



# COOPERATIVE DEVELOPMENT AUTHORITY

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192-33



MEMORANDUM CIRCULAR NO. 2023- 01  
Series of 2023

**SUBJECT: GUIDELINES IN RENDERING LEGAL OPINION BY THE COOPERATIVE DEVELOPMENT AUTHORITY (CDA)**

Pursuant to the authority vested by Republic Act No. 11364 to the Cooperative Development Authority, to formulate rules and regulations to implement its provisions and of Republic Act No. 9520, to ensure efficient and effective operations of cooperatives, the following guidelines for drafting and rendering legal advisory opinions are hereby prescribed and promulgated.

## RULE I GENERAL PROVISIONS

**SECTION 1. Title.** This Guidelines shall be known as the “**GUIDELINES IN RENDERING LEGAL OPINION BY THE COOPERATIVE DEVELOPMENT AUTHORITY (CDA)**”.

### SECTION 2. Definition of terms.

**Legal Opinion** – An interpretation of the law as it applies to a set of facts provided in writing by the individual requesting the opinion, on matters relating to cooperative laws and related CDA legal issuances.

**Authority**- Refers to the Cooperative Development Authority (CDA)

**R.A. No. 9520** – The Philippine Cooperative Code of 2008

**R.A. No. 11364** – New Cooperative Development Authority Charter 2019

**R.A. No. 10744** – Credit Surety Fund Act

**SECTION 3. Scope and Coverage.** This Guidelines shall govern the procedure to be observed in all requests for legal opinion cognizable by the Authority.

## RULE II FILING OF REQUESTS FOR LEGAL OPINIONS

**SECTION 4. Request for Legal Opinion.** The CDA Regional Offices and the Head Office shall exercise jurisdiction over requests falling within their respective area of jurisdiction. The letter request may be delivered personally to the CDA office address or sent through postal mail or electronic mail to their official govmail address.

**SECTION 5. Letter request.** – The request for legal opinion shall state or contain the following:

Office of the Chairman : (02) 8721-5325  
(02) 8721-5324  
Office of the Administrator : (02) 8721-0633  
Officer of the Day : (02) 8725-3764



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- a. The names, addresses, telephone and/or facsimile numbers, active e-mail address and other relevant personal or juridical circumstances of the requesting party/parties;
- b. Complete factual circumstances from which the Authority may draw premises and conclusions, and which are readily discernible from the query;
- c. The law, rules, or regulations applicable to the issues presented sought to be clarified; and
- d. Requesting parties must submit all the pertinent papers and documents necessary to render the opinion.

**SECTION 6. Subject Matter of Legal Opinion.** The following may be the subject of a legal opinion:

- a. Interpretation of the provisions of Republic Act No. 9520, Republic Act No. 10744, Republic Act No. 11364, its Implementing Rules and Regulations (IRR);
- b. Interpretation of CDA Circulars and Issuances;
- c. Compliance requirements under the RA 9520, RA 10744 its IRR, and related issuances;
- d. Enforcement of cooperative laws, rules and regulations;

**SECTION 7. Exclusions.** The Authority shall refrain from rendering an opinion on the following:

- a. Purely hypothetical and speculative questions which do not pertain to any actual issue;
- b. Issues that have been the subject of previously issued legal opinions;
- c. Request involving interpretation of administrative rules and issuances of other government agencies;
- d. Issues which have been finally decided by the courts, quasi-judicial bodies, or is pending in a case in litigation;
- e. Request is related to an ongoing investigation, examination, or adjudication pending before the Authority;
- f. The request requires a review and interpretation of contracts and its validity; and
- g. Review of the acts and rulings of another government agency.

Should the request fall under the exclusions mentioned above, the Authority shall send a letter informing the requesting party as to why it was not taken cognizance of, explaining the reason and basis for non-consideration.

### **RULE III ISSUANCE AND RELEASE OF LEGAL OPINIONS**

**SECTION 8. Conference.**— If the Authority finds the need for a conference, which may be online or in-person, to elicit more information about the request, it may invite

the requesting party to a clarificatory conference prior to the issuance of the legal opinion.

**SECTION 9. Contents of the Legal Opinion.** The Legal Opinion should contain the following:

- a. Cite the relevant cooperative laws and related issuances applicable to the facts and documents presented in the request;
- b. The opinion must relate to the interpretation and application of laws and rules being enforced and implemented by the Authority;
- c. Identify the specific issues that are material and on which the relief is anchored;
- d. Write a disclaimer that contains a statement that the basis of the opinion is the facts and documents presented in the request and any changes to the facts or representations might require a different opinion.

**SECTION 10. Assignment of numbers of legal opinions.** Upon receipt of the request, the RO or HO, as the case may be, shall record the same by assigning a number thereto. Below the number, it should likewise state the topic being discussed in the legal opinion. The numbering shall be consecutive according to the date it was filed, which must bear the year and prefixed as follows:

CDA Opinion No. \_\_\_\_ Year-Region  
Subject Matter

eg. CDA Opinion No. \_\_\_\_ 22-HO  
Re: Subject Matter

The prefixes below shall be used to identify the Region that rendered the legal opinion, as follows:

1. HO – Legal Division, Head Central Office
2. R1 - Region 1 Extension Office
3. R2 – Region 2 Region Office
4. CAR – CAR Extension Office
5. R3 – Region 3 Extension Office
6. NCR – NCR Extension Office
7. R4-A – Region 4-A Extension Office
8. R4-B – R4-B Extension Office
9. R5 – Region 5 Extension Office
10. R6 – Region 6 Extension Office
11. R7 – Region 7 Extension Office
12. R8 – Region 8 Extension Office
13. R9 – Region 9 Extension Office
14. R10 – Region 10 Extension Office
15. R11 – Region 11 Extension Office
16. R12 – Region 12 Extension Office
17. R13 – Region 13 Extension Office

**SECTION 11. Font and Styling.** – For uniformity, all legal opinions shall be written using Arial as font and size 11. It shall be in the block format in word. (Attached herewith is the template format for legal opinion as reference.)

**SECTION 12. Release of Legal Opinion.** – The legal opinion shall be issued and released to the requesting party not later than twenty (20) calendar days, extendible for another 20 days, from the date of receipt of the CDA Legal Division/Section of the letter request unless the issues presented are too complex that it will require a longer period of time for further study and evaluation. The requesting party shall be notified of the reason/s for the extension.

A copy of the legal opinion shall be sent electronically or via registered mail to the cooperative's address provided by the requesting party.

**SECTION 13. Fees.** – Legal opinion/s issued by the Authority may be requested by the public. However, all sensitive personal information shall be kept confidential and details shall not be reflected or shown in the released copy. Every request for the issuance of a legal opinion may be subject to a reasonable fee, as may be prescribed by the Authority in a separate issuance.

**SECTION 14. Separability Clause.** – If any portion or provision of this Guidelines is declared null and void or unconstitutional, the other provisions not affected thereby shall continue to be in force and effect.

**SECTION 15. Repealing Clause.** – All other rules, regulations, and issuances contrary to or inconsistent with the provisions of these Rules are deemed repealed or modified accordingly.

**SECTION 16. Effectivity.** This Guidelines shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette and the filing of the copy thereof with the Office of the National Administrative Register (ONAR).

Approved by the CDA Board of Directors pursuant to Res. No. 826, S-2022 dated October 10, 2022.

Issued this 9th day of January 2023.

**For the CDA Board of Directors:**

By:

  
**USEC. JOSEPH B. ENCABO**  
Chairman