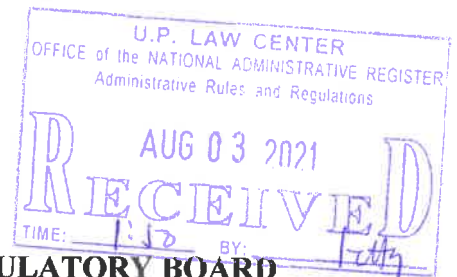




Republic of the Philippines  
Department of Transportation

**LAND TRANSPORTATION FRANCHISING & REGULATORY BOARD**  
East Avenue, Quezon City



**MEMORANDUM CIRCULAR**  
**NUMBER 2021- 048**

**SUBJECT: ALLOWING THE UNITS OWNED AND REGISTERED UNDER  
THE NAME OF THE INDIVIDUAL MEMBER TO BE INCLUDED  
IN THE APPLICATION OF THE APPLICANT-ENTITY**

**WHEREAS**, on 19 June 2017, Department Order No. 2017-011, otherwise known as “Omnibus Guidelines on the Planning and Identification of Public Road Transportation Services and Franchise Issuance” was issued by the Department of Transportation (DOTr), prescribing the rules and procedures on the issuance of franchises for public transport routes and services;

**WHEREAS**, III.A.6 of Memorandum Circular No. 2019-013 provides, “if not yet consolidated cooperative/corporation, evidence/proof of application for consolidation from SEC/CDA with individual affidavits of conformance/approval from the members willing to have their Certificate of Public Convenience (CPC) cancelled in exchange for a single consolidated CPC in favor of the Applicant-Operator;

**WHEREAS**, under the existing policy of the Board, Applicants must be the registered owner of the vehicles in the Application for Issuance of CPC, consistent to Par. 9 of Memorandum Circular No. 2011-004 otherwise known as the 2011 Revised Terms and Conditions of CPC which provides that, “it shall be unlawful for any PUV operator to cause, allow or in any other manner help or consent to the registration in his/her/its name, factiously, surreptitiously or otherwise any equipment belonging to another person and/or to cause allow or in any other manner help or consent to the operation of the same or of any other equipment under his/her/its Certificate of Public Convenience;

**WHEREAS**, due the clamor of the public particularly those who are interested to apply for CPC but have encountered difficulty of timely complying the requirements in consolidating into a legal entity, as well as the transfer of registration of the corresponding units from the individual owners to the legal entity, the Board deems it equitable to adopt similar policy sanctioned under Section III.A.6 of Memorandum Circular No. 2019-013;

**NOW THEREFORE**, for and in consideration of the foregoing, the Board hereby allows the filing of Application for Issuance of CPC with authorize units owned and registered under the name of the individual members of the applicant legal entity, subject to the following guidelines:

1. This Memorandum Circular applies ONLY to Cooperatives/Corporations with existing CPC or filed Application whose units are still in the name of the individual operator, which are

not yet transferred in favor of the entity, and involving non-fixed route such as but not limited to Tourist Transport Service, Shuttle Service, Taxi, Transport Network Vehicle Service, Truck for Hire, etc.;

2. The individual members composing the Cooperatives/Corporation must be the registered owner of the units being applied for. Said members shall execute an affidavit of undertaking to transfer the registration of the unit in favor of the entity within six (6) months from the filing of the Application;

As regards Cooperatives/Corporations with existing CPC or filed Application, the individual members shall execute an affidavit of undertaking to transfer the registration of the unit in favor of the entity within six (6) months from the effectivity of this MC.

3. After the filing of the Application, a Provisional Authority may be issued under the name of the Cooperative/Corporation with a validity of Ninety (90) days, subject to another extension of Ninety (90) days, which shall in no case exceed a total of One Hundred Eighty (180) days.
4. Failure to comply with the undertaking shall cause the **DISMISSAL** of the Application or the **CANCELLATION** of the CPC.

All other issuances or parts thereof inconsistent herewith are hereby modified, amended, or superseded accordingly.

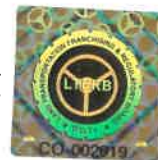
This Memorandum Circular shall take effect immediately following its publication in a newspaper of general circulation and the filing of three (3) copies hereof with the UP Law Center pursuant to Presidential Memorandum Circular No. 11, dated 09 October 1992.

**SO ORDERED.**

26 July 2021, Quezon City, Philippines.



*Martin B. Delgra III*  
**ATTY. MARTIN B. DELGRA III**  
Chairman



*Joel C. Pernito (Ret.)*  
**PCol. JOEL C. PERNITO (Ret.)**  
Board Member

**Attested by:**

*Joel J. Bolano*  
**JOEL J. BOLANO**  
Chief, Technical Division/OIC, Office of the Exec. Director

Wednesday, 4 August 2021  
Daily Tribune



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

**MEMORANDUM CIRCULAR**  
NUMBER 2021-048

**SUBJECT: ALLOWING THE UNITS OWNED AND REGISTERED UNDER THE NAME OF THE INDIVIDUAL MEMBER TO BE INCLUDED IN THE APPLICATION OF THE APPLICANT ENTITY**

WHEREAS, on 19 June 2017, Department Order No. 2017-011, otherwise known as "Omnibus Guidelines on the Planning and Identification of Public Road Transportation Services and Franchise Issuance" was issued by the Department of Transportation (DOT), prescribing the rules and procedures on the issuance of franchises for public transport routes and services;

WHEREAS, III.A.6 of Memorandum Circular No. 2019-013 provides, "if not yet consolidated cooperative/corporation, evidence/proofof application for consolidation from SEC/CDA with individual affidavits of conformance/approval from the members willing to have their Certificate of Public Convenience (CPC) cancelled in exchange for a single consolidated CPC in favor of the Applicant-Operator;

WHEREAS, under the existing policy of the Board, Applicants must be the registered owner of the vehicles in the Application for Issuance of CPC, consistent to Par. 9 of Memorandum Circular No. 2013-004 otherwise known as the 2013 Revised Terms and Conditions of CPC which provides that, "it shall be unlawful for any BVV operator to cause, allow or in any other manner help or consent to the registration in his/her/its name, factiously, surreptitiously or otherwise any equipment belonging to another person and/or to cause allow or in any other manner help or consent to the operation of the same or of any other equipment under his/her/its Certificate of Public Convenience;

WHEREAS, due the clamor of the public, particularly those who are interested to apply for CPC but have encountered difficulty of timely complying the requirements in consolidating into a legal entity, as well as the transfer of registration of the corresponding units from the individual owners to the legal entity, the Board deems it equitable to adopt similar policy sanctioned under Section III.A.6 of Memorandum Circular No. 2019-013;

NOW THEREFORE, for and in consideration of the foregoing, the Board hereby allows the filing of Application for Issuance of CPC with authorize units owned and registered under the name of the individual members of the applicant legal entity, subject to the following guidelines:

1. This Memorandum Circular applies ONLY to Cooperatives/Corporations with existing CPC or filed Application whose units are still in the name of the individual operator, which are not yet transferred in favor of the entity, and involving non-fixed route such as but not limited to Tourist Transport Service, Shuttle Service, Taxi, Transport Network Vehicle Service, Truck for Hire, etc.;
2. The individual members composing the Cooperatives/Corporation must be the registered owner of the units being applied for. Said members shall execute an affidavit of undertaking to transfer the registration of the unit in favor of the entity within six (6) months from the filing of the Application;

As regards Cooperatives/Corporations with existing CPC or filed Application, the individual members shall execute an affidavit of undertaking to transfer the registration of the unit in favor of the entity within six (6) months from the effectivity of this MC.

3. After the filing of the Application, a Provisional Authority may be issued under the name of the Cooperative/Corporation with a validity of Ninety (90) days, subject to another extension of Ninety (90) days, which shall in no case exceed a total of One Hundred Eighty (180) days.
4. Failure to comply with the undertaking shall cause the DISMISSAL of the Application or the CANCELLATION of the CPC.

All other issuances or parts thereof inconsistent herewith are hereby modified, amended, or superseded accordingly.

This Memorandum Circular shall take effect immediately following its publication in a newspaper of general circulation and the filing of three (3) copies hereof with the UP Law Center pursuant to Presidential Memorandum Circular No. 11, dated 09 October 1992.

SO ORDERED.

26 July 2021, Quezon City, Philippines.

ATTY. MARTIN E. DELGRA III  
Chairman

FCol. JOEL C. PERMITO (Ret.)  
Board Member

Attested by:

JOEL BOBANO  
Chief, Technical Division/OIC, Office of the Exec. Director