

ADDITIONAL GUIDELINES FOR THE REGISTRATION OF AMENDMENTS TO THE ARTICLES OF COOPERATION AND BY-LAWS OF COOPERATIVES

CDA MEMORANDUM CIRCULAR NO. 93-003 s. 1993, March 24, 1993

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Pursuant to Section 3(m) of Republic Act No. 6939 and in order to serve best public interest, the following guidelines in addition to the guidelines approved by the Board of Administrators dated May 21, 1992 are hereby promulgated:

All cooperatives registered under P.D. 175 and 775 and E.O. 898 (previous laws) and whose registration was confirmed by CDA pursuant to Article 128 of R.A. 6938 and Section 17 of R.A. 6939 shall amend their Articles of Cooperation and By-Laws to conform with the provisions of R.A. 6938 and the rules and regulations issued by CDA.

For the purpose of uniformity in the structure and operation of cooperatives and in order to assure proper organization, development and supervision, the model articles of cooperation and by-laws prepared by CDA for each type of cooperative may be used as a pattern. The model articles of cooperation and by-laws may be modified or altered to suit the needs of the cooperative, provided, however, the provisions required in Article 14(2) and Article 15(2) are provided in the Articles of Cooperation and By-Laws in all types of cooperatives. Provided furthermore, that provisions on the following shall not be modified or altered:

- Names of the original incorporators/cooperators;
- Names of the incorporating directors;
- Adoption of the Articles of Cooperation and By-Laws; and
- Capitalization unless there is an increase or decrease thereto.

Provided, further that in the case of credit cooperatives, provisions for authorized, subscribed and paid-up share capital shall be included therewith.

Provided, finally, that the statutory provisions incorporated in the Articles of Cooperation and By-Laws shall not be altered.

Process of Amendment — The amendment of Articles of Cooperation and By-Laws may be adopted in a special general assembly called for the purpose or during annual general assembly through the process of:

1. Amendment by substitution — wherein the whole old articles of incorporation and by-laws are amended and new articles of cooperation and by-laws are adopted.
2. Amendment by specific provisions — only pertinent provision/s of the articles of cooperation and/or by-laws are amended.

For information and guidance, attached are model forms of the Certificate of Registration of the amendments of

Articles of Cooperation and By-Laws*.

For compliance.

Adopted: 24 Mar. 1993

(Sgd.) EDNA E. ABERILLA

Chairperson Board of Administrators

* Not included here; text available at Cooperative Development Authority.

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