ISSUING ADDITIONAL GUIDELINES ON REQUESTS OF ARBITRATORS FOR POST-AWARD COMPENSATION

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Adopted: 14 January 2015
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WHEREAS, CIAC Resolution No. 11-2007 was passed by the Commission to compensate arbitrators for post-award activities pertaining to motions filed after awards 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;

WHEREAS, under the resolution, additional compensation is limited to the following post- award motions.

(a)

Motions for correction of final award under Rule 17.1.2 (for grounds other than those mentioned in Rule 17.1) PROVIDED THAT, the motion was not borne out of a failure on the part of the arbitrator/s to thresh out the issue raised in the motion;

(b)

Motions for clarification/interpretation of the award (other than Motions for Correction);

(c)

Motions to Quash Execution grounded upon a supervening change in the circumstances of the parties which was not communicated to the arbitrators before the writ of execution was issued, and which would make execution unjust and inequitable;

(d)

Motions for Partial Execution involving complex issues;

(e)

Motions for the issuance of an Alias Writ of Execution, Motions for Execution against Surety, or any other similar motion relative to the satisfaction of the award including the computation of interest or other claims;

(f)

Motions relative to execution (other than Motions for Execution and/or Stay of Execution under Rules 18.5 and 18.6) such as, but not limited to, Motions for Ocular Inspection to assess the value of property to be levied upon; Motions to Appoint a Quantity Surveyor to evaluate properties of judgment debtor; and Motions to Examine Judgment Debtor to discover other properties which could be levied upon;

(g)

Motions for relief under Rule 19.1 and such other motions after award which are not expressly authorized by the

CIAC Rules including motions by an interested party to implement an appellate court decision; and

(h)

Motion for reconsideration of a denial or grant of any of the abovementioned motions.

WHEREAS, upon filing of any of the above motions, the party-movant shall pay the prescribed filing fee (P3,000 per motion) and deposit for arbitrators' fees (P6,000 for Sole Arbitrator or P10,000 for Arbitral Tribunal);

WHEREAS, a post-award activities pertaining to the case but not arising from any post-award motion filed such as, but not limited to, the issuance, motu proprio, of writs of execution, or modification/revision of award as directed by the appellate court/s, are not covered by CIAC Resolution No. 11-2007; and

WHEREAS, although said activities are outside of the scope of CIAC Resolution No. 11-2007, the same may fall under special circumstances which would entitle the arbitrators to compensation for the additional work rendered;

NOW THEREFORE, THE COMMISSION, by virtue of the powers vested in it by law and after due deliberation in the 168th CIAC Regular Meeting held on 10 December 2014, RESOLVED, as it is hereby RESOLVED, to issue the following additional guidelines on requests of arbitrators for post-award compensation not covered by CIAC Resolution No. 11-2007:

- Post-award activities undertaken by arbitrators on their own, and/or those that do not pertain to any motion filed by any or both of the parties, shall be submitted to the Commission, in writing, explicitly stating the post-award were undertaken/services rendered/actual work done; reasons why they were undertaken by the arbitrators on their own, and the special circumstances which would entitle them to additional compensation;

- If the Commission approves the request, it shall determine the amount of compensation due to the arbitrators as well as the party/ies to be billed for the fees; and

- The decision of the Commission on the request for additional compensation shall be final.

These guidelines shall take effect fifteen (15) days from receipt of certified copies of this Resolution by the National Administrative Register, U.P. Law Center.

UNANIMOUSLY APPROVED

14 January 2015, Makati City.

THE COMMISSION

(SGD) MANUEL M. COSICO

Chairman

(SGD) ANTONIO A. ABOLA

(SGD) EMILIO LOLITO J. TUMBOCON

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