

MEMORANDUM CIRCULAR
NUMBER 2004 -034

Subject: **CANCELLATION OF CERTIFICATES OF PUBLIC
CONVENIENCE OF ABANDONED PUJ SERVICE**

The Honorable Supreme Court has enunciated in the cases of Maria Concepcion Paez Vda. De Cruz vs. Tobias P. Marcelo, G.R. Nos. L-15301 and L-15302, dated 30 March 1962, and Halili vs. Heras, G.R. No. L-18889-99, dated 30 April 1964, that an operator who unjustifiably abandons his service for two or three years by not registering the necessary equipment forfeits his right to the service authorized to him and failure to register and operate for three years the required number of units authorized under his Certificate of Public Convenience (CPC) is tantamount to a total abandonment of service to the extent of the unregistered units. An abandonment of service is a violation of the law, as public service may not be abandoned to the prejudice of the interest of the public. Such abandonment is sufficient cause for the cancellation of (CPC), for public necessity cannot be made to wait nor sacrifice for private convenience.

It is an established policy of the Board and of the Land Transportation Office that the former must first confirm all public utility vehicles before they can be registered with the latter.

In light of the mandate of the Board to provide adequate public service with the use of public utility jitneys (PUJ), an inventory of unconfirmed units plying within or entering Metro Manila has been started and a significant number of PUJ have been unconfirmed for the last three (3) years. It is, thus, concluded that the unconfirmed units for the last three (3) years have not been registered and operated as for-hire vehicles.

In view thereof, all PUJ units, unconfirmed for the past three (3) or more years and under the jurisdictions of the Central Office and the National Capital Region, are hereby declared ABANDONED, and thus, CANCELLED and REVOKED.

Accordingly, the Management Information Division of this Board and the Records Section of NCR-Regional Office are directed to submit the complete inventory of all unconfirmed PUJ units for the past three (3) or more years and their corresponding routes of service on or before 30 November 2004. Said

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inventory shall be the basis of opening PUJ Applications which shall fill up the abandoned service.

All other issuances or parts hereof, which are inconsistent herewith, are therefore modified or superseded accordingly.

This Circular shall take effect fifteen (15) days following the filing of three (3) copies hereof with the UP Law Center, pursuant to Presidential Memorandum Circular No. 11, dated 09 October 1992.

SO ORDERED.

Quezon City, Philippines. SEP 30 2004

Maria Elena H. Bautista

MARIA ELENA H. BAUTISTA
Chairperson

Felix S. Pacadio
FELIX S. PACADIO
Board Member

TRUE COPY
CECILE S. ABELLIA
Executive Director

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