



DAVAO BIR EMPLOYEES MULTI-PURPOSE COOPERATIVE, INC.
BIR Bldg., Bolton Extension, Davao City

Implementation Guidelines for Conciliation-Mediation of Davao BIR Employee Multipurpose Cooperative (DABIREMCO)

Address: BIR Bolton Extension, Davao City

Date: October 15, 2018



DAVAO BIR EMPLOYEES MULTI-PURPOSE COOPERATIVE, INC.

Revenue Region 19, Davao city

**OPERATION MANUAL, POLICIES, SYSTEM AND PROCEDURE FOR CONCILIATION-
MEDIATION**

Section 1. DECLARATION OF PRINCIPLES - The Conciliation- Mediation Process shall be conducted in accordance with the following basic principles (and universally accepted cooperative principles):

- a) **Subsidiarity** - all disputes shall be resolved amicably at the Primary Cooperative level;
- b) **Confidentiality** - no transcript of the proceedings shall be taken during the conciliation - mediation process and that all notes and admissions of the parties shall be inadmissible in any other proceedings;
- c) **Speedy Inexpensive Conciliation- Mediation Process** - no technical rules of evidence shall be applicable during the proceedings;
- d) **Flexibility** - the Conciliation-Mediation Committee, Conciliation-Mediation Coordinator and any other party involved in the process shall be vested with ample discretion to conduct the same and to pursue whatever Conciliation-Mediation options as agreed upon by the parties.
- e) **Liberal Construction** - these guidelines shall be liberally construed in favor of attaining the paramount objective of amicably settling disputes at the lowest level;
- f) **Independence and Autonomy** - the members of the Conciliation-Mediation Committee, the Conciliation-Mediation Coordinators and Conciliator-Mediators shall be insulated from all types of external influences and pressures;
- g) **Accessibility** -the process is open to all disputants desirous of resolving their disputes and/or problems amicably CDA recognizes the need to make justice accessible as widely as possible to all members of the cooperative;
- h) **Voluntariness** - submission to the Conciliation-Mediation Process shall be completely voluntary.

Section 2. Scope — These Guidelines shall govern the administration and operation of the conciliation-mediation process, provided that nothing in these Guidelines shall preclude the parties from seeking other modes of amicably settling the dispute, and provided further that Conciliation-Mediation shall not prevent the cooperative from implementing sanctions and penalties against violations of its rules and regulations.

Section 3. Coverage — All cooperative disputes and issues between and among cooperative members, board of directors, committee/member, other officers, employees, clients and/or beneficiaries of the cooperative.

Section 4. Definition of Terms. As used in these guidelines, the following terms shall mean:

- a) Conciliation is a process whereby a neutral third party takes a vigorous and active role in assisting disputants formulate solutions in order to reach an amicable settlement.
- b) Mediation is a process whereby neutral third-party facilitates the negotiation between disputing parties to reach a voluntary, mutually satisfactory outcome.
- c) Conciliator-Mediators- A qualified individual who provides conciliation-mediation services.
- d) Conciliation-Mediation Committee Coordinator -A member of the management staff designated by the General Manager serving as liaison to the Committee and disputants.
- e) Pool of Conciliator-Mediators -A group of Conciliator-Mediators recognized by the Cooperative Development Authority (CDA).
- f) Conflict Coaching is a stage in the conciliation-mediation process, the objective of which is to clarify the issues and interests of each party.
- g) Certificate of Non-Settlement is a document issued by Primary Cooperative or Union/Federation Conciliation-Mediation Committee in case of failed or refused Conciliation-Mediation.
- h) Certificate of Non-Resolution is a document issued by the CDA in case of failed or refused Conciliation-Mediation.
- i) Failed Conciliation-Mediation is a situation where no settlement is reached by the disputants after the conflict coaching has started.
- j) Refused Conciliation-Mediation is a situation when one or both parties refused to enter Conciliation-Mediation or failed to appear despite notice or despite signing of the Agreement to Conciliate-Mediate.
- k) Conciliated-Mediated Settlement Agreement is written agreement following successful conciliation-mediation proceedings prepared and duly signed by the parties with the assistance of the Conciliator-Mediator.
- l) Party of interest is any member, officer, committee or cooperative who stands to be benefited or injured by the settlement agreement.

Section 5. The Conciliation-Mediation Committee Composition, Qualification, Terms of Service and Functions

- a. Composition. The Committees shall be composed of three (3) members appointed by the Board of Directors in accordance with the cooperative by-laws. The Committee shall elect from among themselves, the Committee Head, Assistant Head and Secretary.
- b. Qualifications. Any member in good standing is qualified to become a member of the Committee, provided one is not an officer of the Cooperative.
- c. Terms of Service. Members of the Committee shall serve for two (2) years, or until their successors shall have been appointed and qualified. In case of vacancy, the Board shall fill the vacancy by appointing qualified member or as may be provided by the cooperative by-laws.
- d. Functions. The Committee shall have the following functions:

- a. Formulate and develop the Conciliation-Mediation Program and ensure that it is properly implemented;
- b. Monitor Conciliation-Mediation operations (entry of new cases, status of pending cases, performance of Conciliator-Mediators);
- c. Submit semi-annual reports to the CDA within fifteen days after the end of every semester;
- d. Accept and File Evaluation Reports
- e. Submit Recommendations for improvements to the BOD; and
- f. Recommend to the board any member of the cooperative for Conciliation-Mediation Training as Cooperative Conciliator-Mediator; and
- g. Issue Certificate of Non-Settlement (CNS)

Section 6. Training and Education of Conciliator-Mediators. The Conciliator-Mediator shall undergo a CDA approved training and education program and conform to set of criteria for recognition prescribed by the CDA. The committee may recommend qualified Conciliator-Mediator to the CDA's pool of conciliator-mediator.

Section 7. Filing of the Complaint — Any member of the cooperative that has a complaint constituting a dispute as stated in Section 2 of these Guidelines may file said complaint before the Operation Officer or any member of the Conciliation-Mediation Committee.

A non-member may file a complaint before the Coordinator against those stated in Section 2 of these guidelines, provided it is determined by the Conciliation-Mediation Committee that the dispute, if remained unresolved, will directly affect the operations of the cooperative.

However, if the complaint filed is against any member of the Conciliation-Mediation Committee, the Board of Directors shall constitute among them a Conciliation-Mediation Committee for that purpose.

Section 8. Contents of the Complaint. — The written complaint shall contain the name, civil status, position in the cooperative, and address of the parties including a brief statement of the issues being complained of.

Section 9. Preliminary Conference- The primary purpose of the preliminary conference is to confirm the parties' interest to enter into conciliation-mediation. A Notice of conference which states the venue, time and date of the conference, shall be in writing and signed by the Conciliation/Mediation Officer.

If one or all parties does/do not appear in the scheduled conference, the Conciliator shall send another Notice for another scheduled conference. Failure to appear, without valid cause shall be construed as Refused Conciliation-Mediation. Hence, a Certificate of Non-Settlement shall be issued.

Section 10. Order of Conciliation-Mediation Proceedings

PROCESS	DEFINITION	FORMS	PERIOD	PARTIES INVOLVED
a. Filing of Complaint	The Complainant/s or any party-in-interest shall file the complaint before the operation officer of the cooperative or any member of Conciliation-Mediation Committee.	Mediation Request Form (MRF)	Upon Indorsement of Case/Complaint	Requesting Party
b. Issuance of Notice of Conciliation/Mediation Conference	The Conciliation/Mediation Officer shall issue a Notice of Conciliation/Mediation Conference to the parties.	Notice for Mediation	5 days upon receipt of MRF	Conciliation/Mediation Officer
c. Conduct of Conciliation/Mediation Conference	During the conference, the Conciliation/Mediation Officer shall encourage the parties to mediate.	1. Agreement to Mediate 2. Settlement / Agreement Form 3. Evaluation of	w/in 10 days from the date of Notice	1. Conciliation/Mediation 2. Requesting Party 3. Repondent 4. Co-Maker
c.1 Conduct of Conflict Coaching Session	The Conciliation/Mediation Officer may initially meet with the disputants separately in a conflict coaching session, with the aim of clarifying their respective issues and interests. The Conciliation/Mediation Officer then proceeds to clarify the issues, facilitates to generate options and agree on the options that best meet their needs and interests.		Done During the Conference	1. Conciliation/Mediation 2. Requesting Party 3. Repondent 4. Co-Maker
If FAILURE or NO APPEARANCE of the Respondent during the 1st Conference				
d. Issuance of Notice for Final Conciliation/Mediation Conference	The Conciliation/Mediation Officer shall issue a Notice of Final Conference to the parties.	Notice for Mediation	5 days from the Failed Preliminary Conference	Conciliation/Mediation Officer
e. Conduct of the Final Conciliation/Mediation Conference	The call for Final Conference will only be upon failure on the 1st Mediation/Conciliation Conference.	1. Agreement to Mediate 2. Settlement / Agreement Form 3. Evaluation of Mediation	w/in 10 days from the date of Notice	1. Conciliation/Mediation 2. Requesting Party 3. Repondent 4. Co-Maker
e.1 Conduct of Conflict Coaching Session	The Conciliation/Mediation Officer may initially meet with the disputants separately in a conflict coaching session, with the aim of clarifying their respective issues and interests. The Conciliation/Mediation Officer then proceeds to clarify the issues, facilitates to generate options and agree on the options that best meet their needs and interests.		Done During the Conference	1. Conciliation/Mediation 2. Requesting Party 3. Repondent 4. Co-Maker

PROCESS	DEFINITION	FORMS	PERIOD	PARTIES INVOLVED
	If the conciliation/mediation is not successful, the Conciliation-Mediation Committee shall issue a Certificate of Non-Settlement. The Certificate of Non-Settlement is necessary for the dispute to be referred by the Conciliation-Mediation Committee to the following options subject to Board of Director's recommendation:			
F. Indorsement	1. The Co-Maker(s) to shoulder for the unpaid balance of the delinquent member.	Certificate of Non-Settlement	w/in 5 days upon failure of Conciliation/Mediation	Conciliation/Mediation Officer
	2.. The Office of the Civil Service Commission/Ombudsman for the imposition of appropriate sanctions.		Conference or upon the date of failure to comply on the Agreement/s.	
	Under Section 22(i), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, as amended by Civil Service Commission (CSC) Memorandum Circular No. 19, series of 1999, Willful Failure to Pay Just Debts constitutes a light offense penalized by reprimand on the first offense, suspension for one (1) to thirty (30) days on the second offense, and dismissal on the third offense.			
	3. Small-claims Court or legal officer for collection. (Provisional remedy: Attachment of properties whether real or personal properties upon the recommendation of the Board of Directors.)			
	4. The Federation or Union Level; or			
	5. Other Alternative Dispute Resolution (ADR) providers for arbitration, private Conciliation-Mediation, counselling, social services, etc., at the parties option.			

Section 11. Validity of Certificate of Non-resolution. The Certificate of Non-resolution shall be valid for one hundred twenty (120) days from the date of its issuance.

The issuance of Certificate of Non-resolution shall be non-appealable.

Section 12. Nature of Conciliation/Mediation Proceedings - The proceedings and all incidents thereto shall be kept strictly confidential, unless otherwise specifically provided by law. All admissions or statements made therein shall be inadmissible for any purpose in any proceeding, nor divulgence to any other third person.

Any communication made by one disputant to the Conciliation/Mediation Officer, either during conflict coaching or at any time during the Conciliation-Mediation proceedings, which are not intended to be known by the other party or by anyone shall not be divulged. Documents, reports, position papers and affidavits submitted by one disputant must not be shown to the other without the consent of the former.

Both parties shall not rely or introduce as evidence in any other proceeding, the following:

- a) Views expressed or suggestions made by the other disputant in respect of a possible settlement of the dispute;
- b) Admissions made by either disputant in the course of the proceedings;
- c) The fact that the other disputant had indicated his willingness to accept a proposal for settlement.

No transcript, minutes or any record of the Conciliation-Mediation proceedings shall be taken. Any personal notes taken by the Conciliation/Mediation Officer on the proceedings shall be destroyed after the termination of the proceedings. Such transcript, minutes or notes shall be inadmissible as evidence in other proceedings.

The Rules of Evidence shall not apply to the proceedings.

Section 13. Duration of the Conciliation-Mediation Proceedings — The conciliation mediation proceedings must be completed within three (3) months from the request thereof.

Section 14. Failure of Conciliation-Mediation — The conciliation-mediation proceedings shall be declared as failed under the following circumstances:

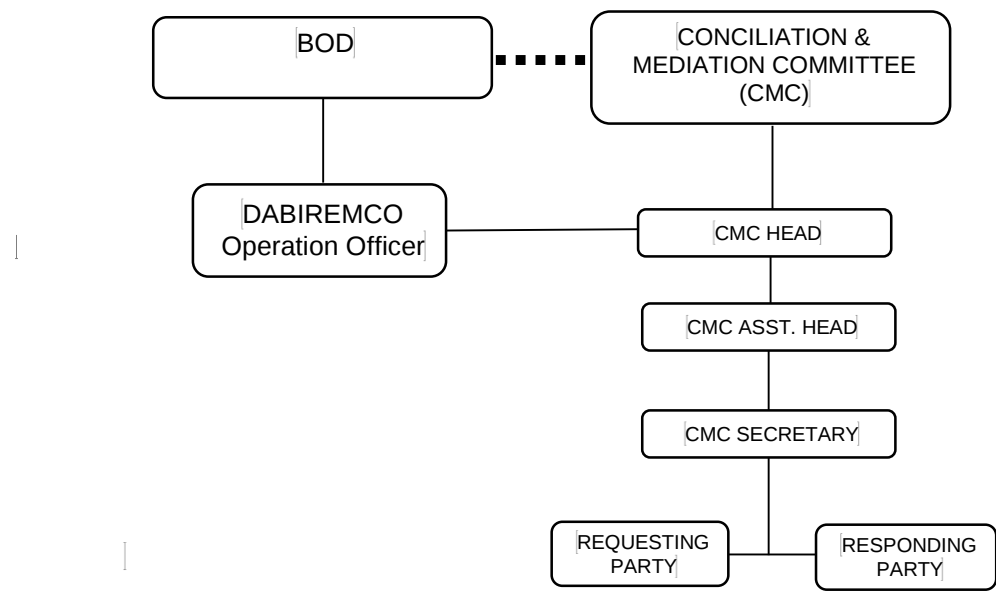
- a) When no settlement is reached by the parties within 60 days from the start of the conflict coaching;
- b) When any or both of the parties of the conciliation-mediation decide to terminate the proceedings if, ones judgment, further efforts at Conciliation-Mediation are unlikely to lead to a resolution of the dispute.

Section 15. Repealing Clause — This policy modifies Section 7 & 8 of the Article V. Any other guidelines, policy, regulations and/or part thereof contrary or inconsistent with the provisions of this Act is hereby repealed, modified and amended accordingly.

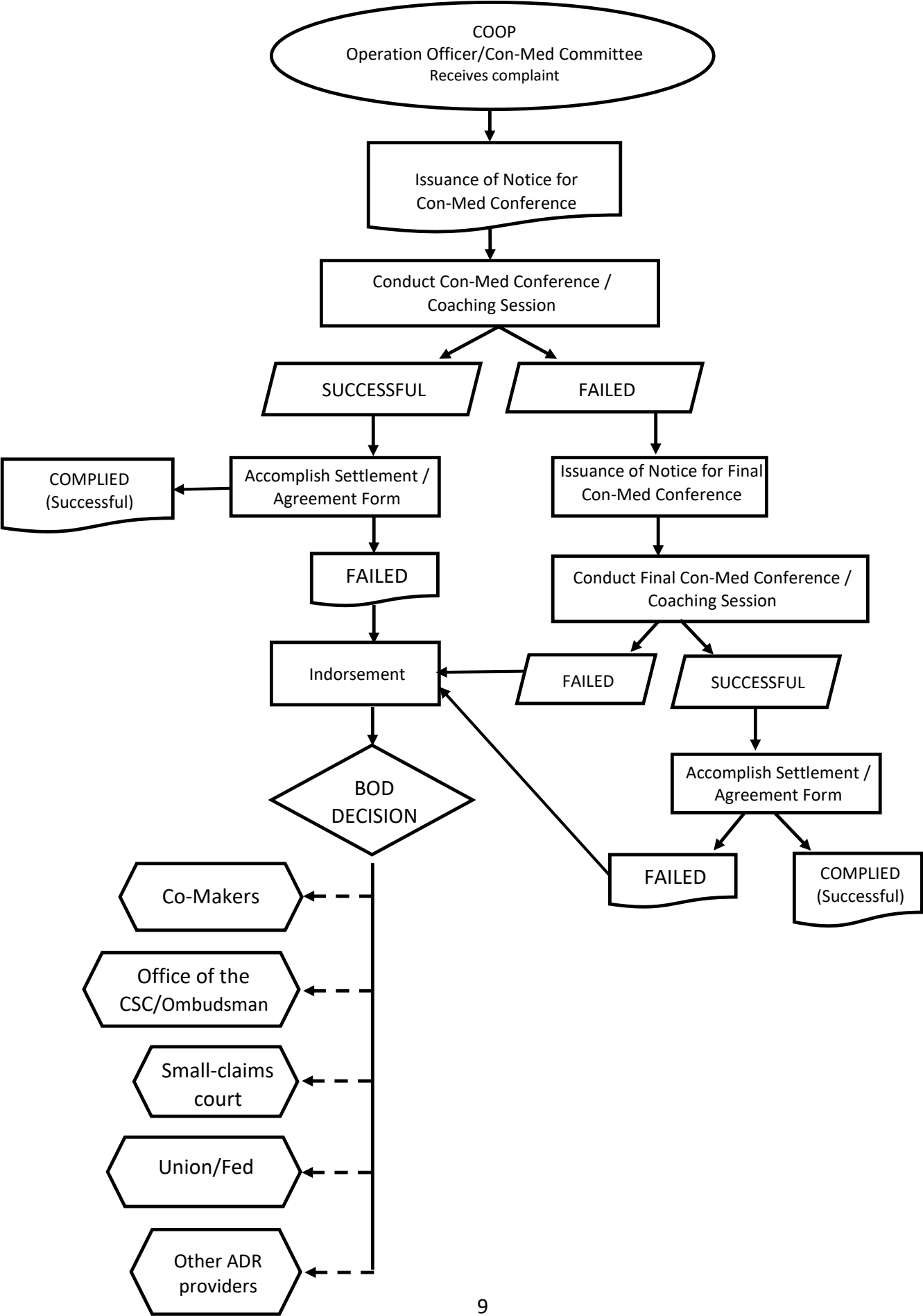
Section 16. Separability Clause — If for any reason or reasons, any portion or provision of these Guidelines shall be held unconstitutional or invalid, all other parts or provisions not affected shall remain in full force and effect.

Section 17. Effectivity — These Guidelines shall take effect upon approval by the Board of Directors and fifteen (15) days after ratification in the General Assembly.

Section 18. CON-MED Structure



CONCILIATION – MEDIATION PROCESS FLOW



Section 19. Forms Needed



DAVAO B.I.R. EMPLOYEES MULTIPURPOSE COOPERATIVE

BIR Bldg., Bolton Extension, Davao City

Contact Number: 224-1526

AGREEMENT TO MEDIATE

The undersigned parties agree to mediate the dispute within thirty (30) days from the date of the initial mediation session.

By my signature below, I attest, understand, and agree that:

1. I choose mediation VOLUNTARILY – out of my own free will.
2. I intend to settle my differences with the other party using a collaborative method.
3. I, the other party or the Mediator may stop the mediation at any point for any reason. Upon termination of the mediation process, I may still pursue my case through arbitration and litigation.
4. I am entering mediation in good faith and I shall make my mediation proposals in earnest.
5. If I reach an agreement through the mediation process, I bind myself legally to fulfill my commitments.
6. I may return to mediation as agreed by the other party, should a change in the mediation agreement be needed.
7. I agree not to use any of the information gained in the mediation session against the other party.
8. The mediation process is strictly confidential, and that no part of the discussion with the mediator, excluding child abuse and domestic violence, threats of violence, or intention to commit a crime, shall be disclosed without prior approval of the mediator or the pertinent parties.
9. I shall not ask or cause the mediator to testify in any court proceedings to disclose any information revealed in mediation.
10. I have the full authority to commit resources to an agreement, which may result from mediation.

PARTY A:

Signature over Printed Name

Name of Primary/Federation/Union

Representative's Designation

PARTY B:

Signature over Printed Name

Name of Primary/Federation/Union

Representative's Designation

PARTY C:

Signature over Printed Name

Name of Primary/Federation/Union

Representative's Designation

PARTY D:

Signature over Printed Name

Name of Primary/Federation/Union

Representative's Designation

ATTESTED BY:

Mediator / Mediation Coordinator
Signature over Printed Name

* Should representatives appear for principal parties, notarized Special Power of Attorney and Board Resolution stating that representative/s have the full authority to enter into mediation and signed agreements must be submitted.



Contact Number: 224-1526

Request Reference No.				
Name of Requesting Party		Age	Sex	Status
Address		Occupation		
Landline No.	Mobile No.	Email Address		
Designation in the Cooperative				
Name of Responding Party/ies		Occupation		
Designation in the Cooperative				

SPECIFY REASON FOR THE REQUEST

Date: _____

Assisted by: _____
Date: _____



DAVAO B.I.R. EMPLOYEES MULTIPURPOSE COOPERATIVE

BIR Bldg., Bolton Extension, Davao City

Contact Number: 224-1526

SETTLEMENT/ AGREEMENT FORM

AGREEMENT

By my signature below, I attest, understand, and agree to the following:

The compromise was executed voluntarily and out of our own volition. We have read and understood the contents thereof.

The Parties agree that this constitutes full and final settlement of any complaint each may have against the other in relation to this case.

PARTY A

Signature over Printed Name

Date

PARTY B

Signature over Printed Name

Date

PARTY C

Signature over Printed Name

Date

PARTY D

Signature over Printed Name

Date

Assisted by:

Mediator

Date



DAVAO B.I.R. EMPLOYEES MULTIPURPOSE COOPERATIVE

BIR Bldg., Bolton Extension, Davao City

Contact Number: 224-1526

MEDIATOR: _____

I am PARTY [A] [B] [C] [D]

EVALUATION OF MEDIATION

Rate the following statements accordingly. Check ONLY ONE box opposite the statement that corresponds to your answer. There are no right or wrong answers.

5 STRONGLY AGREE 4 AGREE 3 NEUTRAL 2 DISAGREE 1 STRONGLY DISAGREE

MEDIATION

	5	4	3	2	1
1. I am well-informed about the mediation process	☐	☐	☐	☐	☐
2. I voluntarily joined/participated in the process	☐	☐	☐	☐	☐
3. Mediation helped identify the problem	☐	☐	☐	☐	☐
4. Mediation aided in identifying the issues related to the problem.	☐	☐	☐	☐	☐
5. I successfully expressed my feelings.	☐	☐	☐	☐	☐
6. I understand the point of view of the other party.	☐	☐	☐	☐	☐

MEDIATION

	5	4	3	2	1
1. The mediator did not show bias towards any involved party.	☐	☐	☐	☐	☐
2. S/he is perseverant.	☐	☐	☐	☐	☐
3. The mediator listened attentively.	☐	☐	☐	☐	☐
4. S/he is sensitive to my feelings.	☐	☐	☐	☐	☐
5. I was not forced by the mediator to agree to a settlement.	☐	☐	☐	☐	☐

CONCLUSION

	5	4	3	2	1
1. I am satisfied of the results of the Mediation process.	☐	☐	☐	☐	☐
2. No one forced me to agree to a settlement	☐	☐	☐	☐	☐
3. I believe the other party will abide by the terms of our agreement.	☐	☐	☐	☐	☐
4. I will abide by the terms my agreement with the other party.	☐	☐	☐	☐	☐
5. I believe I am in good terms with the other party.	☐	☐	☐	☐	☐

COMMENTS & SUGGESSTIONS:

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DAVAO B.I.R. EMPLOYEES MULTIPURPOSE COOPERATIVE

BIR Bldg., Bolton Extension, Davao City

Contact Number: 224-1526

**NOTICE
FOR MEDIATION**

Reference No.	
Date:	Mediation Conference % 1st % 2nd % 3rd % 4th % 5th
TO:	
RE: INVITATION TO MEDIATE	
Greetings! You are hereby notified that a request for Mediation/Conciliation is set for conference on _____, _____ AM/PM at the _____. _____. We highly appreciate it if you attend this conference in person. Otherwise, you may send a duly authorized representative. By: _____ Coordinator Conciliation-Mediation Unit Noted by: _____ Received by: _____ Name & date	

Prepared by:

TERESA C. MIRANDA
Conciliation-Mediation Committee Head

VERONICA T. ESTREMOS
Committee Asst. Head

XYLE ALLYSA L. BITANG
Committee Secretary

Noted by:

SUSAN D. TUSOY
Chairperson- Davao BIR Employees Multipurpose Cooperative

- References: 1. Cooperative Development Authority (CDA) Revised Guidelines Governing the Conduct of Conciliation- Mediation Proceedings;
- 2.RMA COOPERATIVE Manual of Policies;
3. Establishing Alternative Dispute Resolution (ADR) Mechanisms in the Cooperative Sector