

## AMENDING RULE 6.2 (NOTICES) OF THE CIAC RULES OF PROCEDURE GOVERNING CONSTRUCTION ARBITRATION

*CIAC RESOLUTION NO. 11-2008, June 30, 2008*

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WHEREAS, the Commission, in its 109th Regular Meeting held on 30 May 2008 discussed the concern over situations where the notice to Respondent requesting him to answer the Complaint was not received or was returned to CIAC due to wrong address or because Respondent had moved out, or cannot be found at the last known address provided by the Claimant;

WHEREAS, the Commission agreed that in such situations, CIAC may be disregarding the requirements of due process if the Notice to Respondent is not received/ served;

NOW, THEREFORE, the COMMISSION, by virtue of the powers vested in it by law, RESOLVES, as it DOES RESOLVE, to amend Section 6.2 of the CIAC Rules to read as follows:

"SECTION 6.2 Notices - Notifications or communications from the Secretariat and/or the Arbitrator(s) shall be validly made if they are delivered against receipt or forwarded by registered mail to the address or last known address of the party/ies for whom the same are intended as notified by the party/ies in question or by the other party/ies as appropriate.

If the Notice to Respondent/Request to Answer the complaint under Section 3.3 hereof is not received by Respondent due to wrong address or because Respondent has moved out from, or cannot be found at, the last known address provided by the Claimant, the CIAC Secretariat shall inform the Claimant of the non-delivery/non-receipt of the notice and require Claimant to provide CIAC with Respondent's correct/new address within fifteen (15) days from receipt of advise. If Claimant fails to comply, the Commission shall dismiss the case without prejudice to its refiling once the whereabouts of Respondent/s are known to Claim-ant/s

6.2.1 Notification or communication shall be deemed to have been effected on the date when actually or constructively received."

The foregoing amendment shall take effect fifteen days from receipt of copies of this Resolution by the Office of the National Administrative Register, U.P. Law Center.

**UNANIMOUSLY APPROVED.**

Adopted: 30 June 2008

**THE COMMISSION:**

**(SGD.) JOSUE N. BELLOSILLO**

Chairman

**(SGD.) ISAAC S. DAVID**

**(SGD.) SAMSON C. LAZO**

Member

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