



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

RESOLUTION NO. 006 Series of 2021

(Re: Motion for leave of the Honorable Board to Submit Compliance of Aspire Auto Parts & Repair Services, Inc. relative to its selection on the route: PITX - PALAPALA, DASMARIÑAS under Memorandum Circular No. 2019-005)

WHEREAS, on 1 March 2019, the Pre-Qualification Committee issued its Notice of Conditional Selection to Aspire Auto Parts & Repair Services, Inc. for its application for the route PITX - PALAPALA, DASMARIÑAS under Memorandum Circular No. 2019-005 wherein the aforesaid applicant was given a condition to submit to the committee its Articles of Incorporation indicating public transportation services as one of its primary purpose, garage and terminal location prescribed under the OFG on the Palapala endpoint, financial projections for the first five (5) years of operations, showing detailed revenues and costs, as well as projected demand, including assumptions made and Sales Agreement within ninety (90) days from receipt thereof;

WHEREAS, on 14 March 2019, the issued Notice of Conditional Selection was officially received by Aspire Auto Parts & Repair Services, Inc.;

WHEREAS, on 17 September 2019, Aspire Auto Parts & Repair Services, Inc. submitted its Motion for Leave of the Honorable Board to Submit Compliance wherein the applicant submits the following documents, to wit:

1. Articles of Incorporation indicating public transportation services as one of the purpose, attached as Annex "C";
2. Garage and terminal location as prescribed by the OFG on the Palapala endpoint, attached as Annex "D";
3. Financial projections for the first five (5) years of operations, attached Annex "E"; and
4. Sales agreement for the acquisition of the bus units to be used in the said route, attached as Annex "F";

WHEREAS, Aspire Auto Parts & Repair Services, Inc. failed to comply with the condition of submitting the documents within ninety (90) days from receipt of the applicant;

WHEREAS, in Aspire Auto Parts & Repair Services, Inc.'s motion stated thus:

"4. Thus, applicant/movant respectfully pray for leave of the Honorable Board for the acceptance for the above-mentioned documents, attached as Annexes "C"; "D", "E" and "F", respectively, which are being submitted shortly beyond the prescribed period;

5. That applicant/movant had no intention, whatsoever, not to comply on time as, in fact, it already caused the operation of the interim units. It was partly caused bureaucratic delays, amongst other causes;

5.1 That applicant/movant honestly relied on the diligence of its Liaison Officer/representative Rodrigo Opiniano, Jr. to have timely performed his job. However, unknown to applicant/movant Mr. Opiniano went home in Sagay City, Negos Occidental. He spent a number of days therein attending to the medication of his ailing father who, unfortunately, failed to recover and died - please refer to Annex "G";

5.2 That had applicant/movant been appropriately informed of Mr. Opiniano's predicaments, it should have worked on its compliance through other employees and/or means;

6. That applicant/movant respectfully reiterates that though these requirements were not submitted on time, nonetheless, the delivery of public land transport service, particularly that of Public Utility Bus Service for the subject route has not been hampered. The authorized Interim Bus units have been dutifully ferrying the commuters therein."

WHEREAS, upon careful examination of the submitted compliance, the Committee found on its Amended Articles of Incorporation dated 25 May 2012 that public land transportation service is not indicated as its Primary Purpose but only as its Secondary Purpose;

WHEREAS, the selection of the herein applicant is given on the condition to submit to the committee its Articles of Incorporation indicating public transportation services as one of its primary purpose per the issued Notice of Conditional Selection dated 1 March 2019;

NOW THEREFORE, this Qualification Committee resolves to recommend the Board to **NULLIFY AND RENDER VOID AB INITIO** the issued Notice of Conditional Selection dated 1 March 2019 issued to Aspire Auto Parts & Repair Services, Inc. for the route PITX - PALAPALA, DASMARIÑAS to operate PUB service for failure to comply with the documentary requirements set forth under the said Notice and Item No. 1-B Legal Qualifications set forth under Memorandum Circular No. 2019-005. This is however without prejudice on its part to re-apply or submit an application in case the subject route is subsequently re-opened.

APPROVED AND SIGNED by the undersigned Chairperson and Members of the Qualification Committee pursuant to LTFRB Office Order No. 2019-520, this ___ day of 28 JAN 2021 at Quezon City, Philippines.


ATTY. ZONA RUSSET M. TAMAYO
Chairperson



JOEL J. BOLANO
Member


NIDA P. QUIBIC
Member



ATTY. MARK T. COFINO
Member

Affirmed by the Board:


ATTY. MARTIN B. DELGRA, III
Chairman


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

Attested by:


ATTY. ARMAND B. DIOSO
Executive Director