

REVISED RULES OF PROCEDURE OF THE COOPERATIVE DEVELOPMENT AUTHORITY IN THE EXERCISE OF ITS QUASI-JUDICIAL FUNCTIONS

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Pursuant to the provisions of Section 3 of Republic Act No. 6939 and the powers vested in it by existing laws, the Cooperative Development Authority hereby promulgates the following rules governing the pleading, practice and procedure before it or any its officers:

RULE 1

Title and Construction

SECTION 1. Title of the Rules — These Rules shall be known and cited as the Rules of Procedure of the CDA in the exercise of its quasi-judicial functions.

SECTION 2. Applicability of the Rules — These Rules shall be applicable to all petitions and/or complaints brought before the Authority.

SECTION 3. Construction — These rules shall be liberally construed in order to promote the growth and viability of cooperatives, preserve harmony and instill the cooperative way of life within and among cooperatives and to achieve a just and expeditious resolution of every action brought before the Authority.

SECTION 4. Definition of Terms — The following words or terms shall mean:

- a. Authority — refers to the Cooperative Development Authority and its Extension Offices.
- b. Code — shall refer to Republic Act No. 6938, otherwise known as the Cooperative Code of the Philippines.
- c. Cooperative Laws — shall refer to the Code, Republic Act No. 6939, the Rules and Regulation Implementing the Cooperative Code and other issuances of the Authority.
- d. Cooperatives — shall refer to the duly registered primary, secondary and tertiary cooperatives.
- e. Hearing Officers — The Legal Officers and other qualified employees of the Authority as are authorized to conduct hearings and investigations of cases and/or complaints brought before the Authority.

RULE 2

Powers and Jurisdiction of the Authority

SECTION 1. Express Powers — The Authority may exercise such powers as are provided under Republic Act No. 6939 and such other powers as expressly stated in the Code.

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 during the hearing of a case;
- b. Enforce order in all proceedings brought before it or any of its offices 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 or cause to be administered oaths in a petition or complaint pending before it.

SECTION 3. Exclusive Jurisdiction — The Authority shall have the exclusive jurisdiction over the following petitions and cases brought before it:

- a. Petitions for the approval of amendments to the articles of cooperation and/or by-laws of a cooperative;
- b. Petitions for the division, merger or consolidation of cooperatives;
- c. Petitions concerning the exercise of the rights of the members of a cooperative including the conduct of a financial audit;
- d. Petitions to hold a regular or special general assembly meeting and/or elections of directors, officers of committee members of a cooperative;
- e. Petitions for the removal of a director, officer or committee member of a cooperative;
- f. Petitions for the voluntary dissolution of a cooperative;
- g. Petitions for the suspension, revocation or cancellation of a certificate of registration of a cooperative for grounds stated in Articles 68 and 69 of the Code;
- h. Petitions for the liquidation of a cooperative;
- i. Petitions to compel the filing of the annual report and audited financial statements of a cooperative; and
- j. Disputes concerning the internal affairs of cooperatives, such as but not limited to the rights and privileges of its members; the rules and procedures of meetings of the general assembly, board of directors and committees; the election and qualifications of officers, directors and committee members; the allocation and distribution of surpluses and all other matters, subject to Art. 121 of the Code and the applicable provisions of the cooperative by-laws.

Provided, however, all petitions under subsections (f), (g), and (h) shall be governed by the Manual on Dissolution, Liquidation and Cancellation of Cooperatives.

SECTION 4. Referral to Other Government Agencies — Complaints which call for reliefs that can be fully acted/granted by other government agencies or which fall within their exclusive jurisdiction shall be referred to the appropriate agency.

RULE 3

Disqualification of Administrators, Directors and Hearing Officers

SECTION 1. Disqualifications of Administrators and Hearing Officers — (a) No Administrator or Hearing Officer shall take part in any proceeding wherein he, his spouse or child is related to any party, or counsel, if any, within the fourth civil degree of consanguinity or affinity, or in which he has publicly expressed prejudgment of the case as may be shown by clear and convincing proof.

(b) No Administrator or Hearing Officer shall take part in any proceeding in the case if he was formerly a member of the cooperative involved in such case, or its federation or union.

(c) An Administrator or Hearing Officer may, in the exercise of his own discretion, inhibit himself from taking

part in any proceeding in the case for just or valid reasons other than those mentioned above.

SECTION 2. Lack of Hearing Officer — IN CASE a Hearing Officer be disqualified from the proceedings or inhibits himself from acting on a case, the Authority shall appoint another to act as Hearing Officer for the case, upon recommendation of the Director of the Legal and Registration Department.

RULE 4

Venue

All complaints and petitions shall be filed before the Regional Office of the Authority which has jurisdiction over the cooperative.

RULE 5

Parties

SECTION 1. Who May Be Parties — Any member of a duly registered cooperatives, their federations or unions may be a party to a complaint.

SECTION 2. Parties in Interest — All actions filed with the Authority must be prosecuted and defended in the name of the real parties in interest.

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

RULE 6

Commencement of Proceedings

SECTION 1. Commencement of Proceedings by a Party — (a) Any natural person or cooperative may initiate a proceeding before the Authority, by filing a verified complaint containing his personal circumstances as well as those of the respondent, the jurisdictional facts and a concise statement of the ultimate facts constituting the causes of action and the relief sought.

(b) The complaint must likewise show that it has undergone the grievance mechanisms outlined in the cooperative's by-laws or with the federation or union to which the cooperative belongs, except when the dispute is between a primary and a secondary or tertiary cooperative.

SECTION 2. Any complaint filed with the Authority not containing the requirements as stated in Section 1 of this Rule shall be dismissed.

SECTION 3. Commencement of Action by the Authority — In cases where the Authority is authorized to initiate proceedings, the Authority shall issue an order for a hearing reciting therein the purpose for which the hearing is called for and concise statement of the facts giving rise thereto. Copies of such order shall be served upon persons or cooperatives having interest in the matter or who may be affected thereby.

RULE 7

Pleadings

SECTION 1. Form of Pleadings — All pleadings filed before the Authority may be handwritten or typewritten on bond paper and shall be written in either English or Filipino.

Every complaint, motion or other pleading must be filed in [at least] two (2) copies with the Authority. However, where there are more than one respondent, there shall be filed as many additional signed copies of the said

pleadings as there are additional respondents.

SECTION 2. How Filed — The documents referred to in the preceding Section SHALL be filed with the Legal Officer of CDA Regional Office or the Legal Division of the CDA Central Office, whichever has jurisdiction over the case personally or by registered mail. In case of the latter, the date of mailing shall be considered the date of filing, and the envelope thereof shall be attached to the records of the case.

SECTION 3. Verification — The complaint and the answer shall be verified. Such verification shall be in the form of an affidavit that the petitioner/complainant or respondent had read the pleading and the allegations therein are true and correct of his own knowledge and belief.

SECTION 4. Certification — The complainant/petitioner or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (i) That he has not thereto commenced any action or filed any claim involving the same issues in any court, tribunal or agency and, to the best of his knowledge, no such other action or claim is pending therein; (ii) If there is such other pending action or claim, a complete statement of the present status thereof; and (iii) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report the fact within five (5) days therefrom to the Authority.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall cause the dismissal of the petition without prejudice. The submission of a false certification or non-compliance with any of the undertaking therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as cause for administrative sanctions.

SECTION 5. Docket Fees — A complaint or petition shall be deemed filed only after payment of docket fees in accordance with the Revised Schedule of Fees hereto attached.

SECTION 6. Docket, Assignment of Numbers and Case Name — (a) Upon the filing of a complaint, the Legal Office or the Legal Division 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. BAD — Baguio Extension Office
- e. SFR — San Fernando (Pampanga) Extension Office
- f. NCR — 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. CDO — Cagayan De Oro Extension Office
- m. PAG — Pagadian Extension Office
- n. DVO — Davao Extension Office
- o. KID — Kidapawan Extension Office
- p. CAR — CARAGA Extension Office

b. Should the case be on appeal to the Board of Administrators, the letter “A” shall be appended to the docket

number of the Central Office.

c. The petition or complaint shall include the name of the cooperative, and the names of the petitioner/complainants and the respondents.

RULE 8

Intervention

SECTION 1. When Proper and Who May be Permitted to Intervene — Any person or cooperative allowed to initiate a proceeding may, before the rendition of the resolution, be permitted by the Authority, in its discretion, to intervene in such proceeding, if he has a legal interest in the matter under litigation, or in the success of either of the parties, or an interest against both or when he is so situated as to be adversely affected by such proceeding.

SECTION 2. Motion for Intervention — A person desiring to intervene shall file motion for leave of the Authority with notice upon all the parties to the action.

SECTION 3. Discretion of the Authority — In acting on a motion for intervention, the Authority, in the exercise of its discretion, shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties and whether or not the intervenor's rights may be fully protected in a separate action of proceeding.

RULE 9

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 course at any time before a responsive pleading is served, or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed on the calendar, he may so amend it at any time after it has been served.

SECTION 2. Amendments Only by Leave — After the case is set for hearing, substantial amendments may be made by only leave of the Authority. Such leave may be refused if it appears that the motion was meant to delay the action or that the cause of action is substantially altered. Orders of the Authority upon the matters provided in this Section shall be made upon motion duly filed and after the adverse party has been notified and afforded an opportunity to be heard.

SECTION 3. Matters of Supplemental Pleadings — Upon motion of a party, the Authority may, upon notice and upon such terms as are just, permit him to serve a supplemental pleading setting forth transactions, occurrences or events which have happened since the date of the pleading sought to be supplemented.

RULE 10

Period for Pleading

SECTION 1. Time to Answer — Unless otherwise provided in these Rules, the answer to a petition, complaint, amended complaint or counter-complaint must be filed with the Authority within fifteen (15) days from receipt of a copy of the summons.

SECTION 2. Period to Intervene — When intervention is allowed, the same must be filed within five (5) days from receipt of the order allowing the intervention, unless a different period has been fixed by the Authority.

SECTION 3. Reply — Unless otherwise provided, a reply may be filed within five (5) days from receipt of a copy of the answer.

RULE 11

Motions

SECTION 1. Motions Defined — Every application for an order not included in a resolution of the Authority may be called a motion.

SECTION 2. Motions in Writing — All motions shall be made in writing, except motions for continuance made in the presence of the adverse party, or those made in the course of a hearing.

SECTION 3. Contents of a Motion — A motion shall state the order sought to be obtained and the grounds upon which it is based.

SECTION 4. No Oral Arguments for Motions — No oral argument shall be heard in support of motions, unless the Authority deems otherwise.

SECTION 5. Omnibus Motions — A motion assailing a pleading or a proceeding shall include all objections then available, and all objections not so included shall be deemed waived.

RULE 12

Service and Filing of Pleadings and Other Papers

SECTION 1. Mode, Completion and Proof of Service — Service of pleadings, motions, notices, orders or resolutions and other papers, the completeness thereof, and proof of such service shall be made in the manner prescribed by these rules and suppletorily, by the Rules of Court.

RULE 13

Prohibited Pleadings

SECTION 1. Pleadings Not Allowed — The following pleadings shall not be allowed:

- a. motion to dismiss;
- b. motion for a bill of particulars;
- c. motion for extension of time to file memorandum;
- d. motion for re-opening or re-hearing of case; and
- e. motion to declare a party in default.

SECTION 2. Motion to Dismiss, If Filed — Should the respondent file a motion to dismiss, such shall constitute an answer and the proceeding may continue on the merits.

RULE 14

Summons

SECTION 1. Summons — Upon the filing of the complaint or petition, the corresponding summons shall forthwith be issued within five (5) days from date of filing of the complaint.

SECTION 2. Contents — a) Summons shall be directed to the respondent, signed by the Extension Director or the Director of the Legal and Registration Department, as the case may be, and shall contain: (1) the names of parties; (2) a direction that the respondent shall answer the complaint within the time fixed by these Rules; and (3) a notice that unless the respondent so answers, complainant will take judgment by default and may be granted the relief applied for. The Hearing Officer shall, *motu proprio*, proceed to render judgment on the complaint such relief as his pleading may warrant.

A copy of the complaint and its annexes, if any, shall be attached to each copy of the summons.

- b) In petitions for the division, merger or consolidation of cooperatives, and for the suspension, revocation,

cancellation or liquidation of cooperatives, notice of the pending case may be sent to government agencies and institutions which may be affected by the resolution of such issues.

SECTION 3. Alias Summons — If summons is returned without being served on any or all the respondents, or if it has been lost, the Hearing Officer, on demand of the petitioner or complainant, may issue alias summons as the case may require, in the same form as the original.

SECTION 4. By Whom Summons May Be Served — The summons may be served by the process server of the Authority, or for special reasons by any person specially authorized by the Hearing Officer.

SECTION 5. Return of Summons — When the service has been completed, the process server shall return the summons to the Authority together with the proof of service.

SECTION 6. Personal Service of Summons — The Summons shall be served by handing a copy thereof to the respondent in person or if he refuses to receive it, by tendering it to him.

SECTION 7. Substituted Service — If, for justifiable causes, the respondent cannot be served personally with the summons as provided in the preceding section, service may be effected, (a) by leaving copies of the summons at the respondent's dwelling house or residence with some person of suitable age and discretion then residing therein, or (b) by leaving the copies at the respondent's principal office or regular place of business with some competent person in charge thereof.

(Editor's Note: No Sections 8 -10, per document submitted/filed).

SECTION 11. Proof of Service — The proof of service of a summons should be made in writing by the server setting forth the manner, the place and the date of service; it shall specify any papers which have been served with the process and the name of the person who received the same; and shall be sworn to when made by a person other than the server of the Authority.

The respondent's voluntary appearance before the Authority shall be equivalent to service for purpose of acquiring jurisdiction over his person, unless he makes an explicit reservation thereto.

RULE 15

Conciliation and Mediation Conference

SECTION 1. Conference Proper — (a) Immediately after the issues have been joined in controversies that can legally be subject to an amicable settlement, the Authority shall send notice to the parties to attend a mediation and conciliation conference in order to determine whether any settlement or agreement can be reached by the parties after a thorough determination of the issues. The conference shall also consider the simplification of issues, schedule of hearing which must be undertaken continuously as scheduled until completed and terminated, and such other matters as may aid in the just and speedy disposition of the case.

(b) Notice shall be given to all the parties concerned at least seven (7) days prior to the date scheduled for the conference. Such notice shall contain the date, time and place of the conference which shall be convenient for all concerned.

SECTION 2. Conduct of Conference — (a) The conduct of the conference shall proceed with the end-in-view of settling any dispute between the parties. All parties involved or interested in the dispute shall be afforded the opportunity to ventilate their views concerning the disputes.

(b) It is not required that the penalties be represented by legal counsels for the purpose of mediation and conciliation. However, they may be at or near the conference area in order to provide whatever legal advice their clients may require.

(c) Notes of the proceedings of the case conference shall be made by the Hearing Officer and shall form part of the records of the case. At the request of either or both parties, stenographic notes or tape recordings of the meetings may be taken and transcripts be made available at cost of the party requesting the same.

SECTION 3. Settlement or Agreement — (a) Once all the issues have been ventilated and disposed of and the parties have reached an agreement, it shall be reduced into writing and signed by the parties thereto and/or representatives and the Hearing Officer.

(b) The agreement shall be clear and concise and must contain all the points of the parties' understanding.

(c) A resolution of the case shall be made by the Hearing Officer in accordance with these Rules, based on such agreements, and shall be furnished the parties.

RULE 16

Subpoena

SECTION 1. Subpoena Ad Testificandum or Subpoena Duces Tecum — Subpoena ad testificandum or subpoena duces tecum may be issued by the Authority or any of its Hearing Officers *motu proprio*, or upon request of the parties in any proceeding.

SECTION 2. Form and Contents — A subpoena shall be signed by the Extension Director or the Director of the Legal and Registration Department concerned. It shall state the title of the action and shall be directed to the person whose attendance is required, and in the case of a subpoena duces tecum, it shall also contain a reasonable description of the books, documents or things demanded which may be *prima facie* relevant to the petition or the complaint.

RULE 17

Hearings

SECTION 1. Notice of Hearing — After the issues have been joined, the case shall be set for hearing and the parties, through counsel, if any, shall be served personally or by registered mail, giving sufficient time for the notices to be received by the parties not less than two (2) days before the date set. Whenever necessary, telegraphic notice may also be sent with the formal notice of hearing.

SECTION 2. Order of Hearing — Unless the Authority, for special reasons, declares otherwise, the order of the hearing shall be as follows:

- a. The complainant shall present his evidence;
- b. The complainant-in-intervention, if any, shall present evidence;
- c. The respondent shall then offer evidence in support of his defense, if any;
- d. The parties shall then respectively offer rebutting evidence only, unless the Authority, for good reasons, permits them to offer evidence upon their original case.
- e. When the hearing is concluded, unless the parties agree to submit the case without arguments, the parties or their counsels may be allowed to argue, subject to the limitation of time as the Authority may prescribe.
- f. In lieu of oral arguments, the parties may be allowed to submit their respective memoranda within a period of fifteen (15) days from the date of the last hearing.

RULE 18

Resolutions

SECTION 1. Resolutions — All resolutions reached by the Authority shall be in writing stating the facts clearly and distinctly and the law upon which it is based. The resolution shall also state the agreements reached by the parties during the conciliation and mediation conference, if any. Such resolution shall be issued under the seal of the Authority.

SECTION 2. Minute Resolution — No minute resolution resolving a complaint shall be rendered if evidence has been adduced and received.

SECTION 3. Period to Decide a Complaint — Any matter submitted to the Authority shall be decided within thirty (30) days from the date it is submitted for resolution.

SECTION 4. Service of Resolution — The resolution shall be served upon all parties of record and their counsel, if any. However, service shall also be made upon such parties and regulatory government agencies that have an interest in the success or failure of any cooperative, such as but not limited to the Land Bank of the Philippines, the Development Bank of the Philippines, the Central Bank, etc.

SECTION 5. Finality of Resolution — (a) Any resolution shall become final and executory within fifteen (15) days from the receipt of a copy of the resolution and no appeal or motion for reconsideration has been filed within the said period.

(b) A resolution which has become final and executory may be enforced through a writ or order of execution issued by the Authority.

SECTION 6. General Assembly Meeting — The Authority may order the holding of, or convene, *motu proprio* a general assembly, whether regular or special, in order to report the resolution of a petition or controversy to the members and to undertake procedures embodied in the resolution.

RULE 18A

Contempt

SECTION 1. Direct Contempt — A person guilty of misbehavior in the presence of or so near the Hearing Officer or Administrator as to obstruct or interrupt the proceedings before him, including disrespect towards the Hearing Officer, offensive personalities towards others, or refusal to be sworn to or answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by the Hearing Officer and punished by a fine of not more than Five Hundred Pesos (PhP500.00) or imprisonment not exceeding ten (10) days, or both such fine and imprisonment.

SECTION 2. Indirect Contempt — Any person who shall fail or refuse to comply with the promulgated decision, order or writ of the Hearing Officer without justifiable cause after being required to do so, shall be punished for contempt pursuant to the provisions of the Rules of Court.

RULE 19

Appeals

SECTION 1. Appeal from Resolution of Extension Officer Director and Director, LRD — (a) Any appeal from the resolution as signed by the Extension Officer Director or Director of the Legal and Registration Department may be filed with the Board of Administrators within fifteen (15) days from the receipt of a copy of such resolution by filing a notice of appeal and appeal brief and payment of the corresponding docket fee with the office issuing such resolution.

(b) Failure to comply with the above requirements within the reglementary period shall be construed as failure to perfect an appeal and shall cause its dismissal.

(c) Such appeal shall be decided by the Board of Administrators within thirty (30) days from its filing, unless otherwise extended for by the Board of Administrators.

SECTION 2. Appeal from Decision of the Board of Administrators — An appeal from the resolution of the Board of Administrators shall be made to the Office of the President within fifteen (15) days from the receipt of such resolution by the appealing party by filing a notice of appeal and an appeal brief with the Authority.

SECTION 3. Transmittal of Records — Within fifteen (15) days from the receipt of the notice of appeal and the appeal brief and proof of payment of the corresponding fee, the Extension Office or the Board of Administrators shall forward the entire records of the proceeding or certified photocopies thereof to the Board of Administrators or the Office of the President, as the case may be.

SECTION 4. Resolution Based in Settlement — No appeal from a resolution which is based on mutual agreements reached by the parties during the mediation and conciliation conference shall be entertained by the Authority. Provided, however, that non-compliance of the agreements shall mean the immediate execution of such resolution.

RULE 20

General Provisions

SECTION 1. Support Staff — The Hearing Officers may require other employees of the Authority to assist them during their sessions or hearings or in the performance of their duties.

SECTION 2. Stenographers — (a) Stenographers may also be present at every session or hearing to take the stenographic notes of the proceedings.

(b) Any party or their counsel may request for a copy of the transcript of stenographic notes of the hearing. The costs for such transcript shall be borne by the party requesting the transcript.

(c) The fees for such transcript shall be at Six Pesos (P6.00) per page of not less than two hundred and fifty (250) words before any appeal is filed, and Three Pesos and Sixty centavos (P3.60) after the appeal is filed.

RULE 21

Supplementary Rules

SECTION 1. Rules of Court — In the absence of any applicable provision in these Rules, the pertinent provisions of the Rules of Court of the Philippines shall be applicable by analogy or in suppletory character and effect.

SECTION 2. Evidence — The parties and the Authority shall not strictly bound by the technical rules on evidence and may resort to such evidence that a common prudent man may require.

RULE 22

Final Provisions

SECTION 1. Repealing Clause — All resolutions, rules and regulations of the Authority or parts thereof which are inconsistent with any provision of these Rules are hereby deemed repealed or modified accordingly.

SECTION 2. Separability Clause — If any part of these Rules is declared unconstitutional, the remaining part not affected thereby shall remain valid and effective.

SECTION 3. Effectivity — These Rules of Procedure shall take effect upon the approval of the Board of Administrators.

Adopted: 12 Sept. 2000

(SGD.) JOSE C. MEDINA, JR.
Chairman

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