



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

minimum requirements of regular membership, continues to patronize the cooperative for two (2) years, and signifies his/her intention to remain a member shall be considered a regular member.

"A cooperative organized by minors shall be considered a laboratory cooperative and must be affiliated with a registered cooperative. A laboratory cooperative shall be governed by special guidelines to be promulgated by the Authority.

**"ART. 27. Government Officers and Employees.** – (1) Any officer or employee of the Authority shall be disqualified to be elected or appointed to any position in a cooperative: *Provided*, That the disqualification does not extend to a cooperative organized by the officers or employees of the Authority.

**"(2) All elective officials of the Government shall be ineligible to become officers and directors of cooperatives: *Provided*, That the disqualification does not extend to a party list representative being an officer of a cooperative he or she represents; and**

"(3) Any government employee or official may, in the discharge of his duties as a member in the cooperative, be allowed by the end of office concerned to use official time for attendance at the general assembly, board and committee meetings of cooperatives as well as cooperative seminars, conferences, workshops, technical meetings, and training courses locally or abroad: *Provided*, That the operations of the office concerned are not adversely affected.

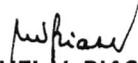
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This Office opines that an elected official can be a member of a cooperative or a farmers association because of Art. 4 (1) of R.A. 9520 which does not limit the kind of members who will join a cooperative or an association.

However, with respect to elected official be an officer of a farmer's association or cooperatives, this office opines that they are not allowed by Art. 27 (2) of R.A. 9520. Hence, they are disqualified from being an officer of a cooperative or an association.

We hope that we have addressed your concern accordingly.

Very truly yours,

  
**MANUEL V. BIASON, CESO III**  
Regional Director