

[CDA, September 12, 2000]

REVISED PROCEDURES FOR MEDIATION AND CONCILIATION CASES IN THE CDA

Pursuant to the provisions of Section 8, Republic Act No. 6938, authorizing the Cooperative Development Authority to mediate and conciliate disputes within a cooperative or between cooperatives, the Authority hereby promulgates the following procedures for the request/petition for 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 — The following shall be known as the Procedures for Mediation and Conciliation Cases Before the Cooperative Development Authority.

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

a. 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 the disputes.

b. Mediation shall refer to a process whereby a conciliator designated by the Authority as mediator takes a more active part in assisting the parties reach an amicable solution to the problem/s and helps the conflicting parties develop or come out with an acceptable solution to their problem.

The mediator may submit his own proposal/s for the settlement of the disputes.

c. 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 far as practicable, the Legal Officer assigned to each Extension Office shall act as mediator/conciliator. The Extension Director shall have the authority to appoint other CDA Regional employees to act as mediator/conciliator in the absence of such Legal Officer.

SECTION 3. Complaint — A letter/request/complaint for mediation/conciliation may be filed with the nearest Extension Office having jurisdiction over the cooperative. It may be in the form provided herein as Annex "A". 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 issues and subject matter of the controversy;
- d. A certification that the complaint has undergone the grievance mechanisms outlined in the cooperative's by-laws, except when the dispute to be mediated or conciliated is between a primary cooperative and a federation or union; and
- e. The definite prayer of the complainant for the resolution of the complaint.

SECTION 4. Grounds for Complaint for Mediation and/or Conciliation — a) Matters involving the internal affairs of the cooperative, such as but not limited to the rights and privileges of members, the rules and procedures for meetings of the General Assembly, Board of Directors, or the different cooperative committees, the rules and procedures for the election and qualifications for officers, directors or committee members; the allocation and distribution of surpluses and reserves and 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 matters may involve the area of operations of the cooperatives and other such matters involving disputes between cooperatives.

SECTION 5. 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. No. 6938;
- b. Violation of Article 49, R.A. No. 6938;
- c. Violation of Article 50, R.A. No. 6938;
- d. Violation of Article 84, R.A. No. 6938;
- e. Matters involving the grant and exercise of a franchise, a 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. No. 6938;
- g. Non-Compliance with other laws as stated in Article 119, R.A. 6938;
- h. Violation of Article 124, R.A. 6938;
- i. Violation of Section 3 (o), R.A. 6938; and
- j. Criminal cases cognizable by the regular and/or special courts

SECTION 6. Comments — Upon receipt of such complaint, an order shall be issued BY the Extension Office requiring the persons being