

PRESCRIBING THE PERCENTAGES OF FEES DUE FOR ARBITRATION CASES WITHDRAWN/DISMISSED PRIOR TO APPOINTMENT OF ARBITRATOR/S

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WHEREAS, pursuant to existing CIAC policy for cases withdrawn/dismisssed prior to the appointment of arbitrator/s, but where the parties' contract provides for arbitration, the amount of Three Thousand Six Hundred Pesos (P3,600) as filing/administrative fee is deducted from the deposit for arbitration fees made by the parties. For cases where there is no arbitration clause/agreement, the fee charged is only P500.00;

WHEREAS, on the other hand, for cases jointly withdrawn and/or settled by compromise agreement (with or without award rendered) where arbitrators were appointed, the prescribed fees under CIAC Resolution No. 12-2007 (Adopting a Harmonized Arbitrators' Compensation Schedule for All Cases) are 100% of the filing fee and the applicable percentages of arbitrators' fees for administrative fees and Arbitration Development Fund (ADF) charges which, for the 1st stage of proceedings, are as follows:

- Executive session/s held (at the discretion of the Tribunal); and/or hearing on motion to dismiss/withdraw held; motion resolved -10%

Preliminary Conference held - 5%

TOR signed - 7%

Sub-Total

22%

WHEREAS, during its 122nd Regular Meeting held on 30 July 2009, the Commission, noting that the amount of P3,600 as filing/administrative fees is inconsistent with the filing and administrative fees and ADF charges imposed under CIAC Resolution No. 12-2007, agreed to revisit the matter for the purpose of harmonizing its policies on fees and other charges;

NOW, THEREFORE, WE THE UNDERSIGNED COMMISSIONERS, after due deliberation in the 123rd CIAC Regular Meeting and by virtue of the powers vested in us by law, RESOLVE, AS IT IS THUS RESOLVED to prescribe the following percentages of fees due for cases which are dismissed/withdrawn prior to the appointment of arbitrators, whether or not there is an arbitration clause/agreement, consistent with CIAC Resolution No. 12-2007:

Filing Fee - 100%

Administrative Fee - 10%

ADF Charges - 10%

UNANIMOUS LY APPROVED.

Adopted: 27 Aug. 2009

THE COMMISSION:

(SGD.) ISAAC S. DAVID
Acting Chairman

(SGD.) SAMSON C. LAZO
Member

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