

**[ PAB RESOLUTION NO. 1-C, SERIES OF 1997,  
September 03, 1997 ]**

**REVISED RULES OF THE POLLUTION ADJUDICATION BOARD  
(PAB) 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 1987, RESOLVES as it hereby RESOLVED to promulgate and adopt the following Revised Rules on pleading, Practice and Procedure in the adjudication of pollution cases.

**RULE I**

**TITLE AND CONSTRUCTION**

*SECTION 1. Title of the Rules* — These rules shall be known as the Revised Rules of the Pollution Adjudication Board on Pleading, Practice and Procedure in pollution Cases.

*SECTION 2. Applicability of the Rules* — These Rules shall apply to all pollution cases as defined by Presidential Decree No. 984 and its implementing Rules and Regulations, brought before the Board or through the Regional Offices of the Department, in the exercise of their delegated powers and functions under Executive Order No. 192, the PENROs or the CENROs.

*SECTION 3. Construction of the Rules* — These Rules shall be liberally in order to promote the public interest and to assist the parties in obtaining just, speedy and inexpensive disposition of pollution cases.

*SECTION 4. Nature of Proceedings* — Subject to the basic requirements of due process, proceedings before the Board and in the Regional Offices shall be summary in nature. The technical rules on evidence obtaining in courts of law shall not bind the Board and the Regional Offices. The Rules of Court shall not apply in proceedings before the Board except in a suppletory character and only whenever applicable.

**RULE II**

**DEFINITION OF TERMS**

*SECTION 1. Definition of Terms* — As used in these Rules:

(a) "Pollution" shall mean any alteration of the physical, chemical or biological properties of any water, air and/or land resources of the Philippines, or any discharge thereto of any liquid, gaseous or solid wastes as will be likely to create or

to render such water, air and land resources harmful, detrimental or injurious to public health, safety or welfare or which will adversely affect their utilization for domestic, commercial, industrial, agricultural, recreational or other legitimate purposes.

(b) "Nuisance" shall mean any act, omission, establishment, business, condition of property, or anything else which:

- (1) injures or endangers the health or safety of others; or
- (2) annoys or offends the senses; or
- (3) shocks, defies or disregards decency or morality; or
- (4) obstructs or interferes with the free passage of any highway or street, or any body of water; or
- (5) hinders or impairs the use of property.

(c) "Department" or "DENR" shall mean the Department of Environment and Natural Resources.

(d) "Board" shall mean the Pollution Adjudication Board created under Section 19 of Executive Order No. 192, Series of 1987.

(e) "Regional Office" shall mean any of the Regional Offices of the Department of Environment and Natural Resources.

(f) "PENRO" shall mean any of the Provincial Environment and Natural Resources Offices of the Department.

(g) "CENRO" shall mean any of the Community Environment and Natural Resources Offices of the Department.

(h) "Person" or "Persons" shall include any being, natural or juridical, susceptible of rights and obligations or of being the subject of legal relations.

(i) "Pollution Control Facility" or "Pollution Control Device" shall mean any structure, contrivance, facility system, device or mechanism, which can adequately control or abate liquid, gaseous or solid wastes or noise pollution within the allowed quality of standards of the Department.

(j) "Managing Head" shall mean the president, managing director, managing partner, chief executive officer or highest executive officer of the respondent, if it be a corporation, partnership or other juridical person.

### **RULE III**

#### **JURISDICTION AND AUTHORITY**

*SECTION 1. Jurisdiction of the Board* — The Board shall have sole and exclusive jurisdiction over all cases of pollution, as defined herein, and all other matters related thereto, including the imposition of administrative sanctions, except as may be provided by law.

*SECTION 2. Authority of the Regional Offices* — The Regional offices may

investigate and hear pollution cases as provided in these Rules or as may be delegated or authorized by the Board: Provided, That final decisions may be promulgated only by the Board, giving due consideration to the recommendation of the Regional Office.

The Regional Offices may also issue, renew or deny issuance or renewal of permits to operate pollution control facilities, under such conditions as it may determine to be reasonable, for the prevention and abatement of pollution and for the discharge of sewage and industrial waste, or for the installation or operation of sewage works and industrial disposal systems or parts thereof.

*SECTION 3. Special Teams* — The Board may constitute, or order the constitution of, quick-reaction teams or similar special teams in order to expedite the implementation of the provisions of these Rules.

*SECTION 4. Abatement of Nuisance* — Except where such would constitute a pollution case, local government units shall have the power to abate a nuisance within their respective areas pursuant to the Republic Act No. 386 (Civil Code of the Philippines), Republic Act No. 7160 (the Local Government Code), Presidential Decree No. 856 (the Code on Sanitation of the Philippines), DENR Department Administration Order No. 30, Series of 1992 and other pertinent laws, rules and regulations.

## **RULE IV**

### **ACTIONS**

*SECTION 1. Who May Be Parties* — Any person who has an interest in the subject of the action may be a party to a case or proceeding before the Board or the Regional Office.

The party initiating the action shall be called the "Complaint", and the party against whom a complaint is filed shall be called the "Respondent".

Without prejudice to provisions of Section 7 of this Rule, the Department, Regional Office, PENRO or CENRO may, even without a formal complaint, initiate the action by issuing a Notice of Violation whenever it finds, on the basis of inspection or monitoring reports, that the emissions or discharged sewage or waste constitutes an immediate threat to life, public, health, safety or welfare, or to animal or plant life, or exceeds the allowable DENR Standards.

*SECTION 2. When Action is Deemed Commenced* — Any action is deemed commenced:

- (a) upon the filing of a complaint with the Board or with the Regional Office, PENRO or CENRO; or
- (b) by the issuance of a Notice of Violation by the Department, Regional Office, PENRO or CENRO.

All complaints filed with the PENRO or CENRO, and all Notices of Violation issued by them, shall be endorsed to the Regional Office within three (3) days for disposition

in accordance with these Rules.

Copies of all complaints filed or endorsed to the Regional Office, and all Notices of Violation issued by it, shall be furnished the appropriate PENROs and CENROs.

*SECTION 3. Form and Contents of Complaint or Notice of Violation* — The complaint shall be in writing and drawn in clear and concise language whether in Filipino or English, specifying the full names and addresses of the complainants, respondents and witnesses, if any. It shall state the ultimate facts constituting the cause or causes of action or specific violation of law or rules and regulations, as well as other information pertinent thereto. It shall also specify the remedy or sought.

The Notice of Violation shall be in writing and shall state the ultimate facts constituting the cause or causes of action or specific violation of law or rules and regulations, as well as other information pertinent thereto, in the format prescribed by the Board. Where applicable, a copy of the Notice of Violation shall be furnished the complainant.

*SECTION 4. Caption and Title* — If the action is initiated by any person other than the Department, the captions shall be as follows:

Republic of the Philippines  
Department of Environment and Natural Resources  
POLLUTION ADJUDICATION BOARD  
(Office Address)

Complainant,

Case No. (Precede the  
case number  
with "PAB", "RO ", etc.  
to indicate origin)

-versus-

FOR: (State the nature/cause of action)

Respondent.

x-----x

In case the action is initiated by the Department, Regional Office, PENRO or CENRO, the caption shall be as follows:

Republic of the Philippines  
Department of Environment and Natural Resources  
POLLUTION ADJUDICATION BOARD  
(Office Address)

IN THE MATTER OF THE  
WATER/AIR POLLUTION

## CONTROL AND ABATEMENT CASE

Case No. (Precede the case number with "PAB", "RO ", etc. to indicate origin)

-versus-

FOR: (State the nature/cause of action)

Respondent.

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*SECTION 5. Docket Number and Calendar of Cases* — All cases before the Board or the Regional Office shall be numbered and docketed consecutively and entered into an appropriate docket book in accordance with a system of numbering and docketing of cases adopted by the Board or Regional Office.

*SECTION 6. Complaints Directly Filed with the Board* — Without prejudice to the provisions of Section 7 of this Rule, a complaint filed directly with the Board, if found to be in order, shall be endorsed to the Regional Office concerned within three (3) days.

*SECTION 7. Cases Filed with or Endorsed to the Regional Office: Interim Cease and Desist Order* — If the complaint is filed with the Regional Office, or if it is endorsed to the latter by the Board, Department, PENRO or CENRO, the Regional Executive Director shall within three (3) days order the investigation of the complaint. The investigation shall be conducted and the report thereof submitted to the Regional Executive Director within fifteen (15) days, except where such is not possible because of insuperable causes. If after the investigation there is prima facie evidence of a violation, the Regional Executive Director shall give the respondent notice thereof and set a date for a Technical Conference, attaching thereto a copy of the complaint, the inspection or monitoring report, and where appropriate, a tentative computation of fines.

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 complaint, the inspection or monitoring report, and where appropriate, a tentative computation of fines.

The Technical Conference shall be held within fifteen (15) days from the date of the Notice of Violation. The notice of Technical Conference shall be served on the respondent at least three (3) days before the date of the conference.

However, where there is prima facie evidence that the emission or discharge of pollutants constitutes an immediate threat to life, public health, safety or welfare, or to animal or plant life, or greatly exceeds the allowable DENR Standards, as provided in guidelines established by the Board, the Regional Executive Director