

**[LLDA Memorandum Circular No. 2015- 01,
January 05, 2015]**

**AMENDING MEMORANDUM CIRCULAR NO. 2014-03 "DEFINING
REFUSAL OF ENTRY AND PROVIDING SANCTIONS THEREFOR",
SPECIFICALLY PROVIDING FOR HIGHER AND STRICTER
PENALTIES FOR VIOLATION THEREOF**

*Adopted: 05 January 2015
Date Filed: 18 February 2015*

WHEREAS, as the Authority through the Environmental Regulations Department, strengthens its enforcement, surveillance and monitoring functions, a lot of incidents were reported whereby proponents or establishments under surveillance refuses to allow the Authority's engineers to conduct inspections and other monitoring activities;

WHEREAS, these incidents have increased over time, as can be gleaned from the number of complaints for refusal of entry filed and docketed with the Legal and Adjudication Division of this Authority;

WHEREAS, despite the filing of such cases against violating establishments, proponents continue to commit this illegal act with impunity by simply paying the prescribed penalty therefore, which has been perceived as too modest and nominal so as to discourage and prevent further violations; hence, a higher and stricter penalty clause is imperative for the efficient implementation of subject Circular;

WHEREAS, Republic Act No. 9275, otherwise known as the Philippine Clean Water Act of 2004 provides that any person who commits any of the prohibited acts provided for under said Act or its implementing rules and regulations, shall be fined in the amount not less than Ten Thousand Pesos (P10,000.00) nor more than Two Hundred Thousand Pesos (P200,000.00) for every day of violation^[1];

WHEREAS, in order to address this issue and to effectively implement Memorandum Circular No. 2014-03 by curbing these incidents of refusal of entry, Memorandum 2014-03 is hereby amended to read as follows:

Section 1. Scope of Application. These guidelines shall cover inspection, surveillance, investigation, monitoring and other activities conducted by the Authority relative to the abatement and control of pollution coming from point sources, and/or imminent and possible sources of pollution, such as, but not limited to industrial, manufacturing, processing, commercial establishments and other developmental activities as defined in LLDA Board Resolution No. 408, Series of 2011.

Section 2. Definition of Terms. As used in and for purposes of these guidelines, the following terms and phrases shall have their corresponding meanings as herein below stated:

LLDA Inspector – refers to any person employed by the Laguna Lake Development Authority who is authorized in writing to conduct monitoring, inspection, surveillance, investigation and other related activities.

Mission Order – refers to a written authorization issued by the General Manager or duly authorized representative ordering the LLDA Inspector to conduct monitoring, inspection, surveillance, investigation and other related activities.

Official Vehicle – refers to any four-wheeled motor vehicle owned by and/or registered with the Authority that is used to transport LLDA Inspectors in going to and from establishments that are subject of inspection, monitoring, surveillance, investigation and other related activities.

Refusal of Entry – refers to acts, hereinafter enumerated, that prevent LLDA Inspectors from conducting monitoring, inspection, surveillance, investigation, and other related activities for the abatement and control of pollution coming from point sources and/or imminent and possible sources of pollution coming from but not limited to industrial, manufacturing, processing, commercial establishments and other developmental activities as defined in LLDA Board Resolution No. 408, Series of 2011.

Section 3. Policy Guidelines

1. Commission of the following acts by the officer, staff, representative, or agent of the establishment subject to inspection, investigation, surveillance, monitoring and other related activities related to the abatement and control of pollution coming from point sources and/or imminent and possible sources of pollution coming from but not limited to industrial, manufacturing, processing, commercial establishments and other developmental activities as defined in LLDA Board Resolution No. 408, Series of 2011, shall constitute *prima facie* evidence of Refusal Of Entry:
 - a) Failure to provide LLDA Inspector/s immediate ingress to the premises of the establishment within thirty (30) minutes after the purpose of the visit has been announced by said inspector/s to the security personnel on duty and/or the PCO as the case may be;
 - b) Causing or committing acts against the LLDA inspector/s that delay or impede the conduct of compliance