

Republic of the Philippines
Department of Trade and Industry
Construction Industry Authority of the Philippines
CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

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MEMORANDUM CIRCULAR NO. 01-2012

FOR : All CIAC Arbitrators
FROM : The Commission
SUBJECT : Hiring of Stenographers/Transcribers and Sharing of Costs by the Parties
DATE : 20 February 2012

Rule 21.1 of the CIAC Rules Governing Construction Arbitration provides in part that “(p)roceedings before an Arbitral Tribunal may be recorded by means of any audio and/or audio-visual 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. Xxx ... xxx. The Arbitral Tribunal may opt to dispense with the use of recording devices or stenographic services and take down notes of the proceedings. Xxx. Copies of the notes filed shall be made available to the parties, upon request, at reproduction cost.” (underscoring supplied)

Despite the above alternatives under the CIAC Rules, most arbitrators, at the insistence of the parties' counsels, opt for the recording of the hearings through stenographic notes even if the CIAC stenographers/transcribers are not available due to transcription work load from other cases.

Due to budgetary constraints and the dearth of qualified applicants, CIAC is facing difficulties in hiring transcribers/stenographers for the cases. As of this writing, one of the two transcribers has tendered her resignation effective 10 February 2012. A replacement is not readily available.

To address the problem, the Commission, in its 140th Regular Meeting held on 16 January 2012, agreed to issue a directive to all arbitrators to opt for other ways of recording the proceedings pursuant to Rule 21.1. Thus, where the parties and/or their counsels insist on a stenographer/transcriber, they shall hire one at their own expense.

For information and compliance.


MANUEL M. COSICO
Chairman


ANTONIO A. ABOLA
Member


EMILIO LOLITO J. TUMBOCON
Member