



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

RESOLUTION NO. 184 Series of 2020

(Re: Motion for Reconsideration filed by Easyway Transport Service and Multi-Purpose Cooperative relative to its application for the FAIRVIEW TERRACES - BAGUMBONG VIA CALOOCAN SPORTS COMPLEX route under Memorandum Circular No. 2019-039)

WHEREAS, on 26 September 2019, the Committee issued its Resolution No. 228 S. 2019 wherein the same resolved to recommend to the Board to deny the applications of Easyway Transport Service and Multi-Purpose Cooperative, Novadeci Transport Service, and Tribe Operator's Transport Service and Multi-Purpose Cooperative for failure to comply with the provisions set forth under Memorandum Circular No. 2019-013;

WHEREAS, Easyway Transport Service and Multi-Purpose Cooperative submitted a copy of its letter of support from SM City Fairview (SM Mall) regarding off-street loading and unloading area, not from Fairview Terraces (Ayala Mall), hence, the issuance of the above-mentioned resolution;

WHEREAS, on 7 October 2019, Easyway Transport Service and Multi-Purpose Cooperative filed a Motion for Reconsideration, wherein the applicant stated thus:

"Par. 6. That herein applicant-movant therefore most respectfully request for the kind reconsideration of the Honorable Board, of the said Resolution No. 228 S. 2019, Denying its application, considering that it had already made substantial compliance with the requirements relative to its application, especially considering that they are now in fact ready to present the required Certification regarding off-street loading and unloading area, from Fairview Terraces, as required by the Committee;

WHEREAS, Easyway Transport Service and Multi-Purpose Cooperative attached in its Motion the original copy of an **undated** Certification issued by Fairview Terraces signed by its Operations Associate - Robi Lachica, which stated thus:

"This is to certify that EasyWay Transport Service and Multipurpose Cooperative represented by Mr. Johann G. Deuna, General Manager is given due consideration to use the Fairview Terraces **Lay-by**. This is in-line with the opening of developmental routes by LTFRB per Memorandum Circular No. 2019-039 which includes the route Fairview Terraces to Bagumbong via Caloocan Sports Complex and Zabarte Road.

The accommodation of the transport group cited above is **subject** to the terms and condition set forth by Fairview Terraces Management.

This certification is being issued upon request of EasyWay Transport Service and Multipurpose Cooperative as part of their requirement for franchise bidding. This certification is **effective only upon** awarding of the franchise to the cooperative."

WHEREAS, on 7 February 2020, upon the directive of the Committee, the Secretariat made a call-inquiry with Mr. Lachica who said the following:

1. Fairview Terraces does not provide **Terminal for PUVs** but the management does have a plan to provide the same within the current year.

2. Fairview Terraces currently provide “Lay-By” to PUVs (PUJ, UV, Taxi) for the purpose of dropping off and/or picking up passengers coming from and/or arriving at Fairview Terraces.

WHEREAS, according to online search, a “Lay-by” is an area at the side of a road where vehicles may pull off the road and stop; a rest stop.

WHEREAS, based on definition, a “Lay-by” is not compliant with the requirements set forth under Section III-C of Memorandum Circular No. 2017-030 pursuant to DOTr Department Order No. 2017-011 also known as the Omnibus Franchising Guidelines (OFG) which certain guidelines and requirements for Off-Street Terminal for Jeepney and UV Express Service Terminals operations were provided, as follows:

1. The minimum terminal size must be at least 130% of the total space requirement of 50% of the franchised units that will use the terminal;
2. Separate entrance and exit to ensure easy mobility;
3. Concrete flooring of the entire terminal, not only of the loading and unloading area;
4. Roofing that would provide sufficient protection from the heat of the sun and rain;
5. Adequate CCTV cameras and/or monitors which must be: a) continuously recording the last seventy-two (72) hours of operation; and b) positioned to capture video of (1) all entry and exit points and (2) loading and unloading areas;
6. Availability of Information and Passenger Assistance Counters and Personnel;
7. Detailed schedule of regular trips;
8. Appropriate and adequate signages;
9. Sufficient number of security personnel (with hand-held metal detector at entry points) for bag inspection and manning of the entire terminal, particularly the entry and exit points;
10. Adequate and comfortable benches and/or seats with backrests for waiting passengers;
11. Separate restrooms for PWDs and male and female passengers which must, at all times, be: a) clean; b) sufficiently lighted; c) ventilated; d) provided with clean water, flush system, toilet seat with cover, lavatory, waste bin, toilet paper, mirror, soap, hand dryer, and functional door lock; e) exclusive space for diaper-changing tables; and f) regularly maintained by janitorial personnel;
12. Priority lane for Senior Citizens, PWDs, and pregnant women; and
13. Availability of ramps for PWDs.

A “terminal” refers to an “off-street area where passengers board and alight, usually at the start and at the end of a route.” No guidelines were issued relating to the use of a “Lay-by”.

WHEREAS, under Item Nos. 5.3.1 and 5.3.3 of DOTr Department Order No. 2017-011, statements are as follows respectively:

“5.3.1 For fixed routes with endpoints, no franchise application **xxx** shall be entertained by the LTFRB without the presentation **of a proof of operation of an off-street terminal.**”

5.3.3 Off-Street terminals shall be located at both ends of the route being proposed, **and** shall be provided with loading/unloading bays and vehicle layover areas.”

WHEREAS, relative to the terminal requirement, Item No. III-B-8 of Memorandum Circular No. 2019-013 provides that applicant/s must submit “Copies of **Letter of Support** from property owners/managers regarding access to, or use of, each off-street loading and unloading area in the route map.”

WHEREAS, the Certification issued by Fairview Terraces is **conditional** as it shows that the intention is to use its Lay-By **subject to the terms and conditions set forth by Fairview Terraces and is effective only upon awarding of the franchise to the cooperative**, hence, said Certification is not synonymous with the required Letter of Support.

WHEREAS, under the second qualification process on 18 September 2019, which was executed upon the failure on the initial qualification process on 27 August 2019, the Qualification Committee issued its Resolution No. 315 Series of 2019 dated 19 December 2019 relative to the lone application of Tribe Operator's Transport Service and Multi-Purpose Cooperative. The same was likewise recommended to the Board to deny its application and re-open the subject route to prospective applicants for failure to comply with the provisions set forth under the Memorandum Circular No. 2019-013;

NOW THEREFORE, premises considered, this Committee resolves to recommend to the Board to:

1. **DENY** the Motion for Reconsideration filed by Easyway Transport Service and Multi-Purpose Cooperative;
2. **AFFIRM** the issued Resolution No. 228 Series of 2019 dated 26 September 2019 and Resolution No. 315 Series of 2019 dated 19 December 2019.

APPROVED AND SIGNED by the undersigned Chairperson and Members of the Qualification Committee pursuant to LTFRB Office Order No. 2019-397, this 29th day of ~~SEPTEMBER~~ SEPTEMBER 2020 at Quezon City, Philippines.


ATTY. JENNIFER LEAH P. ROJAS
Chairperson


JOANNE D. ELMEDOLAN
Member


MARIZA S. LLAVORE
Member


MARISSA PAULA E. MAMAUAG
Member


ALEX L. CAPUNDAN
Member

Affirmed by the Board:


ATTY. MARTIN B. DELGRA, III
Chairman


ENGR. RONALDO F. CORPUS
Board Member


P/Col. JOEL C. PERNITO (Ret.)
Board Member

Attested by:


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