

## **AMENDMENTS TO THE RULES OF PROCEDURE GOVERNING CONSTRUCTION ARBITRATION (PROMULGATED ON 23 AUGUST 1988 AND AMENDED BY CIAC RESOLUTION NOS. 2-91, 3-93, 1-94, AND 2-95 ADOPTED ON ...**

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/cb5042959c33/>

---

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

NOW, THEREFORE, WE THE UNDERSIGNED CIAC COMMISSIONERS, by virtue of the powers vested in us, by law, do hereby promulgate the following amendments to the Rules of Procedure Governing Construction Arbitration, to wit:

### Article IX

#### Terms of Reference

xxx xxx xxx

SECTION 3. Arbitration to Proceed Even Without the Terms of Reference — Except in cases where arbitration cannot proceed pursuant to Sections 1 and 2 of Article IV of these Rules, arbitration shall proceed despite the absence of the Terms of Reference (TOR) due to the refusal of any of the parties to sign or for reason other than the exceptions stated above. In the absence of a TOR, all of the issues and related matters in the pleadings filed by the parties and admitted by the Sole Arbitrator or the Arbitral Tribunal, as the case may be, shall be deemed submitted for resolution by the appointed arbitrators(s)

### Article XI

#### Counterclaims

SECTION 1. Statement of Counterclaim — If the Respondent wishes to make a counterclaim/s, the same shall be included in the Answer. In such case, Respondent shall be required, upon filing of the Answer with counterclaim/s, to pay a deposit of 10% of arbitrator’s fees (based on the amount of counterclaim) or P5,000 whichever is higher but not to exceed P50,000. Where the total amount of counterclaim/s exceeds P1 million, Respondent shall, upon filing of its Answer with counterclaim/s and in addition to deposit of arbitrator’s fees, deposit an amount equivalent to 1/10 of 1% of the amount of counterclaim. Such deposit shall be treated as Respondent’s initial payment of its share of the special assessment fee of 1/10 of 1% of the sum in dispute imposed under CIAC Resolution No. 2-96. If the counterclaim is a non-monetary one, the amount to be charged shall be in accordance with the approved Table of Fees for such claims.

### Article XIII

#### Venue and General Meeting

xxx xxx xxx

SECTION 2. Recording of Proceedings — Proceedings before an Arbitrator or an Arbitral Tribunal may be recorded by means of any audio and/or audiovisual recording equipment such as, but not limited to, tape recorders and video cameras, or if a stenographer is available, either through stenographic notes or minutes taken of the proceedings. All recordings on tapes, films, cassettes, disks, or diskettes shall be done by the CIAC and shall remain in its custody for safekeeping and eventual disposal after the resolution of the case. Copies of such recordings including transcripts and minutes of the proceedings shall be made available to the parties upon request for a nominal fee. The Sole Arbitrator or the Chairman of the Arbitral Tribunal, as the case may be, may opt to dispense with the use of recording devices or stenographic services and take down notes of the proceedings. Such notes taken shall be filed, with the CIAC and shall be part of the records of the case. Copies of the notes filed shall be made available to the parties, upon request, at reproduction cost.

xxx xxx xxx

#### SECTION 11. Expenses and Deposit — . . .

The CIAC Secretariat shall charge the Claimant an initial filing fee of P3,000 plus a deposit equivalent to 10% of expected arbitrator(s)' fees (based on the claim) or P5,000 whichever is higher but not exceed P50,000 upon filing of the claim. If the total amount of claim exceeds P1 million, Claimant shall, upon filing and in addition to the above fees, deposit an amount equivalent to 1/10 of 1% of the amount claimed. Such deposit shall be treated as Claimant's initial payment of its share of the special assessment fee of 1/10 of 1% of the sum in dispute imposed under CIAC Resolution No. 2-96. Where the case is a non-monetary claim, the fees and deposit to be charged shall be in accordance with the approved Table of Fees for such claims. xxx

xxx xxx xxx

SECTION 13. Small Claims — Cases where the sum in dispute is P1 million or less may, upon request of either party, be categorized by CIAC as a small claim for purposes of qualifying for assistance under the Arbitration Development Fund established by CIAC in Resolution No. 2-96, provided that any of the following circumstances is present:

1. One or both of the parties reside(s) outside of Metro Manila; or
2. The project site is outside of Metro Manila and the necessity of an ocular inspection or for the conduct of hearings at the site is established.

A case categorized as a small claim shall be handled by a Sole Arbitrator who shall be appointed by CIAC from among its accredited arbitrators residing nearest to the venue of hearings or to the place of residence of the party based outside of Metro Manila. The expenses of the Sole Arbitrator and CIAC staff consisting of actual expenses for travel, accommodations, and administrative costs for at most one (1) day incurred for hearings outside of Metro Manila, shall be charged against the CIAC Arbitration Development Fund. Expenses for hearings exceeding one (1) day, however, shall be shouldered equally by the parties.

#### Article XV

##### The Arbitration Award

SECTION 1. Time of Award — The award shall be rendered promptly by the Arbitrator(s) within thirty (30) days from the time the case is submitted for resolution but not more than six (6) months from the date of signing of the TOR, or in cases where a TOR is absent, not more than six (6) months from the date of the last preliminary conference called for the purpose of finalizing and/or signing of the TOR. There shall be no extensions of time unless approved by the CIAC.

The foregoing amendments to the rules shall take effect immediately.

Adopted: 8 Aug. 1996

(SGD.) JOSE U. JOVELLANOS  
Chairman

(SGD.) ALFREDO L. JUINIO, SR.  
Member

(SGD.) LAMBERTO UN OCAMPO  
Member

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.