project or operate in an environmentally critical area without first securing an Environmental Compliance Certificate".

In view of the foregoing, Respondent is hereby directed to submit with the Environmental Management Bureau - MIMAROPA Region (EMB-MIMAROPA) satellite office, at 6th Floor, DENR by the Bay Bldg., 1515 Roxas Blvd., Ermita, Manila, a notarized position paper within **ten (10) days** upon receipt hereof, why no penalties in an amount not to exceed **FIFTY THOUSAND PESOS (P50,000.00)** should be imposed against you pursuant to Section 9 of P.D. 1586 and Section 16b, Article IV of DENR Administrative Order No. 2003-30.

Furthermore, in order to prevent grave and irreparable damage to the environment, you are hereby directed to **SUSPEND** implementation of all activities **EFFECTIVE IMMEDIATELY** upon receipt of this Notice until and unless a valid ECC has been issued in favor of the project.

Failure on your part to comply with this directive within the aforesaid period shall be considered as a waiver of your right to be heard and present evidence on your behalf. Thereafter, this Office shall decide on the matter based on the evidence on record.

The **Chief, Provincial Environmental Management Unit-Palawan** or her duly authorized representative is directed to serve this Notice 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.


JOE AMIL M. SALINO
Regional Director

Copy furnished:

Provincial Environmental Management Unit-Palawan
DENR Compound, Brgy. Sta. Monica, PPC, Palawan

PENRO Compound, Brgy. Suqui, Calapan City, Oriental Mindoro
Regional Satellite Office: 6th Floor DENR by the Bay Bldg., 1515 Roxas Blvd., Ermita, Manila
Office of the Regional Director: (02) 8536 9786; Administrative and Finance Division: (02) 8536 9786
Environmental Management and Enforcement Division: (02) 8633 2587; Clearance and Permitting Division: (02) 8633 2587
Records Management Unit: (02) 8633 8900
E-mail Address: embmimaropa@emb.gov.ph
Website: www.mimaropa.emb.gov.ph



BAR 0001 015480



Department of Environment and Natural Resources
Environmental Management Bureau
MIMAROPA Region



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

**EMB-MIMAROPA CASE NO.
PAL-137-22**

-vs-

**CONDUCT OF ROAD WIDENING
ACTIVITIES AS A COMPONENT OF THE
CORON - CULION BRIDGE PROJECT**

Respondent

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

X-----X

ORDER

For consideration is the recommendation of the legal unit to impose penalty relative to the Notice of Violation (NOV) issued to herein Respondent dated 17 May 2022.

The facts of the case are as follows:

On 31 March and 18 November 2021, this Office conducted a site inspection for new projects operating with/without Environmental Compliance Certificate (ECC) Applications.

During the inspection, it was discovered that Respondent is engaged in the construction of road widening activities as a component of the Coron - Culion Bridge project without a valid ECC issued by this Office.

In the said NOV, Respondent was given an opportunity to submit their position paper within ten (10) days from receipt. However, Respondent failed to submit their Position Paper. 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, the case will be resolved according to the available documents on record.

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 3.4.2, Annex A of EMB Memorandum Circular No. 2014-005 provides that road widening projects with a length greater than two (2) km but less than ten (10) km with critical slope, is required to secure an ECC prior to project implementation.

During the conduct of inspections, it was discovered that the road widening component of the project has an estimated distance of eight (8) kilometers starting from the Coron - Busuanga Highway leading to the proposed Coron - Culion Bridge project

At the time of inspection, it was observed that the project has already commenced with the road clearing and widening activities. Aside from the presence of heavy equipment, it was also observed that excavation activities beside the mountain located at KM 6 going to KM 8 of Coron – Busuanga Highway has been undertaken.

Furthermore, clearing of trees in the affected areas were also undertaken despite not having any tree-cutting permits issued by the Department of Environment and Natural Resources.

As of date, the project continues its activities despite not having any valid ECC issued by this Office.

Thus, 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 implementing the construction of road widening activities as a component of the Coron – Culion Bridge project without a valid Environmental Compliance Certificate, to be settled within **fifteen (15) days** from receipt hereof.

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.

Finally, Respondent is hereby directed to **SUSPEND** all activities **EFFECTIVE IMMEDIATELY** until and unless a valid Environmental Compliance Certificate has been issued in favor of the Coron – Culion Bridge project including all the components of the project.

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, 14 JUL 2022



Department of Environment and Natural Resources
Environmental Management Bureau
Regional Office No. IV - B (MMAROPA)



18 JULY 2022 08:00:00 AM


JOE AMIL M. SALINO
Regional Director

PENRO Compound, Brgy. Suqui, Calapan City, Oriental Mindoro
Regional Satellite Office: 6th Floor DENR by the Bay Bldg., 1515 Roxas Blvd., Ermita, Manila
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Department of Environment and Natural Resources
Environmental Management Bureau
MIMAROPA Region



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

**EMB-MIMAROPA CASE NO.
PAL-137-22**

-vs-

**CONDUCT OF ROAD WIDENING FOR: VIOLATION OF P.D. 1586 AND
ACTIVITIES AS A COMPONENT OF THE ITS IMPLEMENTING RULES AND
CORON - CULION BRIDGE PROJECT REGULATIONS**
Respondent

X-----X

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, 14 JUL 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

GERALD A. PACANAN
Regional Director
DPWH MIMAROPA
DPWH Region IV - B
EDSA, Quezon City

PENRO Compound, Brgy. Suqui, Calapan City, Oriental Mindoro
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R4B-2021-015482