



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

RESOLUTION NO. 316 Series of 2019
(Re: APPEAL OF CORDILLERA BASIC SECTORS
TRANSPORT COOPERATIVE, NJL TRANSPORT and TRUSTED
BLSTT ALLIANCE OF TRANSPORT MULTI PURPOSE
COOPERATIVE)

WHEREAS, On March 26, 2019, the Board issued Memorandum Circular No. 2019-016, Re: OPENING OF ADDITIONAL TAXI FRANCHISES FOR BAGUIO CITY/ LA TRINIDAD, BENGUET TO ANY POINT IN **CORDILLERA ADMINISTRATIVE REGION** AND IN BUTUAN CITY AND TO ANY POINT IN CARAGA REGION, which provided for the selection process of qualified applicant/s

WHEREAS, on 10 April 2019, Cordillera Basic Sectors Transport Cooperative (for brevity "CBSTC") submitted its Qualification Documents at LTFRB-CAR for two hundred (200) units and participated in the selection process for taxi franchises in Baguio City/ La Trinidad;

WHEREAS, on 07 June 2019, NJL Transport (for brevity "NJL") submitted its Qualification Documents at LTFRB-CAR and participated in the selection process for one hundred (100) taxi franchises in Baguio City/ La Trinidad;

WHEREAS, on 07 June 2019, Trusted BLSTTT Alliance of Transport Multi-Purpose Cooperative (for brevity "TBATMPC") submitted its Qualification Documents at LTFRB-CAR and participated in the selection process for fifty (50) taxi franchises in Baguio City/ La Trinidad;

WHEREAS, on 17 April 2019, the Pre-Evaluation Committee evaluated the qualification documents submitted by CBSTC, which recommended for the latter's disqualification for failure to submit required technical (OR/CR or Sales Invoice and Delivery Receipts of proposed units, and Proof of Garage/Depot space), and financial (Documents to prove that the Applicant has available Financial Resources exceeding the amount of Php800,000.00) requirements. On 30 April 2019 a Notice of Disqualification was issued to CBSTC;

WHEREAS, on 14 June 2019, the Pre-Evaluation Committee evaluated the qualification document submitted by NJL which recommended for the latter's disqualification for failure to submit required technical requirement (OR/CR or Sales Invoice and Delivery Receipts of proposed units). On 10 July 2019, a Notice of Disqualification was issued to NJL;

WHEREAS, on 14 June 2019, the Pre- Evaluation Committee evaluated the qualification documents submitted by TBATMPC, which recommended for the latter's disqualification for failure to submit required legal, technical and financial capability requirements per Committee Recommendation No. 19-05 and on 10 June 2019 a Notice of Disqualification was issued to TBATMPC;

WHEREAS, On 14 May 2019, a Motion for Reconsideration was filed by CBSTC attaching therein the additional qualification documents to prove compliance

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with the requirements under MC No. 2019-016, and was evaluated by the Committee which recommended to the Regional Director for the disqualification of CBSTC per Recommendation No. 2019-02;

WHEREAS, on 26 July 2019, a Motion for Reconsideration was filed by NJL attaching therein the additional qualification documents to prove compliance with the requirements under MC No. 2019-016. NJL then submitted a sales invoice and delivery notes for one hundred (100) units and was evaluated by the Committee. However, the committee has determined that the sales invoices and delivery notes were only released to the applicant by the sales department of Toyota on 25 July 2019 which would contradict the initial documents submitted by the applicant that the units were already received last 18 December 2018. The Committee then recommended to the Regional Director for the disqualification of NJL per Recommendation No. 2019-02;

WHEREAS, Motion for Reconsideration was filed by TBATMPC attaching therein the documents it failed to submit as part of the qualification documents that was used by the committee as basis for its recommendation for failure to comply with fifty (50) unit minimum requirement, as applicant has only twenty nine (29) available units;

WHEREAS, the Committee Recommendations were affirmed by the OIC-Regional Director of LTFRB-CAR, and dismissed/denied all of the participant's Motion for Reconsideration for failure to submit the qualification documents provided under MC 2019-016; The Notice of Dismissal was issued to CBSTC on 20 June 2019. A Notice of Dismissal was issued to NJL Transport by on 13 August 2019, While, on 13 August 2019 A Notice of Dismissal was issued to TBATMPC;

WHEREAS, 01 August 2019, 30 August 2019 and 20 August 2019 Notice of Appeal was filed respectively by CBSTC, NJL and TBATMPC with payment of corresponding fees, prompting the LTFRB-CAR to forward to the Board the records of all participants relative to their qualification documents submitted;

WHEREAS, No. 5.3 (Submission of Qualification Documents) of Memorandum Circular No. 2019-016 succinctly states that:

The Applicant shall submit to the Regional Director of concerned RFRO one (1) original copy and two (2) photocopies containing a Table of Contents x x x."

WHEREAS, No.5.5 (Evaluation of Qualification Documents) of the same circular likewise provides that:

"The detailed evaluation of the compliance by the applicant with the Legal, Technical, and Financial Capability Qualification Requirements shall be based solely upon the Qualification Documents submitted."

WHEREAS, it is very clear from the above-quoted provisions that each applicant is required to submit an original copy or, at the least, certified true copy of each qualification document. This is evidently mandated by the operative word "**SHALL**";

WHEREAS, the evaluation phase on a PASS or FAIL rating on each of the qualification documents submitted. There is complete submission of qualification documents when an applicant submits all the required qualification documents by submitting the original copies or certified true copies thereof and two (2) photocopies thereof. Failure to submit an original copy or certified true copy of at least one (1)

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qualification document merits a "FAIL" rating. The applicant will be disqualified if any criterion is rated "FAILED" or if any Qualification Document or attachment is missing;

WHEREAS, the failure of the above named applicants to either submit the required qualification documents or to submit original or certified true copies of the required documents deemed it necessary to rate their qualification documents "FAILED";

NOW THEREFORE, the Board resolves to as it is hereby resolved to **DENY** the Appeal of Cordillera Basic Sectors Transport Cooperative, NJL Transport and Trusted BLSTTT Alliance of Transport Multi-Purpose Cooperative.

APPROVED AND SIGNED by the undersigned Chairman and Members of the Board, this 19th day of December 2019 at Quezon City, Philippines.


ATTY. MARTIN B. DELGRA III
Chairman




ENGR. RONALDO F. CORPUS
Board Member


P/Maj. GEN. ANTONIO N. GARDIOLA JR. (Ret.)
Board Member

Attested By:


COL. RENWICK K. RUTAQUIO (Ret.)
OIC-Executive Director

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