

OCA CIRCULAR NO. 34-2012, April 27, 2012

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TO :

ALL PRESIDING JUDGES AND CLERKS OF COURT OF THE REGIONAL TRIAL COURTS

SUBJECT :

IMPLEMENTATION OF SECTION 36 OF REPUBLIC ACT NO. 9285 AND SUBMISSION OF INVENTORY REPORTS IN RELATION THERETO

The Construction Industry Arbitration Commission (CIAC) through its Acting Chairman, Mr. Isaac S. David, has invited the attention of this Office regarding the original and exclusive jurisdiction of the CIAC over construction disputes and the Regional Trial Court's adjudicative function to dismiss said disputes with arbitration clauses filed with it not later than the pre-trial conference, and immediately thereafter, refer the same to the CIAC pursuant to Section 4, Executive Order No. 1008 and Section 39, Republic Act

"Section 4. Jurisdiction. The CIAC shall have original and exclusive jurisdiction over disputes arising from or connected with contracts entered into by parties involved in construction in the Philippines, whether the dispute arises before or after the completion of the contract, or after the abandonment or breach thereof, xxx"

"Section 39. Court to Dismiss Case Involving Construction Dispute. A Regional Trial Court before which a construction dispute is filed shall, upon becoming aware, not later than the pre-trial conference, that the parties had entered into an arbitration agreement, dismiss the case and refer the parties to arbitration to be conducted by the CIAC, unless both parties, assisted by their respective counsel, shall submit to the Regional Trial Court a written agreement exclusively for the Court, rather than the CIAC, to resolve the dispute." (Emphasis supplied)

However, it appears that despite the foregoing rules, the trial courts before which the construction disputes with arbitration

clauses have been filed, still continued resolving the same, which add to the clogging of court dockets and to the problem of undue delay in the settlement of disputes in the construction industry. For this purpose, there is an urgent necessity that such persistent practice by the lower courts be stopped, and that the trial courts be required to immediately submit to this Office the list of pending construction disputes with arbitration clauses that have not yet been referred to the CIAC.

In view of the foregoing, all concerned are hereby DIRECTED .to (1) DISMISS, effective immediately, all pending construction disputes with arbitration clauses of the contending parties not later than the, pre-trial conference, and thereafter REFER the same to the Construction Industry Arbitration Commission (CIAC) for their proper arbitration thereon, unless both parties, assisted by their respective counsel, shall submit to the Regional Trial Court a written agreement exclusively for the Court, rather than the CIAC, to resolve the dispute; and (2) SUBMIT also within fifteen (15) days from notice, an inventory of such construction disputes filed in

their respective courts, to the Court Management Office, Office of the Court Administrator, using the attached Form No. 1.

Strict compliance herewith is hereby enjoined.

April 27, 2012

(SGD.)JOSE MIDAS P. MARQUEZ

Court Administrator

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