CONCILIATION PROCEDURES IN THE COOPERATIVE LEVEL (MODEL)

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The Board of Administrators in its meeting on April 25, 2005 has approved the Conciliation Procedures in the Cooperative Level (Model) per Board Resolution No. 152, s. 2005.

The Model may be adopted in toto or modified by the cooperative in the formulation of their own rules and procedures in settling their disputes within their level.

Please be guided accordingly.

Adopted: 5 Jan. 2006

(SGD.) NIEL A. SANTILLAN
Executive Director

CONCILIATION PROCEDURES IN THE COOPERATIVE LEVEL

(MODEL)

As far as practicable, all intra-cooperative disputes shall be settled amicably within our level. If amicable settlement is not feasible, the following rules and procedures shall govern our conciliation process in resolving disputes within our level.

SECTION 1. Parties to a complaint - The party who files a complaint shall be called the Complainant and the party being charged shall be called the Respondent.

SECTION 2. Who may file a complaint - Any member of a cooperative who has a cause of action against any member, officer or member of any Committee or of the Board of Directors of the same cooperative shall file a written complaint in any form and in such numbers as there are respondents, to the Secretary of the Conciliation and Committee/ Grievance Committee, hereinafter referred to as the “Committee” if there’s any, of the cooperative concerned, stating the following:

a. Name, address, position and status of membership of the complainant and the respondent/s, if known in the cooperative;

b. Brief statement of facts and circumstances which cause the commission or omission of the fact complained of;

c. Rights violated and evidence or testimony of witnesses; and

d. Prayer, which shall state the relief sought and such other relief as, may be deemed just and equitable.

SECTION 3. Baseless complaints - Within seven (7) days from receipt of the complaint, the Committee shall determine the merit of the complaint. If upon its sound discretion, the complaint is found to be baseless or without merit, it may outrightly dismiss the same and inform the complainant in writing expressly stating the legal and

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factual basis of its decision.

SECTION 4. Valid cause of action. If the complaint states a valid cause of action, the Committee shall forthwith inform in writing the respondent/s, providing him a copy of the complaint, and directing him to submit his answer within ten (10) days from receipt thereof. The Committee Chairman may, upon written request by the respondent, extend the period within which to file his answer provided that it shall not exceed ten (10) days.

SECTION 5. Withdrawal of complaint. At any time before judgement, the Complainant may, in writing, withdraw his complaint or enter into a compromise agreement and the case shall be considered dismissed or settled, as the case may be.

SECTION 6. Answer - In his answer, the Respondent shall specifically admit or deny, or deny only a part of any averment in the complaint. He shall set forth the substance of the matters upon which he relies to support his denial. If he denies only a part of the averment, he shall specify so much of it, as it is true and deny the remainder. He may also state that he had no sufficient knowledge as to the truth of a certain matter alleged in the complaint and this shall have the effect of denial. Any averment in the complaint not specifically denied shall be deemed admitted.

SECTION 7. Preliminary Conference - Within seven (7) days upon receipt of the answer, the Committee shall set a preliminary conference whereby only the parties are invited, for possible amicable settlement. If no settlement is made, the Chairman may, at his discretion or upon request of either party, set another conference, which shall not be later than ten (10) days. Any party may waive his right to a preliminary conference and instead move in writing for a formal hearing. In which case, the Chairman shall set a date, time and place of hearing and the Secretary shall notify in writing the parties at least three (3) days before the date fixed.

SECTION 8. Manner of Hearing - The Committee may adopt any manner of hearing that best serve the purpose of resolving the dispute objectively, fairly and amicably. The committee shall always exert all possible efforts to settle the disputes or encourage the parties to enter into a compromise agreement. The Committee may schedule a series of hearings until the parties shall have completed presentation of their respective evidence. After which, it shall decide the case within fifteen (15) days from the date of the last hearing, categorically stating the legal and factual basis of its decision.

SECTION 9. Appeal to the Board of Directors - Any party to a controversy may appeal to the Board of Directors within fifteen (15) days from receipt of a copy of the decision. After the period to appeal, the decision of the Committee shall become final and executory and can no longer be reopened, except when the appealing party can show proof that the decision is patently erroneous or obtained through Fraud, Accident, Mistake and Excusable Negligence, or the Committee has committed grave abuse of discretion.

SECTION 10. Decision of the Board - Within thirty (30) days from receipt of the records of the case, the Board of Directors, constituting a quorum, shall review and decide the case, specifically stating the reasons and basis of its decision. The parties may be summoned to appear before the Board of Directors to clarify certain matters, or to submit additional evidence.

SECTION 11. Disputes involving Members of the Conciliation/Grievance Committee and Board of Directors - If one or both parties to a controversy are members of the Conciliation/Grievance Committee, the Chairman of the Conciliation or Grievance Committee shall endorse the case to the Board of Directors who shall resolve the case following the procedures prescribed in the preceding section.

If one or both parties are members of the Board of Directors, the Chairman of the Committee shall communicate in writing such fact to the Chairman of the Board of Directors who shall forthwith call a Special Board Meeting,

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to form a five-man Special Conciliation/Grievance Committee, consisting of the heads of Audit and Election Committees, the Secretary and one representative of each party. The Special Committee shall convene immediately and after electing from among themselves the Chairman, Vice-Chairman and Secretary, proceed to resolve the case in accordance with the procedures prescribed in the preceding section. The Committee shall automatically cease to exist upon disposition of the controversy.

SECTION 12. Issuance of Certificate of Non-Conciliation - In the event that the issues have not been resolved, a certificate of failure of conciliation shall be issued to both parties, signed by either of any member of the Conciliation/Grievance Committee or by the Secretary of the Board of Directors.

The Certificate shall be the basis to elevate the disputes for mediation or conciliation with the Cooperative Development Authority.

SECTION 13. Effectivity - These Guidelines shall take effect upon signing of the Board of Directors.

(SGD.) Chairman, Board of Directors
Name of Cooperative

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