



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

RESOLUTION NO. 040 Series of 2020
(Re: MOTION TO NULLIFY RESOLUTION NO. 293
FILED BY MUZON BALINTAWAK TRANSPORT SERVICE COOPERATIVE)

WHEREAS, the Board issued Resolution No. 217, Series of 2019 (Re: Re-Opening of routes from Previous Memorandum Circulars Relative to the Implementation of the Public Utility Vehicle Modernization Program);

WHEREAS, one of the routes opened for Selection Process was Item 3 on the route: "Balingasa, Balintawak - Muzon, San Jose Del Monte, Bulacan;"

WHEREAS, there were four (4) applicants that participated in the Selection Process, namely:

1. Muzon Balintawak Transport Service Cooperative;
2. Muzon SJDM Transport Service Cooperative;
3. Del Monte City Trans. Inc.;
4. Express TSC;

WHEREAS, after due evaluation and deliberations, the Pre-Qualification Committee recommended to the Board to award Item 3 in favor of Del Monte City Trans. Inc. for being the only applicant to be rated as "Qualified";

WHEREAS, Muzon Balintawak Transport Service Cooperative failed to submit four (4) qualification documents;

WHEREAS, on 28 November 2019, the Board affirmed the recommendation and issued Resolution No. 293, Series of 2019;

WHEREAS, Muzon Balintawak Transport Service Cooperative filed a Letter, dated 17 December 2019, and a Motion to Nullify Resolution No. 293 filed on 8 January 2020;

WHEREAS, Muzon Balintawak Transport Service Cooperative moved for the reconsideration of Resolution No 293 on the ground that Del Monte City Trans. Inc. allegedly failed to submit a Letter of Support from property owner/s regarding access to or use of off-street loading and unloading area/terminal;-

WHEREAS, records would show that Del Monte City Trans. Inc. submitted its Letter-Request (relative to the issuance of Undertaking of Muzon Central Terminal) to the Management of Muzon Central Terminal, a privately-owned terminal, but was left unanswered; the same terminal is duly accredited and/or recognized by the City of San Jose Del Monte, Bulacan;

WHEREAS, DOTr Memorandum, dated 26 July 2019, provides that NGAs and LGUs should not, in any way, discriminate between applicants; and an applicant, once

selected, may facilitate the coordination with the concerned NGA/LGU to allow usage of the said facility;

WHEREAS, in the same manner, owners of privately-owned terminals should not also discriminate applicants regarding the issuance of Letter of Support. Applicants should not be at the mercy of an owner's prejudice and favor of other applicant/s;

WHEREAS, it is worthy to mention that the Committee had, with utmost impartiality and fair-play, judiciously and transparently applied the provisions set forth under Memorandum Circular No. 2019-013 in the evaluation and deliberation of the applicants' qualification documents;

NOW THEREFORE, for and in consideration of the foregoing premises, the Pre-Qualification Committee hereby **RECOMMENDS** to the Board:

1. **DENY** the Letter and Motion to Nullify Resolution No. 293 filed by Muzon Balintawak Transport Service Cooperative for failure to completely submit its qualification documents, and for lack of factual and legal bases.
2. **DIRECT** qualified applicant **Del Monte City Trans, Inc.** to file within fifteen (15) days from receipt hereof its Application for Issuance of Certificate of Public Convenience Under the Public Utility Vehicle Modernization Program.

APPROVED AND SIGNED by the undersigned Chairperson and members of the Qualification Committee pursuant to Office Order No. 2019-397, this 26 FEB 2020, Quezon City, Metro Manila.


ATTY. ZONA RUSSET M. TAMAYO
Chairperson


MARIBEL M. BOLANO
Member


LOLITA JOAQUIN
Member


NILDA D. VERGARA
Member


MARIE ANGELIQUE R. ESTIPONA
Member

Affirmed by the Board:


ATTY. MARTIN B. DELGRA III
Chairman


ENGR. RONALDO F. CORPUS
Board Member


P/MAJ. GEN. ANTONIO N. GARDIOLA
Board Member

Attested by:


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