



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

RESOLUTION NO. 258 Series of 2019

(Re: MOTION FOR RECONSIDERATION FILED BY ULTRABUS TRANSPORT, INC.
[TO ALLOW SUBMISSION OF QUALIFYING DOCUMENTS])

WHEREAS, on 1 August 2019, the Board issued Memorandum Circular No. 2019-039 also known as the "Opening of Applications for the Issuance of New Certificate of Public Convenience (CPC) under the initial implementation of the Public Utility Vehicle Modernization Program approved during the 18th Board Meeting", wherein the acceptance of applications for the issuance of New CPC was opened for the BFCT TERMINAL (MARIKINA) - CAMOTES ISLANDS, CEBU and PITX - DAVAO routes with the use of fifteen (15) provincial bus units for each said routes;

WHEREAS, the deadline for the submission of Letter of Intent and qualification documents is 27 August 2019 at 9:00 am to be submitted in the Office of the Executive Director-Central Office for Metro Manila and Inter-regional routes as per the issued Supplemental Bid Bulletin No. 1 dated 14 August 2019 agreed on Pre-Qualification Conference on 9 August 2019;

WHEREAS, all applications were duly received at the Office of the Executive Director who arrived prior to 9:00 a.m. of 27 August 2019. An attendance sheet was announced and distributed to all applicant-operators in the LTFRB premises and for those who are still in the ground floor lobby and the third floor near the Office of the Executive Director;

WHEREAS, on 27 August 2019, the Letter of Intent and qualification documents being submitted by ULTRABUS TRANSPORT, INC. applying for the routes BFCT TERMINAL (MARIKINA) - CAMOTES ISLANDS, CEBU and PITX - DAVAO was failed to be received by the Office of the Executive Director due to the applicant's absence on the above-mentioned attendance sheet;

WHEREAS, on 28 August 2019, ULTRABUS TRANSPORT, INC. filed a Motion for Reconsideration wherein the applicant stated the course of events that transpired on its end and respectfully prayed for reconsideration to ALLOW submission of its qualification documents to the Committee;

WHEREAS, ULTRABUS TRANSPORT, INC. stated in its Motion, Item No. 10.1, 10.2, 10.3 stated thus:

"10.1 The categorical and unequivocal declaration of SG Alfonso clearly proved that Mr. Erni was on time and already on queue even before the 9:00 deadline;

10.2 There was no verbal or written instructions or conspicuous notice stating that applicants should first sign on the logbook or attendance sheet;

10.3 Section V (A) (1) of Memorandum Circular No. 2019-013 does not require applicants to sign a logbook or attendance sheet in submitting qualifying documents;"

WHEREAS, though it is noteworthy that Security Guard named Alfonso attested the arrival of representatives from ULTRABUS TRANSPORT, INC. in the LTFRB premises, it is however also worth-mentioning that the staff Office of the Executive Director did its best to provide further announcements and instructions to all applicant-operators by sending its staff on the ground floor - lobby and on the third floor of the LTFRB Central Office building for the above-mentioned attendance sheet and its purpose to assure all the applicant-operator's arrival prior to the deadline which representatives from ULTRABUS TRANSPORT, INC. failed to write on;

WHEREAS, on Friday, 23 August 2019, the Office of the Executive Director informed all guards on-duty at the ground-floor lobby and at the third floor near the Office of the Executive Director that voluminous applications and representatives will arrive early in the morning of 27 August 2019 and should let the said representatives queue for the submission of applications of Memorandum Circular No. 2019-039;

WHEREAS, Memorandum Circular No. 2019-013 is a consolidated guidelines for the implementation of Public Utility Vehicle Modernization Program including the selection process and issuance of Certificates of Public Convenience, Provisional Authorities and Special Permits to operators awarded with new and/or existing routes. While It is true that it does not mention anything for the applicant-operators to sign a logbook or attendance sheet in submitting the qualifying documents, it leaves to the Qualification Committee and the Office of the Executive Director to provide instructions/guidelines as to how the qualification documents will be submitted and received;

NOW THEREFORE, premises considered, the Committee resolves to **ALLOW** and **ACCEPT** the letter of intent and qualification documents being submitted by ULTRABUS TRANSPORT, INC., applying for the routes BFCT TERMINAL (MARIKINA) - CAMOTES ISLANDS, CEBU and PITX - DAVAO, and shall be subject to the selection proceedings and evaluation of the committee on **22 November 2019, Friday at 2:00 p.m.** following the implementing guidelines set forth under Memorandum Circular No. 2019-013.

APPROVED AND SIGNED by the undersigned Chairperson and Members of the Qualification Committee, this ___ day of 19 NOV 2019 2019 at Quezon City, Philippines.

ATTY. ZONA RUSSET M. TAMAYO
Chairperson

NIDA P. QUIBIC
Member

JOEL J. BOLANO
Member

ATTY. MARK T. COFINO
Member