

**[ CDA Memorandum Circular No. 2015-04,  
September 04, 2015 ]**

**GUIDELINES IN THE IMPOSITION OF FINES AND PENALTIES  
FOR DELAYED SUBMISSION OF REQUIRED REGULAR REPORTS**

*Adopted: 04 September 2015  
Date Filed: 09 September 2015*

**Section 1. Legal Basis**

Article 53 of R.A. 9520 provides that *"Failure to file the required reports shall subject the Accountable Officers to fines/penalties as may be prescribed by the Authority"*.

Section 7, Rule 8 of the Revised Rules and Regulations Implementing Certain and Special Provisions of the Philippine Cooperative Code of 2008 provides *"failure to file the required regular reports with the corresponding attachments on time shall subject the **Accountable Officers** a fine of P100.00 per day of delay."*

Section 8 of the same Rules identifies **Accountable Officers** as the employees or officers of the cooperative responsible for the preparation of the required regular report and its attachments, and in whose fault or negligence the delay may be attributed to.

**Section 2. Scope**

This Guidelines shall cover FY 2014 reports and onwards which are not submitted within the prescribed period by all types and categories of cooperatives.

**Section 3. Required Reports**

**A. For Primary Cooperatives**

Cooperative Annual Progress Report (CAPR) with the following attachments:

- a. Social Audit Report including its program of activities pursuant to its socio-civic goals of the cooperative;*
- b. Performance Audit Report, including copies of the semi-annual Report on mediation and conciliation as received by the Authority pursuant to EO 97;*
- c. Audited Financial Statements; and*
- d. List of Officers and Trainings Undertaken /Completed.*

**B. For Secondary and Tertiary Cooperatives (Federations and Unions)**

Cooperative Annual Progress Report (CAPR) with the following attachments:

- a. Social Audit Report including its program of activities pursuant to its socio-civic goals of the cooperative;*
- b. Performance Audit Report, including copies of the semi-annual Report on mediation and conciliation as received by the Authority pursuant to EO 97;*
- c. Audited Financial Statements;*
- d. List of Officers and Trainings Undertaken /Completed;*
- e. List of affiliates and cooperatives which have remitted their respective Cooperative Education and Training Funds (CETF);*
- f. Business consultancy assistance to include the nature and cost, including the use of CETF; and*
- g. Other training activities undertaken specifying therein the nature, participants, and cost of each activity."*

### **C. CDA registered Electric Cooperatives**

1. Cooperative Annual Progress Report (CAPR) with the following attachments:
  - a. Social Audit Report including its program of activities pursuant to its socio-civic goals of the cooperative;*
  - b. Performance Audit Report, including copies of the semi-annual Report on mediation and conciliation as received by the Authority pursuant to EO 97;*
  - c. Audited Financial Statements*
  - d. List of Officers and Trainings Undertaken /Completed.*
2. List of Members issued with Share Capital Certificate. This requirement shall however be submitted after two (2) years from the effectivity of the Revised Implementing Rules and Regulation of RA 9520.

## **Section 4. Effect of Partial Compliance**

Partial compliance shall be considered non-compliance and the cooperative shall be in delay until such time that the filing of the required reports have been fully complied with.

## **Section 5. When Delay is Incurred**

Delay shall commence on the day following the last day prescribed for the filing of reports. However, should the last day of filing fall on a Saturday, Sunday or non-working holiday, the last day for filing shall be the next working day.

If the delay is due to fortuitous events, including but not limited to fire, storms, or other natural calamities an order from any competent court or government agency; or a declared national emergency or public disorder including strikes and lockout, the period for such delay may be excused, provided that the Authority is given due notice within fifteen (15) days from the cessation of the cause of the delay.