

CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

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MEMORANDUM CIRCULAR NO. 01-2013

FOR : All CIAC Arbitrators
COPY : PICAM President and the Members of the Board
FROM : The Commission
SUBJECT : Policy on Appointment of CIAC Arbitrators as Expert Witnesses
DATE : 04 February 2013

During the 150th CIAC Regular Meeting held on 01 February 2013, the PICAM Vice President, Dr. Primitivo C. Cal, conveyed the concern of PICAM President, Engr. Ramon F. Allado, on the propriety of a CIAC arbitrator appearing before the Arbitral Tribunal in a case as expert witness of one of the parties.

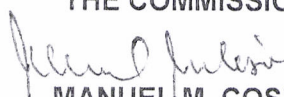
After extensive discussions, the Commission agreed that except when called upon by the Arbitral Tribunal to act as legal or technical experts in a case, CIAC arbitrators should not appear in any arbitration proceeding under CIAC in any capacity (witness, expert witness, counsel, representative, etc.), to forestall doubts on the impartiality and independence of the Arbitral Tribunal, and to preserve the integrity and good name of the Commission.

The Arbitral Tribunal/Sole Arbitrator of a case shall apply the above principle in its confirmation of an expert witness of the party/ies pursuant to Section 15 (Appointment of Experts) of Executive Order No. 1008 which provides, to wit:

"The services of technical and legal experts may be utilized in the settlement of disputes if requested by any of the parties or by the Arbitral Tribunal. If the request for an expert is done by either or by both of the parties, it is necessary that the appointment of the expert be confirmed by the Arbitral Tribunal".

For information and strict compliance.

THE COMMISSION:


MANUEL M. COSICO
Chairman


ANTONIO A. ABOLA
Member


EMILIO LOLITO J. TUMBOCON
Member