ADOPTING A HARMONIZED ARBITRATORS' COMPENSATION SCHEDULE FOR ALL CASES

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WHEREAS, compensation for arbitrators, in general, is based on the following stages of arbitral proceedings and percentages of arbitrators' fees due prescribed in Annex A of CIAC Resolution No. 09-2006, as amended by CIAC Resolution No. 03-2007:

1st stage (acceptance of appointment by the arbitrator up to TOR signing) - 22%
2nd stage (hearing) - 38%
3rd stage (drafting of award to execution) - 40%

WHEREAS, on the other hand, for cases with motions to dismiss grounded on lack of jurisdiction which are granted, in effect terminating the proceedings even before a preliminary conference is held, the compensation prescribed for arbitrators under CIAC Resolution No. 09-2007 is 10% of arbitrator's fees;

WHEREAS, for cases jointly withdrawn and/or settled by compromise agreement (regardless of whether or not a judgment/award is rendered, based on the compromise agreement), arbitrators' compensation is based on the following schedule approved during the 44th CIAC Regular Meeting held on 24 February 1998:

Stage of withdrawal/settlement

% of Arbitrators' Fee

- Appointment of Arbitrator/s

15%

- Executive session held

30%

- Preliminary Conference held

40%

- Terms of Reference (TOR) signed

50%

- Initial Hearing held

60%

- Second Hearing held & anytime before award

70%;

WHEREAS, the above schedule was amended under CIAC Resolution No. 03-2001 prescribing 70% of arbitrators' fees as compensation if the TOR was signed and a judgment, upon motion of the parties, is rendered

based on a compromise agreement; and

WHEREAS, in keeping with its general policy of compensating arbitrators for actual services rendered and/or work performed, and to provide for a fair and unified schedule applicable to all cases, the Commission, in its 101st Regular Meeting held on 27 September 2007, agreed to revisit and harmonize its policies on arbitrators' compensation; NOW, THEREFORE, WE THE UNDERSIGNED COMMISSIONERS, after due deliberations in the 102nd CIAC Regular Meeting and by virtue of the powers vested in us by law, HEREBY RESOLVE, as it is HEREBY RESOLVED, to adopt the following harmonized schedule of arbitrators' compensation for all cases, subject to deductions for absences at any stage of the proceedings pursuant to CIAC Resolution No. 09-2006, as amended by CIAC Resolution No. 03-2007:

% of ARBITRATORS' FEES

STAGE OF PROCEEDINGS/
Milestone

Regular Cases

Cases with Motion
to Dismiss due to
lack of jurisdiction,
if granted Cases jointly
withdrawn and/or
settled by
compromise
agreement

1st Stage

Without
Award

Award
rendered

- Executive session/s held
(at the discretion of the
Tribunal); and/or hearing on
motion to dismiss/withdraw
held; motion resolved

10%

10%

10%

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10%

- Preliminary Conference held

5%

N.A.

5%

5%

-TOR signed

7%

N.A.

7%

7%

*Sub-Total

22%

10%

22%

22%

2nd Stage

- Initial/full hearing held

19%

N.A.

19%

19%

- Subsequent hearings held/ reception of evidence/final memoranda/draft decision

19%

N.A.

19%

19%

*Sub-Total

38%

N.A.

38%

38%

3rd Stage

- Award rendered

40%

N.A.

N.A

10%

*Sub-Total

40%

N.A.

N.A.

10%

TOTAL

100%

10%

60%

70%

RESOLVED FURTHER, that the above percentages of arbitrators' fees be applied in the computation of administrative fees and Arbitration Development Fund (ADF) charges. The filing fee, however shall be paid in full regardless of the stage of the proceedings. Cases dismissed or withdrawn/settled which are subsequently re-filed shall be treated as entirely new cases without crediting arbitration fees paid for the previous cases.

UNANIMOUSLY APPROVED.

Adopted: 30 Oct. 2007

THE COMMISSION:

(SGD.) ISAAC S. DAVID
Member

(SGD.) SAMSON C. LAZO
Member

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