

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN
HELD AT THE SB SESSION ROOM, MUNICIPAL HALL ON TUESDAY, NOVEMBER 15, 2016

Present: Vice-Mayor William P. Cura, Presiding Officer
Councilor Johnny M. Sales
Councilor Ernesto M. Salting
Councilor Alvin Dale M. Sibal
Councilor Danilo L. Lugtu
Councilor Reynaldo L. Pangilinan, Sr.
Councilor Noel S. Rivera
Councilor Ariel S. Alimurong
Councilor Ernesto P. Go
Councilor Jose M. Salting, Jr. President Liga ng mga Barangay

Absent: No one

RESOLUTION NO. 071, SERIES OF 2016

STRONGLY RECOMMENDING TO THE HONORABLE MAYOR JOSE ANTONIO T. FELICIANO TO IMMEDIATELY ISSUE A REVOCATION OF PERMIT AND CLOSURE ORDER TO THE MANAGEMENT OF QJJ PIGGERY FARM IN BARANGAY VIRGEN DELOS REMEDIOS (VDR), THIS MUNICIPALITY IN VIEW OF ITS FAILURE TO IMPLEMENT ITS WASTE /ENVIRONMENTAL MANAGEMENT PLAN THEREBY CONTAMINATING AROUND **30** HECTARES OF FARMLAND AND FOR ITS FAILURE TO JUSTLY COMPENSATE FOR THE DAMAGE AND LOSS IT HAD CAUSED TO THE AFFECTED FARMERS' LIVELIHOOD AND INFORMING THE DENR-EMB R-III ON THE MATTER FOR ITS APPROPRIATE ACTION AGAINST THE SAID PIGGERY FARM

WHEREAS, on October 12, 2016 the Honorable Mayor Jose Antonio T. Feliciano referred to the Sangguniang Bayan for appropriate action the complaint of farmers and barangay officials of Barangay Virgendelos Remedios against the management of QJJ Piggery farm for the contamination of estimated 30 hectares of rice land owned by more or less 20 farmers in that barangay and for the piggery management's refusal to fairly compensate for the damage or substantial loss in harvest of the farmers;

WHEREAS, it was not the first time that farmers of Barangay Virgendelos Remedios complained against the piggery farm and demanded compensation for the loss in crop harvest. Based on records of the Sangguniang Bayan said farmers (although fewer in number at that time) and officials of Barangay Virgen delos Remedios sought the intervention of the Sangguniang Bayan sometime in 2011 to compel the farm management to pay for the damage and loss caused by the waste contamination to the soil and water wherein in a Committee Meeting held on September 22, 2011 the farm management representative promised to compensate the farmers financially and assured them that a lagoon would be constructed to serve as its waste reservoir and prevent any more spillage to the nearby farm land;

WHEREAS, in a dialogue with the Sangguniang Bayan held on October 25, 2016, the affected farmers lamented that they had not been compensated fairly by the farm management considering that the contamination of the farm soil is continuously evident in every harvest season since 2011;

WHEREAS, in a 2015 soil and water analysis report of the Department of Agriculture Region III it was confirmed that the samples taken from the effluent (from piggery lagoon) that seeped into the farm land **"contains excess amount of sodium that affected plant growth"** while the soil

WHEREAS, based on these recurring incidents since 2011 it is undoubtedly clear that QJJ Piggery Farm failed to implement its waste /environmental management plan as a condition in its Environmental Compliance Certificate (ECC) issued by the DENR-EMB thus degrading and contaminating the environment and for such recklessness and negligence the main source of livelihood of farmers has been seriously affected;

WHEREAS, this Body is convinced that the affected farmers of Barangay Virgen delos Remedios have valid reason to complain and demand crop and property damage compensation from the QJJ Piggery Farm management and that the piggery farm management must bear the full cost of its negligent or reckless actions;

WHEREAS, Section 3A.03 (Administrative Provisions in the grant of Mayor's Business Permit) of Municipal Tax Ordinance No. 14-08 provides that “ *A Mayor's permit shall be refused to (a person) xxx whose business establishment or undertaking does not conform with zoning regulations and safety, health and other requirements of the municipality xxx*” , and that the Municipal Mayor may revoke the Mayor's permit of an establishment “*When a person doing business under the provisions of this Code violates any provision of this Article xxx or abuses his privilege to do business to the injury of the public moral or peace, or when a place where such business is established is being conducted in a disorderly or unlawful manner or is a nuisance, xxx*”;

NOW THEREFORE, on unanimous motion of the Body:

RESOLVED, that premises considered, the Sangguniang Bayan hereby strongly recommend to the Honorable Mayor Jose Antonio T. Feliciano **to issue a revocation of permit and closure order** to the management of QJJ Piggery Farm located in Barangay Virgen delos Remedios, this Municipality, in view of its failure to implement its waste/environmental management plan as required in its ECC, thereby contaminating around thirty (30) hectares of farm land and for its failure to justly compensate the aggrieved farmers for the damage and loss it had caused to their crops and properties , and that **no new business permit or renewal thereof shall be issued** unless the following conditions are met by the farm management:

1. Affected farmers are paid crop damage compensation (special /compensatory damage) for the most recent harvest, notwithstanding the subsequent harvests loss in the coming years as soil contamination stays over time;
2. Affected farmers are paid property damage compensation (because it caused diminution in the value of the agricultural property; and
3. The waste/environmental management plan as required in its ECC is fully implemented

RESOLVED FURTHER, let copies of this resolution be forwarded to the Honorable Mayor Jose Antonio T. Feliciano for his information and appropriate action as recommended herein and be furnished the DENR-EMB Region III thru Regional Director Lormelyn E. Claudio, CESO IV at Regional Office III, Turquoise St., RAMAR Village, San Agustin, City of San Fernando (P), Ms. Agnes M. Lacanlale, Municipal Treasurer, Engr. Rosanna S. Calara, MPDC & Zoning Administrator, Engr. Jose L. Vital, Municipal Engineer, Mr. Julio Silvestre, Municipal Agriculturist, PCINSP Jovy P. Arceo, PNP Chief, Punong Barangay Richard Rapanan of Barangay VirgendelosRemedios and QJJ Piggery Farm management , for their information and appropriate action.

CARRIED.

Certified correct:

MARLENE C. PANGILINAN
SB Secretary

ATTESTED:

WILLIAM P. CURA
Municipal Vice-Mayor & Presiding Officer