

POLICY GUIDELINE ON LITIGATED MOTIONS FILED BY THE PARTIES

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WHEREAS, Sections 6 and 21 of Executive Order 1008 empowers the Construction Industry Commission (CIAC) “to enunciate policies and prescribe rules and procedures for construction arbitration” and “to formulate necessary rules and procedures for construction arbitration”, respectively;

WHEREAS, in the 92nd CIAC Regular Meeting held on 21 December 2006, the Commission agreed that in the interest of due process, the adverse party must be given the opportunity to comment on any litigated motion prior to the resolution of motions filed by parties to a case;

WHEREAS, the Commission further agreed to prescribe guidelines to automatically implement this policy without need for the Commission to direct the adverse party to comment on the motion;

NOW, THEREFORE, WE THE UNDERSIGNED COMMISSIONERS, by virtue of the powers vested in us by law, hereby RESOLVE, as it is hereby resolved, that as a matter of policy, written comments/opposition to any litigated motion shall be submitted by the adverse party not later than seven (7) days from receipt thereof. If no comment/ opposition is filed with the Commission after the period has lapsed, the motion shall be deemed submitted for resolution by the Arbitrator/s;

BE IT RESOLVED FURTHER, that this Guidelines shall become effective immediately after fifteen (15) days from receipt of a copy of this Resolution by the National Administrative Register, U.P. Law Center, pursuant to Memorandum Circular No. 11 from the Office of the President.

UNANIMOUSLY APPROVED.

Adopted: 21 Dec. 2006

(SGD.) SEDFREY A. ORDONEZ
Chairman

(SGD.) ISAAC S. DAVID
Member

(SGD.) SAMSON C. LAZO
Member

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