

**[CDA MEMORANDUM CIRCULAR NO. 2013-19,
September 13, 2013]**

**THE REVISED RULES OF PROCEDURES IN THE COOPERATIVE
DEVELOPMENT AUTHORITY (CDA)**

Pursuant to the powers vested by RA 6939 and RA 9520 to the Cooperative Development Authority (CDA), the following Revised Rules are adopted and promulgated:

Rule 1

Title and Definition of Terms

Section 1. Title. – These Rules shall be known as the “Revised Rules of Procedures in the Cooperative Development Authority.”

Section 2. Definition of Terms. – For purposes of these Rules, the following terms shall mean:

- a) **Authority** is the Cooperative Development Authority and its fifteen (15) Extension Offices.
- b) **Board of Administrators** is the governing body of the Authority consisting of a Chairman and six (6) members.
- c) **Code** is Republic Act. No. 9520, otherwise known as the Philippine Cooperative Code of 2008.
- d) **Cooperative Laws** are the Code, Republic Act No. 6939, the Rules and Regulations Implementing the Philippine Cooperative Code of 2008, and other issuances of the Authority.
- e) **Cooperative** is an autonomous and duly registered association of persons, with a common bond of interest, who have voluntarily joined together to achieve their social, economic and cultural needs and aspirations by making equitable contributions to the capital required, patronizing their products and services and accepting a fair share of the risks and benefits of the undertaking in accordance with universally accepted cooperative principles.
- f) **Hearing Officers** are the lawyers and/or other qualified employees of the Authority who are authorized to conduct hearings and investigations of cases brought before it.
- g) **Order** is 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 concerning complaints brought under these guidelines.
- h) **Pleadings** are written statements of the respective claims and defenses of the parties submitted to the Authority for resolution.
- i) **Documents** are written records, accounts, correspondence, memoranda, tapes, discs, papers, books and other documents or transcribed information of any type, whether expressed in ordinary or machine readable form.

Rule 2

General Provisions

Section 1. Coverage. – These Rules shall govern the procedure to be observed by the Authority in actions or proceedings under Section 3 (par. a, b, c, d, i) and supplementary application to proceedings under Section 3 (par. e, f, g, h,) Rule 3 hereof.

Section 2. Venue. – All actions covered by these Rules, shall be filed before the Central Office or Extension Office having jurisdiction over the cooperative except on appealed cases which shall be governed by Rule 15 hereof.

Section 3. Form of Complaint/Petition – A verified complaint/petition brought under these Rules shall contain the following:

1. Full name/s and address/es of complainant/s/petitioner/s;
2. Full name/s and address/es of the person/s complained of as well as his/her/their positions;
3. A narration of facts and statement of issues;
4. Certified true copies of documentary evidence and affidavits of witness/es, if any; and
5. Certification or statement of non-forum shopping.

Non-compliance of any of the aforementioned requirements shall cause the dismissal of the complaint without prejudice to its re-filing upon conformity with the above requirements.

Section 4. Filing Fee. – The fee for filing a complaint/petition shall be in accordance with the Revised Schedule of Fees of the CDA.

Section 6. Docket Assignment of Numbers and Case Name. – (a) Upon the filing of a complaint/petition, the Legal Division/Section shall docket the same and assign a number. The numbering must be consecutive according to the date it was filed, must bear the year, and prefixed as follows:

- a. CO - Legal Division, Central Office
- b. DAG - Dagupan Extension Office
- c. TUG - Tuguegarao Extension Office
- d. CEO - Cordillera Extension Office
- e. PEO - Pampanga Extension Office
- f. MEO - Manila Extension Office
- g. CAL - Calamba Extension Office
- h. NAG - Naga Extension Office
- i. ILO - Iloilo Extension Office
- j. CBU - Cebu Extension Office
- k. TAC - Tacloban Extension Office
- l. ZAM - Zamboanga Extension Office
- m. CDO - Cagayan de Oro Extension Office
- n. DVO - Davao Extension Office
- o. KID - Kidapawan Extension Office
- p. CAR - CARAGA Extension Office

(b) Should the case be on appeal, the letter "A" shall be added to the docket number of the case.

RULE 3

Powers and Jurisdiction of the Authority

Section 1. Express Powers. – The Authority shall exercise the powers provided for under Republic Act No. 6939 and RA 9520.

Section 2. Inherent Powers. – When performing its statutory functions, the Authority and its Hearing Officers shall have the inherent power to:

- (a) Preserve and enforce order/s during the hearing of a case;
- (b) Enforce order/s in all proceedings brought before it or any of its officers or hearing officers under its Authority;
- (c) Compel compliance with its orders and processes;
- (d) Compel the attendance of persons to testify in any petition or complaint pending before it and compel the production of documents relevant to such cases; and
- (e) Administer oath to a person testifying before it.

Section 3. Exclusive Jurisdiction. – The Authority shall have the exclusive jurisdiction over the following petitions and cases:

- a. Petition for the reconsideration of the disapproval/denial of the application for registration/amendments to the Articles of Cooperation and/or By-laws of the cooperative/s to the Central Office (Article 16 and 18, RA 9520);
- b. Petition for the division, merger or consolidation of cooperatives, or any opposition thereto (Articles 20 and 21, R.A. 9520);
- c. Petition to call a regular or special general assembly meeting (Article 34, R.A. 9520);
- d. Petition to cancel the cooperative's Certificate of Registration for failure to file its Mandatory Reports within the required period. (Article 53 of RA 9520, Rule 8 of the IRR and other relevant issuances);
- e. Petition for the voluntary dissolution of a cooperative (Article 64, R.A. 9520);
- f. Petition for the voluntary dissolution of a cooperative where creditors are affected (Article 65, R.A. 9520);
- g. Petition for the suspension, revocation or cancellation of a certificate of registration of a cooperative (Articles 67 and 68, R.A. 9520);
- h. Petition for the liquidation of a cooperative (Article 69, R.A. 9520); and
- i. Other cases falling within the jurisdiction of the Authority and/or analogous to the foregoing.

The Manual on Dissolution, Liquidation, Cancellation and Delisting of Cooperatives shall primarily govern the procedure on petitions under Subsections (e) (f), (g) and (h).

The provisions of Rule 4, of Rules and Regulations Implementing Certain Provisions of RA 9520 shall primarily govern the procedure on petitions for division of

cooperatives under sub-section (b) hereof. The provisions of Rule 5, Rules and Regulations Implementing Certain Provisions of RA 9520 shall primarily govern the procedure on petitions for merger and consolidation of cooperatives under sub-section (b) hereof.

Rule 4

Commencement of Action

Section 1. Commencement of Action by Party. – A party may commence an action by filing a verified complaint/petition with the Authority and upon payment of filing fees thereof. Any written communication which does not conform to the requirements as to form and payment of appropriate fees shall be remanded back to the party concerned for compliance.

Section 2. Commencement of Action by the Authority. – In cases where the Authority is authorized to commence a complaint/petition, it shall issue an order of hearing addressed to the respondent reciting therein the purpose and a concise statement of the facts giving rise thereto.

Rule 5

Parties

Section 1. Who may be parties. – Any cooperative, a member of a duly registered cooperative, federation or union may be a party to the action/proceeding.

Section 2. Parties in Interest. – All actions filed with the Authority must be initiated and defended in the names of the real parties in interest.

Section 3. Designation of Parties. – A party requesting relief shall be referred to as the Complainant or Petitioner. Any party being complained of or against whom a claim or interest is directed shall be referred to as the Respondent.

Rule 6

Amended or Supplemental Pleadings

Section 1. When Amendments Allowed as a Matter of Right. – A party may amend his pleading once as a matter of right at any time before a responsive pleading is served or, in the case of Reply, at any time within ten (10) days after it is served.

Section 2. Amendments by Leave of the Authority. – After the case is set for hearing, substantial amendments may be made only upon leave of the Authority. But such leave may be refused if it appears that the motion was made with intent to delay. Orders of the Authority upon the matters provided in this Section shall be made upon motion filed and after notice to the adverse party and an opportunity to be heard.

Section 3. Supplemental Pleadings. – Upon motion of a party, the Authority may, upon reasonable notice and upon such terms as are just, permit him/her to serve a supplemental pleading setting forth transactions, occurrences or events which have happened since the date of the pleading sought to be supplemented. The adverse party may plead thereto within ten (10) days from notice of the order admitting the supplemental pleading.