

ACCEPTANCE OF APPLICATIONS FOR THE ISSUANCE OF NEW CERTIFICATES OF PUBLIC CONVENIENCE TO FILL UP THE VACANT SLOTS IN THE ROUTE MEASURED CAPACITY (RMC) CAUSED BY THE NON-EXTENSIO...

LTFRB MEMORANDUM CIRCULAR NO. 2011-005, May 25, 2011

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WHEREAS, the continuing moratorium on the acceptance of applications for the issuances of Certificates of Public Convenience and the advent of Memorandum Circular

No. 2001-034, which prohibits the acceptance of applications for extension of validity of expired Certificates of Public Convenience have caused tremendous and disturbing decline in the number of authorized public utility vehicles plying our regular and established routes which further boost the proliferation of “colorum” operations to the detriment of the riding public;

WHEREAS, experience tells us that many of these previously authorized/franchised units still continue their operations, albeit illegally. Worst, some even evade registration and conversion to private (green plate), just to make it appear that their units are still authorized with their retention and non-surrender of old yellow plates;

WHEREAS, due to the cessation of operation of many previously authorized units as shown by the records of the Board and its Regional Offices, demand for an efficient and convenient public transport immensely escalated;

WHEREAS, without being insensitive to the plight of the operators who may have been economically displaced and taking into consideration the welfare and convenience of the riding public, the Board proposes to accept applications for the issuance of Certificates of Public Convenience to fill up the resulting void in the RMC;

WHEREAS, the Board sees no breach, impairment and violation of existing Route Measured Capacity (RMC) as this initiative endeavours only to address the vacuum;

NOW THEREFORE, pursuant to the powers vested by law and in order to address the reduction and diminution in the number of authorized units plying established routes, the Board hereby orders the acceptance of new applications for the issuance of Certificates of Public Convenience (CPC) for slots vacated by the non-extension of expired CPCs, cancellation and dropping of units in the CPC, and taking into consideration that the Route Measured Capacity (RMC) on these routes have already been previously determined but subject to the following guidelines/procedure:

- Applications shall cover those CPCs which expired starting January 2010, cancelled CPCs, and those CPCs with dropped units but without substitution, for the following services: PUJ (including FILCAB) service, UV Express Service and PUB (including Mini Bus) except PUBs with routes within and touching Metro Manila.
- The Central and Regional Offices shall submit an inventory of all affected routes (both inter-regional and intra-regional routes) to the Office of the Executive Director. Thereafter, the Board shall issue an Order directing the concerned Office to proceed with the acceptance of new applications.
- The Board or Regional Office concerned shall cause the posting of all available slots (CPCs) in conspicuous

places within the office premises to serve as notice to the public or to parties who may bear interest.

- Prior to acceptance of applications to fill up non-extended CPCs, the Board or its Regional Offices shall inform the concerned operator thereof and shall give said operator the first priority to file a new application within a period of forty-five (45) days from date of receipt of the notice. After the lapse of said period or conveyance of the operator of lack of interest or non-intention to pursue application (whichever comes earlier), the concerned Office shall cause the annotation in its record the cancellation/revocation of the concerned CPC by virtue of this Memorandum Circular, and the slot of the operator shall be made available to new applicants.

- Operators whose franchises have been cancelled or revoked by the Board by reason of their involvement in accidents, violations of the conditions of their CPC, or any policies, rules and regulation of the Board are prohibited from availing of the provisions of this Circular, in so far as their lost franchises are concerned.

- Should the concerned operator convey interest to pursue the application (pursuant to No. 4), full settlement of unpaid accounts shall be required, plus penalty charges as follows:

- For PUJs P5,000.00 plus P500.00 per month per unit

- For UV Express P7,500.00 plus P500.00 per month per unit

- For PUBs & Mini Bus P10,000.00 plus P500.00 per month per unit

In the case of new applicants, payment of filing fee and other charges shall be required.

Consequently, the corresponding Clearance of Accounts shall be attached to the application.

- A new Case Number shall be designated for the new applications.

- All Certificates of Public Convenience issued under this Memorandum Circular shall be good for five (5) years and shall not be sold, transferred, assigned or in any way alienated during the said period.

- Applications covered by this Memorandum Circular shall be subject to existing policies, rules and regulations of the Board.

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

This Memorandum Circular shall take effect fifteen (15) days immediately following its publication in at least two (2) newspapers of general circulation. Let three (3) copies hereof be filed with the UP Law Center pursuant to Presidential Memorandum Circular No. 11, dated 09 October 1992.

SO ORDERED.

Adopted: 25 May 2011

(SGD). ATTY. NELSON P. LALUCES

Chairman

(SGD.) ENGR. SAMUEL JULIUS B. GARCIA (SGD.) ATTY. MANUEL M. IWAY

Board Member Board Member

Attested by:

(SGD.) ATTY. DANTE XENON B. ATIENZA

Executive Director

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