

RESOLUTION NO. 024 Series of 2018

(Re: ACCREDITATION OF HIRNA AS TRANSPORTATION NETWORK COMPANY)

WHEREAS, on 28 March 2018, the Committee issued Resolution No. 020 series of 2018 wherein the committee resolved:

"NOW THEREFORE, premises considered, the Committee resolves to DEFER the evaluation of the documents submitted by applicant Hirna Mobility Solutions, Inc. The applicant is hereby directed TO FILE its Application for Accreditation, sufficient in form and substance, in accordance with the 2011 Revised Rules of Practice and Procedure before the Land Transportation Franchising and Regulatory Board together with the complete supporting documents as prescribed under MC No. 2015-015-A within Fifteen (15) days from receipt of this Resolution for speedy disposition of the Committee otherwise, failure to submit/comply within the period specified herein, the Committee shall be constrained to treat the same as a withdrawal of the application with forfeiture of any payments paid by the applicant to the LTFRB.

In the submission of its application and supporting documents, the applicant is hereby enjoined to STRICTLY comply with the provisions of MC No. 2015-015-A."

WHEREAS, on 10 April 2018, Applicant Hirna submitted its Compliance to the said Resolution and filed its Verified Application and an evaluation was thereafter conducted by the Committee on 13 April 2018.

WHEREAS, the Committee observed that No. 1 of the Terms and Conditions of the Applicant states:

"The Company is a technological solutions company and is not engaged in the business of transporting goods, services, or people.xxx"

WHEREAS, pursuant to Item I. *Scope of Application* of MC No. 2015-015-A, "A Transportation Network Company (TNC) as defined under Department Order No. 2015-011, shall mean as an "organization whether a corporation, partnership, or sole proprietor, that provides pre-arranged transportation services for compensation using an internet-based technology application or digital platform technology to connect passengers with drivers using their personal vehicles", **hence treated as a transport provider.**"

WHEREAS, No. 7 of the Applicant's Terms and Conditions states:

"In no event shall the company, nor any of its officers, directors and employees, be held liable for anything arising out of or in any way connected with your use of the App, whether such liability is under contract. The Company, including its officers, directors and employees shall not be held liable for any indirect, consequential or special liability arising out of or in any way related to your use of the App."

WHEREAS, pursuant to Item VI. *Liability* of MC No. 2015-015-A, "The TNC shall exercise due diligence of a good father of a family in accrediting and supervising its drivers. The TNC shall be held liable for acts or omissions committed by its TNVS while online, except if the same is beyond the TNC's control."

NOW THEREFORE, taking into consideration the safety and protection of the riding public, this Committee resolves to DIRECT applicant Hirna Mobility Solutions, Inc. to SUBMIT within Three (3) working days from receipt of this Resolution its revised Terms and Conditions incorporating the following statements:

1. It acknowledges its nature as a Transport Provider;
2. The TNC shall exercise due diligence of a good father of a family in accrediting and supervising its drivers. The TNC shall be held liable for acts or omissions committed by its TNVS while online, except if the same is beyond the TNC's control pursuant to the provisions of MC No. 2015-015-A and other pertinent rules and regulations;

Further, the applicant shall incorporate the complaint mechanism in its Terms of Service for Passengers providing the necessary details as it is the contract between the TNC and the riding public.

Failure to submit/comply within the period specified herein, the Committee shall be constrained to treat the same as a withdrawal of the application with forfeiture of any payments paid by the applicant to the LTFRB.

APPROVED AND SIGNED by the undersigned Chairman and Members of the Pre-Accreditation Committee, this 13 day of April 2018 at Quezon City, Philippines.


ATTY. CARL SHA JEMIMAH F. MARBELLA
Chairman


ATTY ZONA RUSSET M. TAMAYO
Member


NIDA P. QUIBIC
Member

JOEL J. BOLANO
Member