



Republic of the Philippines
Department of Transportation
LAND TRANSPORTATION FRANCHISING & REGULATORY BOARD
East Avenue, Quezon City

RESOLUTION NO. 097 Series of 2018
(Re: ACCREDITATION OF OUT-OF-TOWN CARS, CORP.
AS TRANSPORTATION NETWORK COMPANY)

WHEREAS, on July 9, 2018, the Committee issued Resolution No. 059 series of 2018 wherein the committee resolved:

“NOW THEREFORE, taking into consideration the safety and protection of the riding public, and premises considered, this Committee resolves to DENY applicant Out-of-Town Cars Corp.’s petition for accreditation as a Transportation Network Company on the following grounds:

- a) Out-of-Town Cars Corp. has submitted unauthenticated copies of documents to support its accreditation as a Transportation Network Company.
- b) Mr. Mujahid Ahmed, the President of Out-of-Town Cars Corp., is a foreign national. Pursuant to Article XII Section 11 of the 1987 Philippine Constitution all the executive and managing officers of public utility enterprises must be citizens of the Philippines.
- c) The Date & Place of Issue of TIN/ID/Passport of Out-of-Town Cars Corp.’s directors/officials are not indicated in the Acknowledgement of the Articles of Incorporation.
- d) Transportation Service Provider is not indicated as its primary purpose in Out-of-Town Cars Corp.’s Articles of Incorporation. Also, a different Line of Business is declared as its primary purpose in its BIR Certificate of Registration.
- e) The two (2) services (Outstation and CityRide) as per the revised Business Model of Out-of-Town Cars Corp. are not applicable to the definition of Transportation Network Company and the denomination Transportation Network Vehicle Service as stated in the DOTr Department Order No. 2015-011.
- f) There is no evidence presented that French Kim “Dean” Bernales is the Country Head of Out-of-Town Cars Corp.
- g) Conflicting liability clauses in the Terms of Use for OOT Cars Passengers, Terms and Conditions for OOT Cars Partner Drivers and Limitation of Liability.
- h) Not compliant with Item VI. *Liability* of MC No. 2015-015-A.”

WHEREAS, on 24 July 2018 and 5 September 2018, the applicant Out-of-Town Cars Corp. submitted *Manifestation and/or Motion for Reconsideration* and

Supplemental Motion for Reconsideration, and an evaluation was thereafter conducted by the Committee on 19 November 2018.

WHEREAS, the Committee found that in the Supplemental Motion for Reconsideration, the attached Amended Articles of Incorporation (photocopy) appears to be altered specifically the Primary Purpose of the corporation where a superimposition reads, thus:

“To engage in the business of providing internet-based business technology solutions to facilitate the business and operation of individuals or entities independently providing transportation services, without itself operating as a public utility or as an internet service provider. AS AMENDED ON JULY 16, 2018”

ALSO, the title of the first page which bears the word “AMENDED” appears to be superimposed as well.

WHEREAS, the Committee found that in the submitted Supplemental Motion for Reconsideration, the attached General Information Sheet is not certified nor authenticated by the Securities and Exchange Commission.

NOW THEREFORE, premises considered, the Committee resolves to DENY the applicant’s Motion for Reconsideration/Supplemental Motion for Reconsideration.

APPROVED AND SIGNED by the undersigned Chairman and Members of the Pre-Accreditation Committee, this 20 day of December 2018 at Quezon City, Philippines.

ATTY. SAMUEL A. M. JARDIN
Chairman

ATTY. CARL SHA JEMIMAH F. MARBELLA
Member

ATTY. ZONA RUSSET M. TAMAYO
Member

NIDA P. QUIBIC
Member

JOEL J. BOLANO
Member