



**POLLUTION ADJUDICATION BOARD (PAB) Resolution No. 02
Series of 2021**

**PROCEDURE ON THE APPEALS FILED WITH THE POLLUTION
ADJUDICATION BOARD BY VIRTUE OF PAB RESOLUTION NO. 01
SERIES OF 2019**

WHEREAS, pursuant to Pollution Adjudication Board (PAB) Resolution No. 01 series of 2019, the Board delegated to the EMB Regional Offices, thru their respective Regional Directors, the determination of administrative violations and imposition of fines for the following: 1) Operating facilities/air pollution source installations without valid Discharge Permit and/or Permit to Operate; 2) Discharging regulated water pollutants without valid permit; 3) Refusal or failure to designate Pollution Control Officers as required by the Department; and 4) Failure to submit reports within the prescribed period. This is in view of the provision of Sec. 19, Executive No. 192 which authorized the PAB to delegate its powers and functions to the Regional Officers of the Department in accordance with the rules and regulations promulgated by the Board, in relation to DAO 2016-07¹ which gives authority for the imposition of administrative fines to the PAB Chairperson or the EMB Regional Director, as the case may be;

WHEREAS, the Order of the Regional Office thru the Regional Director shall become final and executory unless the respondent files a motion for reconsideration within fifteen (15) days from receipt of the assailed Order;

WHEREAS, the respondent also has the remedy of appeal within fifteen (15) days from receipt of the Order of the Regional Office to the Pollution Adjudication Board, by virtue of which the PAB can now exercise appellate jurisdiction over the above-mentioned cases decided by the Regional Offices;

WHEREFORE, the Pollution Adjudication Board **RESOLVED, AS IT IS HEREBY RESOLVED**, that the following guidelines should be followed in the filing of an appeal on Orders by virtue of PAB Resolution No. 1 series of 2019, to wit:

SECTION I. These guidelines shall be applicable for establishments and industries nationwide covered by Republic Act No. 8749 otherwise known as the Clean Air Act and R.A. 9275 otherwise known as the Clean Water Act and their respective Implementing Rules and Regulations, whether the appeal involves questions of fact, of law, or mixed questions of fact and law.

SECTION II. An appeal may be taken from a judgment or final order that completely disposes of the case, or of a particular matter within fifteen (15) days from the receipt of the Order, by filing a verified Notice of Appeal and Appeal Memorandum before the Board, and after the payment of the corresponding appeal fee in the amount of Five Hundred Pesos (Php500.00) as provided under DENR Administrative Order No. 2000-16.

SECTION III. Within fifteen (15) days from the receipt of the Appeal Memorandum, the Board thru its Secretariat, shall issue an interlocutory order

¹ DENR Manual of Authorities for Technical Matters

determining the completeness in the form and substance of the appeal filed and if the same shall be accepted in due course.

SECTION IV. Only one motion for extension of time shall be allowed and only for meritorious reasons, and only one (1) motion for reconsideration shall be allowed.

SECTION V. Appeals taken from orders of the Board shall be governed by Rule 43 of the Revised Rules of Court.

SECTION VI. If any provision of this Resolution is declared unconstitutional or invalid by a competent court, other sections or provisions hereof which are not affected thereby shall continue to be in full force and in effect as if the provisions/sections so canceled had never been incorporated herein.

SECTION VII. This Resolution shall take effect immediately after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy thereof by the Office of the National Administration Registrar (ONAR), UP Law Center.

Done in Quezon City this SEP 16 2021.

By authority of the Secretary:


USEC. RODOLFO C. GARCIA
Presiding Officer




USEC. SONAS 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 M. MORENTE
Member

Attested by:


ATTY. JANICE C. REGOSO-PAMMIT
Board Secretary and Legal Counsel


ENGR. TERESITA A. PERALTA
Deputy Board Secretary