

POLICY GUIDELINES GOVERNING THE ACCEPTANCE/PROCESSING OF CASES FILED BY OR AGAINST CONTRACTORS NOT LICENSED BY THE PHILIPPINE CONTRACTORS ACCREDITATION BOARD

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WHEREAS, the Construction Industry Arbitration Commission (CIAC), created by virtue of Executive Order No. 1008 otherwise known as the Construction Industry Arbitration Law, is vested with the original and exclusive jurisdiction over disputes arising from construction contracts entered into by the parties in the Philippines;

WHEREAS, the Philippine Contractors Accreditation Board (PCAB), created under Republic Act No. 4566, otherwise known as the Contractors License Law, is tasked to insure that only licensed contractors are allowed to engage in construction activities in the Philippines within the scope and field of his classification(s),

WHEREAS, there have been a number of construction disputes involving unlicensed contractors and individuals engaged in construction contracting;

WHEREAS, the CIAC has, in the past accepted/processed complaints filed by or against unlicensed contractors;

WHEREAS, there is a need to reconcile the laws governing the CIAC and the PCAB, with respect to the treatment of cases where one of the parties is not a licensed contractor as defined by R.A. 4566 and its IRR;

WHEREAS, Sections 6 and 21 and Executive Order No. 1008 empowers the CIAC to enunciate policies and prescribe rules and procedures for construction arbitration and to formulate necessary rules and procedures for construction arbitration;

NOW, THEREFORE, THE CONSTRUCTION INDUSTRY ARBITRATION COMMISSION, by virtue of the powers vested in it by law, do hereby RESOLVES, as it hereby RESOLVED, to promulgate the following policy guidelines to govern the acceptance/processing of cases whereby one of the parties is an unlicensed contractor, to wit:

1. Complainant:

- a. If during the implementation of the subject contract, the claimant-contractor has a valid contractor's license but at the time of the filing of the case, the same has been revoked, cancelled, suspended, or delisted by the PCAB, the claimant shall be allowed to file the case and shall be entitled to pray for affirmative relief.
- b. If at the time of contract implementation the claimant-contractor has no contractor's license issued by the PCAB, but has been, thereafter, issued a valid PCAB license, or has filed an application for license he shall likewise be allowed to file a case, assert his claims and pray for affirmative relief.
- c. Except under the conditions stated in par. a hereof, if the claimant-contractor has no valid contractor's license or at the time of filing the case, the claimant shall not be allowed to file a case at the CIAC.

2. Respondent:

- a. If during the implementation of the subject contract, the respondent-contractor has a valid contractor's license but at the time of the filing of the case, the same has been revoked, cancelled, suspended or delisted by

the PCAB, the respondent shall be allowed to file his counterclaims and pray for affirmative relief.

b. If at the time of contract implementation the respondent-contractor has no contractor's license issued by the PCAB, but has been, thereafter, issued a valid PCAB license, or has filed an application for license, he shall likewise be allowed to file his counterclaims and pray for affirmative relief.

c. Except under the conditions stated in par. a hereof, if the respondent-contractor has no valid contractor's license at the time of filing of the case with the CIAC, the respondent shall be allowed to file his answer and defend himself but he shall not be allowed to file his counterclaims or pray for affirmative relief.

3. These policy guidelines shall take effect fifteen days from receipt by the U.P. Law Center, Office of the National Administrative Register and shall cover all cases filed upon its effectivity.

UNANIMOUSLY APPROVED.

Adopted: 25 June 2004

(SGD.) SEDFREY A. ORDOÑEZ
Chairman

(SGD.) ISAAC S. DAVID
Member

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