NATIONAL ADMINISTRATIVE REGISTER · APRIL 30, 2004

POLICY GUIDELINES IN THE TREATMENT OF POST-AWARD PROCEEDINGS

CIAC RESOLUTION NO. 04-2004, April 30, 2004

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WHEREAS, Sections 6 and 21 of Executive Order No. 1008 empower the Construction Industry Arbitration Commission (CIAC) "to enunciate policies and prescribe rules and procedures for construction arbitration" and "to formulate and adopt necessary rules and procedures for construction arbitration";

WHEREAS, Section 13 of E.O. No. 1008, also provides that: "The Commission is empowered to determine and collect fees, deposits, costs of arbitration, as well as administrative and other charges as may be necessary in the performance of its functions and responsibilities.";

WHEREAS, it has come to the attention of the Commission about the growing number of cases where so much work are being unexpectedly performed by CIAC arbitrators in connection with the execution of arbitral awards, such as among others, the need to conduct additional hearings with the parties, additional executive meetings held by the Arbitral Tribunal to resolve complex issues raised in the motions for execution, and issuance of necessary orders to resolve such issues;

WHEREAS, such post-award proceedings are outside of those authorized under the CIAC Rules of Procedures Governing Construction Arbitration and the said activities take place long after the arbitrators have promulgated their decisions;

WHEREAS, the CIAC Rules merely cover works on motions for execution, for correction of award, for approval of bond for execution or counter-bond to lift execution and all other incidents which are part of the normal work of arbitrators for which they are already adequately compensated;

WHEREAS, the Philippines Institute of Construction Arbitrators (PICA), in its Resolution No. 09-2003 brought the matter of additional compensation for arbitrators rendering additional works relative to post-award proceedings and the same has been approved in principle by the CIAC, subject to specific recommendations as to the fair amount of compensation due the arbitrators:

WHEREAS, in connection therewith, the PICA, in its Resolution No. 04-2004 submitted the following recommendations, to wit:

> 1. That an additional filing fee of Php 3,000.00 shall be charged for every motion or other paper filed in connection with the execution of that award not expressly authorized by the CIAC Rules of Procedure Governing Construction Arbitration. Such filing fee shall accrue, be added to, and included in the CIAC Arbitration Development Fund (ADF);
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> 2. That the extra compensation of arbitrators shall be sourced from the additional filing fee and the funds of ADF;
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> 3. That the extra compensation of arbitrators shall be based on a per activity bases;
>
> 4. That if the case was decided by an Arbitral Tribunal, the Chairman shall receive Php 4,000.00 and the two

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members shall receive Php 3,000 each;

5. That if the case was decided by a Sole Arbitrator, he shall receive 60% of the compensation or Php 6,000.00

6. That all necessary expenses for travel and accommodation outside of the CIAC Offices shall be reimbursed upon presentation of proper documentation.

WHEREAS, the Commission, in its 75th Regular Meeting held on April 30, 2004 find said recommendation to be in order;

NOW, THEREFORE, WE, THE UNDERSIGNED CIAC COMMISSIONERS, by virtue of the powers vested in us by law, do hereby RESOLVE as it hereby RESOLVED to approve and adopt PICA Resolution No. 04-2004 in its entirely; and

BE IT RESOLVED FURTHER THAT, by virtue of this Resolution, CIAC Resolution No. 09-2002 dated 12 August 2002, shall be deemed amended to further expand the purposes for which the CIAC Arbitration Development Fund shall be used, to include payment of arbitrator/s rendering additional works relating to post-award proceedings as provided for in this Resolution.

This Resolution shall take effect on May 1, 2004 and shall cover all cases with motions that are pending resolution by the arbitrator/s and all cases to be filed thereafter.

UNANIMOUSLY APPROVED.

Adopted: 30 April 2004

(SGD.) SEDFREY A. ORDONEZ
Chairman

(SGD.) ISAAC S. DAVID
Member

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