

**[ CDA, June 10, 2004 ]**

**REVISED PROCEDURES FOR MEDIATION AND CONCILIATION OF  
COOPERATIVE DISPUTES IN THE COOPERATIVE DEVELOPMENT  
AUTHORITY**

Pursuant to the provision of Section 8, Republic Act No. 6939, authorizing the Cooperative Development Authority to mediate and conciliate disputes within a cooperative or between cooperatives, the Authority hereby promulgates the following procedures in the conduct of mediation and conciliation, under the said section, to wit:

*"Sec. 8. Mediation and Conciliation - Upon request of either or both parties, the Authority shall mediate and conciliate disputes within a cooperative or between cooperatives; Provided, That if no mediation or conciliation succeeds within three (3) months from request thereof, a certificate of non-resolution shall be issued by the commission prior to the filing of the appropriate action before the proper courts."*

**SECTION 1. Title** - These procedures shall be known as the Revised Procedures for Mediation and Conciliation of Cooperative Disputes in the Cooperative Development Authority.

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

- a. Authority - shall refer to the Cooperative Development Authority or any of its officers duly designated to act on its behalf.
- b. Board of Administrators - shall refer to the governing board of the Authority consisting of a chairman and six (6) members.
- c. Mediation - shall refer to a process whereby a mediator designated by the Authority takes a more active part in helping the conflicting parties develop or come out with an acceptable solution to their dispute or assist the parties reach an amicable solution to the dispute/s.
- d. Conciliation - shall refer to a process whereby a conciliator designated by the Authority calls together the parties involved in a dispute, encourages them to discuss their differences, and assists them in developing their own proposed solutions to their disputes.
- e. Mediator/conciliator - shall refer to an employee of the Authority designated to act as such in relation to such requests for mediation and conciliation. As a rule, the Legal Officer of Extension Offices shall act as

mediator/conciliator. The Extension Director shall have the authority to appoint other CDA Regional employees qualified to act as mediator/conciliator in the absence of such Legal Officer.

f. Order - shall refer to any directive of the Authority or the Board of Administrators, or such other body, committee, board or officer duly created or designated by the Authority.

g. Certificate - shall refer to the Certificate of Non-Resolution issued by the Authority or by the duly designated officer.

h. Settlement or Agreement - shall refer to the compromise, which the parties in the mediation/conciliation conference have agreed upon.

*SECTION 3. Commencement of Action* - Any action for mediation or conciliation may be commenced upon receipt of written request or complaint from either or both parties.

*SECTION 4. Complaint* - A written request/complaint may be filed with the Extension Office or Central Office having jurisdiction over the cooperative. It shall contain the following:

- a. The name/s and address/es of the complainant/s;
- b. The name/s and address/es of the persons being complained of;
- c. The issue and subject matter of the controversy;
- d. A certification by any member of the grievance committee of the cooperative that the complaint has undergone the cooperative grievance mechanism or a certification by either the secretary of the board or by the complainant that the cooperative has no grievance machinery or no functional grievance machinery or that a certification is no longer practicable.

In the absence of any one of the aforementioned requirements, the complaint shall be dismissed without prejudice to the re-filing of the same.

*SECTION 5. Grounds for complaint for Mediation and/or Conciliation* - The issues considered to be the subject for mediation/conciliation:

- a. Matters involving the internal affairs of the cooperative, such as but not limited to: 1) the rights and privileges of members; 2) the rules and procedures for meeting of the General Assembly, Board of Directors, or the different cooperative committees; 3) the rules and procedures for the election and qualifications for officers, directors or committee members; 4) the allocation and distribution of surpluses and reserves; and 5) all other matters involving the internal affairs of the cooperative that the Authority may deem vital to the operations of the cooperative.
- b. For disputes between cooperatives, such other matters that may

involve the area of operations of the cooperatives and disputes between cooperatives.

*SECTION 6. Matters Not Cognizable Under These Procedures* - The following are not cognizable for mediation and conciliation conferences and hence cannot be the subject of any amicable settlement.

- a. Violation of Article 48, R.A. 6938 (Dealings of Directors, Officers or Committee);
- b. Violation of Article 49, R.A. 6938 (Disloyalty of a Director);
- c. Violation of Article 50, R.A. 6938 (Illegal Use of Confidential Information);
- d. Violation of Article 84, R.A. No. 6938 (Right to Examine);
- e. Matters involving the grant and exercise of a franchise, license or certificate of public convenience or necessity as stated in Article 98, paragraph (2) of R.A. 6938;
- f. Violation of Article 114, R.A. 6938 (Prohibition)
- g. Non-compliance with other laws as stated in Article 119, R.A. 6938;
- h. Violation of Article 124, R.A. 6938 (Penal Provisions);
- i. Issues which are criminal in nature cognizable by the regular and/or special courts; and
- j. Other matters which fall under the administrative and regulatory functions or matters that pertain to compliance with mandatory requirements of the law and related issuances.

*SECTION 7. Comments* - Upon receipt of such complaint, an order shall be issued by the Extension Office/Central Office as the case may be, requiring the person/s being complained of to file their comments/answers thereto within fifteen (15) days from the receipt of the order.

*SECTION 8. Prohibited Motions* - The following motions shall not be allowed under these mediation/conciliation procedures.

- a. Motion to Dismiss;
- b. Motion for a Bill of Particulars;
- c. Motion for Extension of Time;
- d. Motion to declare Petitioner Non-Suited or Respondent in Default; and
- e. Motion for Intervention.

*SECTION 9. Conference* - Upon receipt of the comments/answers from the person being complained of, the Extension Office/Central Office as the case may be, shall issue a notice of conference to all parties concerned stating the date, time and venue of the conference.

*SECTION 10. General Preparations* - a) The mediator/conciliator shall have the following documents at his disposal during the said conference.