ALLOWING CONDITIONAL CONFIRMATION OF UNITS FOR CPCS UNDER REVIEW WITH THE NATIONAL CAPITAL REGION (NCR)

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Adopted: 09 January 2018
Date Filed: 10 January 2018

WHEREAS, on 02 February 2017, the Board issued Office Order No. 2017- 037 directing the LTFRB-NCR to review Certificates of Public Convenience (CPC) in its record;

WHEREAS, on 05 April 2017, the Board issued Memorandum Circular No. 2017-11 directing the LTFRB-NCR to Review CPCs with modification/amended routes;

WHEREAS, on 05 April 2017, the Board issued Memorandum Circular No. 2017-008 allowing conditional confirmation of units with dismissed applications, suspended or cancelled CPCs with timely filed Motion for Reconsideration;

WHEREAS, pursuant to the above issuances and directives, the LTFRB- NCR has conducted and is still conducting hearings of cases with initial findings of inconsistencies with the policies of the Board in line with the review and as part of due process;

WHEREAS, an initial report of cases subject of the review has already been submitted by the LTFRB-NCR and is still for deliberation and consideration by the Board;

WHEREAS, in view of the hearing of said cases, the confirmation and registration of the units subject of the CPCs under review have been held in abeyance by the LTFRB-NCR to avoid any conflict in the outcome of the deliberation by the Board of the findings of these cases;

WHEREAS, taking into consideration the time needed to thoroughly review and deliberate these cases, there lies sufficient basis to conditionally allow the confirmation and eventual registration of the units under the cases in review,

NOW THEREFORE, for and in consideration of the foregoing premises, the Board hereby ALLOWS CONDITIONAL CONFIRMATION OF UNITS under the cases in review by the LTFRB-NCR subject to the following guidelines:

- The conditional confirmation shall cover only units under the cases in review by the LTFRB-NCR.

- LTFRB-NCR shall ensure the stamping on the confirmation copy/print-out to be given to the operator the condition that the confirmation of the unit shall be further subject to the outcome of the review being undertaken by the Board on the CPCs with initial findings of inconsistencies with existing policies of this Board and to the guidelines set forth in this MC.

- The conditional confirmation of the unit shall not in any manner prevent the Board to eventually suspend/revoke/cancel the CPC involve as it may deem proper after thorough review.

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- Should the subject CPC where the unit is included be revoked/cancelled, the confirmation and registration of the unit involved shall likewise be revoked/cancelled. The operator shall cause the dropping of said unit and shall surrender the “for hire” plates to the LTFRB-NCR for proper recording. The LTFRB-NCR shall likewise inform the Land Transportation Office (LTO) of the decision of the Board for proper disposition of the unit concerned.

- Should the operator continue in the operation of the unit as public utility despite the revocation or cancellation of the CPC, the vehicle shall be considered as “colorum” and shall be impounded immediately subject to existing fines and penalties. The existing policies with respect to “colorum” vehicles shall likewise be applied.

All 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 Memorandum Circular No. 11, dated
09 October 1992.

SO ORDERED.

Quezon City, Philippines 09 January 2018.

(SGD) ATTY, MARTIN B. DELGRA, III
Chairman

(SGD) ENGR. RONALDO F. CORPUS
Board Member

(SGD) ATTY. AILEEN LOURDES A. LIZADA
Board Member

Attested by:

(SGD) ATTY. CARL SHA JEMIMAH F. MARBELLA
Officer-in-Charge
Office of the Executive Director

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