

CONSTRUCTION INDUSTRY ARBITRATION COMMISSION

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MEMORANDUM CIRCULAR NO. 02-2013

FOR : All CIAC Arbitrators & Mediators

FROM : The Commission

SUBJECT : Clarification on the application of CIAC Resolution No. 01-2013 (Prescribing Amended Guidelines for the Assessment of Fees and Treatment of Cases Filed as a Single Case but Involving Claims/Counterclaims Arising from Different Contracts between the Same Parties)

DATE : 04 September 2013

Pursuant to CIAC Resolution No. 01-2013 (copy attached), arbitration and mediation fees for cases involving different contracts between the same parties but filed as a single consolidated case are assessed based on the amount of claims/counterclaims per contract. The computation of fees on a per contract basis primarily takes into account, among others, the multiple causes of action involved in the consolidated case, each of which may entail several multifarious and/or overlapping issues, causing the resolution of the dispute to become highly complex.

Thus, where CIAC Resolution No. 01-2013 is applied in the determination of arbitration or mediation fees, the adjustment factor for complexity (AF1) in the computation of the fees for the arbitrator/s or mediator based on the CIAC Table of Fees, is 1.0 and not 1.5. In short, since the determination of fees on a per contract basis already covers complexity, the adjustment factor of 1.5 for regular complex cases should not be applied to consolidated cases under CIAC Res. No. 01-2013.

Arbitrators and mediators of on-going consolidated cases as of 23 August 2013 (the date of the 155th CIAC Regular Meeting where the policy under the above subject resolution was discussed and clarified by the Commission) with fees computed on a per contract basis coupled with the complexity adjustment factor of 1.5, are directed to revise the same accordingly.

For information and strict compliance.

The Commission:


MANUEL M. COSICO
Chairman


ANTONIO A. ABOLA
Member


EMILIO LODITO J. TUMBOCON
Member