

PROCEDURE FOR THE ISSUANCE OF CERTIFICATE OF REGISTRATION PURSUANT TO ARTICLE 16 AND 18 OF R.A. 9520 IN RELATION TO SECTION 16 (A) OF MEMORANDUM CIRCULAR NO. 2011-15

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Articles 16 and 18 of R.A. 9520 provide that:

“Article 16. Registration.

A cooperative formed or organized under this Code acquires juridical personality from the date the Authority issues a certificate of registration under its official seal. All applications for registration shall be finally disposed of by the Authority within a period of sixty (60) days from the filing thereof, otherwise the application is deemed approved, unless the cause of the delay is attributable to the applicant: Provided, That in case of a denial of the application for registration, an appeal shall lie with the Office of the President within ninety (90) days from receipt of notice of such denial: Provided further, that failure of the Office of the President to act on the appeal within ninety (90) days from the filing thereof shall mean approval of said application.

Article 18. Amendment of Articles of Cooperation and By-Laws.

Unless otherwise prescribed by this Code and for legitimate purposes, any provision or matter stated in the articles of cooperation and by-laws may be amended by two-thirds (2/3) vote of all the members with voting rights without prejudice to the right of the dissenting members to exercise their right to withdraw their membership under Article 30.

Both the original and amended articles and/or by-laws shall contain all provisions required by law to be set out in the articles of cooperation and by-laws. Amendments shall be indicated by underscoring or otherwise appropriately indicating the change or changes made and a copy of the amended articles or amended bylaws duly certified under oath by the cooperative secretary and a majority of the directors stating the fact that said amendment or amendments to the articles of cooperation and/or by-laws have been duly approved by the required vote of the members. All amendments to the articles of cooperation and/or by-laws shall be submitted to the Authority. The amendments shall take effect upon its approval by the Authority or within thirty (30) days from the date of filing thereof if not acted upon by the Authority for a cause not attributable to the cooperative.”

Section 16 (a) of Memorandum Circular No. 2011-15 was issued and provides that: “Required Period for Approval of Registration. (a) An application for registration shall be finally disposed of by the Authority within a period of sixty (60) days from the filing of complete documentary requirements. Otherwise, the application is deemed approved unless the cause of the delay is attributable to the applicant.”

As the aforecited law and issuance do not provide for procedure to be followed in case an application for registration has not been acted upon within the specified period of time prescribed by the Cooperative Code (as amended), the Authority hereby promulgates the hereunder steps:

- A written request or petition for the issuance of Certificate of Registration shall be filed by the applicant

cooperative to the Authority;

- Upon receipt of said written request or petition, the Registration Division/Section of the Authority shall evaluate and determine:

2.1

The period of time the application for registration of the applicant cooperative has been pending with the Authority; and

2.2

The completeness of documents from the submission of application for registration.

2.2.1

The 60-day period shall not commence unless and until the documents submitted to the Authority are complete in form and substance.

2.2.2

If upon evaluation, the documents are complete in form and substance and the sixty (60) day period has already lapsed without the fault of the applicant cooperative, the Authority shall forthwith issue the Certificate of Registration.

If the sixty (60) day period already lapsed without the fault of the applicant cooperative but the documents on file with the Authority are not complete in form and in substance, the Authority shall direct the cooperative in writing to complete/rectify the documents within fifteen (15) days from receipt thereof. Failure to comply with the said directive shall result to the denial of the application for registration.

The above mentioned procedure shall likewise apply to registration of amendments to the Articles of Cooperation and by-Laws of the cooperative under Article 18 of RA 9520 except for the period to be observed which requires thirty (30) days.

For information and guidance.

APPROVED per CDA Board Resolution No. 051, s-2013 dated February 7, 2013, Quezon City, Philippines.

For the Board of Administrators

By:

(SGD.) EMMANUEL M. SANTIAGUEL, Ph.D.
Chairman

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