



POLLUTION ADJUDICATION BOARD (PAB) RESOLUTION NO. 02
Series of 2020

INTERIM GUIDELINES OF THE POLLUTION ADJUDICATION BOARD (PAB)
DURING THE PUBLIC HEALTH EMERGENCY DUE TO COVID-19

WHEREAS, recognizing that COVID-19 constitutes a threat to national security and prompting a whole-of-government approach in addressing the outbreak, the entire of Luzon was placed under Enhanced Community Quarantine (ECQ) from 15 March 2020 until 14 April 2020 and extended the implementation of such until 30 April 2020;

WHEREAS, President Rodrigo Duterte, by virtue of Executive Order No. 112, series of 2020, has extended the ECQ in high-risk geographic areas, such as Metro Manila, Central Luzon, CALABARZON, Cebu, and Davao City to 15 May 2020 but on the other hand relaxed lockdown restrictions in other parts of the country with low to moderate risk of infection from the COVID-19, wherein a less strict General Community Quarantine (GCQ) was declared therein;

WHEREAS, Section 4 of E.O. 112 provides that all departments, agencies and instrumentalities of the government, including state colleges and universities, government-owned or -controlled corporations, government financial institutions, and LGUs are directed to render full assistance to and cooperation with each other and mobilize the necessary resources for the implementation of the ECQ and GCQ;

WHEREAS, in view of the Omnibus Guidelines in the Implementation of the ECQ and GCQ as recommended by the IATF-EID which was adopted by E.O. 112, which recommended that guidelines be issued by the different government agencies to provide policy directions for the public and stakeholders in complying with government regulations following the modification of ECQ, the Pollution Adjudication Board, pursuant to its powers and functions as provided by Section 19 of E.O. No. 192, Series of 1987, **RESOLVES, as it is hereby RESOLVED**, to adopt the following guidelines to be followed as the “new normal”, as regards its procedures during the current public health emergency, to wit:

Section 1. For EMB Regional Offices in areas where the Enhanced Community Quarantine (ECQ) is lifted, the following should be observed as the “new normal”, to wit:

- a. For complaints either directly filed with or endorsed to the Regional Office, the EMB Regional Director or its duly authorized representative shall order the investigation of the complaint, pursuant to Section 3, Rule V of PAB Resolution 01-2010, provided, that the investigation should be done in accordance with existing DENR Guidelines, especially when travel to quarantine areas is required; and provided further, that the standard protocols of physical distancing and the wearing of proper PPEs are complied with, whenever necessary.
- b. Thereafter, within ten (10) days from the investigation or within three (3) working days after the samples taken have been analyzed, the Regional Office shall submit a report on the action taken by the Office, the result of investigation and the status of the case to the originating Office and the Board.

c. A Notice of Violation (NOV) shall be issued by EMB Regional Office should there be a finding of violation of the Clean Air Act or the Clean Water Act, as follows:

c.1 For violations enumerated under PAB Resolution No. 01-2019, in lieu of a Technical Conference to be indicated in the NOV, the Respondent shall be required to submit a Position Paper within fifteen (15) days from the receipt of NOV, to avoid face- to – face interaction and possible spread of the virus, stating therein the justifications as to why no fines shall be imposed against the establishment and/or its manifestation to commit to compliance with all the environmental laws, through emails, couriers or delivered to Regional Offices. Failure to submit position paper on or before the date as indicated in the Notice of Violation shall mean a waiver of his right to contest the findings of the report or present evidence in his defense and the case may be decided based on evidence on record.

c.2 For technical conferences scheduled for all other environmental violations falling under the jurisdiction of the PAB, the same shall be interrupted and will be subject to proper rescheduling, the date of which is to be announced thru issuance of appropriate notice to be sent to the Respondent. Online videoconference may be conducted for the Technical Conference instead of face to face meetings to avoid the spread of the virus.

d. Service of orders, resolutions and notices issued by the Board or the Regional Office shall be, as far as practicable and convenient, be done personally. However, in case of difficulty in conducting personal service, the office may serve the same through registered mail or courier service. Acknowledgment of receipt of such document must be ensured to be acquired by the officer from such registered mail or courier service. In **no** case shall an order for Interim Cease and Desist Order, regular Cease and Desist Order or Temporary Lifting Order be served and implemented thru substituted service.

e. Payment of fines imposed by EMB Regional Offices shall only be made after a prior appointment has been confirmed by the Regional Office concerned. All are encouraged to contact the office through telephone, email or visit the website to obtain the needed information. Should they require further clarification, clients and visitors should schedule an appointment prior to their visit to concerned EMB Offices.

Section 2. For the Office of the Pollution Adjudication Board Secretariat located at DENR Central Office, should the ECQ be already lifted in the National Capital Region:

- a. The Board shall continue to resolve cases via video conference at least twice a month.
- b. The Orders of the Board resolved via video conferencing during the current public health emergency shall be served through registered mail or courier service, for the implementation of the concerned Regional Office.
- c. The fines imposed by the Board shall be paid by the Respondent to the EMB Central Office or Regional Offices, as the case may be. All are encouraged to contact the office through telephone, email or visit the website to obtain the

needed information. Should they require further clarification, clients and visitors should schedule an appointment prior to their visit to concerned EMB Offices

Section 3. Online system shall be highly encouraged to be utilized to clients needing assistance from PABS and EMB Regional Offices.

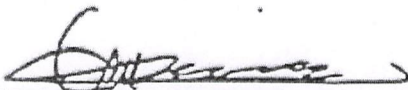
Section 4. Persons over sixty (60) years of age, or under twenty-one (21), those with immunodeficiency, comorbidities, or other health risks, and pregnant women shall be allowed to transact with PABS or EMB Regional Offices only thru emails and/or video conferencing.

Section 5. Everyone should strictly observe public health standard quarantine measures such as physical distancing, mandatory wearing of face masks and other sanitary protocols to ensure health and safety in the workplace and prevent the spread of Corona virus, in accordance with EMB COVID 19 Crisis Management Plan and other pertinent government issuances.

This Resolution shall take effect immediately and shall remain in force unless sooner modified or revoked.

Approved this 11th day of May 2020 in Quezon City, Philippines.


By authority of the Secretary:


USEC. RODOLFO C. GARCIA
Presiding Officer


USEC. JONAS R. LEONES
Member


USEC. JUAN MIGUEL T. CUNA
Member

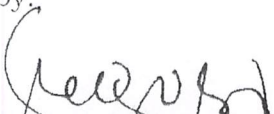

USEC. ERNESTO D. ADOBO, JR.
Member


DIR WILLIAM P. CUÑADO
Member


MR. DEMETRIO L. IGNACIO, JR.
Member

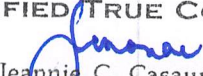

ENGR. JOSE REYNATO MORENTE
Member

Attested by:


ATTY. JANICE C. REGOSO
Board Secretary and Legal Counsel


ENGR. TERESITA A. PERALTA
Deputy Board Secretary

CERTIFIED TRUE COPY

By: 
Jeannie C. Casauran
Date: 27 MAY 2020