

SUMMIT ONE CONDOMINIUM CORPORATION, PETITIONER, VS. POLLUTION ADJUDICATION BOARD AND ENVIRONMENTAL MANAGEMENT BUREAU – NATIONAL CAPITAL REGION, RESPONDENT.

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Petitioner Summit One Condominium Corporation (Summit Condominium) rails against the Orders dated 20 September 2012[1] and 12 July 2013[2] of the Pollution Adjudication Board (PAB) which imposed upon it a fine of P2,790,000.00 for failure to comply with the Effluent Standard under the Philippine Clean Water Act of 2004[3], and denied the Motion for Reconsideration thereof, respectively in DENR-PAB Case No. NCR-F00073-12.

The Philippine Clear Water Act of 2004 was enacted pursuant to the State's policy of pursuing economic growth in a manner consistent with the protection, preservation and revival of the quality of our fresh, brackish and marine waters.[4] Towards this end, the Department of Environment and Natural Resources (DENR) requires owners or operators of facilities that discharge regulated effluents[5] to secure a permit to discharge. This permit is the legal authorization granted by the DENR to discharge wastewater into a particular body of water.[6]

On 11 March 2010, public respondent Environmental Management Bureau – National Capital Region (EMB-NCR) conducted an inspection of the wastewater samples gathered from the sewage treatment facility of Summit Condominium which applied for a discharge permit. As it happened, the laboratory analysis of the samples yielded that the waste water of Summit Condominium failed to comply with the DENR Effluent Standard in four parameters, namely, color, biological oxygen demand, suspended solids, and total coliform.[7]

With this finding, the EMB-NCR required Summit Condominium to attend a technical conference to thresh out the matter. During the conference, Summit Condominium agreed to forthwith introduce bio-remediation measures and enzyme addition to lower the concentration of bacteria in its sewage water.[8]

Summit Corporation then hired Milestone Water Industries, Inc. (Milestone Water) to conduct an independent analysis of its wastewater. The results of the laboratory analysis for the months of March, April and May 2010 revealed that the sewage water of Summit Condominium passed the Effluent Standard.[9]

On 15 December 2010, the EMB-NCR conducted another inspection on the sewage treatment plant of Summit Condominium. This time, the results of the physical-chemical analysis disclosed that the wastewater of Summit Condo-minium passed the Effluent Standard.[10]

For the nonce, the Committee on Fines recommended that Summit Condominium be penalized for its initial failure to comply with the DENR Effluent Standard. Despite Summit Condominium's protestations, the PAB adopted this recom-mendation and issued the first assailed Order, finding thusly:

“WHEREFORE, after due deliberation and consulta-tion, the Board hereby resolves to impose upon

respondent the fines amounting to Two Million Seven Hundred Ninety Thousand Pesos (PhP2,790,000.00) for its previous violation under RA 9275.

Respondent is directed to pay to the EMB Central Office the aforementioned amount of fines within a period of ten (10) days from receipt hereof.

The Regional Director (EMB-NCR) or his duly authorized representative, in coordination with the Regional Executive Director, is hereby directed to serve this Order within seventy-two (72) hours from receipt hereof. A report shall likewise be submitted to the Board within forty-eight (48) hours from execution stating the proceedings taken therein.

SO ORDERED.”[11]

Summit Condominium moved for reconsideration but failed to attain favorable relief as this was denied by the PAB in the second challenged Order.

Unfazed by its series of defeats, Summit Condominium (now, petitioner) is before Us raising the following issues:

I

WHETHER SOCC COMPLIED WITH DENR'S EFFLUENT STANDARDS

II

WHETHER RESPONDENT PAB VALIDLY IMPOSED FINES AMOUNTING TO P2,790,000.00 ON SOCC

The Petition carries no weight and conviction.

The record speaks volumes as it divulged the results of the laboratory analysis conducted on petitioner's sewage treatment facility— petitioner miserably failed the Effluent Standard prescribed by the DENR.[12] During the technical conference, petitioner agreed to this finding as it avowed to introduce remedial measures to rectify the problem.

Petitioner's reliance on the laboratory analysis of Milestone Water, which yielded that it complied with the Effluent Standard, could hardly carry the day for it. We echo the finding of the PAB that Milestone Water is not an accredited laboratory, and as such its findings may not be taken as gospel truth.

The rule is that factual findings of quasi-judicial agencies are generally accorded not only respect, but at times, even finality because of the special knowledge and expertise gained by these agencies from handling matters falling under their specialized jurisdiction.[13] We discern no compelling justification to deviate from this rule.

Invariably, the PAB acted well within its limits in imposing the fine, pursuant to Sec. 28, Chapter 5 of the Philippine Clean Water Act, viz:

“SECTION 28. Fines, Damages and Penalties. — Unless otherwise provided herein, any person who commits any of the prohibited acts provided in the immediately preceding section or violates any of the provision of this Act or its implementing rules and regulations, shall be fined by the Secretary, upon the recommendation of the PAB in the amount of not less than Ten thousand pesos (P10,000.00) nor more than Two hundred thousand pesos (P200,000.00) for every day of violation. The fines herein prescribed shall be increased by ten percent (10%) every two (2) years to compensate for inflation and to maintain the deterrent function of such fines: Provided, That the Secretary, upon recommendation of the PAB may order the closure, suspension of development or construction, or cessation of operations or, where appropriate disconnection of water supply, until such time that proper environmental safeguards are put in place and/or compliance with this Act or its

rules and regulations are undertaken. This paragraph shall be without prejudice to the issuance of an ex parte order for such closure, suspension of development or construction, or cessation of operations during the pendency of the case.

x x x

x x x”

The fine of P10,000 for each day of violation appears to be the minimum fine that may be imposed. Petitioner's plea that this amount be reduced¹⁴ lacks factual and legal mooring. The hard truth remains that petitioner dumps and discharges water pollutants into our bodies of water, without complying with the clear regulations set forth by the DENR. For this, it should be meted the penalty prescribed.

Ineludibly, the preservation, protection and restoration of our bodies of water cannot be overemphasized as water pollution continues to wreak havoc to the natural rhythm of our ecosystem. The task of abating water pollution, daunting as it may be, could only be accomplished if the State and the people would take concrete steps to accomplish this goal. The PAB did not shirk from its duty of giving teeth to the mandates of the Philippine Clean Water Act. Its ruling should perforce be upheld, not reversed.

WHEREFORE, the Petition for Review is hereby DENIED. The Orders dated 20 September 2012 and 12 July 2013 of the Pollution Adjudication Board, in DENR-PAB Case No. NCR-F00073-12, are AFFIRMED.

SO ORDERED.

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Ybañez and Manahan, JJ., concur.

[1] Rollo, pp. 27-29.

[2] Id., pp. 32-34.

[3] Republic Act (RA) No. 9275, entitled “An Act Providing For A Comprehensive Water Quality Management And For Other Purposes”, dated 22 March 2004.

[4] Sec. 2 , Article 1, Chapter I of RA No. 9275.

[5] Sec. 4 (m), Article 2, Chapter I of RA No. 9275. Effluent means discharges from known source which is passed into a body of water or land, or wastewater flowing out of a manufacturing plant, industrial plant including domestic, commercial and recreational facilities.

[6] Sec. 14, Article 2, Chapter II of RA No. 9275.

[7] Rollo, p. 73.

[8] Id, pp. 77-79.

[9] Id., pp. 67, 69 and 71.

[10] Id., p. 272.

[11] Rollo, p. 29.

[12] Rollo, p. 73.

[13] See General Milling Corporation v. Viajar, 689 SCRA 598, 606 (30 January 2013).

[14] Rollo, pp. 205-207.

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