

AMENDING CIAC RESOLUTION NO. 03-1996 ON CIAC POLICY GUIDELINES GOVERNING CASES REFERRED BY REGULAR COURTS

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WHEREAS, Sections 6 of Executive Order No. 1008 empowers the Construction Industry Arbitration Commission (CIAC) “to enunciate policies and prescribe rules and procedures for construction arbitration”;

NOW, THEREFORE, WE, THE UNDERSIGNED CIAC COMMISSIONERS, by virtue of the powers vested in us by the law, do hereby promulgate the following amendments to the policy guidelines governing cases referred by the regular courts, to wit:

1. Should a case originally filed in the regular courts be referred to CIAC, the pleadings and other documents filed in court shall be adopted in the arbitration proceedings unless the parties agree to file a new set of pleadings.
2. If the entire case is submitted for arbitration, the CIAC shall require the parties or request the court to dismiss the case filed in court.
3. If one or more, but not all of the issues raised in the case before the court, are referred to the CIAC, a separate request for adjudication shall be filed before the CIAC, unless the order of referral clearly and specifically defines the issues which are referred to CIAC for determination.
4. Upon referral and/or filing with CIAC the arbitration fees shall be charged the parties in accordance with the CIAC Schedule of Fees; and
5. The arbitrators for the dispute referred by the Court shall be appointed by CIAC in accordance with its Arbitration Rules.

UNANIMOUSLY APPROVED.

Adopted: 17 Jan. 2002

(SGD.) ENRIQUE P. INCIONG

Chairman

(SGD.) SEDFREY A. ORDOÑEZ

(SGD.) ANTONIO I. GOCO

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