

**[CDA MEMORANDUM CIRCULAR NO. 2013-11,
February 07, 2013]**

**GUIDELINES IN THE COMMENCEMENT OF ACTION FOR SPECIFIC
PROHIBITED ACTS OR OMISSIONS UNDER ARTICLE 140 OF RA
9520 AND MEMORANDUM CIRCULAR NO. 2012- 01, S-2012**

SECTION 1. TITLE. - These Guidelines shall be known as the "***GUIDELINES IN THE COMMENCEMENT OF ACTION FOR SPECIFIC PROHIBITED ACTS OR OMISSIONS UNDER ARTICLE 140 OF RA 9520 AND MEMORANDUM CIRCULAR NO. 2012-01, S-2012***".

SECTION 2. Definition of Terms. - As used in these guidelines, the term:

1. **Authority** refers to the Cooperative Development Authority and its Extension Offices.
2. **Board of Administrators** refers to the governing body of the CDA.
3. **Code** refers to Republic Act No. 9520, otherwise known as the Philippine Cooperative Code of 2008.
4. **Cooperative Laws** refer to the Code, its implementing rules and regulations, and other issuances of the Authority.
5. **Legal Division** refers to the Legal Division of the CDA Central Office.
6. **Legal Unit** refers to the Legal Unit of the CDA Extension Offices.

SECTION 3. COVERAGE - These guidelines shall cover the following:

3.A Acts or omissions defined and penalized under Art. 140 of RA 9520:

1. The use of the word 'cooperative' by any person or of persons or organizations, unless duly registered as a cooperative under this Code except as provided for under Article 130 of the Code;
2. Offenses punishable by a penalty of imprisonment of not less than one (1) year nor more than five (5) years or a fine of not more than Fifty thousand pesos (P50,000.00) or both at the discretion of the court:
 - (a) Omission or refusal to furnish any information, report or other document that is required under this Code;
 - (b) Providing information, reports or other documents to the Authority that are required under this Code which the person knows to be false or misleading;
 - (c) Omission or refusal to keep a book or register under this Code or to make the required entry therein;
 - (d) Making an entry required under this Code in a book or register, which the person knows to be false or misleading;
 - (e) Hindering an authorized person from making an inspection, audit, examination or investigation required under this Code;
 - (f) Failure to comply with an order or written instructions issued or