



COOPERATIVE DEVELOPMENT AUTHORITY

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342-12



MEMORANDUM CIRCULAR 2023- 04
Series of 2023

TO : ALL CDA REGIONAL EXTENSION OFFICES AND ALL CONCERNED

SUBJECT : GUIDELINES IN THE ADJUDICATION OF CASES PER CLUSTER, RELATIVE TO THE IMPLEMENTATION OF THE COOPERATIVE DEVELOPMENT AUTHORITY (CDA/AUTHORITY) OMNIBUS RULES OF PROCEDURES

Section 1. TITLE. This shall be known as the “*Guidelines for the Assigned Clusters in the Adjudication of Cases*”.

Section 2. BACKGROUND.

The adjudication of cases, in the exercise of the CDA’s quasi-judicial power vested by RA 11364 under the Legal Affairs Service (LAS) through the Adjudication Division, is one of the remedies that may be availed of in the resolution of cases as provided under Rule VI of the said Rules. This in effect modifies the Articles of Cooperation and By-Laws of the cooperatives with respect to the exclusivity of voluntary arbitration as an alternative mode of dispute resolution. Accordingly, after a failure to amicably settle the dispute, the complainant or aggrieved party may file a complaint for voluntary arbitration or adjudication.

The CDA formulated its own Omnibus Rules of Procedure for the rationalization of appropriate regulations, standards, orders, and guidelines consistent with R.A 9520 and R.A 11364 to serve as clear-cut guidelines in relation to its powers and mandate, including, among others, the proper receiving, handling, and resolution of complaints, as well as the efficient adjudication of cases. The Rules, among others, mandates that the CDA Regional Offices shall have original jurisdiction over cases involving violations of RA No. 11364, RA No. 9520, RA No. 10744, and their respective Implementing Rules and Regulations, and other Issuances.

Considering, however, the constraints being faced by the Authority and in order to implement the CDA Omnibus Rules of Procedure, it hereby adopts and implements the adjudication of cases per cluster based on the designated area/region.

Section 3. PURPOSE.

To carry out the adjudication function of the Authority, notwithstanding that the Regional Extension Offices have yet to hire Adjudicators, the CDA Head Office in coordination with the LAS, introduced a strategy to handle/dispose cases through the cluster assignments per designated area/region to prevent the clogging of the docket of cases in CDA Regional Extension Offices and to afford the parties their constitutionally-guaranteed right to speedy disposition of cases. Furthermore, it aims to rationalize the procedure in the filing, receipt, endorsement, and resolution of cases.

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It shall be understood that a complaint may be subjected to adjudication when a verified complaint, with relevant attachments, is duly received by the designated Docket Officer per Regional Extension Office.

Section 4. LEGAL BASES.

The solid legal bases of this guidelines are the following:

1. RA 11364 or the Cooperative Development Authority Charter of 2019

- a.) **Section 4 (t)** *Hear and decide inter-cooperative and intra-cooperative disputes, controversies, and/or conflicts, without prejudice to the filing of civil and/or criminal cases by the parties concerned before the regular courts: Provided, that all decisions of the Authority are appealable directly to the Court of Appeals.*
- b.) **Section 4 (u)** *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 No. 6938, and Republic Act No. 9285, otherwise known as the "Alternative Dispute Resolution Act of 2004". However, in case of election-related issues, the aggrieved party may elevate the case for adjudication to the Authority without undergoing alternative dispute resolution;*

2. CDA Omnibus Rules of Procedure

- a.) **Rule VI (Adjudication), Article II, Section 1. Jurisdiction.** *The Authority shall have the jurisdiction to hear and decide over the following cases:*
 - a. *Complaints against the cooperatives, their officers, and or members, for violations of Cooperative Laws, Implementing Rules and Regulations, Issuances of the Authority, and their Articles of Cooperation and bylaws;*
 - b. *Election-related complaints;*
 - c. *Adverse inspection, examination, and/or investigation findings against the cooperatives, their officers, and/or members of Cooperative Laws, Implementing Rules and Regulations, issuances of the Authority, and their Articles of Cooperation and bylaws;*
 - d. *Other cases falling within the jurisdiction of the Authority and/or analogous to the foregoing, such as but not limited to devices or schemes employed by, or any act of the cooperative's board of directors, officers, amounting to fraud or misrepresentation which may be detrimental to the interest of the public and/or of the members of the cooperative.*
- b.) **Rule VI (Adjudication), Article II, Section 2. Original jurisdiction of the CDA Board.** *The CDA Board shall have original jurisdiction over the following:*
 - a. *Cases involving violations of R.A. No. 11364, R.A. No. 9520, R.A. No. 10744 and their respective Implementing Rules and Regulations, other Issuances,*

Orders, Rules and Regulations of the Authority, and Articles of Cooperation and Bylaws by cooperatives registered with and directly supervised by the CDA Head Office;

- b. Acts or omissions committed by officers/members of said cooperatives prejudicial to its operations and/or the existence or that of its members thereof; and*
- c. Inter-cooperative disputes between or among cooperatives registered in two or more regions.*

- c.) **Rule VI (Adjudication), Article II, Section 3. Appellate Jurisdiction of the CDA Board.** *The Board shall have exclusive appellate jurisdiction to review, reverse, set aside, modify, alter, or affirm resolutions, orders, and decisions of the CDA Regional Offices.*

No resolutions, orders, or decisions of the CDA Regional Offices on any issue, question, matter, or incident raised before them shall be elevated to the CDA Board until all available remedies have been exhausted and the case decided on the merits.

- d.) **Rule VI (Adjudication), Article II, Section 4. Original Jurisdiction of the CDA Regional Offices.** *The CDA Regional Offices shall have original jurisdiction over cases involving violations of R.A. No. 11364, R.A. No. 9520, R.A. No. 10744, and their respective Implementing Rules and Regulations, other Issuances, Orders, Rules and Regulations of the Authority, and Articles of Cooperation and Bylaws of cooperatives registered with or directly supervised by the CDA Regional Offices, including acts or omissions committed by officers/members of said cooperatives within the respective regions.*

- e.) **Rule VI (Adjudication), Article II, Section 5. Adjudicatory Power to Use Compulsory Process.** *The CDA Board of Directors, and the Regional Offices through its Regional Director or Adjudicator, are empowered to summon witnesses, issue subpoena ad testificandum and subpoena duces tecum, administer oaths, require an answer to interrogation, issue writ of possession, writ of execution, writ of demolition, cease and desist orders, and other writs to enforce its Orders, Decisions, and Resolutions, through a deputized employee, deputized law enforcement agencies, or the local government unit concerned as may be necessary.*

For this purpose, whenever deemed necessary, the CDA Board of Directors, and the Regional Offices through its Regional Director or Adjudicator, shall request the Philippine National Police (PNP), the Armed Forces of the Philippines (AFP), and their other component units, other law enforcement agencies, or the local government unit concerned, to assist in the enforcement and execution of their Decisions, Resolutions, Final Orders Writs, and other processes.

Section 5. SCOPE AND COVERAGE.

This Guidelines is issued for the information and guidance of all concerned as to the adjudication of cases per cluster falling under the jurisdiction of the CDA Regional Extension Offices.

Section 6. DOCKET ASSIGNMENT OF NUMBERS AND CASE TITLE.

Pursuant to the Omnibus Rules of Procedure, upon filing a complaint, the Authority or the Regional Extension Office with jurisdiction 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 the format shall be as follows:

ADJ - CASE NUMBER - YEAR IT WAS FILED - REGION WHERE THE COOPERATIVE IS LOCATED – CASE NAME

e.g. ADJ-001-2022-R1-Case Name

- 1. HO – Adjudication Division, Head Office
- 2. R1 – Region 1 Extension Office
- 3. R2 – Region 2 Extension Office
- 4. CAR – Cordillera Administrative Region (CAR) Extension Office
- 5. R3 – Region 3 Extension Office
- 6. NCR – National Capital Region (NCR) Extension Office
- 7. R4-A – Region 4-A Extension Office
- 8. R4-B – Region 4-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 7. ASSIGNED CLUSTER IN THE ADJUDICATION OF CASES.

The following shall be the assigned cluster per designated area and/or region in accordance with the jurisdiction of the Office concerned, and an interim adjudicator shall be assigned to each cluster:

1.) Luzon Cluster:

a.) North Luzon

- a.1 Cordillera Administrative Region (CAR)
- a.2 Region I – Ilocos Region
- a.3 Region II – Cagayan Valley
- a.4 Region III – Central Luzon

b.) South Luzon

- b.1 Region IV-A – CALABARZON

- b.2 Region IV-B – MIMAROPA
- b.3 Region V – Bicol Region

c.) National Capital Region (NCR)

2.) Visayas Cluster:

- a. Region VI – Western Visayas
- b. Region VII – Central Visayas
- c. Region VIII – Eastern Visayas

3.) Mindanao Cluster:

- a. Region IX – Zamboanga Peninsula
- b. Region X – Northern Mindanao
- c. Region XI – Davao Region
- d. Region XII – SOCCSKSARGEN
- e. Region XIII – CARAGA

4.) Appeals Cluster – Adjudication Division (CDA Head Office)

Section 8. CONDUCT OF HEARING VIA ONLINE VIDEOCONFERENCING

If the parties opt to conduct the hearings online, in consonance with Rule I, Article IV of the CDA Omnibus Rules of Procedure, the parties must expressly indicate in the complaint, motion, or pleading of the intention to avail said electronic proceedings.

Nevertheless, the Authority may motu proprio set the case for hearing via online videoconferencing in accordance with the abovementioned Rule.

Section 9. EFFECTIVITY.

This Memorandum Circular shall take effect immediately upon approval of the CDA Board of Directors and after fifteen (15) days from its publication in the Official Gazette and filing with the Office of National Administrative Register (ONAR).

Approved by the CDA Board of Directors pursuant to Res. No. 111, S-2023 dated February 13, 2023.

Issued this 20th day of February 2023.

For the CDA Board of Directors

By:


USEC. JOSEPH B. ENCABO
Chairman *JN*