

BOARD RESOLUTION NO. 046 Series of 2018

(RE: OPENING OF APPLICATIONS FOR APPROPRIATION OF ABANDONED AND/OR EXPIRED FRANCHISES/CPCs)

WHEREAS, under public utility laws and jurisprudence, an Application for Appropriation is among the modes of securing/acquiring a Certificate of Public Convenience/Franchise;

WHEREAS, the following are settled principles in public utility jurisprudence as enunciated by the Supreme Court in a host of cases: that appropriation is a valid mode of acquiring the operating rights of another person who has either abandoned his CPC or allowed it to lapse or expire without renewal thereof (Paz Marquez Benitez vs. Santo. 107 Phil. 167); that it is also a well-entrenched doctrine that public need and convenience are paramount considerations (Raymundo Trans Co. vs. Cerbo, 91 Phil. 504 and Santiago Ice Plant vs. La Paz, 87 Phil. 221); and should not be made to wait; that public need and convenience once declared in a decision continues to exist even with the abandonment and expiration of the CPC unless there is evidence to the contrary (Laguna Tayabas Bus Co. vs. M Ruiz Highway Transit, Inc. 107 Phil. 143);

WHEREAS, relative to applications for appropriation, this Board issued Memorandum Circular ("MC") No. 2000-021 dated December 29, 2000 suspending the acceptance of said nature of application;

WHEREAS, on December 21, 2009, the Board issued MC No. 2009-035 wherein the Board amended MC No. 2000-021 to allow the acceptance of Applications for Appropriation of expired/abandoned CPCs of Taxi Air-conditioned Service and Public Utility Bus Service;

WHEREAS, Zamboanga City is rapidly developing, being a commercial center for all business activities coming from Sulu, Basilan as well as Sibugay, with the newly constructed KCC Mall de Zamboanga which is the biggest and largest mall not only in Zamboanga City but for the entire Region 9, as well as the growth of the local fishing industry with canning factories based in the city;

WHEREAS, taxi units franchises were issued previously way back in 1994 and the same have expired and/or deemed abandoned;

WHEREAS, the Sangguniang Panlungsod of Zamboanga City issued Resolution No. 804 dated 30 May 2017 requesting for the lifting of moratorium for taxis in Zamboanga City;

WHEREAS, after thorough review and evaluation by this Board and the Department of Transportation of the current public land transportation situation in Region 9, it was concluded that infusion of additional units of Air-conditioned Taxi Services compliant with the modernization program under the Omnibus Franchising Guidelines be undertaken in the entire country, through the mode of appropriation.


WHEREAS, the lifting of moratorium on appropriation shall correspond to demands convenience of the riding public, and will further enhanced accessibility of tourism areas, improved intra-regional trade, reduced travel time, and will significantly increase volume of trade and commodity exchange.

NOW THEREFORE, this Board hereby CANCELS AND REVOKES all Certificates of Public Convenience to Operate Taxi Air-Conditioned Service issued by LTFRB Regional Office IX which expired on 2012 and those prior thereto, and those which are deemed abandoned under existing policies and guidelines of this Board.

Accordingly, this Board hereby LIFTS the suspension/ moratorium on Applications for Appropriation, and OPENS the filing of said nature of application; subject to the following guidelines and process:

1. This Board Resolution shall cover Taxi Air-Conditioned Services in Region 9;
2. Apart from the usual filing fee based on the number of units applied for after the first two (2) units and the usual Legal Research Fund fee, an Appropriation Fee of Ten Thousand (P10,000) Pesos per unit shall be collected prior to the filing of the application for appropriation;
3. The application for appropriation shall follow the procedure for new applications for which the basic requisites for the grant, e.g., Filipino citizenship, financial capacity and public need of the applicant have to be alleged and thereafter proved during the hearing after due publication of the Notice of Hearing thereof;
4. Applicants should comply with the consolidation requirements set forth under Department Order No. 2017-011, Re: OMNIBUS GUIDELINES ON THE PLANNING AND IDENTIFICATION OF PUBLIC ROAD TRANSPORTATION SERVICES AND FRANCHISE ISSUANCE;
5. To ensure better service and safety of passengers, only units compliant with the Modernization Program of the DOTr and the Board shall be allowed;
6. The Board reserves the right to stop acceptance of these applications for appropriation upon due determination from its data base that the number of available units under abandoned and/or expired taxi franchises/CPCs has been reached or matched by the number of units applied for. It may accordingly issue such circular or order to advise the public that the Board has stopped acceptance of such applications until further evaluation of its records;
7. Finally, in line also with the policy of expeditious action on applications and petitions filed before the Board, there shall be no more need to submit the registration papers and surrender of plates of the units authorized to the former grantee, and upon the grant of the application for appropriation, the new franchise/CPC shall be given a fresh period of validity of five (5) years counted from the issuance of the decision thereof; and
8. Taxi Units that will be authorized pursuant to this issuance shall utilize the new fare rate structure for taxi services issued by this Board last year 2017, and shall comply with the conditions provided thereat.

APPROVED AND SIGNED by the undersigned Chairman and Members of the Board, this 04 day of ~~June~~ 2018 at Quezon City, Philippines.


ATTY. MARTIN B. DELGRA III
 Chairman




ENGR. RONALDO F. CORPUS
 Board Member


ATTY. AILEEN LOURDES A. LIZADA
 Board Member

Attested by:


ATTY. SAMUEL A.M. JARDIN
 Executive Director