



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

RESOLUTION NO. 235 Series of 2020
(Re: ACCREDITATION OF CITIMUBER CORP. AS
TRANSPORTATION NETWORK COMPANY)

WHEREAS, Resolution No. 071, series of 2018 dated 8 August 2018 was issued, enumerating the deficiencies of the requirements submitted by the Applicant, also directing the latter to comply with all the requirements set forth under Memorandum Circular No. 2015-015-A;

WHEREAS, on 20 December 2018, Resolution No. 100 was issued denying the Application of herein Applicant on the ground that the Compliance, Verification and Certification of Non-Forum Shopping was not signed by the alleged President of Citimuber Corp. – Mr. Rommel P. Villaroman;

WHEREAS, a Motion for Reconsideration was filed by applicant on May 24, 2019, alleging among others that it already corrected the defect in its previous application, and for having religiously complied and submitted all the necessary requirements provided under Resolution No. 71 series of 2018;

WHEREAS, on 12 November 2019, the Pre-accreditation Committee issued Resolution No. 248, series of 2019, granting the Motion filed by herein Applicant with the directive to submit Formal Offer of Evidence containing all the requirements set forth under Department Order 2015-011, Re: FURTHER AMENDING DEPARTMENT ORDER NO. 97- 1097 TO PROMOTE MOBILITY and Memorandum Circular No 2015-015-A, Re: RULES AND REGULATIONS TO GOVERN THE ACCREDITATION OF TRANSPORTATION NETWORK COMPANIES, within the period of **Ten (10) days** without any extension;

WHEREAS, herein Applicant received the copy of Resolution No. 248 on 6 January 2020, and filed its formal offer of evidence on 16 January 2020, which is within the time prescribed;

WHEREAS, careful review and due evaluation of the documents submitted by the Applicant, deficiencies and inconsistencies have been observed, to wit:

1. Business e-mail address and business telephone number are not indicated in its Application;
2. Business permit duly issued by the local government unit is expired on 31 December 2019;
3. Par. 3, under **Limitation of Liability clause** of the Terms of Service for Passengers, provides:

“To the fullest extent permitted by law, **the company shall not be liable** for any claim, loss, damage, costs or expenses incurred, suffered or sustained by you arising from or in connection with your participation.

The company **shall not be liable for any injury to your person or loss of life or property** or delay of your journey for any reason which may include but not limited to an act of God...xxx...xxx...

The company shall not be liable for any losses or damages including but not limited to any injury which you may suffer any damage or loss to property owned by or in your possession, or any indirect loss and damage, resulting from the third party transportation providers' services, matters relating to third party transportation providers, or the process of transportation by reason of you using the service in our capacity as a passenger."

4. Par. 5, under **Driver Relationship with Passengers** clause of Citimuber Driver Service Agreement, provides:

"xxx...xxx...Citimuber and its affiliates will not be held responsible or liable for any actions or inactions of a Passenger in relation to you, your activities, or your vehicle. You are solely responsible for any obligations or liabilities to Passengers or third parties that arise during and from your provision of the services. You will also be solely responsible in ensuring adequate insurance that meets all applicable laws in relation to acts or omissions of a Passenger or third party...xxx...xxx..."

5. No undertaking of the Applicant to comply with the Terms and Conditions for a Certificate of TNC Accreditation, as attached.

WHEREAS, pursuant to Sec. 8 under Liability clause of the DOTr Department Order No. 2018-013 and item VI under Liability clause of LTFRB Memorandum Circular No. 2015-015-A, provides:

"Sec. 8. Liability – The TNCs and the TNVS, as public transport providers, shall observe the diligence required of common carriers in accordance with the New Civil Code."

"VI. Liability – The TNC shall exercise due diligence of a good father of a family in accrediting and supervising its drivers. The TNC shall be held liable for acts or omissions committed by its TNVS while online, except if the same is beyond the TNC's control."

WHEREAS, it may recalled that as early as August 2018, herein applicant has already been processing its requirement, and has been given sufficient opportunities to submit and comply with the requirements, but failed to do so;

NOW THEREFORE, for failure of the applicant to submit and comply with all the requirements set forth under Department Order 2015-011, Re: FURTHER AMENDING DEPARTMENT ORDER NO. 97- 1097 TO PROMOTE MOBILITY and Memorandum Circular No 2015-015-A, Re: RULES AND REGULATIONS TO GOVERN THE ACCREDITATION OF TRANSPORTATION NETWORK COMPANIES, the Pre-accreditation Committee resolves, as it hereby resolved to **DENY** the application of herein Applicant, with prejudice.

APPROVED AND SIGNED by the undersigned Chairman and Members of the Board, this 29th day of DECEMBER 2020, at Quezon City, Philippines.


ATTY. MARK T. COFINO
OIC-Chairman


JOEL J. BOLANO
Member


NIDA P. QUIBIC
Member


ATTY. ZONA RUSSEL M. TAMAYO
MEMBER