



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

RESOLUTION NO. 004 Series of 2022

(re: Application for Accreditation of CLOUD PANDA PH, INC.
as Transportation Network Company)

WHEREAS, relative to the issued Memorandum Circular No. 2021-066, lifting the moratorium in the acceptance of Application for Accreditation of Transport Network Company (TNC), herein Applicant, Cloud Panda Ph, Inc. (Cloud Panda for brevity) submitted its Application to the Pre-Accreditation Committee (PAC) on 2 December 2021;

WHEREAS, the PAC convened in a meeting on 14 December 2021, and proceeded with the evaluation of applicant's submission, wherein it found that herein applicant failed to submit the necessary documents. Thus, Resolution No. 157, series of 2021 was issued, the dispositive portion of which reads:

"NOW THEREFORE, for and in consideration of the foregoing, the PAC hereby recommends to allow herein Applicant, Cloud Panda Ph, Inc. to comply and submit the following documents within thirty (30) days from receipt of this Resolution:

1. Complete Details of Business Model
2. Business Permit duly issued by the Local Government where the Applicant's principal place of business is located
3. Copy of Amended Articles of Incorporation reflecting the purpose to engage in the Transport Network business or Transportation Services
4. The Line of Business appearing on the BIR Certificate of Registration must be related to Transport Network Company or Transportation
5. Terms of Service for Passengers
6. Terms of Service for TNVS Operators
7. Marketing Plan/Strategy to promote its brand

Failure of the Applicant to comply with the above directive within the period given shall be a ground for the denial of its Application."

WHEREAS, on 4 January 2022, Cloud Panda submitted its compliance to the Resolution, attaching therein the requirements;

WHEREAS, the PAC had convened thru Teleconference on 12 January 2022 to evaluate the submission of herein Applicant, and after due examination of the documents, the PAC found that Cloud Panda failed to comply and submit the following requirements:

1. Instead of Business Permit duly issued by the Local Government where the Applicant's principal place of business is located, herein Applicant merely submitted an Undertaking;

2. The terms and Conditions provided were not properly labelled, be it for Passengers or TNVS Operators. As provided in the MC, there must be a Terms of Service for Passengers, and terms of service for TNVS Operators
3. The provision on the liability of the TNC (that must appear in the Terms of Service for Passengers, and terms of service for TNVS Operators) appears to be contrary to what has been prescribed in the MC, which states that:

“The TNC shall exercise due diligence of a good father of a family in accrediting and supervising its TNVS partners and 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.”

NOW THEREFORE, for and in consideration of the foregoing, the PAC hereby recommends to the Board to allow herein Applicant, Cloud Panda Ph, Inc. to finally comply and submit the following documents, within fifteen (15) days from receipt of this Resolution:

1. Business Permit duly issued by the Local Government where the Applicant’s principal place of business is located
2. Terms of Service for Passengers
3. Terms of Service for TNVS Operators
4. The provision on the “Liability” portion that it shall exercise due diligence of a good father of a family in accrediting and supervising its TNVS partners and drivers, and that it shall be held liable for acts or omissions committed by its TNVS while online, except if the same is beyond the TNC’s control.

Failure of the applicant to submit the foregoing requirements shall be a ground for the denial of its Application, without benefit of any or further compliance.

RECOMMENDED and SIGNED by the undersigned Chairman and Members of the Pre-Accreditation Committee, this 19th day of JANUARY 2022 at Quezon City, Philippines.


JOEL J. BOLANO
 Member


ATTY. ZONA RUSSET M. TAMAYO
 Member


ATTY. MARK T. COHINO
 Member


NIDA P. QUIBIC
 Member


MARIA KRISTINA E. CASSION, MBA, CESE
 Executive Director

Approved by:


ATTY. MARTIN B. DELGRA III, REB REA EnP
 Chairman


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


ENGR. SHERWIN M. BEGYAN, LL.B. CE, REB
 Board Member

Attested by:


MARIA KRISTINA E. CASSION, MBA CESE
 Executive Director