



July 12, 2011

LUZVEMINDA R. TRUONG
OIC-Farm Technology & Services Department

Dear Ms. Truong

This refers to your letter requesting for legal opinion on the query, which we hereunder quoted, viz:

Whether or not elected officials are qualified to be officers and members of farmer's association?

Before dwelling on the issue, may we first invite your attention to the provisions of the Cooperative Code of the Philippines, RA. 9520, to wit;

"ART. 4. Cooperative Principles. - Every cooperative shall conduct its affairs in accordance with Filipino culture, good values and experience and the universally accepted principles of cooperation which include, but are not limited to, the following:

"(1) Voluntary and Open Membership. - Cooperatives are voluntary organizations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, cultural, political or religious discrimination.

"(2) Democratic Member Control - Cooperatives are democratic organizations that are controlled by their members who actively participate in setting their policies and making decisions. Men and women serving as elected representatives, directors or officers are accountable to the membership. In primary cooperatives, members have equal voting rights of one-member, one-vote. Cooperatives at other levels are organized in the same democratic manner.

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"ART. 26. Kinds of Membership. - A cooperative may have two (2) kinds of members, to wit: (1) regular members and (2) associate members.

"A regular member is one who has complied with all the membership requirements and entitled to all the rights and privileges of membership. An associate member is one who has no right to vote nor be voted upon and shall be entitled only to such rights and privileges as the bylaws may provide: *Provided*, That an associate who meets the