AMENDING SECTION 17.1 (MOTION FOR CORRECTION OF FINAL AWARD) RULE 17 OF THE REVISED CIAC RULES

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WHEREAS, the Construction Industry Arbitration Commission (CIAC) is empowered under Sections 1G and 21 of Executive Order No. 1008 (the Construction Industry Arbitration Law) to "enunciate policies and prescribe rules and procedures for construction arbitration" and to "formulate necessary rules and procedures for construction arbitration", respectively;

WHEREAS, Section 17.1, Rule 17 of the Revised CIAC Rules of Procedure Governing Construction Arbitration (Revised CIAC Rules) provides for the following grounds for the filing of motion for correction of the final award:

a. an evident miscalculation of figures, a typographical or arithmetical error;
b. an evident mistake in the description of any party, person, date, amount, thing or property referred to in the award;
c. where the arbitrators have awarded upon a matter not submitted to them, not affecting the merits of the decision upon the matter submitted;
d. where the award is imperfect in a matter of form not affecting the merits of the controvery.

WHEREAS, during the 105th CIAC Regular Meeting held on 30 January 2008, AW-Alfredo F. Tadiar, CIAC Legal Counsel, observed that while the abovementioned grounds include cases "where the arbitrators have awarded upon a matter not submitted to them obverse side of the situation where the arbitrators failed to resolve an issue submitted them, has been inadvertently omitted;

WHEREAS, considering that arbitrators are duty bound to resolve ail issues formulated and submitted for arbitration in the Terms of Reference, and in light of Sections 17.1.2 and 17.2 of Rule 17 providing that a motion for correction upon other grounds not mentioned in Section 17.1 does not interrupt the running of the period for appeal and inhibiting motions for reconsideration or new trial, respectively, the Commission believes that it is but fair and proper to expressly include said omitted ground in Section 17.1, Rule 17;

NOW, THEREFORE, THE COMMISSION, after due deliberations in the 1O6th CIAC Regular Meeting, and by virtue of the powers vested in it by law, RESOLVES, as it is HEREBY RESOLVED, to amend Section 17.1 Rule 17 of the Revised CIAC Rules, by adding and inserting another ground between paragraphs (c) and (d) thereof, as follows:

"Section 17.1. Motion for correction of final award - Any of the parties may file a motion for correction of the final award within fifteen (15) days from receipt thereof upon any of the following grounds:

> a. xxx...
> b. xxx...
> c. xxx...
> d. where the arbitrators have failed or omitted to resolve certain is sue/s formulated by the parties in the Terms of Reference (TOR) and submitted to them for resolution; and
> e. where the award is imperfect in a matter not affecting the merits of the controversy;

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Xxx....xxx."

UNANIMOUSLY APPROVED.

Adopted: 29 Feb. 2008

THE COMMISSION

(SGD.) JOSEU N. BELLOSILLO

Chairman

(SGD.) ISAAC S. DAVID

(SGD.) SAMSON C. LAZO

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