

CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

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MEMORANDUM CIRCULAR NO. 01-2011

FOR : All CIAC Arbitrators
FROM : The Commission
SUBJECT : Existing Provisions in the CIAC Rules on
"Inquisitorial" Arbitration
DATE : 3 October 2011

The search for truth is primordial in arbitration. For Arbitrators to come up with fair decisions, their active participation during arbitration proceedings is necessary in ferreting out the facts. Some arbitrators, however, have expressed their apprehensions on taking an active role in the cases they handle due to uncertainty as to the extent of their power to actively elicit facts from the witnesses without being challenged for doing so.

To allay doubts on the authority of arbitrators to act, on their own initiative, to ascertain the truth in each case, the Commission, in its 138th Regular Meeting held on 28 September 2011, agreed to circularize the attached compilation of existing provisions in the CIAC Rules on "inquisitorial" arbitration expressly granting to arbitrators the necessary powers to act "according to justice and equity and the merits of the case". All CIAC arbitrators are thus directed to implement these provisions by taking a more active role in the cases in their quest for truth towards a judicious resolution of construction disputes.

For information and compliance.

ISAAC S. DAVID
Acting Chairman

SAMSON C. LAZO
Member