



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

RESOLUTION NO. 078 Series of 2022

(Re: Re-Opening of Applications for the Issuance of New CPC for the route: Laguindingan, Misamis Oriental to Marawi, Lanao Del Sur under MC No. 2021-071)

WHEREAS, on 10 December 2021, the Qualification Committee issued Resolution No. 148 S. 2021 re-opening the subject route to prospective applicants after the applicants failed to pass the qualification requirements;

WHEREAS, there were two (2) applicants who submitted their qualification documents to the Office of the Executive Director on 23 December 2021, to wit:

1. New Mindanao Transport Service Cooperative (NEMINTSCO);
2. JK-Line Transport Inc.;

WHEREAS, on 16 February 2022, there having a quorum, the Qualification Committee proceeded with the selection proceedings, which was duly participated by the representatives of the applicants via Zoom Teleconference platform;

WHEREAS, after due evaluation of the documents submitted, the Committee found that applicants, New Mindanao Transport Service Cooperative (NEMINTSCO) and JK-Line Transport Inc. were both rated as "**PASSED**" for each criterion on the required Qualification Documents as set forth under Memorandum Circular No. 2019-013 Item V-A-3;

WHEREAS, pursuant to Item B-3 & 4 of Memorandum Circular No. 2019-013, the selection procedures will be as follows:

1. The Applicant-Operators who PASSED the legal, technical and financial qualifications shall be ranked based on the availability of the required number of compliant units;
2. Higher rank is accorded to an applicant with the highest number of ready and available units, then on the schedule of delivery of the units (as certified by the supplier/manufacturer) on a first-in-time basis;
3. If a tie results, preference shall be given to existing area-based operators;
4. If no existing area-based operator qualified, a public lottery shall be conducted in the presence of applicants to determine who among the qualified applicants will proceed with the CPC application.

WHEREAS, further examination revealed that applicants New Mindanao Transport Service Cooperative (NEMINTSCO) and JK-Line Transport Inc. have no ready and available compliant units, having the same delivery schedule being offered, and are both not existing area-based operators;

WHEREAS, all things being equal for both applicants, the rules dictate that a public lottery shall be conducted in the presence of the applicants to determine who among the qualified applicants will proceed with the CPC application;

WHEREAS, the supposed lottery did not push through because of the opposition raised by the representative of NEMINTSCO, arguing that the route should be awarded to them because of the privilege accorded by law to the Cooperatives. The counsel of JK-Line Transport, Inc. also agreed to defer the lottery pending resolution to the opposition of NEMINTSCO;

WHEREAS, Memorandum Circular No. 2019-013, which governs the rules on the selection of applicants for rationalized existing and new and developmental routes, or any other issuances of the board did not provide any preference to Cooperatives, as claimed and argued by NEMINTSCO;

NOW THEREFORE, for and in consideration of the foregoing, this Committee found no sufficient basis to support the arguments of NEMINTSCO, thus, recommends to the Board that a public lottery shall ensue, or equally distribute the number of authorized units to them, subject to the submission of Common Fleet Management System Agreement.

If the recommendation is approved by the Board, the Committee shall get the consensus of the applicants whether they agree on the equal distribution of the number of authorized units between them, otherwise, the public lottery shall proceed on the date as may be determined by the Committee.

RECOMMENDED AND SIGNED by the undersigned Chairperson and Members of the Qualification Committee, this 20 day APR 2022 at Quezon City, Philippines.


JOEL T. BOLANO
Chairperson


ATTY. MARK T. CORINO
Member


DIOSDADO B. SANTIAGO JR.
Member


NIDA P. QUIBIC
Member

Approved by:


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



ONLEAVE

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


ENGR. SHERWIN MYLIL S. BEGYAN, LLB, CE, REB
Board Member

Attested by:


MARIA KRISTINA E. CASSION, MBA, CESE
Executive Director