

AMENDMENTS TO RULE IV, RULE VIII, RULE X, RULE XI AND RULE XVI OF PAB RESOLUTION NO. 1-C, SERIES OF 1997

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In recognition of the need to further improve the procedure currently outlined in PAB Resolution I-C, Series of 1997, entitled “Revised Rules of the Pollution Adjudication Board on Pleading, Practice and Procedure in Pollution Cases”, the Pollution Adjudication Board, pursuant to its powers and functions under Section 19 of Executive Order No. 192, Series of 1992, RESOLVES, as it is hereby RESOLVED, to promulgate the following amendments to PAB Resolution I-C, Series of 1997:

SECTION 1. AMENDMENT OF SECOND PARAGRAPH OF SECTION 7, RULE IV — Second paragraph, Section 7, Rule IV is hereby amended to read as follow:

RULE IV ACTIONS

SECTION 7. CASES FILED WITH OR ENDORSED TO THE REGIONAL OFFICE; INTERIM CEASE AND DESIST ORDER. . . .

Should the action be initiated by the Department, Regional Office, PENRO or CENRO through a Notice of Violation, the Regional Executive Director shall set a date for a Technical Conference, attaching thereto a copy of the inspection or monitoring report.

SECTION 2. AMENDMENT OF SECTION 5, RULE VIII — Section 5, Rule VIII is hereby amended to read as follows:

RULE VIII HEARING OR DELIBERATION OF CASES BY THE BOARD

X X X.

SECTION 5. DELIBERATIONS BY THE BOARD — Except where the Board, in its discretion, provides for oral arguments or for the presentation of additional evidence, the Board shall deliberate on cases on the basis of the existing pleadings and records of the case, without the appearance of the parties therein. For this purpose, the respondent and all other interested parties shall file with the Board, fourteen (14) copies of all pleadings, motions and other similar papers.

SECTION 3. AMENDMENT OF SECOND PARAGRAPH, SECTION 1, RULE X — Second paragraph, Section 1, Rule X is hereby amended to read as follows:

RULE X MOTION FOR RECONSIDERATION SECTION 1. MOTION FOR RECONSIDERATION - X X X.

Only one Motion for Reconsideration of an order, resolution or decision of the Board shall be allowed, the filing of which shall suspend the running of the period to appeal. The Board shall deliberate on the motion within thirty (3) days from its submission.

SECTION 4. AMENDMENT OF SECTION 1, RULE XI — Section 1, Rule XI is hereby amended to read as follows:

RULE XI
FINALITY OF DECISIONS

SECTION 1. FINALITY OF ORDER, RESOLUTION OR DECISION AND PERIOD TO APPEAL — Subject to the provisions of the preceding rule, any order, resolution or decision of the Board shall become final and executory after fifteen (15) days from the date of receipt thereof, unless restrained by the Court of Appeals or the Supreme Court. The mere filing of an appeal shall not stay the decision of the Board.

SECTION 5. AMENDMENT OF SECTION 2, RULE XVI — Section 2, Rule XVI is hereby amended to read as follows:

RULE XVI
ADMINISTRATIVE SANCTIONS AND CRIMINAL PROSECUTION

x x x.

SECTION 2. PROCEDURE IN THE IMPOSITION OF FINES

The procedure to be adopted in the imposition of fines shall be as follows:

- a. Within fifteen (15) days from receipt of the Order of the Board, the Regional Office shall furnish the Board a copy of its recommended amount of fines to be imposed against the respondent;
- b. The PAB Technical Secretariat shall thereafter, evaluate the said recommendation and should there be concurrence, the same shall be endorsed to the Board within fifteen (15) days from the receipt of the Regional Office's recommendation;
- c. Should the amount reached by the Secretariat be in disparity with the recommended computation of the Regional Office, the Secretariat shall discuss and resolve the same with the Regional Office. The resolved computations shall be endorsed to the Board within fifteen (15) days from receipt of the Regional Office's recommendation;
- d. After due deliberation, the Board shall issue an order directing the conduct of a technical conference to present the amount of imposable fines and/or any other fines necessary and appropriate thereto to the respondent;
- e. Within thirty (30) days from receipt of the Order mentioned in the immediately preceding paragraph, a report of the technical conference shall be submitted to the Board and copies shall be provided to the respondent and any other interested party. Should the respondent question the amount of fines imposed, it shall be treated as a Motion for Reconsideration, as provided in Rule X, Section 1;
- f. After due deliberation, the Board shall issue an order directing the respondent to pay the imposable fines and other fines found necessary and appropriate thereto.

In all cases, the amount of fines shall be computed in accordance with existing guidelines of the Board.

SECTION 6. REPEALING CLAUSE — The second paragraph of Section 7 of Rule IV, Section 5 of Rule VIII, the second paragraph of Section 1 of Rule X, Section 1 of Rule XI and Section 2 of Rule XVI of PAB Resolution No. 1-C, Series of 1997 are hereby repealed. All other policies, issuances, rules and regulations of the Board which are inconsistent with these rules are hereby repealed or modified accordingly.

SECTION 7. EFFECTIVITY CLAUSE — This Resolution shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Adopted: 4 Jan. 2001

(SGD.) ANTONIO H. CERILES

Chairman

(SGD.) ROSELLER S. DE LA PEÑA

Member

(SGD.) RAMON J.P. PAJE

Member

(SGD.) PETER ANTHONY A. ABAYA

Member

(SGD.) FELIPE B. FAVILA

Member

(SGD.) PORFIRIO C. MACATANGAY

Member

(SGD.) LEONARDO U. SAWAL

Member

Attested by:

FERNANDINO Y. CONCEPCION

Board Secretary

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