



COOPERATIVE DEVELOPMENT AUTHORITY

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13-03



MEMORANDUM CIRCULAR NO. 2022- 32
Series of 2022

SUBJECT: REVISED GUIDELINES ON THE ACCREDITATION OF VOLUNTARY ARBITRATORS IN THE COOPERATIVE DEVELOPMENT AUTHORITY (CDA)

Pursuant to Section 4(u) RA 11364, "The Authority shall have the power and function to adopt and implement a dispute resolution mechanism that will settle conflicts between and among members, officers, and directors of cooperatives, and between and among cooperatives in accordance with Article 137 of Republic Act No. 9520, which amended Republic Act 6928, Republic Act 9285, otherwise known as "Alternative Dispute Resolution (ADR) Act of 2004".

The Authority hereby adopts and promulgates these Revised Guidelines on the Accreditation of Voluntary Arbitrators in the CDA relative to voluntary arbitration as a mode of dispute resolution in accordance with the ADR Act of 2004.

Section 1. TITLE. This shall be known as the Revised Guidelines on the Accreditation of Voluntary Arbitrators in the Cooperative Development Authority (CDA).

Section 2. DEFINITION OF TERMS. The following terms are defined as follows:

(a) **Accreditation** - shall refer to a process whereby the qualifications and capabilities of a Voluntary Arbitrators are evaluated in accordance with these guidelines, standards and procedures set forth by the Authority and be included in the list of the CDA qualified Voluntary Arbitrators whose services can be engaged in the settlement of cooperative disputes through voluntary arbitration.

(b) **Authority** - shall refer to Cooperative Development Authority (CDA).

(c) **Voluntary Arbitration** - shall refer to a dispute resolution process wherein any intra/inter cooperative disputes is settled by a voluntary arbitrator/s chosen by the disputing parties from a list of qualified and accredited arbitrators, who shall decide on the merits of the case by rendering an award.

(d) **Accredited Voluntary Arbitrator/s (AVA)** - shall refer to any CDA-accredited employee of the Authority or any private individual chosen by the parties to hear, decide, and render an award in a dispute and listed in the CDA's Pool Arbitrators

(e) **Pool of Arbitrators** - is a group of Arbitrators accredited by the CDA.

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Section 3. NATURE OF ACCREDITATION. The following are the different nature of accreditation:

1. *Initial Accreditation.* This is initially granted to individuals whose name is found in the CDA Pool of Voluntary Arbitrators. This is evidenced by a Certificate of Accreditation.

2. *Renewal of Accreditation.* This is granted to Accredited Voluntary Arbitrator (AVA) who applies for renewal of his/her application before the expiration of his/her initial accreditation.

Renewal of accreditation may be made within three (3) months prior to its expiration.

The AVA under preventive suspension cannot apply for renewal of accreditation until the same has been lifted and all the qualifications, requirements, and corrective action prescribed by the Authority have been complied with.

3. *Re-Accreditation.* This is granted to a Voluntary Arbitrator whose previous accreditation has lapsed or whose subsequent application was denied, provided that he/she has complied with all the requirements for re-accreditation.

4. *Reinstatement of Accreditation.* This is granted to a Voluntary Arbitrator whose accreditation has been revoked and reinstated in the Pool of Accredited Voluntary Arbitrators.

Section 4. INITIAL REQUIREMENTS FOR ACCREDITATION.

1. **Qualifications.** Any person desiring to become an Accredited Voluntary Arbitrator (AVA) shall possess the minimum qualifications for accreditation, as follows:

- a. Must be of legal age;
- b. Must be Filipino citizen residing in the Philippines;
- c. Must be a holder of at least a Bachelor's degree;
- d. Must have at least two (2) years experience in cooperative operation or must have undergone the Fundamentals of Cooperatives and Cooperative Governance and Management trainings;

e. Must have no pending administrative, civil, or criminal case involving moral turpitude.

2. Documentary Requirements. Applicants for AVA shall submit an application letter to CDA Head Office, together with the following:

1. Accomplished CDA Personal Data Sheet (PDS) Form which shall be secured from the Legal Affairs Service. Said PDS which must be sworn shall specifically mention that the applicant has no pending case in any court or tribunal;

2. Two (2) copies of "2 x 2" picture;

3. Certified true copy of Diploma, or Certificate of Admission to the Bar, or Certificate from the Professional Regulation Commission (PRC);

4. Certificate of Employment showing that the applicant has two (2) years experience in the cooperative sector or Certificate of Training that applicant has undergone the required trainings.

3. Training Requirements. All applicants, who have complied with the above-mentioned requirements, shall undergo a pre-accreditation training program to equip them with the basic knowledge, skills, and value orientation necessary to perform the responsibilities and function of an AVA.

All AVAs must undergo Continuing VA training, as determined by the CDA, in order to ensure that they are abreast with law, rules, and regulations, and to enhance their skills in arbitration proceedings throughout their careers.

Section 5. ADDITIONAL REQUIREMENTS FOR RENEWAL/ RE-ACCREDITATION/REINSTATEMENT OF ACCREDITATION. An AVA may renew/re-accredited/reinstated his/her accreditation upon submission of the following documents:

a. An updated CDA Personal Data Sheet Form;

b. Post-training certificates in arbitration;

c. VA reports, if applicable.

Section 6. ACCREDITATION OF THE VOLUNTARY ARBITRATOR. Upon satisfactory completion of all the trainings required, the CDA shall recommend to the Board of Directors (BOD) the approval of the accreditation of the applicant Voluntary Arbitrator. Once approved, a Certificate of Accreditation, duly signed by the CDA Chairperson shall be issued. Thereafter,

the new AVA shall be required to take the Oath of Office before the Chairperson of the Authority or his/her duly authorized representative and his/her name shall be included in the Pool of AVAs.

Section 7. VALIDITY OF ACCREDITATION. The accreditation shall be valid for five (5) years from the date of approval, unless earlier revoked by the Authority. It shall take effect on the date shown on the Certificate of Accreditation.

Section 8. GROUNDS FOR DENIAL OF ACCREDITATION. The following shall be grounds for the denial of accreditation:

1. Non-compliance with any or all of the qualifications and requirements of accreditation;
2. Revocation or non-renewal of professional license/ accreditation/ clearance provided by government regulatory office due to causes involving moral turpitude;
3. Misrepresentation in the submitted documentary requirements;
4. Non-acceptance of VA appointment to a case where he/she was nominated without valid reason for three (3) consecutive occasions; and,
5. Such other grounds as the Authority may determine.

Section 9. MODE OF REVOCATION OF THE CERTIFICATE ACCREDITATION OF AN ARBITRATOR. The Certificate of Accreditation (COA) of an Arbitrator may be revoked under the following grounds:

1. Automatic Revocation

1.1 Death; and,

1.2 Insanity

2. Voluntary Revocation

An AVA may at his/her own initiative voluntarily seek the revocation of his/her accreditation by notifying the Authority of such intention.

3. Involuntary Revocation. The Authority may revoke, after due notice and hearing, the Certificate of Accreditation of an AVA in any of the following grounds:

- a. Misrepresentation or falsification in the application for accreditation;

- b. Conviction by final judgment of a crime involving moral turpitude;
- c. Adjudged guilty in any administrative case or civil case involving financial transaction or any other related acts that may tarnish his/her credibility as an AVA;
- d. Violation of the terms and conditions of the accreditation;
- e. Willful and continuous act showing lack of interest as AVA;
- f. Violation of the CDA Code of Professional Responsibility for AVAs; and,
- g. Negligence and dereliction of duty as AVA.

Section 10. PREVENTIVE SUSPENSION. The Authority can preventively suspend an Arbitrator for a period not exceeding thirty (30) days upon finding of a prima facie existence of a ground for revocation or upon receipt of a complaint.

Preventive suspension shall be issued by the Board of Directors or their authorized representatives whenever there is a possibility that the AVA concerned is in a position to exert undue influence or pressure to witness/es and/or tamper with evidence while the case against him/her is pending.

The commencement of any revocation proceedings of the COA of an AVA shall serve as a ground for suspension of his/her authority to be engaged as an AVA in all cooperative disputes nationwide. All CDA Regional Offices shall be notified immediately of such fact.

The decision of the Authority on the revocation of the accreditation shall be final and executory.

Section 11. EFFECTS OF THE REVOCATION OF THE CERTIFICATE OF ACCREDITATION.

1. Deletion of the AVA from the List of AVAs; and,
2. Notification of all CDA Regional Offices on the revocation and delisting from the list of AVAS.

Section 12. ACCREDITATION JURISDICTION. Accreditation and revocation of the accreditation of Voluntary Arbitrators shall be a primary and exclusive jurisdiction of the CDA Head Office through the Legal Affairs Service (LAS).

Section 13. REGISTRY OF VOLUNTARY ARBITRATORS. The Office of the Legal Affairs Service (LAS) shall maintain a list of all the names of Accredited Voluntary Arbitrators (AVAs)

which shall be updated every quarter. A separate list shall be maintained for those whose accreditation is suspended or revoked.

A copy shall be provided to the CDA Head Office-Legal Affairs Service (LAS) and the Regional Offices.

Section 14. MISCELLANEOUS PROVISION. The list of all AVAs shall be made available to the cooperative sector and shall be posted at the Authority's official website.

To aid the Authority in evaluating the qualification and performance of the AVAs and ensure their professionalism, integrity and competence, it shall encourage the cooperative sector to provide relevant information relative thereto.


Section 15. SEPARABILITY CLAUSE. If for any reason or reasons, any portion or provision of these Guidelines shall be held unconstitutional or invalid, all other parts or provisions not affected thereof shall thereby continue to remain in full force and effect.

Section 16. EFFECTIVITY. This shall take effect fifteen (15) days after its publication in the Official Gazette or national newspaper of general circulation and the filing of the copy thereof with the Office of the National Administrative Register (ONAR).

Approved by the CDA Board of Directors on 10 October 2022 per BOD Resolution No. 813, S-2022.

Issued this 28th day of November 2022.

For the Board of Directors:


USEC. JOSEPH B. ENCABO
Chairman 