

ADDENDA TO THE RULES OF PROCEDURE GOVERNING CONSTRUCTION ARBITRATION (PROMULGATED ON AUGUST 23, 1988)

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WHEREAS, Section 6 of Executive Order No. 1008 empowers the Construction Industry Arbitration Commission (CIAC) "to enunciate policies and prescribe rules and procedure for construction arbitration";

WHEREAS, CIAC also is specifically empowered under Section 21 of EO No. 1008 "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 addenda to the Rules of procedure Governing Construction Arbitration promulgated on August 23, 1988, to wit:

Article IV

“x x x

"Section 2. Non-arbitrable Issues. — Pursuant to Section 4 of Executive Order No. 1008, claims for moral damages, exemplary damages, opportunity/business losses in addition to liquidated damages, and attorney's fees are not arbitrable except when the parties acquiesce or mutually agree to submit the same for arbitration and to abide by the decision of the arbitrator thereon.

Claims for unrealized expected profits (built-in in the contract price) and issues on rescission or termination of a contract, however, are arbitrable."

Article V

“x x x

Section 5. When Arbitrator Previously Acted as Conciliator/Mediator. — An arbitrator who acted as conciliator/mediator in a case previously brought before him for conciliation/mediation cannot act as arbitrator for the same case when brought to arbitration."

Article XIV

“x x x

"Section 1.1 Quorum. — Two members of a tribunal comprise a quorum for the purpose of conducting a hearing."

The foregoing rules shall take effect immediately.

Adopted: June 21, 1991

(SGD.) ANTONIO W. DIOKNO
Chairman

(SGD.) ANTON C. KHO

Member

(SGD.) BERNARDO O. ARMENA

Member

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