



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

RESOLUTION NO. 100 Series of 2020

(Re: Motion for Reconsideration filed by Tanay Rizal UV Express Transport Service Cooperative regarding Resolution No. 001 S. 2020)

WHEREAS, on 17 January 2020, this Committee issued Resolution No. 001 Series of 2019 wherein the Committee found that the Motion for Reconsideration filed by Eastern Rizal AUV Transport ("*Eastern*" for brevity) to be meritorious and tenable, and resolved to:

- (1) Lift and Set Aside the recommendation of the Committee to DENY the application of Eastern Rizal AUV Transport per Resolution No. 227 S. 2019;
- (2) Return the submitted sealed/unopened additional qualification documents on 6 September 2019 and 10 October 2019 to Starmall Terminal TSC, and
- (3) Recommend to the Board to award the Tanay - Starmall via Antipolo route in favor of Eastern Rizal AUV Transport;

WHEREAS, on 7 February 2020, Tanay Rizal UV Express Transport Service Cooperative ("*Tanay*" for brevity) filed its Motion for Reconsideration to:

- (1) Partially reconsider Resolution No. 001 S. 2020 to award the Tanay - Starmall via Antipolo route in favor of Eastern Rizal AUV Transport;
- (2) Reinstate Resolution No. 227 Series of 2019;
- (3) Re-open the application for the issuance of CPC pursuant to Memorandum Circular No. 2019-039 on the route: Tanay - Starmall via Antipolo;

WHEREAS, No. 8, Item (b) of its Motion, Tanay stated thus:

"The Honorable Committee and Board should have strictly applied the rules as set forth above and that the evaluation of EASTERN RIZAL AUV TRANSPORT's qualification documents should only be limited to those documents submitted on or before the specified deadline in the Memorandum Circular No. 2019-039 or on 26 August 2019. EASTERN RIZAL AUV TRANSPORT should remain as "FAILED" with respect to the Technical Qualification as it failed to submit its Fleet Management System with organized vehicle dispatch procedures on or before 26 August 2019;"

WHEREAS, on 26 September 2019, the Committee's Resolution No. 227 Series of 2019 provides that Eastern only failed to include its *organized vehicle dispatch procedures* in its Fleet Management System;

WHEREAS, Section III-B-VI of Memorandum Circular No. 2019-013, the *organized vehicle dispatch procedure* is in support of the Fleet Management System. Per Resolution No. 227 Series of 2019 dated 26 September 2019. The supporting document of Eastern is miniscule in comparison with the lacking documents of Tanay;

WHEREAS, on item (e) of its Motion, Tanay alleged that:

"Further, The Honorable Committee and Board's admission of the two (2) qualification documents of EASTERN RIZAL AUV TRANSPORT is not only violative of paragraph V.A.2. of the MC 2019-013, but is likewise prejudicial to other applicants/operators' right due process considering that these other applicants/operators were not given the opportunity to examine, scrutinize, object or question the veracity of these 2 additional qualification documents as the same were not presented in a public hearing;"

WHEREAS, records reveal that on the scheduled opening proceedings dated 27 August 2019, the qualification documents submitted by Eastern consists of one (1) original copy and four (4) photocopies of said originals. In support thereof, said proceedings can be viewed in the LTRFB Facebook Live recording on <https://www.facebook.com/ltfrb.central.office/videos/409130393290402/>, hence the contention of Tanay seems to be inconsistent with what transpired during said proceedings;

NOW THEREFORE, premises considered, the Motion for Reconsideration filed by Tanay is unmeritorious and untenable, this Committee resolves to:

- (1) **DENY** to partially reconsider the issued Resolution No. 001 S. 2020;
- (2) **DENY** to reinstate the previously issued Resolution No. 227 S. 2019.

Resolution No. 001 Series of 2020 dated 17 January 2020 is **UPHELD** and **STILL STANDS**.

APPROVED AND SIGNED by the undersigned Chairperson and Members of the Qualification Committee, this ___ day of ^{01 OCT 2020} 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