NATIONAL ADMINISTRATIVE REGISTER · NOVEMBER 15, 2006

# CLARIFICATORY GUIDELINES ON CIAC RESOLUTION NO. 04-2004 (POLICY GUIDELINES IN THE TREATMENT OF POST-AWARD PROCEEDINGS)

*CIAC RESOLUTION NO. 21-2006, November 15, 2006*

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WHEREAS, in its 75th Regular Meeting held on 30 April 2004, the Construction Industry Arbitration Commission (CIAC) passed Resolution No. 04-2004 (Policy Guidelines in the Treatment of Post-Award Proceedings) providing for, among others, additional compensation to arbitrators for post-award activities not expressly authorized by the CIAC Rules of Procedure Governing Construction Arbitration;

WHEREAS, the CIAC, in its Special Meeting held on 15 November 2006, discussed the aforesaid resolution and agreed on the need to clarify the scope of post-award proceedings and compensable activities after award, as well as the additional compensation for arbitrators;

NOW, THEREFORE, WE, THE UNDERSIGNED CIAC COMMISSIONERS, by virtue of the powers vested in us by law, hereby issue the following Clarificatory Guidelines on CIAC Resolution No. 04-2004 which shall take effect fifteen (15) days from receipt by the National Administrative Register, U.P. Law Center, of certified copies hereof, and shall cover all cases with motions that are pending resolution by the arbitrator/s and all pertinent motions filed on or after this resolution takes effect:

- Post-award proceedings under CIAC Resolution No. 04-2004 shall include the following activities not expressly authorized by the CIAC Rules after the award is rendered and before or after execution, which are not part of the usual work of the arbitrators in regular arbitration proceedings and which entail so much work to be done, for which an additional filing fee of P3,000 should be paid by the party-movant:

- Motion for the Issuance of an Alias Writ of Execution or any other similar motion relative to the satisfaction of the award including the computation of interest or other claims;

- Motion for Reconsideration of a denial or grant of the motion for issuance of an alias writ of execution and other motions;

- Motions for clarification of the award (other than Motions for Correction); and

- Such other motions after award which are not expressly authorized under the Revised Rules including motions by an interested party to implement an appellate court decision.

- In resolving the foregoing motions, the additional compensation for the arbitrators shall be P4,000.00 for the tribunal chairman, P3,000.00 for tribunal member, and P6,000.00 for Sole Arbitrator, per motion or incident, to be charged against the parties administrative fees and/or contributions to the CIAC Arbitration Development Fund (ADF). However, under exceptional circumstances, as may be determined by the Commission, such as, among others when extended hearings are called for, the arbitrators will be duly compensated for such additional work.



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**UNANIMOUSLY APPROVED.**

Adopted: 15 Nov. 2006

(SGD.) SEDFREY A. ORDONEZ
Chairman

(SGD.) ISAAC S. DAVID
Member

(SGD.) SAMSON C. LAZO
Member


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