



COOPERATIVE DEVELOPMENT AUTHORITY

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MEMORANDUM CIRCULAR NO. 2023-_____ Series of 2023

SUBJECT: GUIDELINES ON THE ACCREDITATION OF CONCILIATORS-MEDIATORS 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 Guidelines on the Accreditation of Conciliator-Mediators relative to mediation and/or conciliation 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 Conciliator-Mediator 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 Conciliator-Mediators 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 Conciliator-Mediators whose services can be engaged in the settlement of cooperative disputes through voluntary mediation and/or conciliation.
- (b) **Accredited Conciliator-Mediator/s (ACM)**– shall refer to any private individual chosen by the parties from the CDA’s Pool of Conciliator-Mediators to facilitate the negotiation between/among the disputing parties in order to reach a mutually satisfactory outcome;
- (c) **Authority** – shall refer to Cooperative Development Authority (CDA).
- (d) **Conciliation (Con)** – is a process whereby a neutral third party takes a vigorous and active role in assisting disputants to formulate solutions to reach an amicable settlement.
- (e) **Conciliated-Mediated Settlement Agreement** – is a written agreement following successful conciliation-mediation proceedings, prepared and duly signed by the parties, with the assistance of the Conciliator-Mediator.



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- (f) **Mediation (Med)** – is a process whereby the neutral third party facilitates the negotiation between disputing parties to reach a voluntary and mutually satisfactory outcome.
- (g) **Pool of Conciliator-Mediator** – is a list of Accredited Conciliator-Mediator (ACM) by the CDA.

Section 3. SCOPE. Accreditation is only valid for the conduct of mediation-conciliation within the cooperatives

Section 4. NATURE OF ACCREDITATION. The following are the different natures of accreditation:

1. *Initial Accreditation.* This is initially granted to individuals whose name is found in the CDA Pool of Conciliator-Mediators. This is evidenced by a Certificate of Accreditation as Conciliator-Mediator
2. *Renewal of Accreditation.* This is granted to Accredited Conciliator-Mediator (ACM) 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 ACM 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 ACM whose previous accreditation has lapsed or whose subsequent application was denied; provided that he/she has complied with all the requirements for re-accreditation in accordance with Section 5 of this circular.
4. *Reinstatement of Accreditation.* This is granted to a Conciliator-Mediator whose accreditation has been revoked and reinstated in the Pool of Accredited Conciliator-Mediator.

Section 5. INITIAL REQUIREMENTS FOR ACCREDITATION.

1. **Qualifications.** Any person desiring to become an ACM 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;
- f. Such other qualifications as may be provided by the Authority.

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

- a. 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;
- b. Two (2) copies of "2 x 2" picture;
- c. Certified true copy of Diploma, or Certificate of Admission to the Bar, or Certificate from the Professional Regulation Commission (PRC);
- d. 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 which shall be provided for by the Authority in order to equip them with the basic knowledge, skills, and value orientation necessary to perform the responsibilities and function of an ACM.

Upon notice of the approval of the initial accreditation of the ACM, the applicant must participate in the earliest scheduled pre-accreditation training program.

All ACMs, who intend to renew their accreditation, must undergo Continuing MedCon 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 mediation and/or conciliation proceedings throughout their careers.

Section 6. ADDITIONAL REQUIREMENTS FOR RENEWAL/ RE-ACCREDITATION/ REINSTATEMENT OF ACCREDITATION. An ACM may renew/re-accredited/reinstated his/her accreditation upon submission of the following documents:

- a. An updated Personal Data Sheet;
- b. Post-training certificates in mediation and/or conciliation;
- c. MedCon reports on mediated/conciliated cases which shall be submitted within 15 days after the end of every semester;

Section 7. ACCREDITATION OF CONCILIATOR-MEDIATOR. Upon satisfactory completion of all the required trainings and the completion of all evaluation instruments and standards, as prescribed by the Authority, the Legal Affairs Services shall recommend to the Board of Directors (BOD) the approval of the accreditation of the applicant Conciliator-Mediator. Once approved, a Certificate of Accreditation for Conciliator-Mediator, duly signed by the CDA Chairperson, shall be issued. Thereafter, the new ACM 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 ACMs.

Section 8. VALIDITY OF ACCREDITATION. All ACM shall be issued a Certificate of Accreditation which shall take effect on the date stated therein. Unless earlier revoked by the Authority, the initial accreditation shall be valid for one (1) year from the date of approval. The re-accreditation of ACM shall be valid for three (3) years from the date of approval.

In cases of reinstatement, the ACM shall serve the unexpired portion of his/her accreditation.

Section 9. GROUNDS FOR DENIAL OF ACCREDITATION. The following shall be grounds for the denial of accreditation:

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

Section 10. MODE OF REVOCATION OF THE CERTIFICATE ACCREDITATION OF A Conciliator-Mediator. The Certificate of Accreditation of a Conciliator-Mediator may be revoked under the following grounds:

1. Automatic Revocation

1.1 Death; and

1.2 Insanity;

2. Voluntary Revocation

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

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

1. Misrepresentation or falsification in the application for accreditation;

2. Conviction by final judgment of a crime involving moral turpitude;
3. 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 ACM;
4. Violation of the terms and conditions of the accreditation;
5. Willful and continuous act showing lack of interest as ACM;
6. Violation of the CDA Code of Ethical Standards for ACMs;
7. Negligence and dereliction of duty as ACM; and
8. Such other grounds as determined by the Authority.

Section 11. PREVENTIVE SUSPENSION. The Authority shall preventively suspend an ACM 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.

Section 12. EFFECTS OF THE REVOCATION OF THE CERTIFICATE OF ACCREDITATION.

1. Deletion of the ACM from the Pool of Conciliator-Mediator; and,
2. Notification of all CDA Regional Offices on the revocation and delisting of ACM from the Pool of Conciliator-Mediator

Section 13. ACCREDITATION JURISDICTION. Accreditation and revocation of the ACM shall be a primary and exclusive jurisdiction of the CDA Head Office through the Legal Affairs Service (LAS).

Section 14. REGISTRY OF CONCILIATOR-MEDIATOR . The Office of the Legal Affairs Service (LAS) shall maintain a list of all the names of Accredited Conciliator-Mediators (ACMs) which shall be updated every quarter. A separate list shall be maintained for those whose accreditation is suspended or revoked.

Section 15. FEES OF ACCREDITED CONCILIATOR-MEDIATOR

The Conciliator-Mediator shall be entitled to a fee which shall not be lower than the prevailing Court Annex Mediator's Fee or in accordance with the rate/range as set forth by the Authority.

Incidental expenses in the performance of his/her duties, may be reimbursed from the cooperative based on actual and reasonable expenses incurred.

Section 16. MISCELLANEOUS PROVISION. The list of all ACMs 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 ACMs and ensure their professionalism, integrity and competence, it shall encourage the cooperative sector to provide relevant information relative thereto.

Section 17. 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 18. EFFECTIVITY. This Circular shall take effect 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. _____, S-2023 dated_____.

For the CDA Board of Directors

By:

USEC. JOSEPH B. ENCABO
Chairman