



Republic of the Philippines
Department of Transportation

LAND TRANSPORTATION FRANCHISING & REGULATORY BOARD
East Avenue, Quezon City

RESOLUTION NO. 030 Series of 2020
(Re: ACCREDITATION OF SMESOFT, INC.
AS TRANSPORTATION NETWORK COMPANY)

WHEREAS, on 20 December 2018, the TNC Pre-accreditation Committee issued resolution No. 101, series of 2018 denying the application of SMESoft, Inc. due to the following grounds:

1. The herein applicant filed mere photocopies of its Compliance to Resolution No. 081, series of 2018;
2. Lack of authenticity and certification details in its Certified True Copy stamp;
3. Absence of Public Transportation Services as one of the Primary Purposes in its Amended Articles of Incorporation;
4. Denial of the herein applicant's nature as a Transport Provider as defined in DOTr Department Order Nos. 2018-013 & 2015-011 and Memorandum Circular No. 2015-015-A;
5. Herein applicant's complaint mechanism entirely inutile or nugatory;
6. Denial of the herein applicant's liability for acts or omissions by its TNVS while online, except if the same is beyond the TNC's control;

WHEREAS, on 19 December 2019, herein applicant filed a Motion for Reconsideration stating among others that it received the Resolution No. 101 dated 20 December 2018 on 18 March 2019 and that it begs for reconsideration of the said Resolution for the reason that it did not know the requirements it has to comply based on its restricted knowledge of the laws and regulations on transportation;

WHEREAS, it appears that herein applicant failed to file its Motion within a reasonable period of time, noting that it received the Resolution on 18 March 2019 but filed its Motion only on 19 December 2019 or only after ten (10) months;

WHEREAS, under the doctrine of laches, when a party lacks diligence or has failed to assert a right within a reasonable period time, gives rise to the presumption that it has abandoned such right;

NOW THEREFORE, the Pre-Accreditation Committee resolves, as it hereby resolved to **DENY** this Motion for lack of merit and on ground of laches, without prejudice on the part of herein applicant to re-submit application for accreditation in the event the Board lifts the Moratorium on the acceptance of application for TNC Accreditation.

APPROVED AND SIGNED by the undersigned Chairman and Members of the Pre- Accreditation Committee, this 11th day of February 2020 at Quezon City, Philippines.


ATTY. MARK T. COFINO
OIC-Chairman


JOEL J. BOLANO
Member


NIDA P. QUIBIC
Member


ATTY. ZONA RUSSET M. TAMAYO
Member